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September 4, 2013
Via E-mail and Hand Delivery

Cambridge Planning Board
City Hall Annex
344 Broadway
Cambridge, MA02139
Attention: Elizabeth Paden

RE: Request for Special Permit Amendment – Change of Use
EF Education First (PB #85)

Dear Liza:

On behalf of EFEKTA Schools, Inc. ("EF"), I am submitting the attached application for an amendment to the above-referenced special permit (the "Special Permit"), to permit the use of EF's existing building at 1 Education Street (the "Building") for both office and educational uses consistent with the development of EF's new North American headquarters building at 8 Education Street.

As outlined in the attached narrative, EF is requesting a change in the permitted uses to permit previously approved gross floor area specified in the Special Permit, as amended, to be used for both office and educational uses (together with accessory restaurant, health club, day care and/or retail uses as set forth in the Special Permit), consistent with the approved uses for EF's new headquarters building at 8 Education Street (Case No. PB#262). Educational use would be added as a permitted use and the gross floor area limitations would be changed as indicated in the revised Appendix I included with the application.

Because it involves a change of use, this application for amendment is being submitted to the Board as a Major Amendment. The changes proposed in this application do not include any changes in the gross floor area of the Building, nor any other aspect of the original Special Permit except for approval of educational use as a permitted use, and are consistent with the intent, purpose and substance of the original Special Permit.

EF will coordinate with the Community Development Department staff on the installation of required public notification panel(s) at the site and will comply with all relevant requirements of Article 10 Section 42.1 of the City of Cambridge Zoning Ordinance related to the installation and maintenance of such panels. We understand that the Community Development Department will provide the requisite legal newspaper notice advertising the public hearings associated with this request.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Emma", with a long horizontal flourish extending to the right.

Emma Rothfeld Yashar

cc: Martha Doyle (via e-mail)
Richard McKinnon (via e-mail)
Richard Rudman, Esq. (via e-mail)



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

SPECIAL PERMIT APPLICATION • COVER SHEET

In accordance with the requirements of the City of Cambridge Zoning Ordinance, the undersigned hereby petitions the Planning Board for one or more Special Permits for the premises indicated below.

Location of Premises: 1 Education Street (formerly 15 Monsignor O'Brien Highway)
Zoning District: PUD-6/North Point Commercial, Office and Resident District
Applicant Name: EFEKTA Schools, Inc.
Applicant Address: 1 Education Street, Cambridge, MA
Contact Information: 617-406-6034 Emma.Yashar@dlapiper 617-406-6134
Telephone # Email Address Fax #

List all requested special permit(s) (with reference to zoning section numbers) below. *Note that the Applicant is responsible for seeking all necessary special permits for the project. A special permit cannot be granted if it is not specifically requested in the Application.*

Amendment to existing special permit held by EFEKTA Schools, Inc. (PB #85, the "Existing Special Permit") to permit the use of 1 Education Street for both office and educational uses consistent with the development of EF's new North American headquarters building at 8 Education Street. This Application requests a change in the permitted uses to permit the previously approved gross floor area specified in the Existing Special Permit to be used for both office and educational uses (together with accessory restaurant, health club, day care and/or retail uses as set forth in the Existing Special Permit), consistent with the approval of both office and educational use for EF's new headquarters building at 8 Education Street (Case No. PB#262). Educational use would be added as a permitted use subject to the existing aggregate gross floor area limitation as indicated in the revised Appendix I attached to this Application.

List all submitted materials (include document titles and volume numbers where applicable) below.

1. Cover letter
2. Application (including Appendix I)

Signature of Applicant: 

For the Planning Board, this application has been received by the Community Development Department (CDD) on the date specified below:

Date

Signature of CDD Staff

OWNERSHIP CERTIFICATE

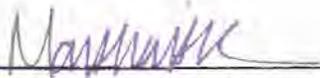
Project Address: 1 Education Street

Application Date: 9/4/2013

This form is to be completed by the property owner, signed, and submitted with the Special Permit Application:

I hereby authorize the following Applicant: Emma Rothfeld Yashar, Esq., DLA Piper
at the following address: 33 Arch Street, 26th Floor, Boston, MA 02110
to apply for a special permit for: EFEKTA Schools, Inc.
on premises located at: 1 Education Street, Cambridge, MA 02141
for which the record title stands in the name of: same
whose address is: same

by a deed duly recorded in the: South Middlesex
Registry of Deeds of County: _____ Book: _____ Page: _____
OR Registry District of the Land Court,
Certificate No.: 206460 Book: 01162 Page: 110


Signature of Land Owner (If authorized Trustee, Officer or Agent, so identify)
Martha Doyle, President, EFEKTA House Inc., duly authorized

To be completed by Notary Public:

Commonwealth of Massachusetts, County of Middlesex

The above named Martha Doyle personally appeared before me,
on the month, day and year 09/09/2013 and made oath that the above statement is true.

