

SPECIAL PERMIT APPLICATION

TO THE NEWTON CITY COUNCIL

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 2015, as amended, or any other sections

PLEASE REFERENCE SECTIONS OF THE ORDINANCES FROM WHICH RELIEF IS REQUESTED:

Please see attached Exhibit A.

- PETITION FOR: Special Permit/Site Plan Approval
 Extension of Non-conforming Use and/or Structure
 Site Plan Approval

STREET 527 Waltham St aka 1293-1297 Washington Street WARD 3
SECTION(S) 33 BLOCK(S) 11 LOT(S) 12 & 13
APPROXIMATE SQUARE FOOTAGE (of property) 12,047 SF & 5820 SF ZONED BU1
TO BE USED FOR: Restaurant

CONSTRUCTION:

EXPLANATORY REMARKS: Please see attached Exhibit A.

The undersigned agree to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the City Council in connection with this application.

PETITIONER (PRINT) New Towne Hospitality LLC d/b/a Bluebird Bar & Wood-Fired Grill

SIGNATURE 

ADDRESS 1293 Washington Street, Newton, MA

TELEPHONE see below Email see below

ATTORNEY Laurance S.L. Lee, of Rosenberg, Freedman & Lee LLP

ADDRESS 246 Walnut Street, Suite 201, Newton, MA 02460

TELEPHONE 617-964-7000 Email LLEE@RFL-LAW.COM

PROPERTY OWNER Kenmore Realty Corporation

ADDRESS See above and attached authorization

TELEPHONE _____ Email _____

SIGNATURE OF OWNER 

Planning & Development
Department Endorsement

Authorization Regarding Special Permit
Regarding
527 Waltham Street (a/k/a 1293-1297 Washington Street), Newton, MA
Date: February 10 2021

Kenmore Realty Corporation, a Massachusetts corporation, being the owner of the property 527 Waltham Street (a/k/a 1293-1297 Washington Street), Newton, MA, hereby authorizes Attorney Laurance Lee of the law firm of Rosenberg, Freedman & Lee LLP, and any attorney within his law firm, to sign and submit any permit applications, plans and documents, to act in its behalf, and to appear before the City of Newton City Council, as needed, in connection with its special permit amendment for New Towne Hospitality LLC d/b/a Bluebird Bar & Wood-Fired Grill doing business at 527 Waltham Street (a/k/a 1293-1297 Washington Street), Newton, MA.

Joan Feinberg Bems, President Rayllis P. Goodman, Manager
Kenmore Realty Corporation

Exhibit A to Special Permit Application

For 527 Waltham Street (a/k/a 1293-1297 Washington Street), Newton, MA (“Property”)
(SBL: 33011 0013 and 33011 0012)

Special Permit Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend Special Permits #18-98 and #18-98(2)	
§5.1.4 §5.1.13	To waive five parking stalls	S.P. per §7.3.3

Project Description and Site Information:

The Property consists of approximately 12,047 SF of land with an adjacent parcel land consisting approximately 5,820 SF of land being used as a parking lot, located in an BU-1 zoning district. The site is improved with an existing commercial building of various commercial uses. The subject project is the space with an address of 1293-1297 Washington Street, was formerly occupied by Lumiere restaurant, and which is currently occupied by New Towne Hospitality LLC d/b/a Bluebird Bar & Wood-Fired Grill.

The Property is situated in the heart of West Newton Square at the intersection of Washington Street, Watertown Street and Waltham Street.

The Petitioner plans to utilize all 88 seats with a maximum number of employees at 15, which are the SAME numbers as Lumiere. Therefore, there is no change to parking requirements.

Special Permit Relief/Amendment:

The Petitioner is seeking an amendment to Special Permits #18-98 (granted in 1998), which is affected by Special Permit No. 18-98(2) (granted in 2010). The 1998 special permit granted permission for the former Lumiere restaurant to operate at the suite at 1293-1295 Washington Street, which consisted of 65 seats and right to serve alcohol; an 18-space parking waiver was granted at that time. In 2010, the former Lumiere Restaurant expanded into the adjacent suite (1293-1297 Washington Street) and the special permit was amended at that time to increase the seating capacity to 88 and to permit off-site parking for the restaurant’s employees.

Amendment to Special Permits:

Amendment No. 1:

Both the 1998 and 2010 special permits contained a condition that restricted the use of 32 seats in the restaurant before 5:30 PM, and 88 seats after 5:30 PM. This restriction originated by the original Petitioner of Lumiere as a part of his business plan, which was primarily a dinner service high-end fine dining restaurant.

The current Petitioner’s new restaurant, Bluebird Bar & Wood-Fired Grill, is different from Lumiere which caters to a wider range of patrons with a target market of customers being nearby residents of

West Newton, Court employees and visitors, customers of other businesses such as the US Postal Service, Rockport, West Newton Theatre and so on. Therefore, the Petitioner is in need to have use of the entire restaurant space for breakfast, lunch and dinner hours. We, therefore, seek an amendment to the Special Permits by deleting the condition (condition No. 6 in the 2010 special permit) that restricts the hours and seating use.

Amendment No. 2:

The 2010 Special Permit required the Petitioner to lease 5 additional parking spaces from the then nearby Newton Community Services Center located at 492 Waltham Street to employees of the restaurant (See Condition Nos. 2, 3, 4 and 5 in the 2010 Special Permit).

The requirement to have the additional parking spaces proved to be excessive and unnecessary during the last 10 years of operations of Lumiere. Often times, Lumiere did not need to use those parking spaces as employees had alternative means of transportation to the restaurant.

The Petitioner, likewise, does not anticipate the need to use the additional five parking spaces. In 2018, a comprehensive parking study was performed in West Newton Square by Stantec, in connection with the special permit for 1314 Washington Street, which concluded that there were surplus parking spaces in West Newton Square during peak times on Thursdays and Saturdays.

In 2018, pre-COVID-19, West Newton Square was a vibrant village with many businesses in full operations. The parking study by Stantec was done at that time. Today, several prominent businesses have vacated West Newton Square, including recently departed L'Arôme Café and Boston Sports Club. We understand, and hope, that the impacts of COVID-19 are temporary, however, the reality is that we do not know when businesses will return. The simple conclusion is that with such businesses having left, more parking is available for patrons, if needed. It is also imperative that we reduce the financial burden and restrictions on existing businesses to ensure they remain competitive and viable.

In sum, the Petitioner seeks an amendment to the 2010 Special Permit by deleting Condition Nos. 2, 3, 4 and 5. Therefore, with the deletion of said Conditions, the Petitioner seeks relief from Section 5.1.4 for five (5) parking spaces.

Petitioner's narrative regarding employee transportation:

We anticipate our employees utilizing public transportation including the commuter rail, and intend to provide them with complimentary T passes for traveling to and from work. Additionally, we plan to encourage employees who live locally to utilize the blue-bikes programs recently made available to commute whenever weather permits. Lastly, we will implement an employee bonus program for any employees who share in transportation costs, or arrange for family members to drop them off.