

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 (“Planned Unit Development”) in Z.C. Order No. 07-21 (the “Original Order”), as extended by Z.C. Order No. 07-21A and as modified by Z.C. Order Nos. 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. Background

1. Pursuant to Z.C. Order No. 07-21, effective June 27, 2008, the Commission approved a consolidated PUD to develop a hotel and a restaurant on the ground floor of the Property.
2. Pursuant to Z.C. Order No. 07-21A, effective September 3, 2010, the Commission approved a two-year time extension of the approved PUD.
3. Pursuant to Z.C. Order No. 07-21B, effective February 3, 2012, the Commission approved 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.
4. Pursuant to Z.C. Order No. 07-21C, effective November 9, 2018, the Commission approved modifications to signage permitted on the hotel building.

Parties

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

6. On December 27, 2024, the Applicant served the Application on ANC 2A, WECA, and the Office of Planning (“OP”), as attested by the Certificate of Service submitted with the Application (Exhibit [“Ex.”] 2).

II. THE APPLICATION

7. On December 27, 2024, the Applicant filed the Application requesting a modification without hearing, pursuant to Subtitle Z § 703.1, to modify Z.C. Order No. 07-21C to change the conditions of Decision No. A.1. to allow the wall sign currently installed at the top of the Hilton Garden Inn building to remain, with the condition that the sign shall never be illuminated (Ex. 2; *see* descriptions and depictions of the wall sign at Ex. 2A5, 2A5B1, 2A5B2, 2A7).
8. The Application stated that the Applicant acquired the Property from the prior owner in 2022 and in early 2024 undertook certain renovations and brand upgrades for the hotel, including installing a new illuminated wall sign at the top of the Hilton Garden Inn building. Subsequent to installing the sign, the Applicant learned that there was condition language in Z.C. Order No. 07-21C prohibiting the sign and that, due to a clerical error, the D.C. Department of Buildings (“DOB”) mistakenly issued a sign permit to allow installation of the sign (Ex. 2A6). The Applicant was advised by DOB that the sign permit would be revoked on February 2, 2025, unless a new permit was submitted in compliance with Z.C. Order No. 07-21C conditions or an application was filed to the Commission to modify the conditions of Z.C. Order No. 07-21C (Ex. 2A8). The Applicant chose the latter option and filed this Application (Ex. 2).
9. The Application 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 (Ex. 2, 2A9, 2A10).
10. On February 10, 2025, the Applicant submitted a supplemental statement stating that: (i) the Applicant reached out to ANC 2A regarding the Application and was advised that ANC 2A lacks a quorum and cannot take official action for the indefinite future; and (ii) the Applicant acknowledges WECA’s opposition to the Application, based on its January 30, 2025 letter to the case record, and would accept WECA’s condition “that the existing sign at the top of the building or any replacement in this locale never be illuminated.” (Ex. 6).

III. RESPONSES TO THE APPLICATION

Office of Planning

11. OP submitted a report on February 21, 2025, in which it stated that it recommended approval of the Application to allow retention of a single sign at the top of the building 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

12. WECA submitted a letter on January 30, 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 (Ex. 5).

ANC 2A

13. 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 § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications without a hearing to final orders and plans.
2. Subtitle Z §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 §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 § 703.10 to serve the Application on all parties to the original proceeding—in this case ANC 2A and WECA—and OP, at the same time that the request was filed with the Office of Zoning. The Commission concludes that all parties were allowed 30 days after the request was filed and served on December 27, 2024, to file responses to the Application in accordance with Subtitle Z §703.12.
5. The Commission concludes that, in accordance with Subtitle Z § 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. The request was filed on December 27, 2024, and considered by the Commission at its February 27, 2025, public meeting.
6. The Commission agrees to approve the requested modification as the proposed modified condition 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, with the condition that the sign shall never be illuminated.

“Great Weight” to the Recommendation of OP

7. Pursuant to §5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.9, the Commission must give “great weight” to the recommendations of OP (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A. 3d 1079, 1087 (D.C. 2016)).
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. Pursuant to §13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) and Subtitle Z § 406.2, the Commission must give “great weight” to the issues and concerns raised in the written report of the affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A. 3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A. 2d 85, 91 n.10 (1978)).
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 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”), 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 shown in the plans at Exhibits 2A5B1 and 2A5B2 and the photograph at Exhibit 2A7 of Z.C. Case No. 07-21D, with the condition that the existing sign at the top of the building or any replacement in this locale shall 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

(Joseph S. Imamura, Gwen Wright, Anthony J. Hood, Robert E. Miller, and Tammy Stidham to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 07-21D shall become final and effective upon publication in the *District of Columbia Register*; that is, on August 14, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



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.