Notary: Daniel, Danielle Marie Ward

My Commission expires: December 8, 2017

FEE SCHEDULE

Project Address: One Education Street

Application Date: 9/4/2013

The Applicant must provide the full fee (by check or money order) with the Special Permit Application. Depending on the nature of the proposed project and the types of Special Permit being sought, the required fee is the larger of the following amounts:

- If the proposed project includes the creation of new or substantially rehabilitated floor area, or a change of use subject to Section 19.20, the fee is ten cents (\$0.10) per square foot of total proposed Gross Floor Area.
- If a Flood Plain Special Permit is being sought as part of the Application, the fee is one thousand dollars (\$1,000.00), unless the amount determined above is greater.
- In any case, the minimum fee is one hundred fifty dollars (\$150.00).

Fee Calculation

New or Substantially Rehabilitated Gross Floor Area (SF):	0	× \$0.10 =	\$0
Flood Plain Special Permit	Enter \$1,000.00 if applicable: N/A		
Other Special Permit	Enter \$150.00 if no other fee is applicable: \$150.00		
TOTAL SPECIAL PERMIT FEE	Enter Larger of the Above Amounts: \$150.00		

APPLICATION FOR SPECIAL PERMIT AMENDMENT – CHANGE OF USE

1. Introduction

EF and its subsidiary companies have occupied the building located at 1 Education Street (the “Building”) since its construction in 1996. As detailed further in Section 2, the site was originally approved in 1989 for hotel use pursuant to Special Permit PB#85 and, in 1995, Major Amendment #2 permitted the construction of the Building as an office building for EF in place of the originally permitted hotel.

In connection with the development of its new North American headquarters, which was approved by the Planning Board in 2012 (Case No. PB#262) and is currently under construction at 8 Education Street, EF is seeking to continue to grow operations at its new campus on Education Street, including the use of all or a portion of the Building for the Hult International Business School (“Hult School”). Although the exact distribution of space within the Building is currently unknown, EF is seeking the same flexibility that it has at 8 Education Street to use the Building for a combination of office and educational uses, with accessory retail.

This application (this “Application”) is not requesting any changes in the amount of approved Gross Floor Area, nor any other aspect of the Existing Special Permit except for approval of educational use as a permitted use. The proposed amendment would facilitate the use of EF’s existing and new buildings in the most efficient possible manner, while meeting EF’s goal of growing operations, including the Hult School, as part of a campus environment at its new North American headquarters.

2. Special Permit History

The Notice of Decision (Case No. PB#85) approving the Final Development Plan for 15 Monsignor O’Brien Highway was voted on June 20, 1989 and filed on June 27, 1989. The original Special Permit provided for a mixed use development including residential, office and hotel uses in a total Gross Floor Area of approximately 636,318 sf (excluding parking and balconies).

To date, the following amendments to the original Special Permit have been issued, including an amendment issued on November 14, 1995 and filed on November 29, 1995 (Major Amendment #2), which permitted the change of use from hotel to office, as well as certain other minor dimensional changes, on the parcel now known as 1 Education Street:

Minor Amendment #1: March 6, 1990

Major Amendment #1: April 17, 1990 (Date of Filing: June 1, 1990)

Minor Amendment #2: December 18, 1990

Minor Amendment #3: April 2, 1991

Minor Amendment #4: May 19, 1992

Minor Amendment #5: June 15, 1993

Minor Amendment #6: November 16, 1993

Minor Amendment #7: June 7, 1994

Minor Amendment #8: October 18, 1994

Minor Amendment #9: December 6, 1994

Minor Amendment #10: May 16, 1995

Major Amendment #2 Decision: November 14, 1995 (Date of Filing: November 29, 1995)

Minor Amendment #11: March 14, 2000 (Permitted the Massachusetts Highway Department to take portions of the EF and Museum Towers property for sidewalks.)

