

SUMMARY: MAIN ISSUES

NBN Briefing Book

Neighbors for a Better Newtonville (NBN)

NBN came together to create a forum for the many individuals who were unhappy about a proposed project at the Orr Block, a project that we felt would be significantly out of character with our village center.

This briefing book

This is a compilation of articles (presentations, letters, and other writings) from various NBN members and occasionally from non-members. It is a resource to browse through and dip into more deeply as you need to. There's a section summary and contents at the beginning of each tab.

THE SITUATION

Robert Korff's proposal and petitions

Robert Korff, through his company Mark Newtonville LLC, has purchased 15 properties at the corner of Walnut and Washington Streets, in Newtonville. The total site is 2.85 acres. Mr. Korff has paid 2.3 times more for these properties than their assessed value.

Mr. Korff proposes a development of three buildings, 4 and 5 stories tall. The ground floor would offer about 40,000 square feet of commercial space; on the four upper floors he wants to build 161 rental apartments.

- 15% of these units would be 'affordable' at 50% - 80% AMI.
- 10% would be middle-income affordable at 80% - 120% AMI.
- 75% would be rented at market rates.

The 15 properties on the lot are currently zoned for BU1 and BU2. These zones are primarily targeted at business use, but allow residential use on the top floor(s). However, BU1 and BU2 would not allow Mr. Korff to build the number of stories and apartments he wants. So he has petitioned the city to re-zone the entire lot to the new MU4 designation, which would allow 161 apartments and a height of five stories. He has also petitioned for many waivers, six of them to allow reduced parking regulations.

NBN's opposition to rezoning

The current city administration, and others, enthusiastically support Mr. Korff's proposal. It fits into their vision of the city as a much more urban place, where dense large apartment buildings would appear in villages with Green Line stations and, most important for Newtonville residents, along a long stretch of Washington Street.

However, there are many who strongly oppose the idea of making Newton a much more urban place. NBN is the only organized group representing those people who are concerned about overdevelopment on the Orr Block specifically. Mr. Korff's vision is too big and too dense for the village. It will cause a variety of problems and set a precedent that we do not want and is not appropriate at this particular time.

We know that the Orr Block is going to be 'developed' but we insist that a perfectly good development could be put there *under the current zoning*. A BU-zone development could be quite big and dense. There is no need for rezoning to accommodate still more.

MAIN REASONS FOR OUR OPPOSITION

1. It isn't necessary

The current zoning (BU1 and BU2) encourages commercial activity, and secondary residential activity, while retaining a character typical of New England villages. BU1 and 2 serve the village well.

Meanwhile, comprehensive rezoning is underway for the city. Until this comprehensive rezoning is finished, it is not appropriate to change the zoning of one large parcel. A perfectly good development could be created under BU1 and 2. It could have up to 103 units, including affordable ones. It could have commercial and office space. It could have lovely community areas that would enhance the village. MU4 is not necessary.

1. It would compound the impacts of the Austin Street experiment

Another major project — on Austin Street — has provisional approval under MU 4 (provisional because the project is under litigation).¹

¹ The proposed building on Austin Street is very large for our village. It represent the first time that MU4 has ever been approved for a site. The Austin street project encountered strong opposition from residents, though the city finally approved it anyway. But Austin Street's rezoning should not be used as an argument in favor of rezoning the Orr Block; two wrongs don't make a right.

At the time it was approved, Austin Street was to be far larger than other residential structures in its vicinity.

Austin Street's construction will overlap with Orr Block construction. The Austin Street construction will certainly be hard on residents and businesses, so the idea of rezoning another nearby spot in absence of a complete zoning plan is even more unreasonable.

Austin Street will create a type of building new to the village and MU4 zoning is a type of district not used before in this city. Austin Street should be treated as an experiment; let's see the results before trying a second MU4 just a few blocks away.

3. It would create untimely and dangerous precedents

If the Korff proposal is approved, it will be only the second time MU4 has been used; therefore it would significantly reinforce the Austin Street precedent. Or if Austin Street fails in the courts, the Orr Block would be *the* precedent: a precedent for one-off major rezoning. The Washington Street corridor is one of the areas currently slated for urban-type density, but this is not codified by the city rezoning process. We can wait a little longer.

