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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: CDD Staff

Date: March 2, 2023

Re: **Special Permit PB-9 Amendment 3, 6 Lilac Court**

**IRAM FAROOQ**  
Assistant City Manager for  
Community Development

**SANDRA CLARKE**  
Deputy Director  
Chief of Administration

**KHALIL MOGASSABI**  
Deputy Director  
Chief of Planning

## Overview

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Submission Type:	Special Permit Application
Applicant:	Zi Wang and Yuliang Leon Sun
Zoning District(s):	Residence C-1 District
Proposal Summary:	Modification of a townhouse to infill interior mezzanine space, extend a dormer, remove chimney, renovate interiors, and modify exterior windows.
Special Permits Requested:	Modification of a townhouse development after a subdivision has been recorded (Section 11.15b), and Window modification on an existing non-conforming façade (Section 8.22.2.c)
Other City Permits Needed:	None
Planning Board Action:	Grant or deny requested special permits
Memo Contents:	CDD Zoning Report & Urban Design Report
Other Staff Reports:	None

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Requested Special Permits	Required Planning Board Findings (Summary - see appendix for zoning text excerpts)
Townhouses and multifamily dwellings (Section 10.47.4)	<ul style="list-style-type: none"> <li>• Key features of natural landscape are preserved.</li> <li>• New buildings relate sensitively to existing built environment.</li> <li>• Open space provides visual benefits to abutters and passersby and functional benefits to occupants.</li> <li>• Parking, access and egress are safe and convenient.</li> <li>• Intrusion of onsite parking is minimized.</li> <li>• Services such as trash collection and utility boxes are convenient yet unobtrusive.</li> </ul>
Alteration of existing non-conforming building facade (Section 8.22.2.c)	The changes, extensions, or alterations of a pre-existing nonconforming structure will not be substantially more detrimental to the neighborhood than the existing condition.
General Special Permit Criteria (Section 10.43)	<p>Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43:</p> <ul style="list-style-type: none"> <li>(a) It appears that requirements of this Ordinance cannot or will not be met, or</li> <li>(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or</li> <li>(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or</li> <li>(d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or</li> <li>(e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and</li> <li>(f) nuisance the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.</li> </ul>

**Summary of Proposal**

The site is located in the Residence C-1 District and was part of a 24-unit Cambridge Redevelopment Authority development in the Wellington-Harrington neighborhood. The development abuts the Dante Aligheri Society Center to the south, residences to the north and is across the street from One Kendall Square. The original special permit approved the site plan and arrangement of townhouse units, and includes conditions pertaining to tree plantings and vehicular circulation on the site. The Board approved similar amendments for a unit within this development in 2018 (15 Lilac Court) and in 2020 (21 Lilac Court).

The applicant is proposing to modify the existing townhouse by filling in a mezzanine area to create a bedroom, extend the existing dormer to 15 feet in length, and modify the windows on various sides, including the non-conforming rear side. No changes are proposed to the existing parking layout and landscaping.

### **Requested Amendment**

The project is located in the Residence C-1 District and was granted a Townhouse Special Permit in 1980 (attached). The Applicant seeks a special permit for a modification to the plans not enumerated in the original special permit, per Section 11.15b and a special permit to modify the existing non-conforming façade, per Section 8.22.2.c. Applicable sections of the zoning are provided in an appendix.

### **Zoning Comments on Proposed Amendment**

The proposal remains within the allowable gross floor area (GFA) for the Residence C-1 zone. The proposed infill creates additional living space and has no exterior changes other than modification of dormer, windows, skylights, and a sliding door in the existing facades.

According to the application, the additional GFA will result in less than 10% increase to the existing structure's area and volume. The total GFA allowed on the lot is 2,416 square feet and the existing unit's GFA is proposed to increase from 1,368 square feet to 1,489 square feet with no increase in the existing building height. The proposed changes are modest in nature and do not seem to affect the conditions of the special permit or the Planning Board criteria for evaluating townhouse projects, which address issues such as landscaping, open space, parking and circulation, utilities and service functions, and relationship to the surrounding context.