The original Special Permit, as amended by the above-referenced amendments, is referred to herein as the "Existing Special Permit."

3. Requested Amendment to the Existing Special Permit

The Applicant requests a change in the permitted uses to permit the previously approved gross floor area specified in the Existing Special Permit to be used for both office and educational uses (together with accessory restaurant, health club, day care and/or retail uses as set forth in the Existing Special Permit), consistent with the approval of both office and educational use for EF's new headquarters building at 8 Education Street (Case No. PB#262). Educational use would be added as a permitted use subject to the existing aggregate gross floor area limitation as indicated in the revised Appendix I attached hereto.

4. Ordinance Compliance

Because it will alter the mix of uses approved as part of a Planned Unit Development ("PUD"), this Application is being submitted to the Planning Board as a Major Amendment consistent with the requirements of Section 12.37.3 of the Cambridge Zoning Ordinance (the "Ordinance"), including compliance with the procedures specified in Sections 12.34 through 12.36 thereof. The change proposed in this Application does not include any changes in the Gross Floor Area of the Building, nor any other aspect of the Existing Special Permit except for approval of educational use as a permitted use, and will be consistent with the intent, purpose and substance of the Existing Special Permit.

The provisions of the Ordinance excerpted forth below in *bold and italics* apply to the special permit amendment requested in this Application. Application of each provision to the requested amendment follows the provision in normal text.

A. Required Written Materials – Section 12.34.3(1)

(a) Legal description of the total development parcel proposed for development including exact location and a statement of present and proposed ownership

No change from Existing Special Permit. This application specifically affects the EF property located at 1 Education Street, which is owned by EFEKTA Schools, Inc..

(b) Statement of development concept, including the planning objectives and the character of the development to be achieved through the PUD

The development concept and planning objectives have not changed from that envisioned by the Existing Special Permit. In addition, the changes proposed by this application will be consistent with the recently approved Special Permit PB#262 for the new North American headquarters for EF, which allows the new building to be used for office and/or educational use.

(c) Development schedule indicating the appropriate date when construction of the PUD can be expected to begin and be completed, including initiation and completion dates of separate stages of a phased development

No change from Existing Special Permit – the PUD has already been constructed.

(d) Statement of intentions regarding the future selling or leasing of all or portions of the PUD, such as land area, dwelling units, and public facilities

The Applicant has no plans to sell or lease any of the portions of the PUD over which it has ownership, except to affiliated entities such as the Hult School.

(e) Statement of financing plan, including projected sources and amounts of funds

As with construction of its new headquarters building at 8 Education Street, the renovations at 1 Education Street to convert portions of the Building for use by the Hult School are expected to be constructed by EF without outside financing.

(f) Statement of how utilities and other public works will be provided, including design standards

No change from the existing status – 1 Education Street is currently a fully functional building served by all required utilities.

(g) The impact on existing city services outside the development

No change from the Existing Special Permit due to fact that there is no increase in the amount of development nor any change in the amount of residential and non-residential uses permitted by the Existing Special Permit.

B. Required Quantitative Data – Section 12.34.3(2)

(a) Parcel size

(b) Proposed lot coverage of structures

- (c) *Floor area ratio*
- (d) *Total amount of private open space, both private and public*
- (e) *Total number and type of dwelling units by number of bedrooms*
- (f) *Projected rent levels or selling price by unit size*
- (g) *Approximate gross residential densities*
- (h) *Total amount in square footage of nonresidential construction by type of use*
- (i) *Economic feasibility or market analysis including projected market area and proposed rent levels for commercial development*
- (j) *Number of parking spaces to be provided by use*
- (k) *Total length of streets to be conveyed to the city government*
- (l) *Total length of streets to be held as private ways within the development*
- (m) *Total length by type of other public works to be conveyed to city government*
- (n) *Number and types of public facilities*

No relevant changes from the Existing Special Permit with respect to any of the above-referenced quantitative data. The proposed amendment will simply add educational use as a permitted use, which will remain subject to the overall cap on office/educational use set forth in Appendix I.

