

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director *JS*
DATE: February 15, 2008
SUBJECT: Final Report for Z.C. 07-21
Consolidated Planned Unit Development at 2213 M Street, N.W.

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I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission approve the consolidated PUD requested in Case #07-21, 2213 M Street, N.W., subject to the resolution of the issues with the District Department of Transportation (DDOT) noted in Sections V. and X. and to the provision of the requested additional information noted in Section VI. and X.

II. APPLICATION-IN-BRIEF

Location: Square 50, Lots 82, 84, 813, 816
Ward 2, ANC 2A

Applicant: Per Star M Street Partners, LLC; 2213 M Street Limited Partners

Current Zoning: CR

Proposed Project: The applicant has applied for a PUD under Chapter 24 of 11 DCMR. The proposed project would be a new hotel with approximately 182 rooms, restaurant and other retail space and below-grade parking. The building would rise 110 feet; include approximately 122,235 square feet of gross floor area, 71 underground parking spaces, of which 48 comply with zoning requirements, and have a 7.84 FAR.

Zoning Relief: The applicant is seeking relief from the following sections of 11 DCMR:

- §633.1, in order to devote less than 10% of the ground floor area to public space.
- §636.1, in order to not have a rear yard on a corner lot;
- §639, in order to have two to three roof structures, with less than a 1:1 setback;
- §2117.4, in order to permit elevators rather than ramps for parking accessibility.

OP's recommendations for approval are generally noted in *plain italics*. Where additional information or resolution of issues is needed, it is generally noted in ***bold italics***.

ZONING COMMISSION
District of Columbia

CASE NO. 07-21

EXHIBIT NO. 27

III. SITE AND AREA DESCRIPTION

The property is on the northwest corner of the intersection of M and 22nd Streets in the West End area of Northwest Washington. The site is currently occupied by the vacant former Nigerian Embassy and Chancery. It is part of Square 50, which is bounded by M, N, 22nd and 23rd Streets.

The West End is a formerly industrial area that was rezoned in the 1970's to encourage mixed use development. The neighborhood has a high concentration of hotel uses. Although the zone requires that non-residential uses comprise no more than 3.0 FAR for each development, hotels are considered as residential uses for the purposes of calculating FAR in the CR zone. There are seven hotels within two blocks of the proposed hotel's site. Overall there is approximately 2.1 million square feet of residential space (exclusive of hotels), 1.7 million square feet of hotels, and 2.8 million square feet of office space in the West End.



Metrorail's Dupont and Farragut North Red Line stations are located approximately six blocks to the east; the Blue/Orange Line's Foggy Bottom station is four blocks to the south. Georgetown begins seven blocks to the west.

IV. PROJECT DESCRIPTION

The applicant wishes to secure approval to build a new 110-foot high, 148-room luxury-branded hotel, with a restaurant and spa open to the public. It would have approximately 122, 235 square feet of gfa, a total of 71 elevator-accessed parking spaces, of which 48 would comply with zoning regulations, and have a 7.84 FAR.

The design of the building is modernist, and incorporates several environmentally progressive architectural and systems features.

At the ground level the building is, in plan, essentially a large square with a small square cut-out of the northwest corner to allow for loading. The remainder of the first floor contains the 22nd Street parking entrance for 70 underground spaces (off of 22nd Street) lobby, restaurants and other publicly-accessible spaces. The less-formal restaurant and bar open directly onto the street via French-type doors. At the second level the shape becomes an L, with an open air garden and cafe in a larger portion of the northwest corner. Guest rooms comprise the rest of the second level. From the third floor up, the buildings is a simple L containing guest rooms.

One of the principle objectives driving the building's design is environmental stewardship. The developer would incorporate environmentally progressive elements that would, according to the applicant, enable the building to achieve LEED silver status, as well as some elements that go beyond LEED silver. The applicant has submitted a LEED checklist identifying elements to be included in the project to which it commits as part of the PUD.

V. COMPREHENSIVE PLAN

A. Future Land Use Map

The applicant's property is designated for mixed-use High Density Residential/Medium Density Commercial. Hotels are considered residential uses in the CR zone. Therefore, the project's 7.84 FAR is consistent with the Future Land Use Map designation.

B. Written Elements

The Comprehensive Plan (the Plan) has sections covering city-wide policies and actions, as well as sections covering particular geographic areas of the District.

The PUD would be consistent with several of the Plan's guiding principles:

- Guiding and Managing Growth. The hotel would be built along major corridors in a densely built area of the city intended for additional high-density uses. It would not require significant new public infrastructure or services.
- Creating Successful Neighborhoods. The West End neighborhood is in need of uses that activate its streets and that are welcoming to the public. The proposed hotel would have its principal corner wrapped by a café intended to be open to the street during temperate weather. If operated as described by the applicant, the lobby lounges, café and 2nd level gardens would be amenities for the neighborhood.
- Building Green and Healthy Communities. This would be one of the building's strongest elements. The many "green" elements of the design would promote environmental sustainability.

