

# City of Malden

Massachusetts

Board of Appeal  
200 Pleasant Street, Room 419  
Malden, Massachusetts 02148

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MALDEN, MASS.

Telephone 781-397-7000 Ext. 2031  
Fax 781-397-7362

## BOARD OF APPEAL DECISION

DECISION OF  
January 21, 2015

### PETITION OF:

Cambridge Health Alliance on behalf of Combined Properties for One-Hundred Ninety-Five Canal Street Associates Limited Partnership, for a variance of Sections 500.1.4.13, 500.1.4.27 and 500.3.5.3 of Chapter 12 of the Revised Ordinances of 1991, as amended, of the City of Malden, to amend the variance of parking requirements for medical offices and clinic granted on July 20, 2006, and to vary the parking and loading requirements for an adult day health center use, as per plans, at the property known as and numbered 195 Canal Street, Malden, MA (also known by City Assessor's Parcel ID #058-240-002).

### FINDINGS OF FACT AND DECISION:

The petitioner, Andrew Fugua (Cambridge Health Alliance) on behalf of Combined Properties for One-Hundred Ninety-Five Canal Street Associates Limited Partnership, appeared seeking a variance of Sections 500.1.4.13, 500.1.4.27 and 500.3.5.3 of Chapter 12 of the Revised Ordinances of 1991, as amended, of the City of Malden. The petitioner seeks to amend the variance to the parking requirements for medical offices and clinic granted on July 20, 2006, and to vary the parking and loading requirements for an adult day health center use at the property known as and numbered 195 Canal Street, Malden, MA.

All statutory notices have been met and this petition is properly before the Board.

The property is located in an Industrial 2 Zoning District and contains approximately 201,390 sq. ft. of land and a 75,364 sq. ft. office building. The petitioner proposes to amend the variance of parking requirements granted on July 20, 2006, in addition to varying the parking and loading requirements for an adult, day health center use. Mr. Fugua stated that Cambridge Health Alliance (CHA) plans to operate an adult day health center at the CHA Malden Care Center clinic at 195 Canal Street that would be accessory to the site's primary medical center use. CHA is requesting a parking variance so that CHA's Elder Service Plan (ESP) may operate a care center at which participants may receive counseling, physical and occupational therapies, meals, social work and other supportive services.

The CHA Malden Care Center has 301 off-street parking spaces, a deficiency of 112 parking spaces from the 413 spaces required under the Malden Zoning Ordinance for use of the entire facility as a medical center. The addition of the ESP would increase the number of required off-street parking spaces from 423 to 437 and the deficiency in parking spaces would increase from 112 to 136.

Granting the requested variance will allow CHA to meet an unmet need in the community by enabling more of Malden's elderly to continue living at home and in the community. Elder Service Plan will transport participants to and from the ESP Center by shuttle van. Unlike medical center patients Plan participants will not be driving themselves to the ESP Center or parking at the site. Thus, CHA anticipates that adding this use will reduce, not increase, parking demands at the CHA Malden Care Center.

Consistent with requirements and expectations of the 2006 parking variance for 195 Canal Street, the requested relief remains subject to further review by the Board of Appeal upon substantial occupancy of the second floor of the CHA Malden Care Center. CHA has built out and uses only 12,873 square feet of space, or 34 percent, of the building's second floor. Under the requested variance, CHA will be required to notify the Board of Appeal upon further build-out and occupancy of the second floor and cooperate with the Board to provide such information as it may need to assess the parking needs and demands of the CHA Malden Care Center. CHA believes that this protection will enable the Board of Appeal to better assess CHA's parking needs at 195 Canal Street as a fully or mostly built-out facility and, more importantly, ensure that these needs are met in a manner that is consistent with the intent and purpose of the Malden Zoning Ordinance.

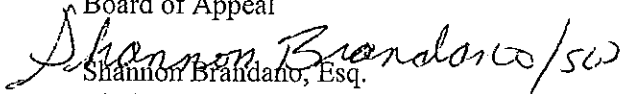
No one spoke in opposition.

After due hearing, the Board found and adopted the facts as alleged by the Petitioner and further found that a literal enforcement of the zoning ordinance would involve a substantial hardship, financial and otherwise. In addition, the requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the purpose or intent of the applicable zoning ordinance.

Upon motion of Claire Croken, seconded by Chief Colangeli, the Board voted unanimously to grant this petition.

**MEMBERS OF THE BOARD VOTING:**

James O'Brien  
Chief, Jack Colangeli  
Clair Croken  
John King  
Deano Summers

Board of Appeal  
  
Shannon Brandano, Esq.  
Clerk