



December 16, 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**”), seeks to amend the Self Certification Form 135 at Exhibit 29A2 following recent communications with the Zoning Administrator and Department of Buildings (“**DOB**”) regarding the use classification of Songbyrd. As such, the Applicant submits to the Board a Motion to Late File a Revised Self-Certification Form 135 attached at Tab A.

When Songbyrd first opened in 2021, it operated primarily as a restaurant with live entertainment, as reflected on the Certificate of Occupancy, CO2102537 attached at Tab B. Over time, the business shifted toward providing dining services primarily during music events at Songbyrd. As a result, the Zoning Administrator and DOB classify Songbyrd’s current operations as an entertainment, assembly, and performing arts use as outlined in the BZA Referral Memorandum at Exhibit 29B. Therefore, as both Songbyrd and Ai Pop Up have the same use classification, they require the same areas of zoning relief.

In order to be consistent with the Zoning Administrator’s use classification of Songbyrd, the Applicant submits the attached Revised Self-Certification Form outlining the following areas of relief:

For Songbyrd 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)).

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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)).

Advisory Neighborhood Commission 5D and the surrounding community are aware of Songbyrd's existing operations and support its continued use and this BZA application. 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 16<sup>th</sup> 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 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
[planning@dc.gov](mailto:planning@dc.gov)

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