

## PLANNING BOARD REPORT & RECOMMENDATION

**To:** Malden City Council and Malden Board of Appeal  
**From:** Malden Planning Board  
**Date:** October 15, 2015  
**Subject:** 184 Pleasant Street & 200 Pleasant Street, no # Florence Street (PID #051 252 201), Pleasant Street & Congregational Way  
Advisory Recommendations to Board of Appeal & City Council  
§§800.3.2.2 & 800.4.8, Ch. 12, Revised Ordinances of 1991, as Amended, City of Malden ("MZO")  
**Petitions:** Variance of Dimensional Controls for Multifamily Dwellings, 6-12 stories (§400.1.2.7, MZO)  
Special Permit to Allow Multifamily Dwelling, 6-12 stories in Central Business zoning district (§300.10, MZO)

**SUBJECT PROPERTY:** The proposed development site, approximately 3.43 acres in size, and comprised of the following five parcels (hereinafter, collectively referred to as the "subject property" or the "site"):

- a) 184 Pleasant Street (Assessor's PID#051-275-501): current site of First Church in Malden.
- b) 200 Pleasant Street (Assessor's PID#051-275-505): current site of City Hall and Police Station.
- c) No # Florence Street (Assessor's PID #051-252- 201): current site of public park.
- d) Portion of Pleasant Street: current emergency access driveway and public pedestrian walkway.
- e) Congregational Way: current public pedestrian walkway between Pleasant and Exchange Streets.

The subject property is located within the Housing Development Incentive Program zone and redevelopment under the proposal is subject to a proposed Tax Increment Exemption Agreement pending execution (authorized by C.C.P. #354/2015).

***Note 1:** The City adopted a Housing Development Incentive Program ("HDIP") zone on December 9, 2014, see reference map prepared for C.C.P.# 116/2015 as Amended by C.C.P. #167/2015; HDIP is administered by the state Department of Housing and Community Development, pursuant to M.G.L. c. 40V.*

**PROPOSAL:** Developer is the pending new owner of the subject property, per a Land Disposition Agreement with the City of Malden, dated February 20, 2015, and a Purchase and Sale Agreement with the First Church in Malden, dated May 15, 2015. The proposal includes:

1. Merger of the above-referenced five parcels to create the subject property.
2. Demolition of all buildings/structures and discontinuance of public ways on the subject property.
3. Construction of a new building:
  - a) With a height of six to seven (6-7) stories.
  - b) For use as a multifamily dwelling use containing 310-320 units.
  - c) For business use: 20,000-22,000 SF of "ground-floor retail space" and approximately 44,000-46,500 SF of "office space."
  - d) Containing a "North Block and South Block" that will be "connected via a sky-bridge spanning Pleasant Street and accessed on the third floor or a tunnel constructed under the proposed private driveway (Pleasant Street Extension)."
  - e) With two garage levels, one accessed via Exchange Street, and one via Abbott Street, containing a total of 310 to 340 parking spaces.
4. Provision of open space on the ground/street level with public access.
5. Extension of Pleasant Street (between existing western end of Pleasant Street at Abbott Street and intersection of Commercial and Florence Streets) by construction of a two-way roadway with infrastructure improvements.

**ZONING:** The subject property is located in the Central Business zoning district. The proposed general office use is allowed by right in this district; the proposed business use may be allowed by right or by special permit, depending on the particular business use; and the proposed multifamily residential dwelling use, 6 to 12 stories, is allowed by special permit. A public hearing by the City Council on a petition for a special permit for the multifamily residential dwelling use is scheduled to open on October 27, 2015.

*Note 2: A petition seeking a special permit for retail sales use with 5,000 SF or more of gross floor area (§300.3.4.13.2, MZO) was filed; to date, a public hearing by the Planning Board has not been scheduled.*

**DIMENSIONAL CONTROLS:** The proposal complies with all dimensional controls except the density requirements for the multifamily residential dwelling use and is deficient by 36 to 38% (proposed: 467-482 SF/dwelling unit vs. required: 750 SF/dwelling unit; §§400.1.2.7 and 400.3, MZO). A public hearing by the Board of Appeal on a variance petition is scheduled to open on October 15, 2015.

**PARKING REQUIREMENTS:** The proposal complies with or exceeds parking requirements, providing a total of 310 to 340 parking spaces comprised of:

- 233 to 240 spaces for the dwelling units (0.75 spaces per unit, per §500.2.8.2, MZO).
- 80 spaces for non-residential use (not required, per §500.2.8.2, MZO).
- 7 spaces for car-sharing program (1 space per 50 dwelling unit, per §500.2.8.4, MZO).
- Bicycle parking for 40 bikes in an interior room (per §500.2.8.5, MZO).

**EXPIRATION of RIGHTS:** Rights authorized by a special permit or a variance may lapse within one (1) year from date of granting:

“All rights authorized by a special permit shall lapse within one (1) year from the date of granting if substantial construction or substantial use has not sooner commenced, as determined by the Planning Board at a public hearing convened for that purpose with notice as required by this ordinance.” (§800.3.2.7, MZO).

