

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of MM Jahanbin LLC**  
**In Support of Special Exception Relief**

**911-913 U Street, N.W. (Square 360, Lots 38-39)**

**I. INTRODUCTION**

This Statement is submitted on behalf of MM Jahanbin LLC (the “Owner”), owner of the properties located at 911-913 U Street, NW (Square 360, Lot 38-39) (the “Properties”). The Owner leases 913 U Street, NW (the “913 Property”) to The Dirty Goose, a locally owned bar serving the LGBTQ community on the vibrant U Street Corridor in Washington, D.C. When weather permits, The Dirty Goose opens up an existing rooftop space for use as a restaurant/bar. The Owner and The Dirty Goose (collectively referred to herein as the “Applicant”) are now proposing to expand that restaurant/bar use to the adjacent rooftop at 911 U Street, while also enclosing a portion of the current open rooftop space on top of the 913 Building.

The 913 Building has an existing enclosed penthouse stair that is entirely on the 913 Property. Subtitle C § 1500.3(c) states that a penthouse may house mechanical equipment, or any use permitted within the zone, except . . . “(c) A nightclub, bar, cocktail lounge, or restaurant use shall only be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.” Even though the stairway itself does not house any bar/restaurant use, and even though the stairway is entirely on the 913 Property where the bar/restaurant use already exists, the Zoning Administrator has determined that because the penthouse stairway opens to a bar/restaurant use, the proposed expansion is subject to Subtitle C § 1500.3(c).

## **II. BACKGROUND**

### **A. About The Dirty Goose**

The Dirty Goose is a locally owned bar serving the LGBTQ community on the vibrant U Street Corridor in Washington, D.C. The Dirty Goose has been open since August 2016 and is looking forward to celebrating its two-year anniversary. The Dirty Goose strives to serve the community and provide a comfortable environment where everyone can feel welcome and safe. Though The Dirty Goose is rather young, the owners, Justin Parker and Daniel Honeycutt, have made it a priority to give back to the community they rely on. In the bar's first year alone, it donated over \$5,000.00 to SMYAL.<sup>1</sup> One of the owners' proudest moments was hosting the SMYAL brunch after party in November of 2017 and raising an additional \$1500.00 for the organization. The Dirty Goose is also a prominent supporter of several local LGBTQ sports leagues including The DC Gay Flag Football League, Stonewall Kickball, and Rogue Darts. Going forward, The Dirty Goose looks to continue providing an open atmosphere for all its customers while continuing to work on becoming an integral part of the community that surrounds them.

### **B. Description of the Properties and Surrounding Area**

The Properties are located in the ARTS-2 zone district and are small interior lots each measuring 1,600 square feet in land area. The surrounding uses consist primarily of retail and eating and drinking establishments. U Street is a prominent corridor with significant vehicle and

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<sup>1</sup> SMYAL (Supporting and Mentoring Youth Advocates and Leaders) supports and empowers lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth in the Washington, DC, metropolitan region. Through youth leadership, SMYAL creates opportunities for LGBTQ youth to build self-confidence, develop critical life skills, and engage their peers and community through service and advocacy. Committed to social change, SMYAL builds, sustains, and advocates for programs, policies, and services that LGBTQ youth need as they grow into adulthood.

pedestrian traffic at this location, and the site is located in the heart of U Street and the U Street Historic District, less than one block from the U Street Metro. Abutting the properties to the west is Velvet Lounge, a bar/nightclub. Abutting the properties to the east is a small real estate office. Abutting the properties to the north and south are an improved public alley and U Street, respectively.

C. Description of Rooftop and Requested Relief

The existing rooftop space on 913 U Street is accessed by an enclosed penthouse stairway. The Applicant is proposing to re-design the existing rooftop space and expand the rooftop bar/restaurant use to the 911 U Street Property. The new rooftop area would have enough space for approximately 43 seats. The penthouse stair is setback fifteen feet (15 ft.) from the front of the building. It measures 4.5 feet in width, 32.75 feet in length, and is 10.42 feet at its highest point, at which point it is setback 47.75 feet from the front of the Building. The proposal also includes enclosing some existing open space on rooftop of 913 U Street, NW.

The existing penthouse does not house any bar or restaurant use but does *lead* to a bar/restaurant use and is entirely on the 913 Property. Subtitle C § 1500.3(c) states that a penthouse may house mechanical equipment, or any use permitted within the zone, except . . . “(c) A nightclub, bar, cocktail lounge, or restaurant use shall only be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.” As the Applicant is proposing to expand the existing bar/restaurant use to the adjacent property, it is requesting relief from the general special exception requirements of 11-X DCMR § 901.2.

**III. THE APPLICATION SATISFIES SPECIAL EXCEPTION REQUIREMENTS OF 11-X DCMR § 901.2, 11-E DCMR § 205.5.**

A. Overview. Pursuant to 11-X DCMR § 901.2 of the Zoning Regulations, the Board is

authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property. In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

B. Requirements of 11-X DCMR § 901.2.

The granting of a special exception in this case “will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps” and “will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps ...” (11 DCMR Subtitle X § 901.2). Given the nature of the relief, the proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

1. The Proposed Project is Harmonious with the General purpose and Intent of the Zoning Regulations and Maps

Subtitle K § 800.1 lists several purposes of the ARTS Zones, including to “expand business and job opportunities, and encourage development of residential and commercial buildings; strengthen the design character and identity of the area by means of physical design standards; and encourage adaptive reuse of older buildings in the area and an attractive combination of new and old buildings.” The Project complies with the general purpose and intent of the zoning regulations in the ARTS districts. The expansion of the bar/restaurant is consistent

with the types of businesses currently located in the area. As discussed above, The Dirty Goose is a thriving business that strengthens the character of the area. The use of the Building as a restaurant/bar is an example of a successful adaptive reuse of older buildings, and the expansion will further contribute to that adaptive reuse. Further, The Dirty Goose has made it a priority to give back to the community upon which it relies and in its first year alone was able to donate over \$5,000 to SMYAL. The Dirty Goose looks to continue providing an open atmosphere for all its customers while continuing to work on becoming an integral part of the community that surrounds them.

2. The Project will not adversely affect the use of Neighboring Property.

The use of the neighboring properties will not be adversely affected by the proposed use. The Dirty Goose currently operates a rooftop bar/restaurant without impacts to the adjacent properties and the proposed expansion will not adversely affect the use of neighboring properties. There are no residential uses adjacent to the site. In addition, the properties are located in a high traffic area, and any noise generated on the penthouse should not impact surrounding properties. The space that is being added from the 911 Property is 567 square feet; however, the Applicant is proposing to enclose 335 square feet on the existing 913 rooftop space, for a net increase of only 232 square feet of open space.

The property to the east at 909 U Street is Senate Realty, a small real estate office. The existing and proposed rooftop use currently operates and will continue to operate primarily during the times when the real estate office is not in use—on weeknights and during the weekend. The other adjacent property to the west at 915 U Street is the Velvet Lounge, a bar/nightclub. The expansion of the existing use will not adversely affect the use of that bar, as the expansion will be on the 911 Property which is two properties to the east of 915 U Street.

The proposal is also subject to ABRA oversight; accordingly, the limits on hours of operations and other controls to limit impact on adjacent properties will be approved through that forum.

**IV. Conclusion.**

For the reasons outlined in this Applicant's Statement, the Applicant respectfully requests the special exception relief as detailed above.

Respectfully Submitted,



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Martin Sullivan  
Sullivan & Barros, LLP  
Date: May 16, 2018