Mr. Korff is already buying up properties elsewhere on Washington Street. He has a vision that would take the MU4 designation beyond the Orr Block.² But many residents are opposed to that vision. The political situation is uncertain. The tide may turn toward more moderate development. We know that there is a lot of public sentiment in that direction. We should not be establishing precedents that preempt a change.

4. Newtonville is the wrong place for (further) densification

Newtonville is already one of the city's most diverse villages. Compared to many other villages, our house prices are low; we are richer in rental units and diversity of income levels. We are also denser. In other words, we are already fulfilling — under current zoning — the advantages that MU4 is supposed to confer.

5. Much of the community opposes the zone change

As we pointed out above, there are many people in Newtonville and elsewhere in the city who oppose this development as proposed — that is, rezoned. We have collected over 3000 signatures on a petition objecting to the proposal. And a 2014 Survey by a different group showed unequivocally the same sentiment.

² We refer to properties at Kempton Place where The Barn is now located.

The most common complaints are about the size and density of the project. Our signers have not said that they are opposed to development, per se. Many have said explicitly that they favor some development. But they see the massive Korff proposal as inappropriate for this village. A less massive development would be acceptable to them.

6. There will be negative impacts

The proposed project would have negative physical impacts on the character and safety of the surrounding area. Parking is already near capacity in our business districts. The project as planned will bring many new residents and shoppers; it will also have inadequate parking facilities (due to waivers) on-site. So there's no question that parking would become much worse, with distressing consequences to businesses and residents.

Traffic is already a problem, and will likely get worse. Environmental issues exist: The site is contaminated and will have to be carefully monitored. And there will be major problems for abutters due to the construction itself and the much increased evening activity and lighting.

Added schoolchildren are likely to present a fiscal challenge. Mr. Korff assures us that his plan would add only 24 schoolchildren. That's because he would be offering mostly small apartments. But the Orr Block is only 1000 feet from a middle school and an easy half-mile walk from Newton North High School. Our schools are famous for their excellence. Parents will squeeze their families into tight quarters, if they have to, to gain school access.

7. Commercial tax opportunity is being lost

The city needs commercial tax revenue. Yet the Korff development would be mostly residential. The Orr Block could have a greater proportion of stores and offices.

8. The 'affordable housing' benefit is an illusion

Like all Newtonites, we strongly desire 'affordable housing' in Newton. Mr. Korff's complex would include some affordable apartments, but the net effect on affordability in Newtonville would be negative. Consider that 20 existing affordable units will be demolished, so there is very little net gain.

Developers use 'affordable housing' as bait. What we actually would be swallowing would be a building where 75% of the units would be bid up by the many residents of this region who are affluent enough to afford them.

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Tab 1: The Context of Our Opposition

- *The Demographic Context*
Fred Arnstein
 - ¾ *Newton's North Side is strikingly different from wealthier sections: denser, less affluent, more renter heavy, more multi-unit buildings. Newtonville already welcomes diverse incomes and housing types. It's not the right place to push for more density.*

- *A Resident's View*
Helen Nayar
 - ¾ *The essence of Newtonville is its village character. Our village and its residents will be hurt and diminished if zoning is substantially changed.*

- *Excerpts from Newton's Comprehensive Plan*
City of Newton
 - ¾ *These excerpts illustrate the clarity and force with which the plan tries to protect the character of Newton's villages.*

- *Newton's Uncertain Political Climate*
Fred Arnstein
 - ¾ *The Korff petition comes at a time of great uncertainty in Newton's political climate. Even for those who love Korff's vision, the right thing is to reject rezoning, given the circumstances.*

- *Breathing Room, Elbow Room, Quality of Life*
Naomi Myrvaagnes
 - ¾ *The project would diminish the quality of life that Newtonville offers. Don't look at one project at a time, grant it waivers, and then be boxed in by precedent.*

Tab 2: Resident Sentiment — What Newtonites Think

- *A Petition Against Rezoning the Orr Block*
Peter Bruce, Ph.D.
 - ¾ *To date, 3020 residents have signed our petition asking the City Council to reject rezoning of the Orr Block. Many thought the development was just too large.*

Tab 2: Resident Sentiment — What Newtonites Think [cont.]

