

Issues with the Washington Street Vision and Zoning Code
Part 1: Scale of Buildings
Revised July 2, 2019
By Richard Rasala

This document discusses the Scale of Buildings as described in the Washington St Vision and in its associated Zoning Code. This is a topic of intense interest to the Washington St community and to others in Newton who are following the plans for development in the city. We hope to present a proposal for moderate development that will be acceptable to the community and will provide a pathway towards meeting the residential and commercial building goals of the city. The revision of July 2, 2019 adds a summary line to each height table to summarize that height by zone. In addition, links to additional Newton documents are provided.

We subtitle this document “Part 1” since we plan to write about other issues with the Washington St Vision.

Links to Newton City Planning and Zoning Documents

The **Newton Zoning Redesign** site:

http://www.newtonma.gov/gov/planning/lrplan/zoning_redesign.asp

Newton Draft Zoning Redesign Ordinance 2018-10-19:

<http://www.newtonma.gov/civicax/filebank/documents/92269>

Newton Draft Interactive Zoning Comparison Map 2018-10-19:

<http://gis.newtonma.gov/zcompare.html>

Newton Pattern Book 2018:

<http://www.newtonma.gov/civicax/filebank/documents/92259>

The **Washington Street Vision** site:

http://www.newtonma.gov/gov/planning/lrplan/washington_street_vision.asp

Washington Street Vision 2019-04-22 = Hello Washington Street!

<http://www.newtonma.gov/civicax/filebank/documents/96615>

Washington Street Zoning Code 2019-04-22:

<http://www.newtonma.gov/civicax/filebank/documents/96616>

Planning Dept Memo on the Washington St Vision I 2019-05-24

<https://web.northeastern.edu/rasala/zoning/Washington-St-19-05-24-Planning-Memo.pdf>

Fiscal Impact Analysis of the Washington Street Vision Plan (TischlerBise) I 2019-04

<https://web.northeastern.edu/rasala/zoning/Washington-St-19-04-Fiscal-DRAFT.pdf>

Introduction

The general **Zoning Redesign** project in Newton offers ideas and plans to influence buildings and open space in the city for years to come. Let me copy some of the guiding principles of this project as stated in the draft **Zoning Redesign Ordinance** of October 19, 2018. The guiding principles are taken from **Sec 1.2 Purpose**.

Preserving and enhancing the existing character of Newton's traditional walkable villages and neighborhoods, to continue to promote sense of community, respect the existing built form, and honor the historic development pattern inherent to the city.

Permitting redevelopment and infill construction that contributes to and preserves the character of Newton.

Guiding reinvestment in established neighborhoods that builds upon and reinforces their unique characteristics.

Promoting the adaptation and preservation of existing buildings.

Addressing the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm.

Encouraging the use of public transportation, bicycling, and walking.

Reducing the demand for parking facilities and increasing the capacity and efficiency of existing transportation infrastructure.

At the same time as these general zoning principles were being defined, the city of Newton has been engaging in specific zoning plans for:

Washington St from Crafts St to West Newton
Riverside
Needham St [Northland project]

Each of these projects seems to *contradict* the guiding principles quoted above since the massive scale of the buildings proposed, the large number of residential units to be provided, and the intense amount of commercial and retail development will all lead to a much more urban environment in the affected neighborhoods of Newton. These areas will become far more dense in both buildings and human activity than is typical of Newton. This is NOT *preserving and enhancing the existing character of Newton*.

In this document, we will talk about the Washington St project which is known as the **Washington Street Vision**. We will discuss both the **Hello Washington Street!** Document and the **Washington Street Zoning Code**. Similar remarks might well be made about the other two projects.

It is important to state that the general principles of the **Zoning Redesign** plan are echoed in the **Hello Washington Street!** document. Here are some examples:

Newton is a small town community, a collection of villages that each have their own unique identities, cultures, and desires. It is this deep commitment to keeping the villages as they are which has made this vision for Washington Street so exciting. [Page 10]

The Washington Street Vision Plan outlines the objectives for Washington Street 20 years and more from now. The Vision Plan is a policy document that describes what Newton wants to see happen in this area. It describes what the community would like to see built by the private development and business sector. It also describes public infrastructure investments the City of Newton would like to pursue, either through its own financing or in conjunction with public or private partners, in order to enhance the quality of life along Washington Street. [Page 11]

Over the past five years, private development interest in Washington Street has grown, with projects proposed and approved along Washington Street. The fraught community discussions about these recent projects lead many to call for the City to step forward and take a more proactive role in guiding the next round of proposals. The Washington Street Vision Plan addresses this demand for collaborative community visioning and clear guidance for future projects. [Page 15]

The Washington Street Vision Plan, and the zoning that follows, introduces regulatory tools to ensure that new construction, whether new buildings or renovations to existing buildings, is compatible in scale with the vision for each segment of Washington Street. [Page 16]

Residents cherish the intimacy and scale of the villages along Washington Street and value the historical and cultural assets that are here today. [Page 18]

These quotations emphasize that the city agrees that the changes to Washington Street should be driven by the community of the Washington St area (Newton Corner, Newtonville, West Newton) and not by building developers, by the city planning department, or by the elected officials of the city government. The “fraught community discussions” mentioned in one of the quotations above have come about precisely because the community feels that their input into critical design decisions is being ignored and that those who are more powerful are the ones who are deciding what is “best” for Washington Street.