The existing building does not have the minimum required rear yard setback of 20 feet (existing 12.25') along a small section along the south-west boundary of the parcel, thereby making it a nonconforming structure. The rest of the rear yard has setback exceeding the required minimum. Modification of windows on the nonconforming rear yard façade is not anticipated to be detrimental to the neighborhood than the existing condition.

### **Design Comments on Proposed Amendment**

The proposed changes are modest in nature and have no impact on site landscaping, open space, parking and circulation, utilities, and service functions. Changes to the front elevation include an additional skylight, and a new first floor window and door. Changes to rear elevation, where the dormer will be extended, create additional living space, and enhance the livability of the first floor with new sliding glass doors. The expanded dormer generally complies with the *Design Guidelines for Roof Dormers* given the existing conditions, location on the interior of the lot, and proposed new length.

### **Special Permit Conditions**

The following is a summary of recommended as conditions if the Board decides to grant the special permit:

- The project shall continue to be subject to the all Conditions set forth in the original Special Permit Decision (PB-9) dated September 16, 1980.
- The design modifications will be subject to continuing design review by CDD staff prior to issuance of a building permit and certificate of occupancy.

## Appendix - Zoning Text Excerpts

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### Special Permit for Townhouse Development

**11.15** *Dimensional Standards for Townhouse Development.* The following development controls apply to the parcel of land upon which a townhouse development is constructed and are not applicable to the initial subdivision of the townhouse parcel into individual lots.

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However, modifications to the townhouse development after a subdivision plan has been recorded in the Registry of Deeds shall be subject to the dimensional standards as set forth in this Section 11.15 applied to the individual lot lines of the subdivided lots; modifications that do not so conform may be permitted as set forth below:

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- b. For any townhouse development for which a special permit has been granted by the Planning Board, modifications specifically enumerated in the special permit. For those modifications not so enumerated, or where the special permit fails to specifically enumerate allowed modifications, after issuance of a new special permit (a Major Amendment to the original special permit) by the Planning Board to allow the proposed modification(s).

### **Special Permit for Façade Modification of an Existing Non-conforming Structure**

**8.22.2** The following changes, extensions, or alterations of a pre-existing nonconforming structure or use may be granted in the following cases after the issuance of a special permit. Such a permit shall be granted only if the permit granting authority specified below finds that such change, extension, or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

\* \* \*

- c. In a Residence District the Board of Zoning Appeal may grant a special permit for the alteration or enlargement of a nonconforming structure, not otherwise permitted in Section 8.22.1 above, but not the alteration or enlargement of a nonconforming use, provided any enlargement or alteration of such nonconforming structure is not further in violation of the dimensional requirements of Article 5.000 or the off street parking and loading requirements in Article 6.000 for the district in which such structure is located and provided such nonconforming structure will not be increased in area or volume by more than twenty-five (25) percent since it first began to be nonconforming.

### **General Criteria for Issuance of a Special Permit**

**10.43** *Criteria.* Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

- (a) It appears that requirements of this Ordinance cannot or will not be met, or
- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or
- (d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or
- (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and
- (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.



CITY OF CAMBRIDGE, MASSACHUSETTS  
OFFICE OF CITY CLERK  
OCT 3 10 45 AM '80  
**PLANNING BOARD**  
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

September 22, 1980

CASE NO. PB-9  
PREMISES: 25 Webster Avenue and 199 Portland Street  
ZONING DISTRICT: Residence C-1  
PETITIONER: Urban Development and Investment Corporation  
APPLICATION DATE: August 8, 1980  
DATE OF HEARING: September 2, 1980  
PETITION: Townhouse special permit for 24 dwelling units, Article  
11.000, Section 11.12.  
DATE OF PLANNING BOARD DECISION: September 16, 1980