- *Comment from a Newtonville Resident*
Tom Gorman
 $\frac{3}{4}$ *This online comment captures many of the themes that residents have expressed to us.*
- *What Newtonville Will Be Like If the Korff Colossus Is Built*
Fred Goldstein
 $\frac{3}{4}$ *Another comment from a resident.*
- *What People in Newtonville Want — Results of the Austin Street Community Survey*
Beautiful Newtonville
 $\frac{3}{4}$ *The results of Beautiful Newtonville's 2014 survey are relevant to the Orr Block.*

Tab 3: Affordable Housing — Real Problem / Unreal Solution

- *The Answer*
Shelterforce magazine
 $\frac{3}{4}$ *A one-page graphic answer to: "Why doesn't the market produce enough affordable housing where people want it?"*
- *Is the Orr Development Affordable?*
Pamela Shufro
 $\frac{3}{4}$ *How affordable would Washington Place be? Who could afford it? Let's look at the data. RKG data shows that we already have enough 'workforce' housing at 80-120% AMI. What we lack is housing under 50% AMI, and Korff is not providing any such. There is no hard data on what Newton workers or seniors prefer for housing.*
- *More Housing Means Lower Prices? — Not in Newton*
NBN Compilation
 $\frac{3}{4}$ *A compilation of hard evidence, anecdotal evidence, and plain logic showing that more housing doesn't necessarily lead to lower prices — not in a place like Newton.*

Tab 4: Transportation

- *My Experience with Our Public Transportation*
Bob Kavanagh
 - ¾ *Personal accounts: how Newtonville public transit is very difficult and unsatisfactory, and not likely to improve soon.*
- *Transit-Oriented Development*
NBN Contributors
 - ¾ *Newtonville does not qualify for transit-oriented development status. Some villages do, but not Newtonville.*
- *Dimensional Requirements and Parking Waivers for the Orr Project*
Naomi Myrvaagnes
 - ¾ *There are specific reasons why granting waivers will seriously impeded adequate on-site and on-street parking.*
- *It Just Doesn't Fit: Washington Place's Impact on Newtonville's Parking and Commerce*
Peter Bruce, Ph.D.
 - ¾ *Newtonville already is at or near parking capacity; studies show that the new construction is likely to overwhelm that capacity.*
- *Critique of the NBN Traffic Study*
NBN Contributors
 - ¾ *We can't trust the traffic study's conclusion that traffic won't be increased. Common sense, everyday observation, and statistical criteria say otherwise.*

Tab 5: Fiscal and Business Impact

- *Fiscal Impact and Business Impact*
Peter Harrington
 - ¾ *Commercial property yields higher taxes; its development should be encouraged. But Korff proposes mostly residential use. Korff's development would also hurt local business, and thus would further reduce the city's commercial tax base.*

Tab 6: Legal Issues

- *Density Controls — Letter to Marc Laredo*
Peter Harrington
 - ¾ *Mr. Harrington discusses density controls under different zoning categories.*
- *Who owns Bailey Place and Washington Terrace?*
Peter Harrington
 - ¾ *The Orr Block parcel includes two small streets: Bailey Place and Washington Terrace. The petitioner claims to have ownership rights over both, but he does not. This must be resolved before he can claim them.*

Tab 7: Abutters and Historic District

- *Abutters and Historic District*
Meghan Smith and other material
 - ¾ *Orr Block abutters have strong and legitimate concerns about Washington Place. A letter describes their concerns. The abutters are also part of a Historic District. A development the scale of Washington Place should not be located adjacent to this district.*
- *Letter from an Abutter*
Patrick Slattery
 - ¾ *An abutter who owns a rental property adjacent to the site voices numerous concerns, including about problems arising from the construction process itself.*

Tab 8: Chemical Contamination

- *Chemical Contamination*
James Pacheco, Engineering Consultant
 - ¾ *Potentially hazardous chemical contamination exists under the Orr Block parking lot and the Sunoco Gas Station. NBN wants clean-up monitored throughout construction.*