One of the final sections of Chapter 1 of **Hello Washington Street!** is entitled **Fiscal Strength & Economic Development**. Here is an important quotation:

As we plan for the future, it is important to ensure services continue at the same quality as today. As the Washington Street Vision Plan is enacted through zoning, it is being tested for overall fiscal strength: the questions being: if this vision came to fruition through zoning, would there be a fiscal benefit to the city, and if so how much net new revenue might the City expect to see in 20 years? [Page 17]

The question of “**how much net new revenue might the City expect to see in 20 years?**” seems to be one of the driving concerns of the elected officials of the city and the planning department.

If revenue generation is what is really driving the decision process then we say that the process is currently *quite unfair*. Revenue generation will be a *benefit for the entire city* but three neighborhoods (Washington Street, Riverside, and Needham Street) are being asked to bear the full brunt of massive development while the rest of the city of Newton remains in its current idyllic state.

We believe that the developments in the three neighborhoods (Washington Street, Riverside, and Needham Street) should be *beautiful and of moderate scale*. If the city requires further revenue generation then other neighborhoods in the city should be chosen to have similar developments that are beautiful and of moderate scale.

Scale of Buildings

To put the ***Washington Street Vision*** into context, let us quote the definitions of the three types of villages envisioned in the Zoning Redesign plan.

Village 1:

The Village 1 district consists of the smallest village centers in Newton, exemplified by such places as Waban and Newton Highlands. The Village 1 district also encompasses the outer portion of larger villages and mixed use districts that abut residential neighborhoods, where the Village 1 district functions as a transition from the more intense village center districts. This district generally has buildings no taller than three stories that front directly on sidewalks with active storefronts and small commercial spaces that accommodate local businesses.

Village 2:

The Village 2 district consists of the centers of the middle-sized villages in Newton, exemplified by the central parts of Newton Centre and West Newton. This district generally has buildings ranging from two-four stories that front directly on the sidewalk with active store fronts. The Village 2 district contains a mixture of small and medium sized commercial spaces to accommodate mostly local businesses along with some regional and national companies. The intent of this district is to maintain a vibrant mixed-use village atmosphere with a significant residential population and primarily local serving office space. The Village 2 district also serves as a shopping destination for residents of Newton and neighboring municipalities.

Village 3:

The Village 3 district consists of the core area of the larger villages such as Newton Corner. Buildings range in height from three to ten stories and front directly on the sidewalk with active storefronts. The Village 3 district contains a mixture of small and medium sized

commercial spaces to accommodate mostly local businesses along with some regional and national companies. The intent of this district is to maintain a vibrant mixed-use village atmosphere with a significant residential population and office space targeted towards regional and national companies. The Village 3 district also serves as a shopping destination for residents of Newton and neighboring municipalities.

The Village 2 designation explicitly mentions West Newton center. On the proposed zoning map for Ward 3, there are two buildings with Village 2 designation in West Newton center, namely, the CVS building and the Rockport building with its garage. In Newtonville center, there are also two buildings along Washington St with Village 2 designation, namely, the Washington Place building that is under construction and the Bram Block building across the street from that. As for Village 1 buildings, there are a substantial number of such buildings between Crafts St and Lowell Ave and a smaller but significant number of such buildings in the proximity of the center of West Newton. The remaining buildings along this stretch of Washington St fall into the highest residential categories, NG = Neighborhood General and R3 = Residence 3. If the proposal to create an R4 category is adopted, these R3 units would presumably become R4.

What is stated about building heights in the proposed Zoning Redesign code for the buildings on Washington St between Crafts St and West Newton center may be confirmed using Google Maps Street View. Using this tool, one may see photographs of the buildings present at every location on Washington St between Crafts St and West Newton center. Doing this exercise, one may confirm that the four buildings that are actually four stories tall are the four buildings that were zoned as Village 2. All other buildings on this stretch of Washington St are three stories or less.

The tallest buildings currently on Washington St are in Newton Corner. On the Newton Corner traffic circle, the hotel is twelve stories and there are two business/office buildings that are nine stories. Further, west of the Newton Corner traffic circle, there are two apartment buildings that are four stories (at Channing St and at Jewett St). All other buildings in the Newton Corner stretch of Washington St are three stories or less.

From the time that the three buildings of heights nine to twelve stories were build in the Newton Corner traffic circle, these buildings have been considered a scar on the neighborhood. Given this intense feeling, it does not make sense to repeat this mistake by building other similarly tall buildings on Washington St between Crafts St and West Newton center.

The point of this detailed discussion is that the Washington St corridor from Crafts St to West Newton can at most be considered as Village 2. Under no circumstances may it be viewed as Village 3.

This is extremely important because the building sizes in the above Village 2 definition are:

buildings ranging from two-four stories

The *Washington Street Vision* proposes buildings for this corridor that are much higher.

This is very curious since the first PURPOSE stated in the **Washington Street Zoning Code** (Article 9.2 District Standards, page 2-11) is:

To support and protect the existing character of the villages along Washington Street.

