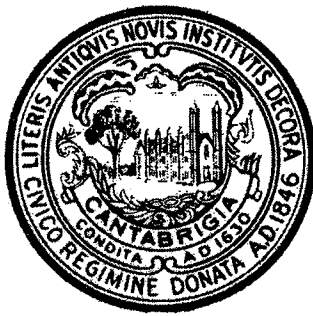




CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2013 NOV 13 AM 9 55

NOTICE OF DECISION

OFFICE OF THE CITY CLERK

Case Number:	85 Amendment #15 (Map #4)
Address:	1 Education Street (formerly 15 Monsignor O'Brian Highway)
Zoning:	PUD-6/North Point Commercial, Office and Residence District
Applicants/Owners:	EFEKTA Schools, Inc. 1 Education Street, Cambridge, MA
Date of Original Special Permit	June 20, 1989
<u>Dates of Prior Amendments</u>	
Minor Amendment #1: March 6, 1990	Minor Amendment #7: June 7, 1994
Major Amendment #1: April 17, 1990	Minor Amendment #8: October 18, 1994
Minor Amendment #2: December 18, 1990	Minor Amendment #9: December 6, 1994
Minor Amendment #3: April 2, 1991	Minor Amendment #10: May 16, 1995
Minor Amendment #4: May 19, 1992	Major Amendment #2: November 14, 1995
Minor Amendment #5: June 15, 1993	Minor Amendment #11: March 14, 2000
Minor Amendment #6: November 16, 1993	Major Amendment #3: November 12, 2002
Application Date for Amendment #15:	September 4, 2013
Date of Preliminary Determination:	October 1, 2013
Date of Second Public Hearing:	October 29, 2013
Date of Planning Board Decision:	October 29, 2013
Date of Filing Decision:	November 13, 2013
Application:	Major Amendment to the Final Development Plan to permit educational uses along with office uses.
Decision:	The Planning Board GRANTS the Major Amendment, with conditions.

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after filing of the above referenced action with the City Clerk. Copies of the complete determination and application are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Jeffrey C. Roberts JCR 11/13/13

For further information concerning this Decision, please contact Liza Paden at 617-349-4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Application for Amendment to PUD Development Plan prepared by Emma Rothfeld Yashar, DLA Piper LLP, representing the Applicant, dated September 4, 2013 including cover letter, application cover sheet, ownership certificate, fee schedule, narrative and dimensional form.
2. Report prepared by Vanasse & Associates, Inc., dated October 24, 2013, submitted on behalf of the Applicant in response to requests for information.

SUMMARY OF APPLICATION

The Applicant is requesting a change in the permitted uses and the limitations on gross floor area devoted to particular uses from those specified in the Special Permit, as amended, to permit the use of the Building 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).

FINDINGS

A public hearing was held on October 1, 2013 at which the Board heard testimony from the Applicant and the Community Development Department staff. Public comment was solicited, but none was offered. The Planning Board voted to make a Preliminary Determination approving the Development Proposal for the requested Major Amendment on October 1, 2013, with requests for information as discussed below in these Findings.

A second public hearing was held on October 29, 2013, at which the Applicant provided a response to the requests for information made at the prior public hearing.

After review of the Application Documents and other documents submitted to the Planning Board, testimony by the Applicant, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance, the Planning Board makes the following Findings:

1. Approval of a Development Proposal (Section 12.35.3)

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; and*
 - (e) potential fiscal impact.*

The Board finds that the proposal continues to meet the General Development Controls for a PUD and the specific controls for the PUD-6 District as well as the policy plans and development guidelines for the area. Educational uses are allowed within the district. There will be no changes to the site design, which will be improved somewhat as a result of the adjacent building being constructed by the Applicant that was approved by the Planning Board in Special Permit case #262. The Board finds that the change in use will not substantially change the project's benefits or adverse effects.

2. Response to Requests for Information

The Planning Board requested that the Applicant provide additional information about traffic patterns and parking utilization for the proposed educational use. The report from Vanasse & Associates, Inc. provides evidence that the educational users will be less likely to drive to the site and more likely to use non-auto modes of transportation. Therefore, the Planning Board can find that the requested change in use will not negatively impact traffic patterns or parking utilization on the site.

3. General Criteria for Issuance of a Special Permit (10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

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 ...*

The amendment proposes to permit educational uses, which are allowed in the zoning district. No other changes are proposed and therefore the Ordinance requirements are met.

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

Based on information provided by the Applicant, the proposed use will not cause a negative impact on traffic patterns or on patterns of access or egress.

- (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 ...*

The proposed amendment will not impact the operation or development of adjacent uses.

- (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 ...*

The proposed amendment will not cause any nuisance or hazard.

- (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 ...*

The proposed use is permitted by zoning and will not detract from the intent or purpose of the Zoning Ordinance.

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

No new building construction is proposed, and the new use that is proposed to be permitted along with the previously permitted uses will not impact the urban design characteristics of the project.

DECISION

Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Major Amendment to the Final Development Plan. All requirements and conditions applicable to Special Permit #85, including all prior Amendments, shall continue to apply, with the exception that Educational categories of use shall be permitted to occupy portions of the existing building previously approved for office use. The revised Gross Floor Area limitations are summarized in the attached Appendix I.

Voting in the affirmative to grant the Major Amendment were Planning Board Members H Theodore Cohen, Steve Cohen, Hugh Russell, Steven Winter, Pamela Winters, and Associate Members Catherine Preston Connolly and Ahmed Nur, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



Hugh Russell, Chair.

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, **EFEKTA Schools, Inc.** agrees to the conditions attached to this Decision approving the granting of a Major Amendment to PUD Special Permit #85.



Martha Doyle
Authorized Representative, EFEKTA Schools, Inc.

A copy of this decision #85 Amendment #15 (Major) shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on November 13, 2013, by Jeffrey C. Roberts, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision. No appeal has been filed.

DATE:

City Clerk of Cambridge

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