



December 12, 2024

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Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, D.C. 20010

Re: BZA Case No. 21224 – Applicant’s Motion to Late File Revised Self-Certification for 530 Penn Street NE (Square 3594, Lot 0006)

Dear Chairperson Hill and Honorable Members of the Board:

The Applicants, Songbyrd LLC (“**Songbyrd**”) and Ai Pop Up LLC (“**Ai Pop Up**”) as tenants at the Property, on behalf of UM 500 Penn Street, NE LLC, an affiliate of EDENS Development, the owner of the Property (collectively, the “**Applicants**”), submits to the Board a Motion to Late File the revised Self Certification Form 135 attached at **Tab A** clarifying the requested relief in the subject BZA application based on confirmation from the Zoning Administrator and Revised BZA Referral Memorandums¹ attached at **Tab B**, as well as the recent inclusion of Songbyrd as an applicant.

The Applicants request special exception relief pursuant to Subtitle X § 901.2 to allow for the following uses in a PDR zone: (1) eating and drinking establishments with a live performance, night club or dance venue under Subtitle U § 802.1(c) and (2) entertainment, assembly, and performing arts uses, as well as variance relief pursuant to Subtitle X § 1000.1 from the conditions under Subtitle U §§ 802.1(c)(2) and 802.1(e)(2) that these uses shall not abut a residential use or zone.

On December 4, 2024, as outlined in the attached email correspondence and confirmed in the BZA Referral Memorandums at **Tab B**, the Zoning Administrator determined that since both Songbyrd and Ai Pop Up are located on the same lot, no relief is needed from the condition under Subtitle U-802.1(c)(3) and Subtitle U-802.1(e)(3) that “there is no property containing a live performance, night club or dance venue either in the same square or within a radius of one thousand (1,000 ft.) from any portion of the subject property.” As such, the Applicants have modified the subject application accordingly.

¹ The Applicant believes that Songbyrd’s restaurant operations more appropriately fall under an eating and drinking establishment use that provides live music. Thus, despite the email correspondence and BZA Referral Memorandum from the ZA referencing it as a “live music venue” or “entertainment, assembly or performing arts use,” the application requests the stated relief in the revised self-certification.

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As Songbyrd has been added as an applicant, zoning relief for its use has been added to the subject application. In summary, the Applicant requests the following:

For Songbyrd as a restaurant with live entertainment:

- **Special exception relief** under Subtitle X § 901.2 for eating and drinking establishments with a live performance, night club or dance venue in a PDR zone (Subtitle U § 802.1(c)).
- **Variance relief** under Subtitle X § 1000.1 from the condition that eating and drinking establishments with a live performance, night club or dance venue in a PDR zone shall not abut a residential use or zone (Subtitle U § 802.1(c)(2)).

For Ai Pop Up as an entertainment event space:

- **Special exception relief** under Subtitle X § 901.2 for entertainment, assembly, and performing arts uses in a PDR zone (Subtitle U § 802.1(e)).
- **Variance relief** under Subtitle X § 1000.1 from the condition that entertainment, assembly, and performing arts uses in a PDR zone shall not abut a residential use or zone (Subtitle U § 802.1(e)(2)).

If you have any questions, please do not hesitate to contact me on behalf of the Applicants. Thank you for your attention to this application and the Applicants respectfully request that the Board approve the application on December 18, 2024.

Sincerely,

COZEN O'CONNOR



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Certificate of Service

I hereby certify that on this 12th day of December, 2024, a copy of this Revised Self-Certification with attachments was served, via email, as follows:

District of Columbia Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024
planning@dc.gov

Advisory Neighborhood Commission 5D
c/o Salvador Saucedo-Guzman, Chairperson
Hector Arbuckle, SMD 5D01
5D05@anc.dc.gov
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