

BZA Case 21224

Applicant:

**Ai Pop Up, LLC & Songbyrd, LLC
UM 500 Penn Street NE LLC
530 & 540 Penn Street NE
(Square 3594, Lot 6)**

Board of Zoning Adjustment

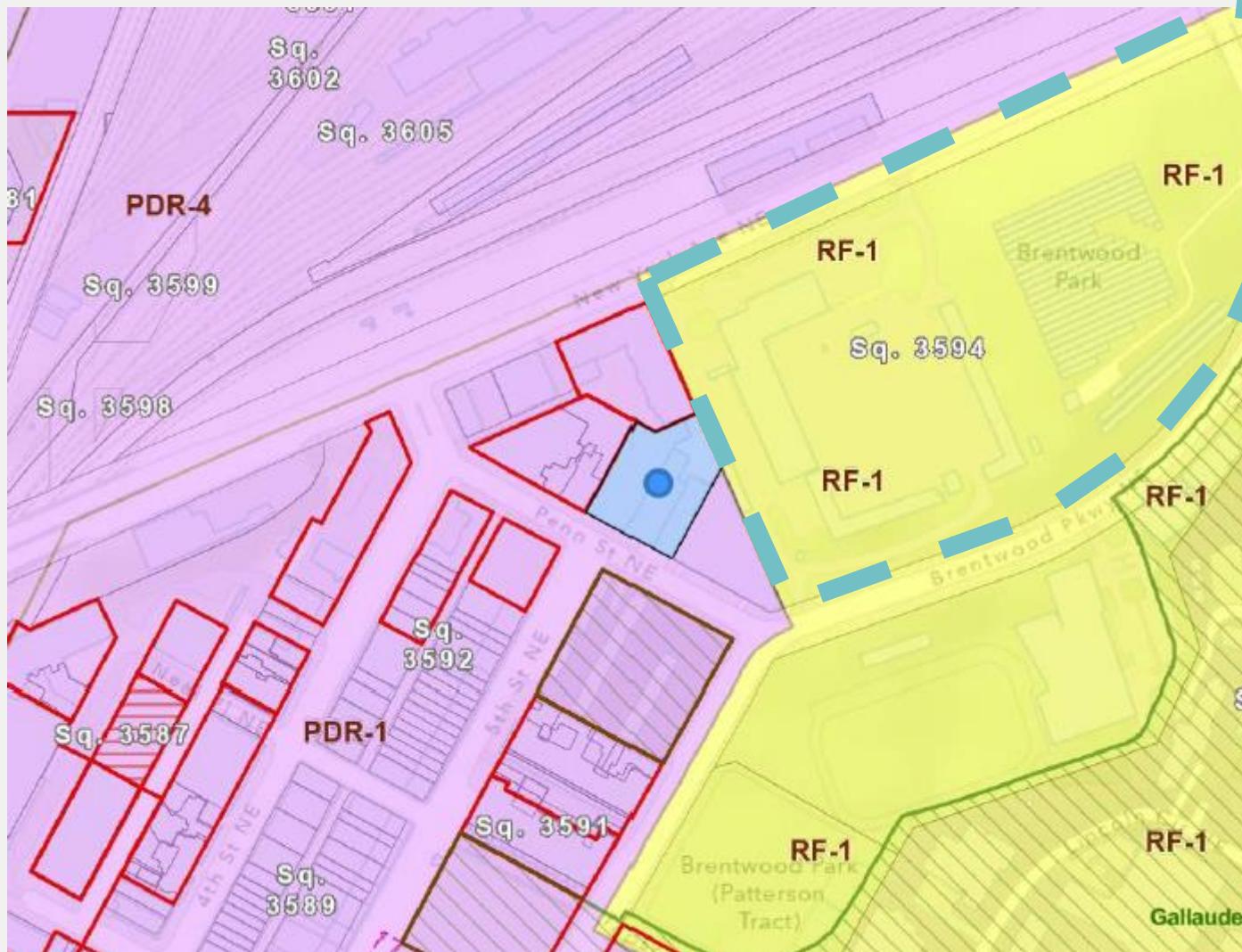
District of Columbia

CASE NO. 21224

EXHIBIT NO. 34



Zoning Map – PDR-1 Zone



Existing Conditions

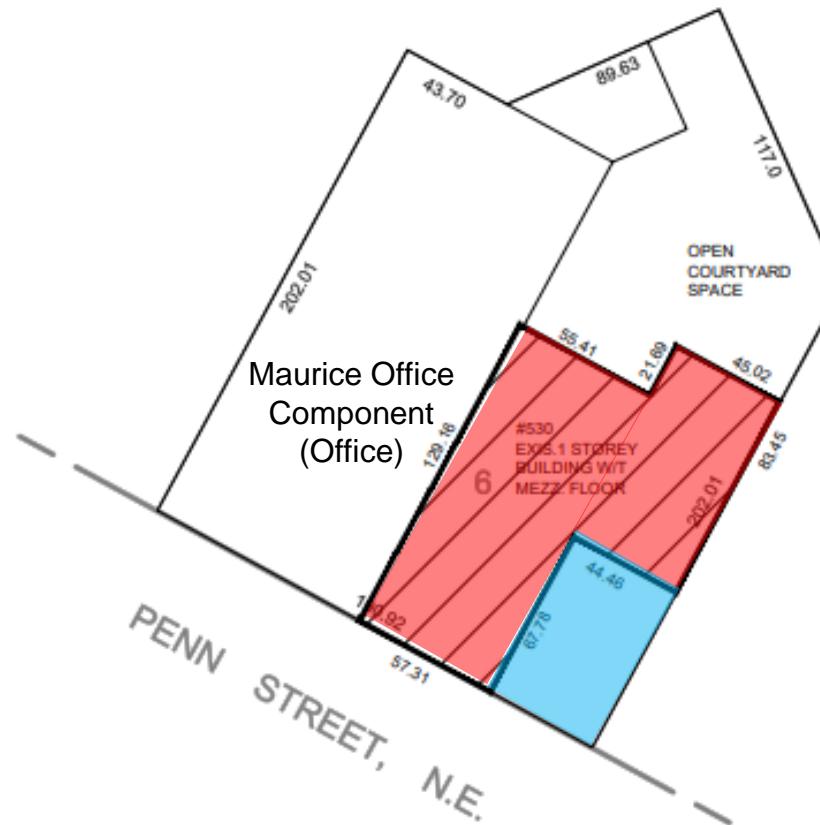


Site Layout

SQUARE 3594

= Ai Pop Up

= Songbyrd



Existing & Proposed Use

Ai Pop Up

- Existing: Vacant office space.
- Proposed: Short-term lease for use as an entertainment event space.

