

EDENS LETTERHEAD

July 19, 2024

Frederick L. Hill, Chairman
District of Columbia Board of Zoning Adjustment
441 4th Street NW, Suite 200S
Washington, DC 20001

Re: BZA Case No. 21010 – Application (the “Application”) of NL 1271 5TH ST, LLC (the “Applicant”) for Special Exception Relief at 1271 5th Street, NE (the “Property”)

Dear Chairman Hill and Members of the Board:

The Applicant in the above-referenced application seeks, among other things, special exception relief to permit eating and drinking establishment use on the penthouse level of the new mixed-use building (the “Project”) to be constructed on the Property.

As part of the special exception relief for such penthouse use, the Applicant has voluntarily agreed to limit certain design and operational elements of such eating and drinking establishment in response to discussions with a representative of the abutting property ownership, which acknowledges and agrees with such limits as indicated by countersigning this letter below.

The Applicant agrees that the Board of Zoning Adjustment may impose the following items as conditions of any order approving the above-referenced relief:


1. All outdoor dining and/or bar activities associated with any eating and drinking establishment on the penthouse of the Project shall be situated only on a terrace fronting on 5th Street, N.E.
2. During the hours of 10:00 p.m. to 8:00 a.m., no outdoor amplified music shall be permitted on such terrace or any other rooftop outdoor space(s) of the Project, and during the hours of 8:00 a.m. to 10:00 p.m. outdoor amplified music shall be permitted on such terrace or other rooftop outdoor space(s), provided that such outdoor amplified music shall not exceed 65 db(A) when measured at the Property line.
3. During the hours of operation of any eating and drinking establishment use located inside the Project’s penthouse, indoor amplified music shall be permitted, provided such indoor amplified shall not exceed 65 db(A) when measured at the Property line.
4. The hours of operation for eating and drinking services on such terrace shall end not later than: Sunday at 10:00 p.m.; Monday through Thursday (inclusive) at 11:00 p.m.; and Friday and Saturday at 12:00 a.m., provided, that the hours of operation for eating and drinking use and services on such outdoor terrace may commence in the morning as permitted by applicable laws and regulations.
5. All exterior lighting serving the eating and drinking services on such terrace or any other outdoor space(s) on the penthouse level of the Project shall be shielded and

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pointed downward except to the extent required by applicable life safety codes or other applicable laws or regulations.

Respectfully submitted,

NL 1271 5TH ST, LLC, a District of
Columbia limited liability company

By: 
Title: Authorized Signatory

Acknowledged and Agreed and In Support of Application:

By: Taylor Lawch Director
JBG/6TH STREET ASSOCIATES, L.L.C., a
Delaware limited liability company, representative of 1275 5th Street NE