

City of Malden Massachusetts

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July 27, 2023

Malden City Council
Malden City Hall
215 Pleasant Street
Malden, MA 02148

**Re: Amendment of Title 12.12.030, Code of City of Malden
Use Regulations for Self-Storage Facilities/To Prohibit in Industrial 1 & 2 zoning districts
City Council Paper #198/2023**

Dear Councilors:

On July 17, 2023, the Planning Board and City Council Ordinance Committee jointly held a public hearing regarding the above-referenced proposed amendment.

After the public hearing, on July 17, 2023, a majority of the Planning Board, namely, seven of the nine members present, decided to recommend to the City Council **disapproval** of the amendment.

For your reference, enclosed please find the Planning Report & Recommendation dated July 17, 2023, with attachments, which was presented at the public hearing.

Finally, please be advised, that, if the City Council fails to act on the amendment within ninety (90) days of the date the public hearing closed, a new duly advertised public hearing must be held. Accordingly, **the final date for action is October 15, 2023.**

I am available to discuss and answer any questions regarding the Planning Board's recommendation. Please do not hesitate to contact me. Thank you.

Sincerely,

Michelle A. Romero
City Planner

Enclosure

CC: Carol Ann Desiderio, City Clerk
Mayor Gary Christenson
Alicia McNeil, Acting City Solicitor

PLANNING REPORT & RECOMMENDATION

To: Malden Planning Board
From: Malden City Planner
Date: July 17, 2023
Subject: Amendment of §12.12.030, Title 12, Code of City of Malden (MCC) (§ references herein)
Use Regulations for Self-Storage Facilities (CCP 198/2023)

PROCEDURAL: The petition was filed by the City Council (§12.32.050) by sponsors Ward 4 Ryan Councilor O'Malley, Ward 3 Councilor Amanda Linehan, Ward 7 Councilor Chris Simonelli, Ward 6 Councilor Steve Winslow, and Councilors-at-Large Karen Colon Hayes and Carey McDonald. For full text of amendment, see attached City Council Paper 198/2022.

SUMMARY of PROPOSED AMENDMENT: The proposal is to prohibit self-storage facilities in the Industrial 1 and 2 zoning districts, which will result in a citywide prohibition.

The proposal is to amend §12.12.030 (Table of Use Regulations) as follows:

Use	A	B	C	RO	BN	BC	BH	I1	I2
Self-Storage Facilities	No	No	No	No	No	No	No	SP No	SP No

CURRENT ZONING:

- A. Definition (§12.32.060.B). The amendment proposes no change to the existing definition:
“Self Storage Facility: A building or structure whose primary purpose is the rental of specifically designated areas within the facility to unrelated individuals for storage of personal property.”
- B. Use Regulations (§12.12.030). Self-storage facilities are allowed by special permit in the Industrial 1 and 2 zoning districts. (For locations of zoning districts, see attached zoning map).
- C. Required findings to grant a special permit (§12.12.010.B). The amendment proposes no changes to the existing required findings:
1. For construction of new buildings, compliance with the dimensional controls and parking requirements of this Ordinance. A variance shall be required to grant relief from any noncompliance with dimensional controls and parking requirements of this Ordinance.
 2. For addition of the use to a lawfully existing building, or for alteration, conversion or other change to a use, which was lawfully existing or begun prior to the first publication of notice of the public hearing on this amendment, the Planning Board must make a finding that any creation or increase in violations of dimensional controls or parking requirements will not be more detrimental to the neighborhood; and if the Planning Board makes the finding that any creation or increase in violations of dimensional controls or parking requirements will not be more detrimental to the neighborhood, then any new or increased violations of dimensional controls or parking requirements may be allowed by special permit and shall not require a variance.
 3. The Planning Board must find that the traffic and traffic patterns generated by the proposed use will not adversely impact any of the surrounding streets or create a traffic or safety hazard. For purposes of determining traffic impact, the Planning Board may request an independent analysis of traffic data submitted by the petitioner, the cost of which will be borne by the petitioner.
 4. The Planning Board must find that the proposed use will not be more detrimental to the neighborhood.
 5. The Planning Board must find that the proposed use is not in conflict with surrounding land uses.
 6. The Planning Board must find that the proposed use is in the interest of the common good.