The second PURPOSE stated in that document is:

To provide for appropriately-scaled growth and investment within areas identified by the community.

This purpose may be seen as consistent with the first purpose if *appropriately-scaled growth* means that new or redeveloped buildings are normally capped at four stories. We can imagine a small number of exceptions that would permit a few buildings to be as tall as five stories. However, by no interpretation of the words above may it be said that buildings of six stories or higher are *appropriately-scaled to support and protect the existing character of the villages along Washington Street* as these villages currently exist.

The third and final PURPOSE stated in the **Zoning Code** document is:

To provide the community with a predictable outcome from development and redevelopment.

It is not a *predictable or desirable outcome* for the community if developers can propose buildings of six stories or higher along Washington St and the city can approve these buildings without listening to the objections of the residents of the Washington St area.

The people I have talked to in the Washington St area are not anti-development but they are opposed to development that is “over the top”.

The **building scale principles** that we would suggest for the Washington St corridor from Crafts St to West Newton center are:

1. Buildings of up to four stories are approved.
2. Buildings of five stories may be approved by special permit.
3. Buildings of six stories or higher are denied.
4. No special permits may be granted to allow buildings six stories or higher.

You will notice that we are willing to concede buildings of up to five stories even though many in the community might prefer an even lower cap of four stories. What we ask of the city in return is to concede that buildings of six stories or higher will be prohibited.

In addition to limits on the number of stories for buildings in the Washington St corridor from Crafts St to West Newton center, there are needs to be maximum height limits. We suggest:

The **maximum height** of any building in the Washington St corridor from Crafts St to West Newton center should be **80 feet**.

We will explain later in this document how the number 80 feet was derived. This number is a consequence of studying in depth the first story maximum maximum height and the upper story maximum height for all 26 building types as proposed in the **Zoning Code**. By making slight tweaks to two of these values, the maximum height of 80 feet emerges.

It is important to emphasize that a maximum height of 80 feet is an enormous concession by the community given that there is no existing building in the Washington St corridor from Crafts St to West Newton center with height even as much as 50 feet.

As currently written, the **Zoning Code** would permit a building as high as *150 feet*. This is far in excess of what is reasonable for the neighborhood and we hope that the Mayor and the City Council will prevent this from happening by moderating the **Zoning Code**. After all, enforcing such moderation seems to be the point of having a zoning code.

We believe that the **building scale principles** and the **80 feet maximum height rule** are the only way to protect Washington St from *excess development*.

A subtle question is: *When should the space under a sloped roof count as a story?*

We believe that if a building has a sloped roof and *the space under that roof is supplied with electricity and water* then that roof floor should count as a “story”. The principle is that once a space is supplied with electricity and water then people may live or work in that space and therefore the space should count as a “story”. A space under a roof that is simply used for passive storage may be exempted from being counted as a “story”.

A further point is that ***the 80 feet maximum height rule should apply in all situations***. Supplying a building with a sloped roof or having a small portion of a basement level visible above ground should not in any way change the maximum height permitted. **The maximum height should be 80 feet from ground level at the front of the building to the peak of the roof**. It is up to the developer to design a building to meet the limitation of 5 stories and the 80 feet maximum height rule.

Scale of Buildings: A Deep Dive

We will now examine in depth how the **Zoning Code** of 4/22/2019 is structured and *how it would need to be modified* to implement the **building scale principles** and **80 feet maximum height rule** that we have proposed.

The **Zoning Code** makes a radical departure from the framework of the **Zoning Redesign** proposal by introducing seven “districts” or “zones”:

W-RM: Residential Multi Unit
W-NG: Neighborhood General
W-VC: Village Center
W-VG: Village General

W-VY: Village Gateway
 W-SACOM: Station Area Commercial
 W-SACEN: Station Area Center

The first two districts roughly correspond to the highest residential zone and the neighborhood general zone in the **Zoning Redesign** proposal.

The final five districts gradually move from a “village” concept as commonly understood to a reality of *intense urban development*. Just because you choose to label something a “village” does not mean it is a “village”. The following image shows what the planners are thinking:

TABLE 2.1 DISTRICT SUMMARY TABLE

1. RESIDENTIAL MULTI UNIT (W-RM)



2. NEIGHBORHOOD GENERAL (W-NG)



3. VILLAGE CENTER (W-VC)



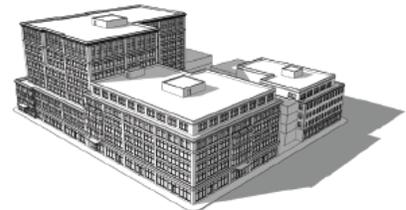
4. VILLAGE GENERAL (W-VG)



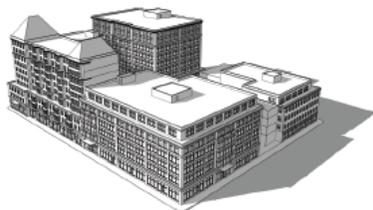
5. VILLAGE GATEWAY (W-VY)



6. STATION AREA COMMERCIAL (W-SACOM)



7. STATION AREA CENTER (W-SACEN)



The Village Center and Village General districts allow for buildings up to four stories or five stories respectively. This fits within our **building scale principles**.