CAMBRIDGE, MASS.  
OCT 3 10 45 AM '80  
OFFICE OF CITY CLERK  
CITY HALL ANNEX

## THE HEARING

At the September 2nd, 1980 public hearing, Douglas Bell of the Urban Development and Investment Corporation (UDIC) briefly presented the development proposal consisting of 24 townhouse units. He explained that the project was a joint venture involving his firm as the developer, the Cambridge Redevelopment Authority (CRA) who are the present land-owners, and the Dante Allegheri Society who plan to build a cultural appreciation center on land abutting the proposed townhouse development. He also introduced Imre and Anthony Halasz, architects (of Imre and Anthony Halasz, Inc., Boston, MA) who drew the plans submitted to the Community Development Department on 8/8/80. Imre Halasz presented details of the plan outlining building arrangement, traffic and parking, building materials, landscaping, and treatment of paving. Most of the townhouse structures would be oriented toward a new private way between Portland Street and Webster Avenue. Following this presentation, Douglas Bell introduced another site plan (drawn by UDIC) showing a different lot boundary arrangement. This second plan delineated the center line of the traveled way as lot boundaries, in part, for the corresponding lots. The plan also differed from the Halasz plan with regard to individual lot areas and corresponding open space areas, landscaping and parking. In other respects, however, the two plans were similar. Mr. Bell then reviewed the violations cited by the CDD



staff. He informed the Board that UDIC hoped to submit a final plan containing no violations, if the special permit were approved. However, he did review the front yard setback question concerning those units fronting on Portland Street. He claimed that when the plans were drawn, the adjoining parcel to the southwest contained a building (since torn down) constructed on the front lot line. The staff cited a front yard setback violation for the particular structure in question.

The anticipated sales price of the units was also discussed. Mr. Bell felt the units would be marketed in the \$75,000-\$95,000 range. Jimmy Bentubo of the Wellington-Harrington Citizens Committee informed the Board that the committee wanted to go on record as being against the development due to the current price estimate. Mr. Bentubo explained that in earlier meetings with the UDIC and CRA, a selling price of between \$65,000-\$80,000 was quoted. He argued that the higher price range would make the housing unaffordable by people in the neighborhood.

Other questions by the Board and staff addressed building orientation, drainage and fencing and were reviewed by the applicants. Finally, the staff notified the Board that it has received one telephone communication from Dan Braga, owner of property at 1357 Portsmouth Street. Mr. Braga stated that he would be in favor of the development as long as it did not turn into a subsidized low income project and provided that a high quality job was done on the landscaping.

#### PLANNING BOARD DISCUSSION

Following the hearing, the Board discussed the application. It was noted that selling price was an issue not within the Planning Board's purview. The Board also instructed the staff to contact UDIC and request one set of plans to clarify precisely what landscaping treatment was proposed. Finally, the Board recommended that the staff

request plans depicting an alternative building orientation for two buildings, to provide more southerly exposure for units #1-4 along Webster Avenue.

A letter was sent to UDIC outlining the Board's concerns. Prior outlining the Planning Board's meeting of 9/16/80, the staff received revised plans addressing those issues raised by the Board. Such plans were presented to the Board and discussed at their 9/16/80 meeting.

### FINDINGS

After hearing the evidence presented at the public hearing and the subsequent meeting and considering staff review, the Board makes the following findings:

I.. In accordance with Section 10.43 of the Zoning Ordinance concerning criteria for granting special permits, the Board finds that:

- a. Except for a few minor violations (cited later in this decision) the proposed development will meet the dimensional requirements of the ordinance.
- b. In terms of traffic generated, the proposed development will not cause congestion, hazard, or substantial change in established neighborhood character.
- c. The proposed development will not adversely affect the continued operation or the development of adjacent uses as permitted in the Zoning Ordinance.
- d. The proposed development will not be detrimental to the occupants of the proposed use nor to the citizens of the City.

- e. The proposed development will not derogate from the intent and purpose of the ordinance.

2. In accordance with Section 10.464 of the Zoning Ordinance concerning additional criteria for approval of townhouses, the Board finds that:

- a. Tree removal will be minimized to the maximum extent feasible.
- b. New buildings will relate sensitively to the existing built environment. The location, orientation and massing of structures in the development will be satisfactory and will avoid overwhelming the existing two and three story dwellings in the vicinity of the development.
- c. The location, arrangement, and landscaping of open space will be satisfactory.
- d. Points of ingress and egress will be safe if traffic signs are provided.
- e. On-site parking will be adequately screened and will not substantially detract from the use and enjoyment of either the proposed development or neighboring properties.
- f. Trash removal location for the residents will be somewhat inconvenient but will be adequate.