D. Dimensional Controls (§12.16.020). The amendment proposed no changes to existing requirements:

Area (sf)	Frontage	Front	Side	Both Sides	Rear	Min. Usable OpenSpace	Coverage-Principal Bldg.	Coverage-Accessory Bldg.	Density	Max. Height
20,000	100;	10'	15'	30'	15'	N/A	50%	20%	N/A	50' and 4 stories

E. Parking & Loading Requirements (§12.20.010 & 12.20.030.E). The amendment proposes no changes to existing requirements:

Minimum Number of Parking Spaces	Minimum Number of Loading Bays/Spaces
1 space per 1,000 SF of gross floor area	1 per establishment 2 per 25-75,000 SF floor space 3 per 75-150,000 SF floor space

SUMMARY HISTORY of Zoning Regulations for Self-Storage Facilities:

Use Category (How Classified)	Zoning District			Special Permit Granting Authority	
	CB	HB	I		
Warehouse (1977-1985)	Yes	Yes	Yes		
Warehouse (1985-2000)	Yes	SP	SP		Board of Appeal (1985-2000)
Self-storage facilities (2001-2002)	No	No	SP		City Council (2001-2007)
	CB	HB	I1	I2	
Self-storage facilities (2002-present)	No	No	SP	SP	City Council (2001-2007) Planning Board (2007- present)

In 2000, the City enacted a moratorium on “the issuance of occupancy permits for business enterprises engaged in the leasing of space to individuals for use of so-called ‘self-storage facilities’ to provide an opportunity to investigate and study the number of such units currently in the City and the need for the creation of more such units, provided that said moratorium shall not affect any project commenced before October 17, 2000.” (CCP 390/2000).

Use regulations, dimensional controls, parking requirements and definition for self-storage facilities were established in 2001 (CCP 455/2000).

APPLICATION and EXEMPTIONS: The amendments will apply to new construction and new use/occupancy of existing buildings, unless exempt by M.G.L. c. 40A, §6; §12.28.010; the express language of the amendment; or the subject of a building permit or special permit issued before the first publication of notice of the public hearing (June 30, 2023).

The following project is exempt from the proposed amendment, given issuance of a building permit and special permit before the date of first publication of hearing notice:

1. 950-970 Eastern Avenue/special permit granted November 10, 2021 (Case #21-12/Permit #CMID 037601-2021); building permit issued October 12, 2022 (Permit # CMID-047601-2022).

***Note 1:** Per statute, applications for permits in the processing stage when publication occurs are not protected; historically, the City interprets, in consideration of a pending petitioner’s good faith reliance on current regulations, that proposed amendments do not apply to applications filed prior to the first publication of the notice of public hearing (see date above). There are no applications in the processing stage.*

EXISTING SELF-STORAGE FACILITIES: All legally existing self-storage facilities will be exempt from the amendment and become preexisting nonconforming uses. (See attached spreadsheet for list of existing).

EFFECTIVE DATE: The effective date of an amendment is the date of the City Council's vote to ordain the amendment (§12.32.050.F). The Council must act on the amendment 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 July 17, 2023, the final date for action is October 15, 2023.

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.*

The amendment is not supported by any known substantive planning objectives, community need or general welfare.

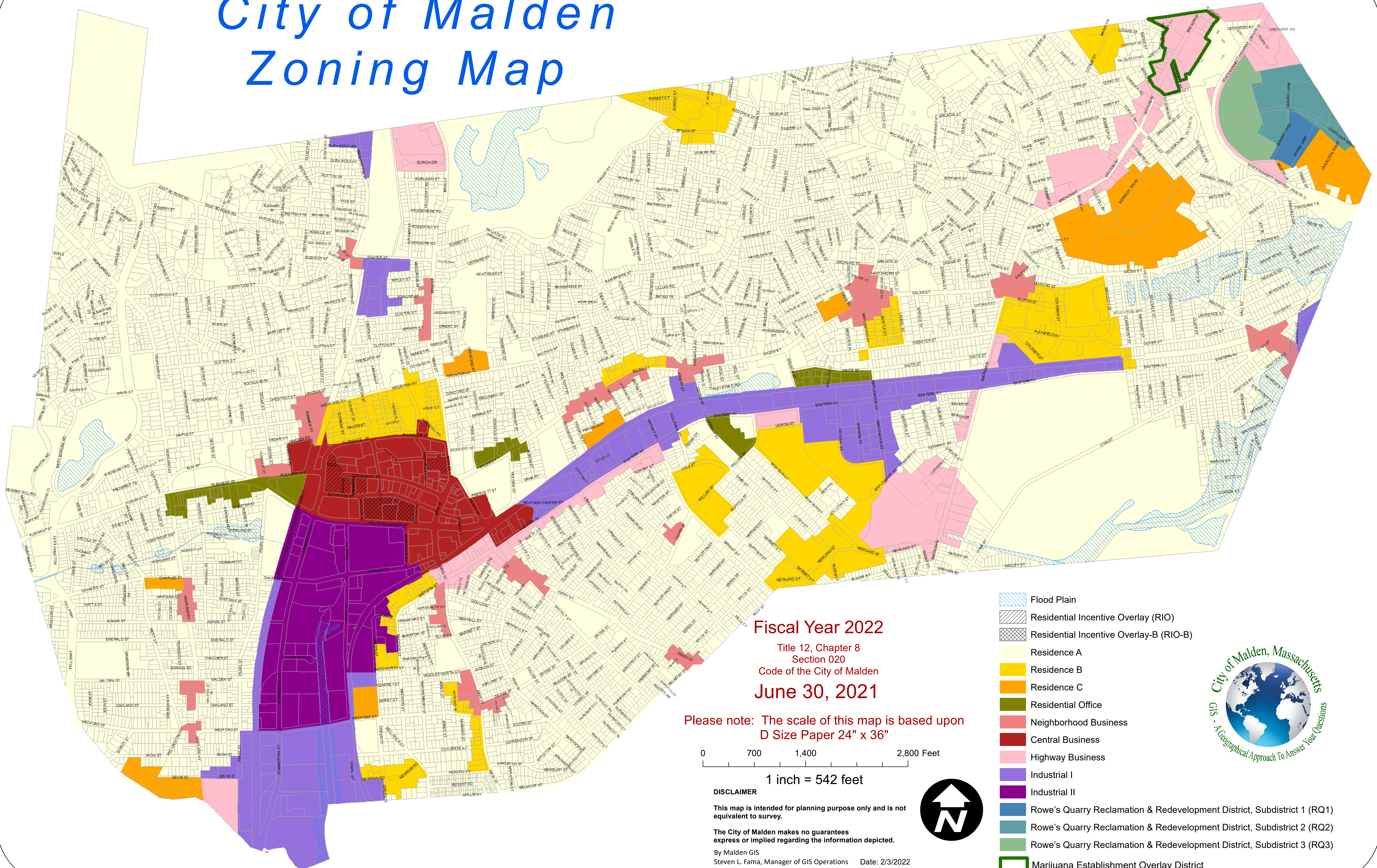
Self-storage facilities add to the City's commercial tax base; typically have limited traffic impacts and no impacts to the neighborhood; and may be properly regulated through existing special permit use regulations.