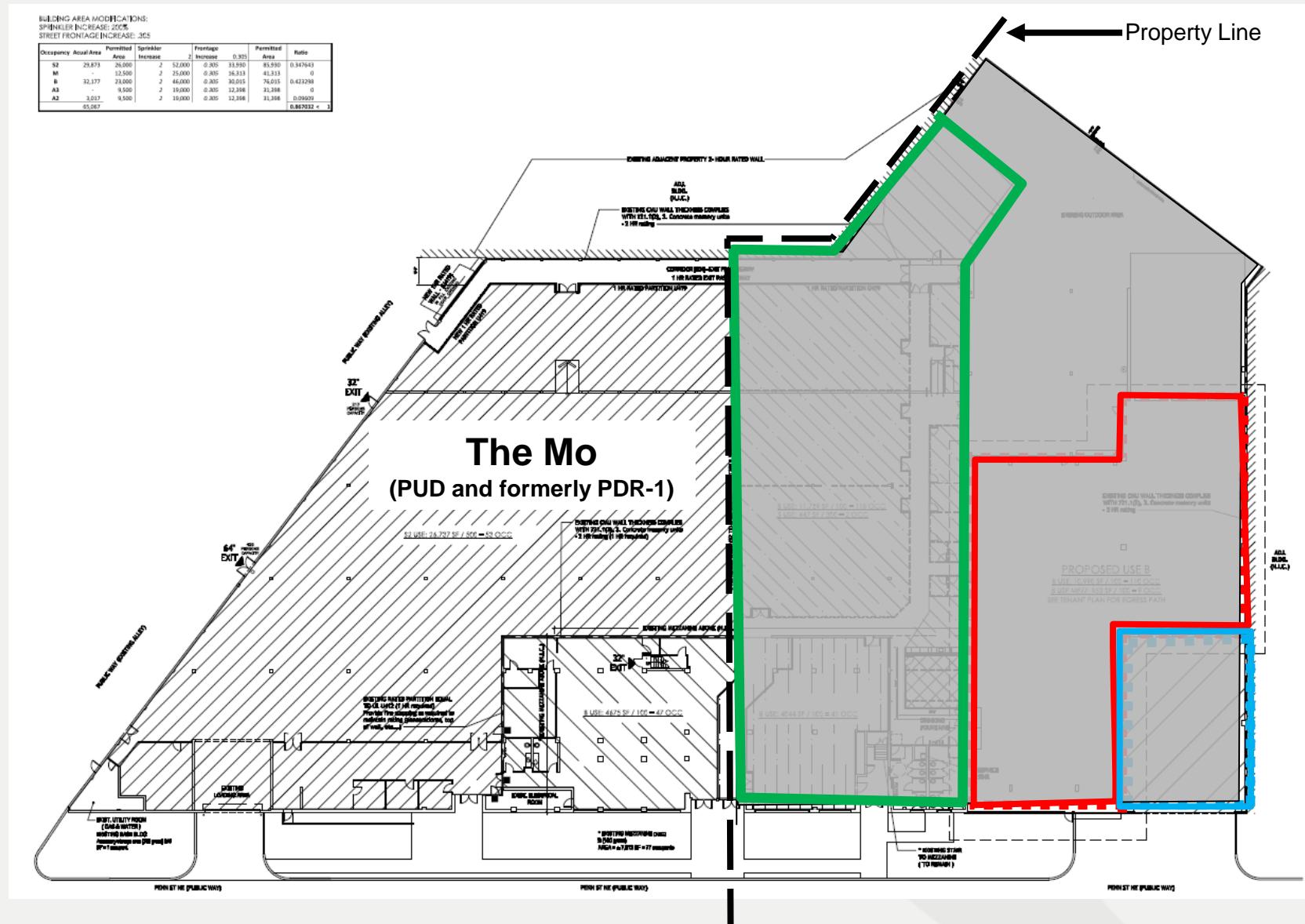
Songbyrd

- Existing: Entertainment event space with food and drink.
- Proposed: To continue existing use as required by DOB Correction Order issued Nov. 7, 2024 (Ex. 24D)

Permit Background

- June 26, 2024 – DOB issued Applicant a temporary C of O for “assembly use for art and music activation” for Ai Pop Up. (Ex. 9)
- Ai Pop Up organized several events to be held at the Property beginning in September 2024.
