

## PLANNING REPORT & RECOMMENDATION

**To:** Malden Planning Board  
**From:** Malden City Planner  
**Date:** May 14, 2025  
**Subject:** Zoning Amendments – CCP 171/2025 - MBTA Communities Zoning Overlays  
§§12.08, 12.12, Title 12, Code of the City of Malden (*MCC- all § references herein*)

**PETITION.** The petition is made under §12.32.050; the City Council is petitioner; and Ward 6 Councilor Stephen Winslow is sponsor. For background, see attached:

1. Full text of proposed amendments (City Council Paper/CCP 171/2025).
2. Memorandum from Mayor Christenson to City Council dated April 3, 2025.
3. Malden MBTA Communities Zoning Overlays ordinances enacted by the City in 2023 (CCP 418/2023).
4. Notice of the City’s “conditional compliance” with the MBTA Communities Zoning law (M.G.L. c.40A, Section 3A and 760 CMR 72.00) per correspondence dated November 8, 2024 from the state Executive Office of Housing and Livable Communities (EOHLC), formerly known as Department of Housing and Community Development (DHCD).

State law requires Malden to have zoning ordinances that allow:

- 6,930 multifamily housing units by right [this state-set unit capacity (6,930) is 25% of total housing units (27,721) per Census 2020],
- in district(s) of a minimum 31 acres [this state-set district size (31 acres) is based on “developable land within ½ mile of a transit station”), and
- with 50% of the units and acreage located within ½ mile of its MBTA rapid transit stations at Malden Center or Oak Grove; and

State law also allows Malden to have zoning ordinances that allow a maximum of 25% of the required units (1,732 units) to be in mandatory mixed-use developments.

### **SUMMARY of PROPOSED AMENDMENTS.**

The proposed amendments have been identified by the state EOHLC as required for the City to achieve full compliance with the law. The amendments update the City’s current ordinance to render it in compliance with the requirements of the law re: unit capacity and remain consistent with the potential growth capacity and impacts that the City considered when the ordinance was enacted.

1. Subdistrict MBTA Communities Multi-Family Overlay District-Medium Density 1 (MCMOD-MD1). (Establishment of Districts, §12.080.010; and Zoning Map, §12.08.020).

As proposed, the amendments would:

- A. update the zoning map, which includes the, “MBTA Communities Zoning Overlay Districts MCMOD - MMUD Boundary Map,” to amend the subdistrict boundaries:
  - a) To remove 474-484 Broadway; and
  - b) To add undeveloped portions of the Overlook Ridge development site.
- B. delete the “development cap” that is contained in the following provision, “MCMOD-MD 1 Subdistrict Development Limitations” (§12.12.400.1.C.3):

*There shall be limitations on the overall amount of residential development within the MCMOD-MD 1 subdistrict as specified, and the aggregate number of dwelling units shall not exceed the sum of 1,582.*

2. Effective Date.

[Use Regulations, MBTA Communities Overlays, §12.12.400: MBTA Communities Multi-Family Overlay District (MCMOD) §12.12.400.1.B.6; and Mandatory Mixed-use Overlay District (MMUD) §12.12.400.2.B.5)]. As proposed, the amendments would delete the following effective date:

*The effective date of this Ordinance shall be the date of final approval by the Commonwealth of Massachusetts of the City of Malden's District Compliance Application, filed pursuant to M.G.L. c. 40A, Section 3A.*

With the proposed deletion of the effective date specified in §§12.12.400.1.B.6 and 12.12.400.2.B.5, the effective date of any amendments of this ordinance shall be the date of the City Council vote (§12.32.050.F).

The state EOHLC has advised the City that, with the amendments, the state “[stands] ready” to approve the City’s District Compliance Application; and the City would achieve full compliance with the law.

**APPLICATION and EXEMPTIONS:** The amendments will apply to new construction and new use/occupancy of existing buildings, unless exempt by City ordinance (§12.28.010); the express language of the amendment; state law (M.G.L. c. 40A, §6), which exempts the subject of a building permit or special permit issued before the first publication of notice of the public hearing (April 25, 2025); or the state Permit Extension Act (Section 280 of Chapter 238 of the Acts of 2024).

**EFFECTIVE DATE:** The effective date is the date of the City Council’s vote to ordain the amendments (§12.32.050.F) unless otherwise specified. The Council must act on the amendments within ninety (90) days after the public hearing closes, otherwise, a new duly advertised public hearing must be held (§12.32.050.D); accordingly, if the public hearing closes on May 14, 2025, **the final date for action is August 12, 2025.**

**STANDARD of REVIEW:** The Planning Board’s review and recommendation of the proposed zoning changes should be directed by *substantive planning objectives, community need and general welfare.*

**PLANNING RECOMMENDATION:** (*Prepared prior to the public hearing*) That the Planning Board recommends to the City Council:

1. Approval of the proposed amendments, as submitted.
2. Use the date the amendments are ordained for the revised date in the, “MBTA Communities Zoning Overlay Districts 12/12/23 Revised \_\_\_\_\_ MCMOD-MMUD Boundary Map.”