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

1. Disapproval of the proposed amendment of Section 12.12.030.

	Location	Zoning District	Zoning Relief Required	SF	Height	Storage Units	Parking Spaces	Loading Bays/Spaces
1	1 Wesley Street	Industrial 1	None/Allowed by right 1983	30,000 (+21K Revere)	2	524	30 (required:30)	1 (required: 2)
2	124-126 Eastern Avenue	Industrial 1	None/Allowed by right 1996	30,600	3	555	12 (required: 31)	2 (required:2)
3	34-36 Broadway	Highway Business	Allowed by special permit (BOA March 16, 2000)	58,182	4	470	58 (required: 58)	(required:2)
4	9 Linehurst Road	Highway Business	Allowed by special permit & variance (BOA June 15, 2000)	78,200	1	586	5 (allowed by variance) (required: 78)	None (required:3)
5	650A Eastern Avenue	Industrial 1	Allowed by Special Permit (CC #02-03) 2002	91,275	2	644	10 (allowed by SP) (required: 91)	1 (required:3)
6	420 Eastern Avenue	Industrial 1	Allowed by special permit (PB Case #14-11) 2014	23,566	1	250	42 (required: 24)	1 (required: 1)
7	490 Eastern Avenue	Industrial 1	Allowed by special permit (PB Case #15-19) 2015	125,577	4	884	39 (required: 126)	None (required:3)
8	99 Bryant Street	Industrial 1	Allowed by special permit (PB Case #16-01) 2016 Variance December 2015	14,611	1	54	15 (required 15)	None (required: 1)
9	950-970 Eastern Avenue	Industrial 1	Allowed by special permit (PB Case #21-12) 2021 Variance August 2021	81,700	4	694	15 (required: 82)	1 (required: 3)

City of Malden Zoning Map





City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Master

File Number: 198-23

File ID: 198-23

Type: Ordinance

Status: In Committee

Version: 1

Reference:

In Control: Rules & Ordinance
Committee

Department:

File Created: 05/04/2023

File Name:

Final Action:

Title: Be it ordained by the Malden City Council that the Code of the City of Malden (MCC)
12.12.030 Use Regulations is hereby amended to prohibit any new Self-Storage
Facilities by striking "SP" under both I1 and I2 and inserting "No" in their places.

Internal Notes:

Agenda Date: 05/09/2023

Agenda Number:

Sponsors: Ryan O'Malley, Amanda Linehan, Chris Simonelli,
Stephen Winslow, Karen Colon Hayes and Carey
McDonald

Enactment Date:

Attachments:

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	05/09/2023	referred	Rules & Ordinance Committee			Pass
Action Text: A motion was made by Councillor O'Malley, seconded by Councillor Linehan, that the Ordinance be referred to a joint session of Rules & Ordinance Committee with Planning Board. The motion carried by a unanimous vote.							
Notes: Councillor O'Malley explained this paper was inspired by the number of storage facilities coming online around the city. Although there is a need for these facilities, they don't do much to enrich the community, do not contribute to long-term employment, and encourages a transient nature of short-term residency. The goal of the city should be to encourage homeownership.							

Councillor Linehan warned of what a city zones for in light industrial areas can affect the local job force, affordability, crowding out of locally owned businesses and so she supports looking at this zoning for future consideration of the direction of the city.
Multiple councillors agreed with these points and paper was unanimously supported for further evaluation.

Text of Legislative File 198-23