- September 25, 2024 – DOB informed Applicant that C of O was issued in error and must obtain zoning relief for the proposed entertainment and assembly use by Ai Pop Up.
- October 10, 2024 – Applicant filed this BZA application for Ai Pop Up.
- November 7, 2024 – DOB informed Applicant of relief needed to continue Songbyrd operations. (Ex. 24D)
- November 18, 2024 – Applicant filed prehearing statement adding Songbyrd to BZA application (Ex. 24)

Site Plan



Ai Pop Up

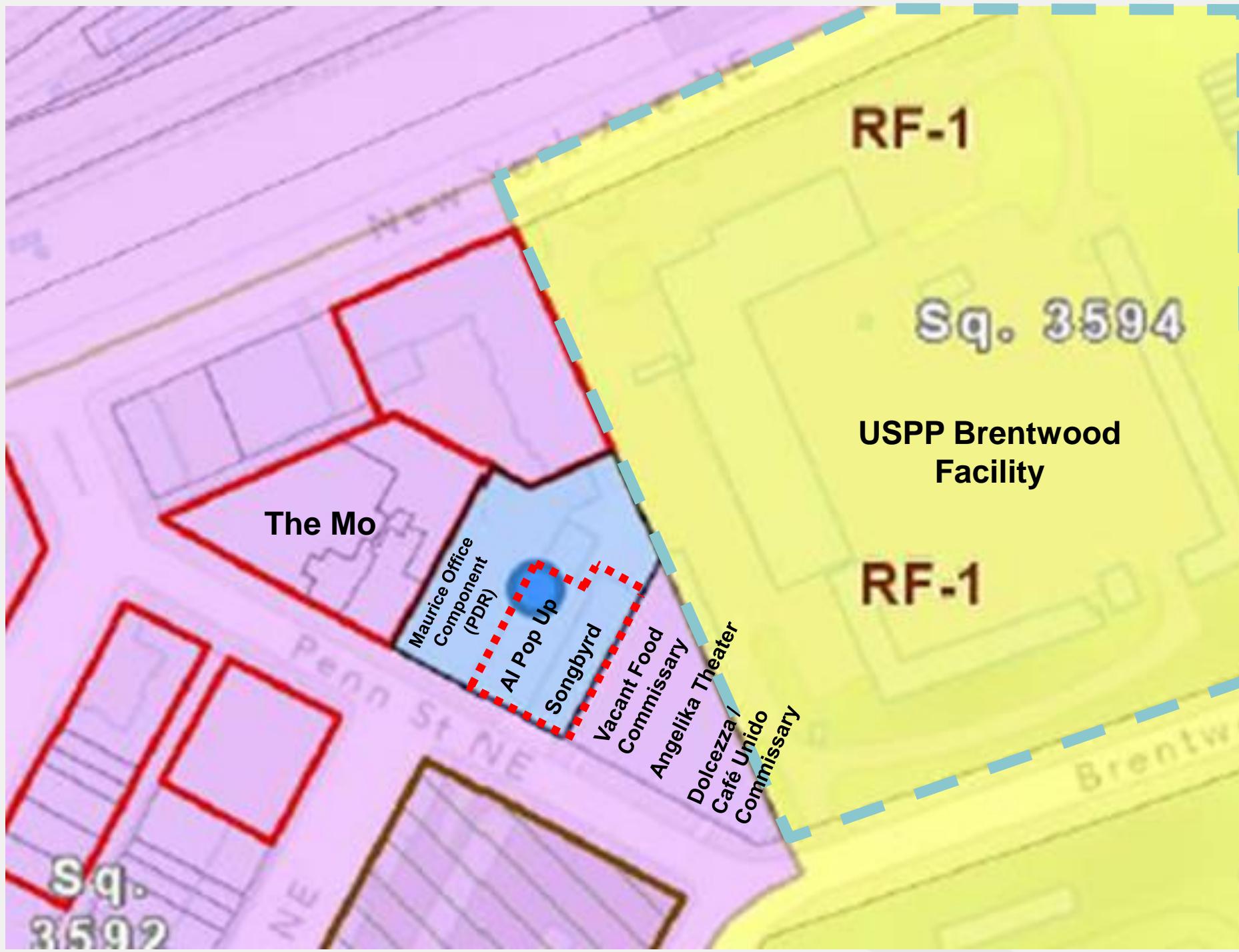
Entertainment, assembly, and performing arts use

