

Ratnakar Vellanki

Precinct 7

Re: Article 53

I looked at Article 53, the substitute motions, ARB materials, plan drawings, assessor records, and relevant zoning and code provisions. I used withdrawn Docket #3862 at 126 Broadway as a stress-test example because it shows how the different interpretations work on a constrained Broadway podium-garage lot. My findings are below. I hope this is useful to Town Meeting Members weighing the article.

Full analysis with interactive floor-plan: <https://ma-data-view.github.io/2026-tm-article-53-decision-aid/>

Quick Conclusions

Article 53 is described as an administrative clarification, but the substitute motions make a substantive policy choice: how to measure the 60% ground-floor commercial requirement for the MBTA-C mixed-use bonus.

- **The current ARB approach produces the best overall outcome in this stress test.** It delivers a real 1,467 sf Broadway-scale storefront, the bonus homes, affordable units, and added tax base. I do not see a problem here that either amendment needs to fix.
- **The Cullinane-Slotnick substitute can make the bonus hard to use on some Broadway lots.** In the example below, the project already has 1,467 sf of storefront, a normal Broadway-scale space that fits all four allowed bonus uses. The substitute asks for another 574 sf on top of that, with no obvious place to put it without taking away parking, access, utilities, bike storage, or required building space.
- **The Macaluso substitute is softer, but not neutral.** It works on this stress-test lot, but can still bind on other constrained layouts.
- **The tradeoff is not just commercial square footage.** If the bonus is skipped, Arlington can lose a bonus floor of housing, affordable units, storefront activation, and tax base.

- ♦ **The revenue tradeoff matters.** Arlington just passed an operating override, and this Town Meeting approved fee increases under an earlier article. We should be careful about making private corridor investment harder when it can add future tax base.
- ♦ **This is a stress test, not every Broadway project.** 259 Broadway and the newer 126-128 Broadway plan appear to pass under Cullinane; withdrawn Docket #3862 shows where the rule can break down.

Three Rules On The Table To Calculate The Commercial Bonus

Rule	Denominator	Outcome on 126 Broadway stress-test lot
Current ARB practice / current bylaw	Enclosed ground-floor area; open garage area not counted	1,467 sf commercial passes; bonus floor remains usable.
Macaluso substitute	GFA, but not less than 50% of Building Area	Works for this lot; may not work for other lots.
Cullinane-Slotnick substitute	Full footprint, including open garage under upper floors	Requires about 2,041 sf commercial; 1,467 sf falls short by about 574 sf. The shortfall cannot readily come from other rooms because they are constrained by bylaw and state-law requirements, so commercial space and revenue are likely lost. That works against the stated objective.

Stress-Test Lot: 126 Broadway / Docket #3862

I use the withdrawn 126 Broadway application because it is the useful podium-garage stress test. It is also the docket where this interpretation issue arose and led the ARB to its current practice.

Parcel	5,407 sf
Ground-floor gross footprint	3,401 sf
Current-practice denominator	1,817 sf
Proposed commercial space	1,467 sf
Homes	14 units, including 3 affordable units
Parking	5 ground-floor garage spaces

Under current ARB practice: $1,467 / 1,817 = 80.7\%$, which exceeds the 60% requirement. Under Cullinane-Slotnick: $60\% \times 3,401 =$ about 2,041 sf, creating an additional requirement of about 574 sf.

Why The Extra 574 sf Is Not Easy To Find

On a typical Broadway podium-garage lot, the likely places to take the extra area are already doing necessary building work:

- **Parking/access:** Zoning Bylaw Section 6.1 and Section 6.1.5 govern off-street parking and parking reductions. Site plan review under Section 3.4.4 also considers safe circulation and access.
- **Bike room:** Section 6.1.12 requires long-term bicycle parking for residential projects; the 126 Broadway plan provides 22 bike spaces.
- **Elevator/accessibility:** 521 CMR and 780 CMR Chapter 11 govern accessible routes and accessibility requirements.
- **Lobby/egress:** 780 CMR Chapter 10 governs means of egress; upper-floor residential units need legal access and exit paths.
- **Trash, loading, and utilities:** Section 6.1.6 governs off-street loading and unloading; Section 3.4.4 site plan review also considers utilities, refuse, screening, access, and service functions.

Result: the amendment may defeat its own stated goal.

The Comment section of the Cullinane-Slotnick substitute says the motion would clarify the calculation and "re-affirm the agreed-upon proportion" of ground-floor commercial use. But on a podium-garage Broadway lot like this model, that proportion is difficult to satisfy. Every place the required 574 sf could come from is constrained by site plan review, the parking bylaw, the building code, or state accessibility law.

The likely result is not the larger storefront the amendment demands. It is a project that cannot use the commercial bonus at all. Without qualifying commercial, the bonus does not apply: the project shrinks, redesigns, or does not get built. That means no bonus-floor homes, no bonus-floor affordable units, no added storefront space, and less future tax revenue.

Is 1,467 sf A Real Storefront?

MBTA-C limits the commercial bonus to eating and drinking establishments, business services, childcare, or retail uses. A 1,467 sf storefront fits each of those categories.

Use category	Why 1,467 sf is enough
Eating and drinking	Fits cafes, bakeries, dessert shops, and small neighborhood food uses.
Retail	Fits independent retail and neighborhood storefront formats.
Business services	Fits small professional offices, salons, studios, clinics, and similar uses.
Childcare	606 CMR 7.07 uses 35 sf indoor activity space per child and 75 sf outdoor play area per child outside at one time.

Existing Broadway storefront examples from Arlington assessor records also show that real storefronts operate in this size range. The website includes the full local comparison table.

Tax-Base Context

For a simple tax-base benchmark, I used the lower of two recent new-construction corridor mixed-use assessment comps from Arlington assessor records: 1157-1163 Mass Ave at \$319 per gross sf and 1500 Mass Ave at \$347 per gross sf.

Benchmark used	\$319 / gross sf
Estimated bonus story	About 2,920 sf
Estimated assessed value	About \$930,000
FY2026 tax rate	\$10.67 / \$1,000
Estimated annual tax on bonus floor alone	About \$10,000 / year

If the whole project becomes financially or physically unworkable, the potential revenue loss can be larger. The web version estimates \$30,000-\$60,000 per year per project as the broader range at risk.

Conclusion

I am not persuaded that either amendment improves the bylaw. The ARB recommended no action. Based on this review, current practice appears more likely to produce the mix of outcomes the bylaw is trying to encourage: usable storefronts, housing, affordable units, and added tax base on constrained Broadway lots.

Sources

- Article 53, 2026 Annual Town Meeting warrant, Cullinane & Slotnick et al.
- Macaluso Substitute Motion, Article 53, dated May 6, 2026.
- Cullinane-Slotnick Substitute Motion, Article 53, dated April 28, 2026.
- ARB Docket #3862, 126 Broadway, including plan set dated January 16, 2025.
- Arlington Zoning Bylaw Sections 3.4.4, 5.8.3, 5.8.4.E(1), 6.1, 6.1.5, 6.1.6, and 6.1.12.
- 521 CMR, Massachusetts Architectural Access Board regulations.
- 780 CMR Chapters 10 and 11, Massachusetts State Building Code.
- 606 CMR 7.07, Massachusetts child care licensing space requirements.
- Arlington Assessor's Office FY2025 parcel records and FY2026 tax rate.
- ULI, ICSC, BOMA, ADA practice-management, and Professional Beauty Association references for commercial space-size context.

Submitted by Ratnakar Vellanki, TMM P7.