C. Required Graphic Materials – Section 12.34.3(3)

- (a) *Map of existing site conditions, including contours, water course, flood plains, unique natural features, existing vegetation, soil types, existing buildings*
- (b) *Map of existing land use*
- (c) *Existing and proposed lot lines*
- (d) *Location and size of gross floor area of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, and nonresidential structures by use*
- (e) *Location and size in square feet of all private open space and areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses*
- (f) *The existing and proposed circulation system of arterial, collector, and local streets, including off-street parking areas, service areas, loading areas, and all points of access to existing public rights of way*
- (g) *Proposed pedestrian path circulation system*
- (h) *Existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines*
- (i) *General landscaped plan indicating the treatment of materials used for private and common open spaces*
- (j) *Description of adjacent land areas, including land uses, zoning, densities, circulation systems, public facilities, and unique natural features of the landscape*
- (k) *Proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences, and walls*

No relevant changes from the Existing Special Permit therefore none of the above-referenced graphic materials have been provided/updated as part of this Application.

D. Criteria for Approval of a PUD Development Proposal – Section 12.35.3

Approval of the Development Proposal shall be granted only upon determination by the Planning Board that the Development Proposal:

- (1) Conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth for the specific PUD district in which the project is located*
- (2) Conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located*
- (3) Provides benefits to the city which outweigh its adverse effects; in making this determination the Planning Board shall consider the following:*
 - (a) Quality of site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public*
 - (b) Traffic flow and safety*
 - (c) Adequacy of utilities and other public works*
 - (d) Impact on existing public facilities within the city*
 - (e) Potential fiscal impact*

No relevant changes from the Existing Special Permit. The changes proposed by this Application will not negatively affect compliance of the project with the Eastern Cambridge Planning Study and the Eastern Cambridge Design Guidelines. As determined in the Existing Special Permit, the Building continues to be consistent with the General Development Controls set forth in Section 12.50 of the Ordinance and the provisions of Section 13.70 of the Ordinance.

E. Special Permit Approval Criteria – Section 10.43

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*

All requirements of the applicable provisions of the Ordinance will be met with the requested amendments.

- (b) Traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character*

No changes in access or egress from the Existing Special Permit. Educational use is considered a less intensive use for purposes of traffic generation.

(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

No relevant changes from the Existing Special Permit. There will be no adverse effect on adjacent uses. Indeed, the proposed amendment will be consistent with the new EF headquarters building at 8 Education Street.

(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

No relevant changes from the Existing Special Permit. No nuisance or hazard will be created.

(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

No relevant changes from the Existing Special Permit.

(f) The new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30

No relevant changes from the Existing Special Permit. Educational use is consistent with the Urban Design Objectives set forth in Section 19.30

APPENDIX I – DIMENSIONAL FORM

	Allowed/Required	Proposed by Major Amendment #2 (Application dated September 28, 1995)	Granted by Major Amendment #2 (dated November 29, 1995)	Proposed by this Major Amendment #3
<i>Floor Area Ratio</i>	3.0	3.36	3.36	No change
<i>(floor Area)</i>		664,668 sf	office 159,000 sf res 526,668 sf total 685,668 sf	office/educational 159,000 sf res 526,668 sf total 685,668 sf
<i>Height</i>	85 ft average	office 117 ft res 246 ft average 136 ft	office 117 ft res 246 ft average 136 ft	office/educational 117 ft res 246 ft average 136 ft
<i>Lot Size</i>	20,000 sf	179,033 sf	179,033 sf	No change
<i>Lot Area/Dwelling</i>		412 sf	412 sf	No change
<i>Maximum # Dwellings</i>		435 units	435 units	No change
<i>Maximum Lot Width</i>		120 ft	120 ft	No change
<i>Minimum Yards</i>			As Approved on site plans dated 11/14/95 & 10/13/95	No change
<i>Front</i>				
<i>Side</i>				
<i>Rear</i>				
<i>Ratio of Open Space</i>	.2	.405	.405	No change
<i>Minimum Parking Spaces</i>		130	res 435 spaces office 132 spaces	res 435 spaces office/educational 132 spaces
<i>Maximum Parking Spaces</i>		689 total	res 559 spaces office 132 spaces	res 559 spaces office/educational 132 spaces
<i>Bicycle Spaces</i>			res 190 office 20	res 190 office/educational 20
<i>Loading Bays</i>				No change