The Village Gateway district as written allows for up to six story buildings. Its justification is curious [Zoning 2-29]:

The W-VY Village Gateway District is a mixed use area located near the Turnpike. The intent of this District is to allow for taller buildings in limited areas at the edges of existing

neighborhoods. This District will help to both mitigate the impacts of the turnpike, provide for a form of mixed use development that is consistent with Newton's character, and expand the tax base that will complement and support the villages. This area allows for a range of heights by right, including 2 to 4 story buildings and 5 story buildings where the top floor is stepped back. Taller, 6 story buildings are also allowed by special permit. This District has a network of required thoroughfares designed to accommodate all modes of travel, with wide sidewalks to encourage active ground-floor uses such as restaurants and cafes, abundant street tree planting, on-street parking, and buildings set close to the sidewalks. Buildings have surface parking at the rear of the lot, underground garage parking, or shared district parking solutions.

It is strange to suggest that buildings of up to six stories will be a mitigation for the impact of the turnpike. This is a "solution" that is worse than the "problem". The most telling reason for considering this option appears to be that it will "expand the tax base that will complement and support the villages". This may be fine for the city government but it is not fine for the residents of the Washington St neighborhoods.

The final two districts, Station Area Commercial and Station Area Center, take the idea of massive development and move it "over the top". *Anyone looking at the architect's rendering for typical buildings in these districts [see the previous page] can see that absolutely no resident of the Washington St neighborhoods would want to have buildings of this size.* To promote such buildings is to repeat the mistake that led to the 9-12 story buildings in Newton Corner.

The justification for the Station Area Commercial is:

The W-SACOM Station Area Commercial District is a limited area targeted for commercial development that can be up to 10 stories in height. This District allows for commercial development opportunities that can help accomplish larger city-wide economic development goals. This District is located in proximity to transit stations and prioritizes commercial development at the limited number of locations that are suitable for larger commercial building types. This District has a network of required thoroughfares designed to accommodate all modes of travel, with wide sidewalks to encourage active ground-floor uses such as restaurants and cafes, abundant street tree planting, on-street parking, and buildings set close to the sidewalks. Buildings have underground garage parking or shared district parking solutions.

The justification for the Station Area Commercial is:

The W-SACEN Station Area Center District is meant to improve the unfriendly edge created by significant highway and transportation infrastructure in this area, so it can become a better, more walkable part of the city. This limited area targeted for higher-intensity mixed use and commercial development that can be up to 10 stories in height. The intent of this District is to allow for commercial tenants to locate near transit to prioritize larger economic development goals, as well as additional housing options. This District has a network of required thoroughfares designed to accommodate all modes of travel, with wide sidewalks to encourage active ground-floor uses such as restaurants and cafes, abundant street tree planting, on-street parking, and buildings set close to the sidewalks. Buildings have underground garage parking or shared district parking solutions.

To read these justifications carefully leads to the conclusion that *they have nothing whatsoever to do with Washington St in particular*. For W-SACOM, the focus is:

- The district provides a limited area targeted for commercial development that can be up to 10 stories in height
- The district allows for commercial development opportunities that can help accomplish larger city-wide economic development goals.
- The district is located in proximity to transit stations and prioritizes commercial development at the limited number of locations that are suitable for larger commercial building types.
- The district has a network of required thoroughfares designed to accommodate all modes of travel, with wide sidewalks to encourage active ground-floor uses such as restaurants and cafes, abundant street tree planting, on-street parking, and buildings set close to the sidewalks. Buildings have underground garage parking or shared district parking solutions.

For W-SACEN, the focus is only slightly different:

- The district is meant to improve the unfriendly edge created by significant highway and transportation infrastructure in this area, so it can become a better, more walkable part of the city.
- The district is a limited area targeted for higher-intensity mixed use and commercial development that can be up to 10 stories in height.
- The intent of this district is to allow for commercial tenants to locate near transit to prioritize larger economic development goals, as well as additional housing options.
- The district has a network of required thoroughfares designed to accommodate all modes of travel, with wide sidewalks to encourage active ground-floor uses such as restaurants and cafes, abundant street tree planting, on-street parking, and buildings set close to the sidewalks. Buildings have underground garage parking or shared district parking solutions.

As you can see, a critical common thread is that these districts are created to “accomplish larger city-wide economic development goals” rather than meet the needs and wishes of the residents of the Washington St area or even the needs and wishes of existing small businesses.

We should look at the areas currently designated as W-SACOM and W-SACEN in the zoning map of the Zoning Code. The map covers two adjacent pages numbered 1-6 and 1-7 in the document. The map may be easier to locate using the overall PDF page numbers 16 and 17.

The only W-SACOM zone on the map is the block on Washington St that currently contains the buildings for Whole Foods and Marty’s Fine Wines, that is, Washington St from Crafts St to Court St. Curiously, the color coding does not show the entire block being used but it is hard to see how anything could be built using only part of the block.

The Crafts St section of Washington St is discussed at length in **Hello Washington Street!** on pages 145-155. There the proposed development is called mixed-use. This is inconsistent with the above description of W-SACOM as being 100% commercial. We suspect that the above

description of W-SACOM should be modified so that it is in line with what **Hello Washington Street!** says about the Crafts St area.