“All rights authorized by a variance shall be exercised within one (1) year from the date of grant, or such rights shall lapse, except that the Board of Appeal may, upon written application prior to the expiration of the one year time limit, extend such deadline for a period not to exceed six (6) months.” (§800.4.6, MZO).

**TRAFFIC IMPACT:** The City’s peer review of petitioner’s traffic impact and access study is described in correspondence dated October 14, 2015 from Kenneth Petraglia, BETA Group, Inc. and includes recommendations for traffic and safety mitigation and improvements on site and at adjacent and impacted intersections and roadways.

**PLANNING BOARD RECOMMENDATION:** That a variance and special permit be granted subject to the following conditions:

1. File petition and record plan for Approval Not Required subdivision to merge five parcels that comprise the development site: 200 Pleasant Street, 184 Pleasant Street, an unnumbered lot on Florence Street (City PID 051 252 201), land known as Congregational Way and land known as Pleasant Street; no further subdivision is allowed.
2. All residential development shall be as per plans, with minor modifications of floor plans allowed, only as to configuration of dwelling units, not number of units or number of bedrooms; the maximum number of dwelling units is 320; the maximum number of bedrooms is 445; no three bedroom units allowed.
3. All non-residential development shall be as per plans, with minor modification of floor plans allowed but not as to location within the building; any business use except general offices may be located on a street-level floor only; any business use must comply with use regulations and other requirements of the zoning

ordinance; no institutional use of the property, except daycare, is allowed; no industrial use of the property is allowed.

4. Building exteriors shall be as per plans, except minor modifications of façade as to materials, windows and colors allowed, subject to reasonable approval of Malden Redevelopment Authority, Mayor and Ward City Councilor.
5. Exterior open space on the ground level of the site shall be privately maintained with public use and public access rights to be established and maintained in perpetuity per a recorded easement.
6. Pleasant Street adjacent to the property shall be privately owned, subject to public use and access rights to be maintained in perpetuity per a recorded easement; the City shall maintain Pleasant Street and regulate all on-street parking.
7. A minimum of 310 parking spaces shall be provided on-site in the proposed garages; a minimum of 0.75 spaces per dwelling unit shall be for use of the residents of the building.
8. Install pedestrian alert sensors at garage entrance/exit on Exchange Street and Abbott Street.
9. Reconstruct all sidewalks, driveways and perform necessary incidental work, including but not limited to: realignment or resetting of curbing; adjustments of sidewalks and raising or relocating gateboxes, due to grade or elevation changes; installation of handicapped accessibility ramps on corresponding opposite sides of the street; repairs to sidewalks, curbing, roadways, catch basins, and any City property, damaged by and during construction; unforeseen work and details not shown on the plan that arise during the course of excavation and construction; around the perimeter of the site and on ways open to the public within the site, subject to reasonable approval of DPW Director.
10. All new and/or modified curb-cuts shall require approval of DPW.
11. Install within the building a fire control room with appropriated radios for internal communications and appropriate antenna integral to the building structure, location and equipment, subject to reasonable approval of Malden Fire Department.
12. No permanent exterior dumpster is permitted on site after completion of construction; any dumpsters during construction or temporary dumpsters must comply with requirements of Malden Public Health Department; the permanent building must have trash room(s) with compactor(s), and is subject to requirements of the Board of Health and City Ordinances.
13. Provide funds to the City to purchase and install external surveillance security cameras in locations on and around the site, to be determined by Chief of Police and Ward City Councilor, to be monitored by the City.
14. All antennas on the rooftop and any part of the exterior of the building are prohibited except for emergency City antennas.
15. Purchase and install period lighting and associated equipment and perform incidental work, per city specifications, on all sidewalks around the perimeter of the site and on ways open to the public within the site, including the proposed new portion of Pleasant Street.
16. Landscape the site per plans, install trees along all sidewalks around the perimeter of the site and on ways open to the public within the site and along proposed new portion of Pleasant Street; any revisions subject to reasonable approval of Malden Redevelopment Authority, Mayor and Ward City Councilor.
17. Install and maintain an interim beautification plan during construction along the Commercial Street, Florence Street and Exchange Street sides of property to promote/showcase Malden, and excluding any marketing/promotion of the site, subject to the reasonable approval of the Mayor, Malden Redevelopment Authority and Ward City Councilor.
18. Participate with the Malden Redevelopment Authority and Mayor's Office in a joint marketing effort to attract appropriate tenants for the non-residential space.
19. As voluntarily proposed by the developer, contribute a one-time payment of \$2,000.00 per dwelling unit to the City of Malden Expendable Trust Fund, to be used at the City's discretion to mitigate the future impacts of the development and/or infrastructure improvements.
20. Implement and/or install all traffic and safety mitigation and improvements on site and at adjacent and impacted intersections and roadways, as recommended by the City peer reviewer, as described in the correspondence dated October 14, 2015 from BETA Group Inc.
21. This special permit shall expire on December 31, 2017.