3. In his letter to the Board, Lauren Preston of the Department of Traffic and Parking, cited three problems. These were; insufficient curb radii, lack of a raised curb for pedestrian protection, and lack of visitor parking. The Board finds that proper turning radii are necessary. The Board also finds that the lack of a sidewalk with raised curb and designated visitor parking will not seriously impair the usability of the development. It could create a pedestrian plaza type of environment.

4.. The revised development plan as submitted (received by the CDD on 9/12/80 and drawn by Douglas E. Bell, registered architect of ADIC on 9/10/80) contains the following zoning violations which customarily would require a variance:

- a. Units #18, 19, and 20 of Building G violate the front yard setback requirement, subsection 11.154(1) as follows:

<u>Unit #</u>	<u>Requirement</u>	<u>Proposed</u>
18	10'	6.5' - 7.0'
19	10'	6.5' - 7.0'
20	10'	6.5' - 7.0'

- b. Parking spaces for units #1 and 3 (shown on alternate layout for buildings A and B) don't contain a minimum five feet setback from the street line, section 6.56. The plans show only a three feet setback.

- c. As lots will be subdivided, 25% of each such subdivided lot must be dedicated as usable open space. Six of the units (lots) do not meet this requirement, subsection 11.155 (2):

<u>Unit #</u>	<u>open space Requirement</u>	<u>Proposed</u>
8	474'	423'
12	400'	340'
20	556'	537'
22	399'	340'
23	384'	340'
24	623'	510'

The revised plans contain optional grade level decks for the above units. The purpose here was to accumulate additional open space area that would qualify as "usable" given the dimensional requirements of

the ordinance. However, none of these "decks" would remedy the open space deficiency because all (except those for units #22 and 23) exceed 25% of the total usable open space for each particular lot (section 5.22 (1)). Decks for units #22 and 23 wouldn't qualify either because they could be considered walkways or part of the traveled way.

#### PLANNING BOARD DECISION

Based on the information presented at the public hearing and at the Board's meeting of 9/16/80, the Planning Board voted unanimously (7 members) to GRANT a special permit with the following conditions:

1. The development shall be constructed according to the alternate layout for buildings A and B as depicted on "alternate plan #1" drawn on 9/10/80 by Douglas E. Bell, registered architect of UDIC and submitted to the Community Development Department on 9/12/80.
2. All trees provided as landscaping for the development shall have a minimum caliper of three inches at the time of planting. A suggested list of trees is contained in section 11.164, (4)(b), second paragraph.
3. The development shall contain a "ONE-WAY" sign at the point of entry at Webster Avenue and a "DO NOT ENTER" sign at the point of exit at Portland Street. The signs are to be standard City traffic signs.
4. The development shall contain minimum curb radii of ten feet (10') at the intersection of the private traveled way and Webster Avenue and the intersection of the aforementioned way and Portland Street.
5. Under the authority granted by Section 11.125 of the Zoning Ordinance, the Planning Board may allow zoning violations customarily requiring a variance, other than a use variance. The final plans and actual development shall contain only those violations explicitly cited in 4 a, b, and c of the findings of this decision.

6. The final plans and actual development, except as modified above, shall conform in all aspects to the revised plans submitted to the Community Development Department on 9/12/80, drawn on 9/10/80 by Douglas E. Bell, registered architect of UDIC.

Respectfully submitted,

For the Planning Board

*Arthur C. Parris*  
Arthur C. Parris  
Chairman

Attest: A true and correct copy of the decision filed with the offices of the City Clerk on October 3, 1980 by Elizabeth McCarley authorized representative of the Cambridge Planning Board.

Twenty days have elapsed since the date of filing this decision. No appeal has been filed \_\_\_\_\_. Appeal filed and dismissed or denied \_\_\_\_\_.

Date: \_\_\_\_\_  
City Clerk, City of Cambridge