

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 07-21D**  
**Z.C. Case No. 07-21D**  
**BCORE 2201 M ST NW LLC**  
**(Modification Without Hearing of the Approved PUD @ Square 50, Lot 87)**  
**February 27, 2025**

Pursuant to notice, at its February 27, 2025 public hearing, the Zoning Commission for the District of Columbia (“Commission”) considered the application (“Application”) of BCORE 2201 M ST NW LLC (the “Applicant”) for a Modification Without Hearing of the Approved PUD in Z.C. Order 07-21 (the “Original Order”), as extended by Z.C. Order 07-21A and as modified by Z.C. Orders 07-21B and 07-21C for the property located at Square 50, Lot 87 (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations”), to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

**I. INTRODUCTION**

1. The Zoning Commission approved Z.C. Order No. 07-21 on May 12, 2008 to allow the Property to be developed with a hotel and a restaurant on the ground floor. On May 10, 2010, the Zoning Commission granted a two-year extension to the original PUD in Z.C. Order 07-21A. On November 28, 2011, the Zoning Commission approved Z.C. Order No. 07-21B to allow modifications to the approved PUD for a revised hotel design. In 2014, construction on the Property concluded and the Property is now occupied with a Hilton Garden Inn and restaurant on the ground floor. In Z.C. Order 07-21C, dated July 24, 2017, the Zoning Commission approved modifications to signage permitted on the hotel building.

**Parties**

2. The parties to the Original Order were the predecessor in interest to the Applicant (the title owner of the Property), Advisory Neighborhood Commission (“ANC”) 2A, and the West End Citizen Association (“WECA”).

3. On December 27, 2024, the Applicant served the Application on ANC 2A, the West End Citizens Association, and the Office of Planning. (Ex. 2).

## **II. THE APPLICATION**

4. On December 27, 2024, the Applicant filed the Application requesting a modification without hearing, pursuant to Subtitle Z, Section 703, to modify Decision No. A.1. of Z.C. Order No. 07-21C to allow the wall sign currently installed at the top of the Hilton Garden Inn building (described and depicted in Exs. 2A5B1, 2A5B2, 2A6, and 2A7) to remain, with the condition that the sign shall never be illuminated. (Ex. 2).

5. The Applicant presented evidence that hotel wall signs such as the sign at the top of the hotel building on the Property are common in the vicinity of the Property. (Exs. 2 and 2A9).

## **III. RESPONSES TO THE APPLICATION**

### **Office of Planning (“OP”)**

6. OP submitted a report on February 21, 2025, in which it stated that it recommended approval of the Application subject to inclusion in this Order of a condition stating that the existing sign at the top of the building or any replacement in this locale never be illuminated. (Ex. 7).

### **WECA**

7. WECA submitted a letter on January 29, 2025 stating that it continued to oppose the placement of any signage at the top of the building but that if the Zoning Commission is inclined to grant the Application, the WECA requests that it do so on the condition that the existing sign at the top of the building or any replacement in this locale never be illuminated.

### **ANC 2A**

8. ANC 2A did not have a quorum during the review of this Application. Therefore, ANC 2A did not file any response to the Application.

## **CONCLUSIONS OF LAW**

1. Subtitle Z, Section 703.1 authorizes the Commission, in the interest of efficiency, to make modifications without a hearing to final orders and plans.

2. Subtitle Z, Section 703.6 defines a Modification Without Hearing as “a modification in which impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission. Determination that a modification can be approved without witness testimony is within the Commission’s discretion. A request to add or change a zoning map designation to an approved planned unit development shall not be considered without a hearing.”

3. The Commission concludes that the Application qualifies as a Modification Without Hearing within the meaning of Subtitle Z, Section 703.6, as a proposed change to a condition in the final order and therefore can be granted without a public hearing.

4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z, Section 703.10 to serve the Application on all parties to the original proceeding at the same time that the request was filed with the Office of Zoning. The Commission concludes that ANC 2A was allowed 30 days after the request was filed and served on December 27, 2024, to file a response to the Application in accordance with Subtitle Z, Section 703.12.