Songbyrd

Entertainment, assembly, and performing arts use

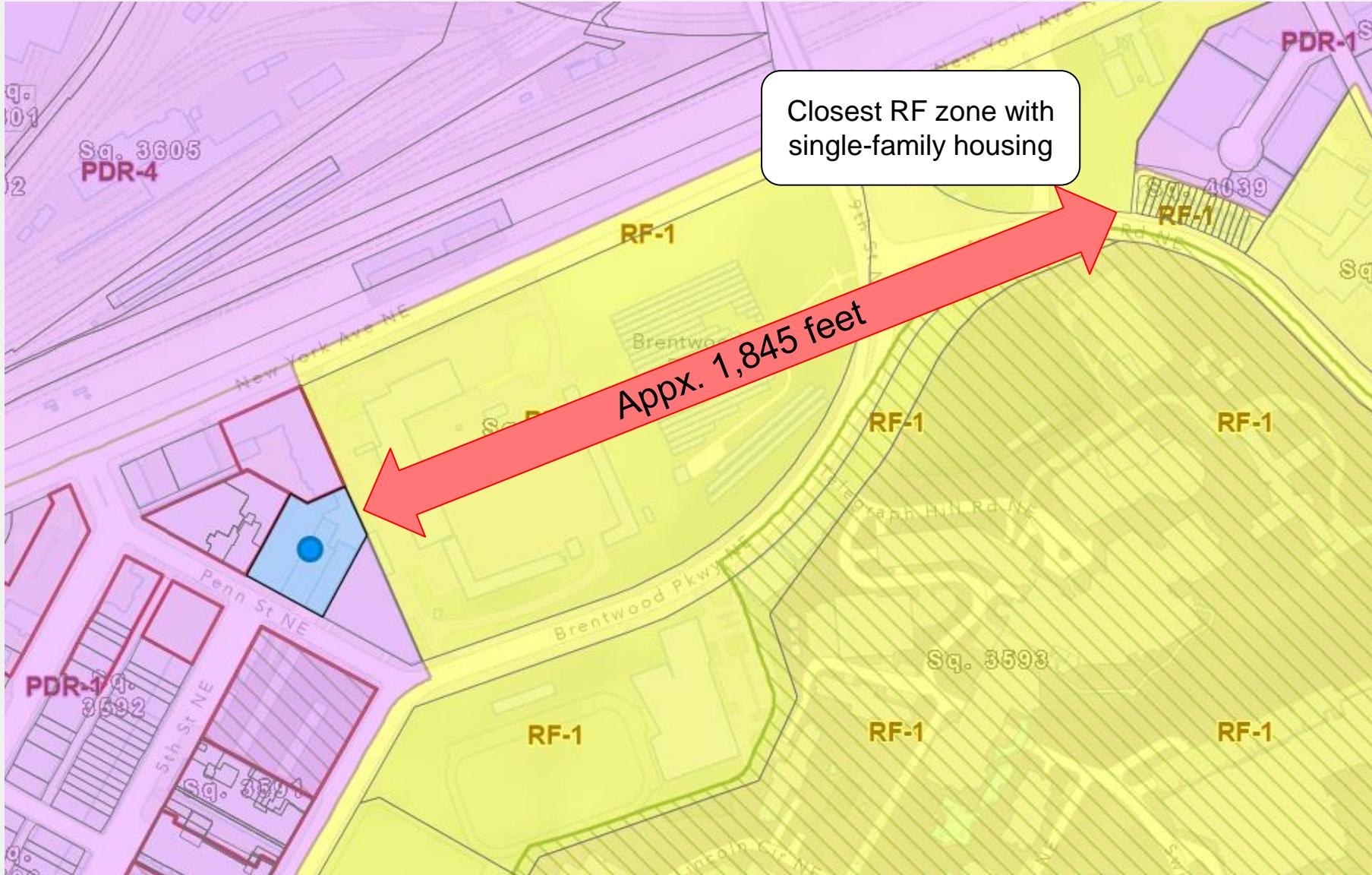
Maurice Office Component

Office use



Residential Use and Zone separated by existing uses and structures.

RF Zone



BZA Relief Requested

- Special Exception – Uses in PDR zone pursuant to Subtitle X § 901.2
 - Entertainment, assembly, and performing arts uses (Ai Pop Up and Songbyrd) – Subtitle U § 802.1(e)
- Variance – Use conditions pursuant to Subtitle X § 1000.1
 - Entertainment use shall not abut a residential use or zone (Ai Pop Up and Songbyrd) – Subtitle U § 802.1(e)(2)

Special Exception Standard – Subtitle X § 901.2

1.) The relief is harmonious with the general purposes and intent of the Zoning Regulations and maps;

- Proposed uses are permitted by special exception and thus anticipated in PDR-1 zone.
- District-wide policy emphasis on infill development of vacant/underutilized properties in New York Ave/Brentwood Corridor.

2.) The relief will not tend to adversely affect the use of neighboring property; and

- Property is located in a vibrant, mixed use area.
- Proposed uses are anticipated to have little impact on abutting property and would advance goals and objectives of the District.

Special Exception Standard – Subtitle X § 901.2

3.) The proposed use would comply with the conditions specified in the Zoning Regulations for the proposed special exception relief:

- The use shall be located and designed so that it is not likely to become objectionable to neighboring property because of noise, traffic, parking, loading, number of attendees, waste collection, or other objectionable conditions;*
 - Proposed uses are anticipated to take place primarily inside the structure.
 - The previous Ai Pop Up events and Songbyrd operations have not become objectionable to the surrounding community.
- The property shall not abut a residential use or residential zone;*
 - The Applicant seeks relief from this condition.
- 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;*