Note that the Crafts St section of Washington St is within 5 minutes walk of the Harvard St entrance to the Newtonville commuter rail stop. One the grandest plans in **Hello Washington Street!** is to provide a deck park over the commuter rail and the turnpike between Central Ave and Walnut St. Not only would the deck park need to be built, Central Ave would need to be extended across the commuter rail and the turnpike to Bowers St [pages 131-133]. This extension of Central Ave would lie between Harvard St and Walnut St.

The only W-SACEN zone currently on the zoning map is in the West Newton transit station and turnpike ramp area. This is discussed at length in **Hello Washington Street!** on pages 89-94. This complex development involves reconfiguring the west bound exit of the turnpike, creating or extending streets north of the turnpike, creating two streets to cross the turnpike, and creating a deck park.

Whereas the Craft St project and the Newtonville deck park may be considered independently, the deck park in West Newton seems more integral to the reconfiguration proposed for West Newton transit and turnpike exit area. We bring this up since deck parks will be expensive.

Here are the financial estimates from page 187 of **Hello Washington St!**. We include a third proposed deck park at Newton Corner for completeness:

Newtonville:	\$46M-\$48M
West Newton:	\$48M-\$50M
Newton Corner:	\$120M-\$184M

It is hard to imagine that developers will give Newton sums of this magnitude simply for being given permission to build the developments that they wish.

We therefore believe that the city should *follow the interests of the residents of Washington St in promoting buildings of moderate scale* rather than simply following the interests of developers who are interested in massive developments. We reiterate from the previous section:

The **building scale principles** for the Washington St corridor from Crafts St to West Newton center should be:

1. Buildings of up to four stories are approved.
2. Buildings of five stories may be approved by special permit.
3. Buildings of six stories or higher are denied.
4. No special permits may be granted to allow buildings six stories or higher.

Further:

The **maximum height** of any building in the Washington St corridor from Crafts St to West Newton center should be **80 feet**.

With this **moderate development** policy, none of the seven districts in the **Zoning Code** would permit buildings of more than five stories or more than 80 feet. We will show the specific adjustments in the **Zoning Code** needed to accomplish this goal in the next section.

We believe that this more moderate zoning code would be applicable to other zones in Newton.

Certainly, the communities near Riverside and Needham St would welcome this moderate code in place of what developers are currently proposing.

Furthermore, there are other important *transit centers* in the City of Newton, namely, the following six stops on the Riverside D line:

Chestnut Hill, Newton Center, Newton Highlands, Eliot, Waban, Woodland

By placing moderately scaled developments near each of these areas, some of the housing and commercial space that would be lost by right-sizing the developments on Washington St, Riverside, and Needham St could be replaced by housing and commercial space in these additional six development areas. Furthermore, if some of these six areas for development are not considered appropriate then the city could consider other locations across the city.

We are acutely aware of the city's wish to create residential and commercial development opportunities that can help accomplish larger city-wide economic development goals. We believe that moderately scaled developments in a substantial number of Newton communities is a much better solution to the economic problems of the city than massive developments focused in three concentrated areas.

Scale of Buildings: How to Moderate the Washington St Zoning Code

To understand how to moderate the **Washington St Zoning Code** to achieve a limit of 5 stories with a height maximum of 80 feet, it is necessary to understand the interactions of multiple elements of the zoning code structure.

The **Zoning Code** defines 21 Building Types and 5 Accessory Building Types. Each such type is given two pages in the **Zoning Code**. On the first page of each pair, the "Building Height" limitations are specified. Therefore, as the **Zoning Code** is currently written, one must look at 26 pages of documentation to determine the overall height rules for Washington St buildings. The fact that vital information is so spread out makes it difficult for some citizens to fully understand what is being proposed in the **Zoning Code**.

Further, for some building types, the maximum height of a building is independent of the district in which the building sits. However, for other building types, the maximum height permitted depends on the district in which the building sits. Therefore, it is necessary to know for each district exactly which building types are permitted in that district.

The documentation for each of the 7 districts provides a list of the building types that are always permitted and an additional list of the building types that may be built by special permit. The documentation uses the following symbols:

- = Permitted
- ◐ = Subject to special permit

Finally, the **Zoning Code** defines two kinds of “building groups” that may be built by special permit within the five “village level” districts. We will see how this nuance affects building height later.

On the next two pages, we will show diagrams of the 21 Building Types and 5 Accessory Building Types. We will then build a one page table that collects all information that relates the 7 districts and the 26 building types together with maximum story height data. Once things are displayed on a single page, they are much easier to understand.

