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# **168 HAMPSHIRE STREET, CAMBRIDGE**

## **ZONING RELIEFS REQUESTED,**

## **& HARDSHIPS EXISTING, WITH COMMENTARY**

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October 12, 2011

1. **FAR RELIEF (Zoning Ordinance Section 5.31.1.a).** The abnormal nature of this lot, including both shape and the fact that the property crosses two zoning district boundaries, prevents the petitioner from constructing the number of units allowed because of the dimensional difficulties in making the parking layout work, and the resultant need to put many uses frequently found below ground on the first floor—storage, mechanical, trash room, bike room, etc.

2. **FRONT YARD SETBACKS (Zoning Ordinance Section 5.31.1.a)** In order for this building to function property it needs the minimum width indicated. The basic zoning requirements for parking cars with sufficient aisle space necessitate such width and the choice was made therefore to violate a setback. It was decided to minimize the side yard setback encroachment facing the adjacent residential property and move the building closer than the required minimum 10 foot setback on both street front yards. We believe that this is beneficial and is more in keeping with the dimensional precedents in this mixed-use neighborhood. Discussions with the Department of Traffic & Parking has led petitioner to move the proposed building even closer to Prospect Street to make for safer vehicle maneuvering in and near the lot.

3. **SIDEYARD SETBACK (Setback to Zoning Boundary Line within Lot, Ordinance Section 5.33.1.e).** Due to the dimensions required for the structure to approach the density that the zoning ordinance allows, and specifically to allow for a parking area to satisfy the parking requirements, which go along with a by-right density, the structure needs to extend to within 20' of the nearest side yard. This normally would not be a zoning violation except for the special condition on this site where the zoning boundary line between this zone and a more restrictive zoning line runs within the back of the lot. Discussions with the Department of Traffic & Parking has led petitioner to move the proposed building farther from the east side lot setback for better vehicular safety and within 3 feet of the Prospect Street property line.

4. **PARKING REQUIREMENTS (Ordinance Section 6.35).** Due to the dimension of the site and in order to maintain the required 20 feet side yard setback from the lot line perpendicular to Prospect Street the petitioner requests relief from the parking requirements of one space per unit or 15 spaces total to be reduced to 14 spaces total. The site is located with good proximity to public transport including several bus lines as well as the Red Line T stops in Kendall, Central and Harvard Squares, as well as bike lanes on

Prospect and Hampshire Streets. The petitioner has provided data from several multi-family condominium projects of similar scale where the ownership of automobiles is less than one per unit. An indoor bike storage room is proposed on the first floor that will provide space for up to 16 bicycles in compliance with the City of Cambridge dimensional requirements. R=There will also be provisions for outdoor short term bicycle parking.

4. **PROSPECT STREET OVERLAY DISTRICT (Ordinance Section 20.200)** We believe this project, by virtue of the change of use, increase in open space, decrease in automobile traffic and reduction in curb cut width, among other considerations, is an appropriate project within this overlay district.

### **SPECIFIC HARDSHIPS, PARTICULAR TO THIS SITE:**

1. **DOGLEG/ADVERSE USE/ENCROACHING USE:** This lot, of about 10,100 square feet, has approximately 450 square feet in a dogleg attachment at the corner of the lot farthest southeast, farthest from the intersection of Hampshire and Prospect Street. Of greater complication and concern is that this dogleg is currently being used by our neighbors on Murdock Street, despite the fact that 168 Hampshire Street has been paying the taxes on the land for quite awhile (to the best of our knowledge). Agnosis Development LLC, the petitioner, believes that it is in all parties' interests, and is the highest and best use of the land for the property owners in question as well as the city and the neighborhood, for the existing perhaps unsanctioned use to continue, but this obviously poses both logistical and continuing financial hardships to the owner of the 168 Hampshire Street parcel.

2. **TRAPEZOID GEOMETRY:** This lot is a trapezoidal shaped lot, with irregular, non 90-degree angles at the northwest and northeast corners. This will increase construction costs and decrease the efficiency of using base line zoning to resolve both living space issues and especially parking space and access issues. This is one of several issues that make it very difficult to realize the benefits of the zoning code as written, based on singularities adhering to this parcel.

3. **ZONING BOUNDARY LINES:** The zoning district boundary line between residence C-1 and Business A, deemed for residential usage to be C-2B, passes through the southwest quadrant of the property. This creates 2 distinct difficulties that can only be found in a parcel of the approximate shape and size of this one, and with these zoning issues:

- a. The zoning boundary line inefficiently controls the location of the building footprint, because none of the use or intensity belonging to the denser district can be in C-1, and:
- b. There is a dimensional setback restriction within 50 feet of the C-1 zone that controls and over rides the setback requirements that otherwise pertain in C-2B or BA.

It is the petitioner's belief that the results upon potential site plans of the immediate issues above produce an unintended negative effect upon the site plan in terms of basic urban design and planning, particularly with the Prospect Street Overlay Zoning, and make the petitioner's realization of the basic underlying zoning rights problematic.

4. **INACCURACCIES IN PUBLIC RECORDS VERSUS INSTRUMENT SURVEY:**

The lot, as instrument surveyed in the field by the petitioner's registered, licensed engineer (please see attached instrument survey), shows that the lot is in fact approximately 3 feet narrower than as indicated in city and county records, and creates a problem and hardship in making the site accommodate aisles of covered, partially below grade parking, which requires a dimensional total of 58 feet: 16 ft. for a compact space, 18 feet for a full space, 22 feet for the aisle, all per zoning code, and approximately 2 feet for structure. In fact, the instrument survey reveals that only 41.1 feet is available in the east west direction (from Inman Square side to Kendall Square side) if the required Prospect Street minimum required setback of 13.4 feet is provided, and the required, calculated east setback of 28.4 feet is provided.

5. **PARTICULARS OF STREETS & SIDEWALK USAGE:** The nature of Prospect Street argues against the petitioner's use of the 2 by right curb cuts allowed per ordinance, but likely to be challenged by the Traffic & Parking Department as being detrimental to the common public good. The Prospect Street corridor is so intensively overused that another curb cut may be perceived as a public burden, though allowed per ordinance. The Hampshire Street traffic lanes are intensively used, though probably not as badly as the Prospect Street corridor. Requested setback reliefs would allow for traffic and parking designs that mitigate these problems, and provide a better site plan despite the inherent issues resulting from the shape and location of the lot.

6. **SUBSURFACE CONDITION:** Unfortunately, the petitioner's Licensed Site Professional, employed by Corporate Environmental Advisors, has discovered after borings were conducted that there is reportable contamination on the site, principally lead and oil in unacceptable amounts. While there are various strategies that will be able to mitigate this condition, they will increase the length and cost of the project, and will have some negative effect on design and construction decisions. 1,300 cubic yards of excavation will most likely need to be removed to a rated landfill.