 - Ai Pop Up and Songbyrd are located on the same lot and thus do not conflict with this condition as confirmed by the ZA.

Special Exception Standard – Subtitle X § 901.2

3.) The proposed use would comply with the conditions specified in the Zoning Regulations for the proposed special exception relief.

- External performances or external amplification shall not be permitted; and*
 - The Applicant will not have external performances or amplification.
- The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to: (A) Soundproofing; (B) Limitations on the hours of operation; and (C) Expiration on the duration of the special exception approval;*
 - The Applicant will comply with any additional requirements proposed by the Board.

Variance Standard – Subtitle X § 1000.1

1.) The property is affected by an exceptional situation or condition;

- Confluence of factors
 - Property to rear is owned and used by federal government for vehicle storage/repair by US Park Police
 - The Mo is separated by The Maurice Office Component
 - Ai Pop Up's building permit history and subsequent permit revocation.
 - Ai Pop Up's and Songbyrd's existing operations.

2.) Strict application of the Zoning Regulations would result in practical difficulty; and

- Confluence of factors creates practical challenge in complying with conditions of uses.
- Detrimental reliance on issued building permits.
- Threat to continuing business operations of both Ai Pop Up and Songbyrd.

3.) There is no substantial detriment to the public good or impairment of the zone plan.

- There will be no substantial detriment as a result of the requested relief.
- Existing operations show strong track record of no detriment to public good or impairment of zone plan.

Community Outreach & Agency Review

- ANC 5D Presentations
 - October 17, 2024 – Zoning Committee
 - October 22, 2024 – Committee of the Whole
 - November 12, 2024 – Full ANC Monthly Meeting (voted in support)
- OP Reports (Ex. 27 and Ex. 30) – recommends approval

Questions?