5. The Commission concludes that, in accordance with Subtitle Z, Section 703.13, this request for a Modification Without Hearing was filed with the Office of Zoning at least 35 days prior to the public meeting at which the request was considered by the Commission.

6. The Commission finds the Application consistent with the intent of the Original Order approval as the proposed modified language to Decision No. A.1. of Z.C. Order No. 07-21C will allow a sign to remain at the top of the hotel building as long as it is never illuminated.

#### **“Great Weight” to the Recommendation of OP**

7. The Commission must give “great weight” to the recommendation of OP stated in the OP Report pursuant to D.C. Code Section 6-623.04 and Subtitle Z, Section 405.9.

8. The Commission finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

#### **“Great Weight” to the Resolution of ANC 2A**

9. The Commission must give great weight to the issues and concerns raised by the affected ANC if stated in writing and approved by the full ANC at a properly noticed public meeting pursuant to D.C. Code Section 1-309.10(d) and Subtitle Z, Section 406.2.

10. ANC 2A did not have a quorum during the review of this Application. Therefore, ANC 2A did not file any response to the Application.

### **DECISION**

In consideration of the record, and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Applicant’s request for a Modification Without Hearing to modify Decision No. A.1. of Z.C. Order No. 07-21C to allow the wall sign currently installed at the top of the Hilton Garden Inn building (described and depicted in Exs. 2A5B1, 2A5B2, 2A6, and 2A7) to remain, with the condition that the sign shall never be illuminated. Decision No. A.1. of Z.C. Order No. 07-21C is amended to read as follows (deletions shown in ~~bold and strikethrough~~ text; additions in **bold and underlined** text). All other conditions in Z.C. Order No. 07-21C, as modified, remain unchanged and in effect.

1. The PUD shall be developed in accordance with the architectural plans and elevations prepared by Shalom Baranes Associates, dated October 7, 2011 (Exhibit 24), as supplemented by the plans presented at the public hearing (Exhibit 36) (the “Plans”),

Z.C. ORDER NO. 07-21D

Z.C. CASE NO. 07-21D

Page 3

as modified by the guidelines, conditions, and standards herein. Notwithstanding the notes on pages A1 and A2 of Exhibit 24, but subject to the flexibility allowed under Condition No. 7(e) (discussed at paragraph 43(b) of this Order), the hotel shall have two signs: (i) one hotel sign shall be above the hotel's entrance on 22nd Street, as shown on pages A1 and A2 of Exhibit 24, and that sign cannot be at a different location or be vertically mounted on the façade of the hotel or illuminated from within, and (ii) one hotel sign shall be an externally illuminated vertical blade sign located on the building's M Street façade near the corner with 22nd Street, and shall be three feet by 10 feet (30 square feet) with two spot lights mounted on each side near the base of the sign. The signage area, locations, and approximate dimensions shall be consistent with Exhibit No 47A of Z.C. Case No. 07-21C. The building ~~shall not have any~~ may have a signage sign at the top of the building as described and depicted in Exs. 2A5B1, 2A5B2, 2A6, and 2A7 of Z.C. Case No. 07-21D, with the condition that any sign at the top of the building must never be illuminated. Ground floor retail signage shall be consistent with either Exhibit 36 of Z.C. Case No. 07-21B or Exhibits 22B and 22D of Z.C. Case No. 07-21C.

**VOTE (February 27, 2025): 5-0-0** \_\_\_\_\_ (Anthony J. Hood, Robert E. Miller, Gwen Wright, Joseph S. Imamura, Tammy Stidham to **APPROVE**)

In accordance with the provisions of Subtitle Z Section 604.9, this Order No. 07-21D shall become final and effective upon publication in the DC Register; that is, on \_\_\_\_\_, 2025.

**BY ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

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**ANTHONY J. HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

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**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING**

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.