TABLE 3.2 BUILDING TYPE SUMMARY

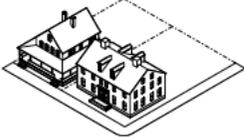
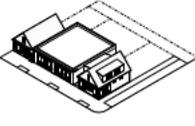
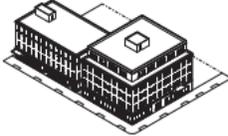
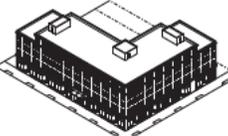
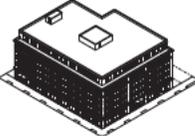
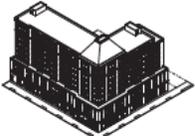
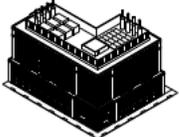
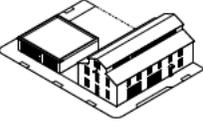
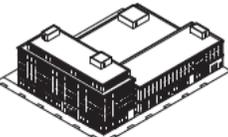
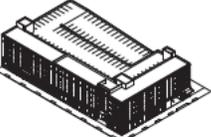
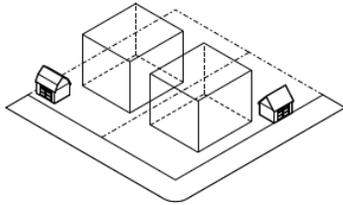
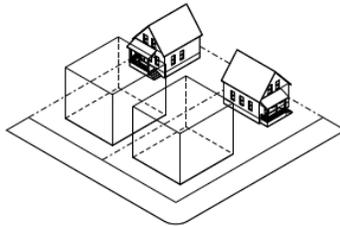
1. SMALL HOUSE	2. HOUSE	3. DUPLEX
		
4. APARTMENT HOUSE	5. SMALL APARTMENT BUILDING	6. TOWNHOUSE
		
7. SHOPHOUSE	8. LIVE/WORK FLEX	9. COMMERCIAL PAVILION
		
10. SHOP	11. APARTMENT BUILDING	12. MAIN STREET BUILDING
		
13. GENERAL BUILDING	14. COMMERCIAL BUILDING	15. GENERAL MIDRISE
		
16. COMMERCIAL MIDRISE	17. LAB BUILDING	18. FABRICATION BUILDING
		
19. LARGE FORMAT BUILDING	20. PARKING GARAGE	21. CIVIC BUILDING
		

TABLE 3.3 ACCESSORY BUILDING TYPE SUMMARY TABLE

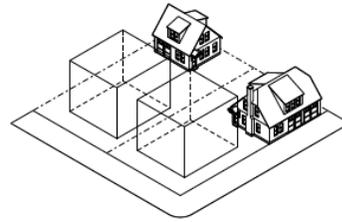
1. RETAIL STAND



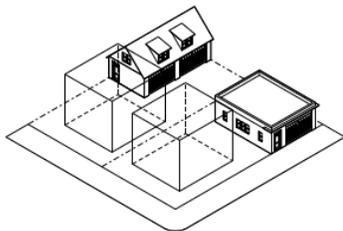
2. BACK COTTAGE



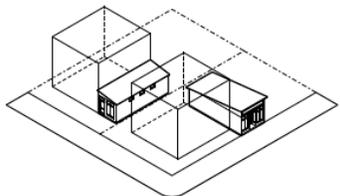
3. CARRIAGE HOUSE



4. FABRICATION SHOP



5. ACCESSORY SHOP



On the next page, we will make a table that lists all 26 building types in column 1. In column 2, we list the MAX of the number of stories allowed for each building type. Columns 3 through 9 are headed by the 7 district types (with the prefix “W” omitted). We use the symbols

- = Permitted
- = Subject to special permit

at the intersection of a building type row with a district column to specify if that building type may appear in that district.

If the maximum number of stories for that building type varies by district then we will follow the symbol in the table cell with the specific story maximum in that particular district.

**Table: District - Building Type - Maximum Story
From Washington St Zoning Code 04-22-2019**

	MAX STORY	RM	NG	VC	VG	VY	SACOM	SACEN
<i>Building Type</i>								
Small House	1	●						
House	2	●	●					
Duplex	2	●	●					
Apartment House	3	●	●	●	●			
Small Apartment Building	3		●	●	●	●	●	
Townhouse	3		●	●	●	●	●	
Shophouse	3		●	●	●	●	●	●
Live/Work Flex	3		●	●	●	●	●	
Commercial Pavillion	1		◐	●	●	●	●	●
Shop	1		●	◐	◐	●		
Apartment Building	3			●	●	●	●	●
Main Street Building	5/6			● 4	● 4	● 5	● 5	● 5
General Building	6/7			◐ 4	◐ 5	◐ 6	◐ 6	◐ 6
Commercial Building	6/7				◐ ?	◐ 5	◐ 6	◐ 6
General Midrise	10						# 10	◐ 6
Commercial Midrise	10						◐	◐
Lab Building	9						◐	◐
Fabrication Building	2							◐
Large Format Building	6/7				◐ 5	◐ 6	◐ 6	◐ 6
Parking Garage	6			# 3	◐ 4	◐ 5	# 6	◐ 6
Civic Building	3	◐	◐	◐	◐	◐	◐	◐
<i>Accessory Building Type</i>								
Retail Stand	1							
Back Cottage	2	●	●					
Carriage House	2	●	●	●	●			
Fabrication Shop	2		●	●	●	●	●	●
Accessory Shop	1		●	●				
MAX STORY BY ZONE		3	3	4/5	5/6	6/7	10	10

We first list some data anomalies that we noticed while making the above table:

? Indicates a building type that is listed as permitted in the district but not given a maximum number of stories in that district

Indicates a building type missing from the permitted list for the district but given a maximum number of stories for that district

A paired entry of the form m/n in the MAX column or MAX STORY BY ZONE row indicates that under certain conditions an additional story may be permitted.

