



Advisory Neighborhood Commission 2A

“Serving the Foggy Bottom and West End communities of Washington, D.C.”

October 9, 2015

Mr. Anthony Hood
Chairperson
District of Columbia Zoning Commission
441 4th Street, N.W., Suite 200-S
Washington, DC 20001
zcsubmissions@dc.gov

**RE: Z.C. Case No. 07-21C PerStar M Street Partners LLC (Square 50)
ANC 2A Opposition to Request for Consent Calendar Modification to
PUD Order**

At its special meeting on October 7, 2015, Advisory Neighborhood Commission 2A (“ANC 2A” or “Commission”) considered the above-referenced matter. With five of seven commissioners present, a quorum at a duly-noticed public meeting, the Commission voted to adopt the following resolution, which was introduced by Commissioner Harmon and seconded by Commissioner Schrefer, by a vote of **(5-0-0)**:

WHEREAS, ANC 2A participated in ZC Case No. 07-21B, Hilton Garden Inn, 2201 M Street, NW, in 2011 and opposed signage that would be inappropriate to the site and neighborhood context and requested in its post hearing submission that “specific language regarding The Hilton Garden Inn sign should be made a condition of the Zoning Order. It should be above the hotel’s entrance on 22nd Street, as shown on pages A1 and A2 of the October 7, 2011 PUD Modification Submission prepared by Shalom Baranes Associates and cannot be at a different location, larger, vertically mounted on the façade of the hotel or illuminated from within;”

WHEREAS, the West End Citizens Association (WECA) participated as a “Party” in Support in ZC Case No. 07-21B and the Applicant was clear that the WECA’s support was conditioned on the Applicant’s assurance that there would only be one sign and that it would be located over the hotel entrance;

WHEREAS, 22 West, A Condominium submitted written comments in opposition to the proposed PUD on October 24, 2011, including the following comment relative to the hotel’s proposed signage:

The October 7, 2011 PUD Modification Submission prepared by Shalom Baranes depicts at A1 and A2 a “Hilton Garden Inn” sign above the entrance on 22nd Street with a note that the “design, location and dimensions” of the signage is illustrative only and that final signage will comply with DC Construction Code requirements. While the illustrative sign may be acceptable, we oppose any signage that is at a different location, larger, vertical, or illuminated from within in the manner of the



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signs for the Marriott or Embassy Suites on 22nd Street and not made a condition of approval of any PUD;

WHEREAS, on February 3, 2012, the Zoning Commission issued Order No. 07-21B with clear direction in its Decision for one hotel identification sign only and it was to be over the hotel entrance;

WHEREAS, on April 24, 2014, ANC 2A and 22 West, A Condominium submitted an appeal to the Board of Zoning Adjustment of the February 10, 2014 determination by the Zoning Administrator that the Hilton Garden Inn sign installed at the top of the hotel’s façade is permitted by the Zoning Order approving the PUD;

WHEREAS, the Board of Zoning Adjustment (BZA) voted 4-0 on October 28, 2014 to grant the appeal and concurred with ANC 2A and 22 West that the plain, unambiguous language of the Hilton Garden Inn PUD Zoning Order permitted only one sign at street level on 22nd Street NW, but the BZA has not yet issued a written decision;

THEREFORE BE IT RESOLVED, that ANC 2A opposes the October 5, 2015 request of Holland and Knight on behalf of its client PerStar M Street Partners LLC for a so-called “minor” modification to ZC Order 07-21B to be placed on the Consent Calendar at the Commission’s next public meeting;

BE IT FURTHER RESOLVED, that ANC 2A does not find that this is a “minor” modification to the Zoning PUD Order in Section 3030 of the Zoning Regulations because it violates both Paragraph A of the Zoning Commission’s Decision and Paragraph 43(b) of Contested Issues, which stated as follows:

(The) Zoning Commission agrees with ANC 2A that the actual signage will not differ from that depicted by the Applicant. Therefore, the Commission is adding a condition that the hotel sign must be above the hotel’s entrance on 22nd Street as shown on pages A1 and A2 of the Applicant’s final set of plans (submitted as Exhibit 24) and that the sign cannot be at a different location or be vertically mounted on the façade of the hotel or illuminated from within;

BE IT FURTHER RESOLVED, that ANC 2A requests that, if the Zoning Commission agrees to consider the proposed modification, ANC 2A opposes the modification and requests that the Zoning Commission place the item on the regular calendar to permit public testimony at a hearing on the proposed modification to ZC Order No. 07-21B.

Commissioners Patrick Kennedy (Patrick.Kennedy@anc.dc.gov), Florence Harmon (2A06@anc.dc.gov), and Rebecca Coder (2A02@anc.dc.gov) are the Commission’s



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representatives in this matter. In addition, the ANC at its meeting approved the use of funds to hire legal counsel in this matter.

We respectfully urge the Commission to give careful attention to the concerns articulated in this resolution and letter.

ON BEHALF OF THE COMMISSION.

Sincerely,

Patrick Kennedy
Chairperson

cc: Chris Collins, Holland & Knight
Bruce Collins, Director of Development, OTO Development
Dennis Mitchell, Development Manager, OTO Development
Barbara Kahlow, Secretary-Treasurer, West End Citizens Association
Marina Streznewski, President, Foggy Bottom Association
Sally Blumenthal, President, 22 West, A Condominium
Councilmember Jack Evans, Ward 2