



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

GEORGE J. PROAKIS  
EXECUTIVE DIRECTOR

**PLANNING BOARD MEMBERS**

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JOSEPH FAVALORO, *CLERK*  
DOROTHY A. KELLY GAY  
AMELIA ABOFF  
GERARD AMARAL, (ALT)

**Case #:** PB 2019-12  
**Site:** 102-104 Broadway  
**Date of Decision:** May 2, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** May 16, 2019

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**PLANNING BOARD DECISION**

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**Site:** 102-104 Broadway  
**Applicant Name:** Gauchao Brazilian Cuisine, LLC  
**Applicant Address:** 102 Broadway, Somerville, MA 02145  
**Owner Name:** Luis A. Morales & Blanca M. Morales  
**Owner Address:** 61 Shore Drive, Somerville, MA 02145  
**Agent Name:** Richard G. DiGirolamo, Esq.  
**Agent Address:** 424 Broadway, Somerville, MA 02145  
**City Councilor:** Matthew McLaughlin

Legal Notice: Applicant, Gauchao Brazilian Cuisine, LLC, and Owners, Luis A. & Blanca M. Morales, seeks a special permit under SZO §6.1.22 to expand the existing restaurant into the adjacent market and a special permit under SZO §9.13 for parking relief. CCD-55 Zone. Ward 1.

<u>Zoning District/Ward:</u>	CCD-55 Zone. Ward 1
<u>Zoning Approval Sought:</u>	SZO §6.1.22 and §9.13
<u>Date of Application:</u>	March 19, 2019
<u>Date(s) of Public Hearing:</u>	April 18, 2019 and May 2, 2019
<u>Date of Decision:</u>	May 2, 2019
<u>Vote:</u>	5-0

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Appeal PB 2019-12 was opened before the Planning Board at the Visiting Nurse Association, 259 Lowell Street, on April 18, 2019. 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. On May 2, 2018, the Planning Board took a vote.



**I. DESCRIPTION:**

The proposal is to expand the existing restaurant, Gauchao, into the adjacent meat market and to completely overhaul the interior and exterior of the storefronts.

**II. FINDINGS FOR SPECIAL PERMIT (SZO §6.1.22.D and §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."*

*Article 6: Establishments of Zoning Districts*

Under SZO §6.1.22.D.5.a alterations to an existing or approved façade other than a one-for-one replacement of signage within the same sign footprint and using the same sign technology shall require a new Special Permit, with findings giving consideration to the Design Guidelines of Section 6.1.22.H.

*Article 7: Permitted Uses*

The proposal is to expand an existing restaurant into an adjacent grocery store – creating a restaurant of 4,530 net square feet. Per SZO §6.1.22.E uses within the CCD-55 are governed by §7.13 (Table of Use Clusters), which states that restaurants in the CCD-55 zoning district greater than 1,500 net square feet require a Special Permit.

*Article 9: Off-Street Parking and Loading Standards*

<b>Motor Vehicle Parking</b>	<b>Existing</b>		<b>Proposed</b>	
Market	2,826 nsf	3.53 or 4 spaces	--	--
Restaurant	1,664 nsf	4.16 or 4 spaces	4,530 nsf	11.33 or 11 spaces
<b>Total</b>	<b>8 spaces</b>		<b>11 spaces</b>	

<b>Bicycle Parking</b>	<b>Existing</b>		<b>Proposed</b>	
Market	2,826 nsf	1 space	--	--
Restaurant	1,664 nsf	1 space	4,530 nsf	1.51 or 2spaces
<b>Total</b>	<b>2 spaces</b>		<b>2 spaces</b>	

SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. The locus is currently nonconforming with respect to the number of required off-street parking spaces as eight spaces are required and none are provided. The proposal increases the parking requirement by three spaces and no new spaces are being created.



Since the locus does not currently have sufficient off-street parking and there is a change in use occurring at the property with no change in floor area SZO §9.4.1 states that the applicant is only required to provide 50% of the additional requirement. Therefore the Applicant is only required to provide two additional spaces (rounded up from 1.5) on the site. Since there is not a feasible way to fit additional parking spaces on the site, relief is being requested from providing the additional two parking spaces.

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, and upon reaching the findings and determinations set forth in Section 5.1.4”. The Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; 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 consistent with the purpose of the CCD-55 district, which is, “to promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the districts are to:

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
3. Preserve and complement historic structures;
4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
5. Promote pedestrian and bicycle activity.

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."*

*Surrounding Neighborhood:* The surrounding neighborhood is a mix of commercial and residential uses. This block of Broadway is near the East Somerville Library. The neighborhood behind the Broadway corridor is a mix of multi-family homes in a Residential B zoning district.



*Impacts of Proposal (Design and Compatibility):*

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.

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.

The signage, lighting and awning are pedestrian oriented, enhance the streetscape, and will serve to rehabilitate the quality of the storefront. The focus of the storefront would be a new smaller awnings and sign band that will help visually merge the two storefronts. The plans include a note that the sign will be a vinyl graphic or 1/2" raised acrylic logo. The Board recommends a condition that the sign be a raised acrylic logo.

7. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.
8. SomerVision Plan: Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods.



**III. DECISION:**

Present and sitting were Members Michael Capuano, Joseph Favaloro, Dorothy Kelly Gay, Gerard Amaral, and Amelia Aboff. Upon making the above findings, Michael Capuano made a motion for **Conditional Approval** of the request for a **Special Permit**. Dorothy Kelly Gay seconded the motion. Wherefore the Planning Board voted 5-0 to conditionally approve the request. In addition, the following conditions are attached.

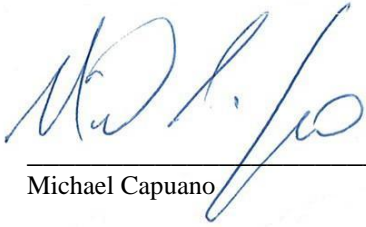
#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for façade renovation and the expansion of the existing restaurant. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>March 19, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>December 12, 2018</td> <td>Plans submitted to OSPCD (T, AD-1, A-1, A-2, A-3, and A-4)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 19, 2019	Initial application submitted to the City Clerk’s Office	December 12, 2018	Plans submitted to OSPCD (T, AD-1, A-1, A-2, A-3, and A-4)
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December 12, 2018	Plans submitted to OSPCD (T, AD-1, A-1, A-2, A-3, and A-4)									
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
<b>Construction Impacts</b>										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
3	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW							
4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
<b>Miscellaneous</b>										
5	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.							



6	Garbage and recycling locations shall be clearly indicated on site plans. Storage areas shall be inside of the structure or shall be fully screened from view from both the public way and abutters by an appropriate material reviewed and approved by staff. The location shall not impact any parking, landscaping, or egress.	BP	Plng.	
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
<b>Signage</b>				
8	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.	
9	The proposed sign must be a 1/2" (at least) raised acrylic logo/text on a frame fastened to the masonry façade.	BP/CO/Cont.	Plng.	
<b>Final Sign-Off</b>				
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	Plng.	



Attest, by the Planning Board:



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Michael Capuano



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Joseph Favaloro



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Dorothy A. Kelly Gay



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Amelia Aboff



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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 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 \_\_\_\_\_