To illustrate the conditions where the **Zoning Code** may permit an additional story, we quote from the documentation for the “Main Street Building Type” on 3-83. This prose is typical of the cases where an extra story may be permitted.

An additional story is permitted, subject to special permit review, if any of the following conditions are met:

- a. An existing significant historic building or building façade is preserved, in accordance with Article 9.3.A.15 Historic Preservation.
- b. The standards for a courtyard block or connected block building group are met, in accordance with Article 9.2.

We will discuss our approach to this rule in a few moments.

Now let us discuss how to modify the Washington St Zoning Code to make it more moderate.

Please recall the **building scale principles** that we suggested for the Washington St corridor from Crafts St to West Newton center in order to implement a **moderate development** policy:

1. Buildings of up to four stories are approved.
2. Buildings of five stories may be approved by special permit.
3. Buildings of six stories or higher are denied.
4. No special permits may be granted to allow buildings six stories or higher.

*The first step in modification of the **Zoning Code** to achieve this goal is to change every instance in the code where more than 5 stories are permitted to make this limit 5 and to not allow any exceptions by special permit beyond that.*

The above table shows exactly where the changes must be made.

For the building types where maximum stories vary by district, that is, for

Main Street Building
General Building
Commercial Building
General Midrise
Large Format Building
Parking Garage

cap the story maximum in each district at 5.

For the building types where maximum stories are fixed for all districts, that is, for

Commercial Midrise
Lab Building

cap the common story maximum at 5.

Finally, we consider how to adjust the wording of the special permit statement above so that buildings of no more than 5 stories will occur. The simplest way to do this is to modify the opening paragraph of the special permit wording:

If a proposed building is no more than 4 stories then an additional story is permitted, subject to special permit review, if any of the following conditions are met ...

Note that this change will have *no effect on historic buildings* since every current building on Washington St from Crafts St to West Newton is no more than 4 stories in height.

The effect of the change in wording is to limit the number of stories in new buildings to 5 stories whatever the circumstances. Courtyard blocks or connected blocks will not define a circumstance that permits buildings of 6 stories to be built.

On the next page, we show the revised story maximum table with all changes.

Table: District - Building Type - Maximum Story Revisions to Enforce the 5 Story Maximum Rule

	MAX STORY	RM	NG	VC	VG	VY	SACOM	SACEN
<i>Building Type</i>								
Small House	1	●						
House	2	●	●					
Duplex	2	●	●					
Apartment House	3	●	●	●	●			
Small Apartment Building	3		●	●	●	●	●	
Townhouse	3		●	●	●	●	●	
Shophouse	3		●	●	●	●	●	●
Live/Work Flex	3		●	●	●	●	●	
Commercial Pavillion	1		◐	●	●	●	●	●
Shop	1		●	◐	◐	●		
Apartment Building	3			●	●	●	●	●
Main Street Building	5			● 4	● 4	● 5	● 5	● 5
General Building	5			◐ 4	◐ 5	◐ 5	◐ 5	◐ 5
Commercial Building	5				◐ 5	◐ 5	◐ 5	◐ 5
General Midrise	5						◐ 5	◐ 5
Commercial Midrise	5						◐	◐
Lab Building	5						◐	◐
Fabrication Building	2							◐
Large Format Building	5				◐ 5	◐ 5	◐ 5	◐ 5
Parking Garage	5			◐ 3	◐ 4	◐ 5	◐ 5	◐ 5
Civic Building	3	◐	◐	◐	◐	◐	◐	◐
<i>Accessory Building Type</i>								
Retail Stand	1							
Back Cottage	2	●	●					
Carriage House	2	●	●	●	●			
Fabrication Shop	2		●	●	●	●	●	●
Accessory Shop	1		●	●				
MAX STORY BY ZONE		3	3	5	5	5	5	5

The numbers in red indicate the places in the Zoning Code where maximum number of stories must be changed to enforce the **5 Story Maximum** rule.

We next consider the height of buildings in feet in relation to the number of stories in the building.

Many people in the community are concerned with how the number of stories in a building translates into the physical height of the building in feet. The table below is a screen snapshot from an Excel spreadsheet that does this computation. In the **Zoning Code**, each building type has a maximum story height for the first story and a maximum story height for all upper stories. These values are placed in the columns “Story 1” and “Upper”. A building type limited to one story has “n/a” in “Upper”. A building type limited to one story has “n/a” in “Upper”.

Washington St Zoning Code Maximum Building Height By Story												
From Washington St Zoning Code 04-22-2019												
Building Type	Story Height Max		Maximum Building Height By Story									
	Story 1	Upper	1	2	3	4	5	6	7	8	9	10
Small House	10	n/a	10									
House	12	10	12	22								
Duplex	12	12	12	24								
Apartment House	12	12	12	24	36							
Small Apartment Building	15	12	15	27	39							
Townhouse	12	12	12	24	36							
Shophouse	18	12	18	30	42							
Live/Work Flex	14	12	14	26	38							
Commercial Pavillion	16	n/a	16									
Shop	25	n/a	25									
Apartment Building	15	12	15	27	39							
Main Street Building	20	12	20	32	44	56	68	80				
General Building	20	12	20	32	44	56	68	80	92			
Commercial Building	20	14	20	34	48	62	76	90	104			
General Midrise	20	14	20	34	48	62	76	90	104	118	132	146
Commercial Midrise	25	14	25	39	53	67	81	95	109	123	137	151
Lab Building	25	16	25	41	57	73	89	105	121	137	153	
Fabrication Building	9	9	9	18								
Large Format Building	20	12	20	32	44	56	68	80	92			
Parking Garage	24	9	24	33	42	51	60	69				
Civic Building	15	12	15	27	39							
<i>Accessory Building Type</i>												
Retail Stand	15	n/a	15									
Back Cottage	12	10	12	22								
Carriage House	12	10	12	22								
Fabrication Shop	15	12	15	27								
Accessory Shop	15	n/a	15									
Maximum Height By Story			25	41	57	73	89	105	121	137	153	151
Notes												
Maximum building heights are computed to the maximum number of stories in the Zoning Code of 4/22/19												
Numbers in red indicate an additional story by special permit												
A Fabrication Building has a maximum of two stories but there is no maximum set for the height of a story												

If we look at the building heights for 5 story buildings, we see that all but two already have heights less than 80 feet. To eliminate these two exceptions, we propose:

Make the following changes to the Story 1 height:

Commercial Midrise: 24
 Lab Building: 16

The table below shows the result of applying both the **5 Story Maximum Rule** and the **80 Feet Height Maximum Rule**:

Washington St Zoning Code Maximum Building Height By Story as Revised												
Enforces the 5 Story Maximum Rule and the 80 Feet Maximum Height Rule												
Building Type	Story Height Max		Maximum Building Height By Story									
	Story 1	Upper	1	2	3	4	5	6	7	8	9	10
Small House	10	n/a	10									
House	12	10	12	22								
Duplex	12	12	12	24								
Apartment House	12	12	12	24	36							
Small Apartment Building	15	12	15	27	39							
Townhouse	12	12	12	24	36							
Shophouse	18	12	18	30	42							
Live/Work Flex	14	12	14	26	38							
Commercial Pavillion	16	n/a	16									
Shop	25	n/a	25									
Apartment Building	15	12	15	27	39							
Main Street Building	20	12	20	32	44	56	68	N/A	N/A	N/A	N/A	N/A
General Building	20	12	20	32	44	56	68	N/A	N/A	N/A	N/A	N/A
Commercial Building	20	14	20	34	48	62	76	N/A	N/A	N/A	N/A	N/A
General Midrise	20	14	20	34	48	62	76	N/A	N/A	N/A	N/A	N/A
Commercial Midrise	24	14	24	38	52	66	80	N/A	N/A	N/A	N/A	N/A
Lab Building	16	16	16	32	48	64	80	N/A	N/A	N/A	N/A	N/A
Fabrication Building	9	9	9	18								
Large Format Building	20	12	20	32	44	56	68	N/A	N/A	N/A	N/A	N/A
Parking Garage	24	9	24	33	42	51	60	N/A	N/A	N/A	N/A	N/A
Civic Building	15	12	15	27	39							
<i>Accessory Building Type</i>				0								
Retail Stand	15	n/a	15									
Back Cottage	12	10	12	22								
Carriage House	12	10	12	22								
Fabrication Shop	15	12	15	27								
Accessory Shop	15	n/a	15									
Maximum Height By Story			25	38	52	66	80	N/A	N/A	N/A	N/A	N/A
Notes												
Maximum building heights are computed to a maximum of 5 stories												
Numbers in red indicate tweaks based on change of Story 1 height												
A Fabrication Building has a maximum of two stories but there is no maximum set for the height of a story												

Summary

In the 3 sections of this document devoted to **Scale of Buildings**, we have shown that a limit of 5 stories for all buildings is what is consistent with preserving the character of Washington St from Crafts St to West Newton while also permitting moderate development. We have also shown that the **80 Feet Maximum Height Rule** is a workable compromise on maximum height. Although 80 feet is substantially more than the height of existing buildings on Washington St, it is much less than the 150 feet that may happen if the **Zoning Code** goes unmodified.

We have argued that this **moderate development** approach is a good model not only for the Washington St neighborhood but also across Newton. We believe that a significant number of scattered moderate sized developments is far better than 3 massive developments focused at Washington St, Riverside, and Needham St.

Further, by doing a detailed analysis of the structure of the **Washington St Zoning Code**, we have shown exactly how to edit the code so that the 5 Story Maximum Rule and the 80 Feet Maximum Height Rule may become guiding principles. No one may say that it will be “too much work to do” to make the necessary changes. The simple revisions to enforce these rules have been demonstrated.

The Mayor and the City Council have stepped out of the box to bring forward the ideas of development in Newton and to provide some initial framework. We request that the Mayor and the City Council boldly step further out of the box to embrace a goal of **moderate development** in many **distributed locations** within the city. This will allow development to grow organically in the city as a whole rather than be a huge disruption to a small number of neighborhoods. The current residents will be pleased with moderate development and the new people who come to live in Newton in the new residential units will feel welcome in the city and not overcrowded.

This document will be posted at:

<https://web.northeastern.edu/rasala/zoning/>