Among the several policies of the Land Use Element the proposal would further are 2.2.3, which encourages the removal of vacant and abandoned buildings such as the former Liberian Embassy, and 2.2.4, which encourages neighborhood beautification, which would be furthered by the building's landscaping and the public space improvements proffered as part of the amenities package.

With respect to the Transportation Element, the hotel would incorporate bicycle racks and showers for hotel employees and guests; preferred parking for hybrid/alternative-fuel vehicles and the purchase of alternative-fuel cars for rental by hotel guests, and for hotel business use.

As noted above, the PUD would significantly promote the policies contained in the Environmental Protection Element – most notably 2.2.1, Energy Efficiency; 2.2.4, Alternative Energy Sources; 3.1.2, Using Landscaping and Green Roofs to Reduce Runoff; and, 3.1.3, Green Engineering.

The policies of the Economic Development Element would be furthered by the new construction and long-term jobs, taxes, expansion of the hospitality, tourism and convention industry, and the spending by guests in new hotel rooms. The hotel would also generate interest for its innovative sustainability features.

VI. ZONING AND REQUESTED RELIEF

The site is zoned CR, which encourages mixed-use structures on the periphery of the Central Employment Area, at up to high-density levels. A PUD is permitted 8.0 FAR and 110 feet of height in the CR district. At least 4.0 FAR must be residential, which includes hotel uses in this zone district. This application complies with these regulations. Table 1, on the next page, outlines the application's degree of compliance with other zoning regulations.

Table 1: 2213 M St., NW --Comparison of Matter of Right and PUD Requirements with Proposed Development and Relief Requested or Required

Item	11DCMR Sec.	CR MOR	CR PUD	Proposed PUD	Relief
Lot Area	2401.1	n/a	15,000	15,590	Conforms
Building Height	630 2405.1	90'	110'	110'	Conforms
FAR	631 2405.2	6.0 ≤ 3.0 FAR commercial	8.0 ≤ 4.0 FAR commercial	7.84 Hotel (counts as res. FAR in this CR area)	Conforms
Gross Square Feet	n/a	93,540	124,720	122,235	Conforms
Lot Occupancy	634	100%	100%	90%	Conforms
Public Space	633	10% @ ground level	10% @ ground level	0.0%	Requested
Rear Yard	634	3 in./ft. of height; ≥ 12'	Same i.e., 27'5"	0.0 feet	Requested
Side Yard	405	none required, but if provided, 3"/ft., ≥ 8'	Same	None	Conform
Open Court Width	638.1	IF provided, 2.5"/ft. of height; ≥ 6'	Same 22'11"	45'	Conforms
Closed Court Width & Area	638.1	IF provided, Width: 2.5"/ft. of height, but ≥ 12'. Area=2 x (req. W ²)	Width: Same. i.e., 22.9 feet Area: Same i.e., 1,048.8 sf	Width: 45 feet Area: 1,350 sf	Conforms
# of Roof Structures	411	1	1	3	Requested
Roof Structure Height	411	18'6"	18'6"	18'6"	Conforms
Roof Struc. Setback	400.7	1:1	1:1	1:1 in front 1/3:1 in rear; 0' on party walls	Requested
Roof Struc. Enclosure		1	1	1	Conforms
Roof Structure Coverage	411.7	0.37 FAR	0.37 FAR	0.37 FAR	Conforms
# Parking Spaces	2101.1	1 space/ 4 hotel rooms	46 spaces	48 legal spaces 23 other spaces 71 total valet spaces	Conforms
% Compact Spaces	2115.3	40% of required zoning-legal spaces	40% of required zoning-legal spaces	60% of required zoning-legal spaces	Requested On 12.10.07
Parking Access	2117.4 - .6	Drive ramps and aisles required	Ramps and aisles required	Uses elevators, not ramps and aisles	Requested
Loading	2201.1	1 12'x30' berth 1 12'x20' loading space; 1 220 sf loading platform	Same	1 12'x30' berth; 1 12'x20' loading space; 1 220 sf loading platform	Conforms

The applicant has requested relief from the following zoning regulations:

- §636.1: Rear Yard Requirement. Although the applicant will have a ground floor loading area and a 2,750 open court beginning at the second level, the proposed design does not contain a rear yard. This is a corner site, in an area where the continuity of the street wall and the development of as many active street-facing uses as possible are important. Providing a rear yard would result in a 27'6" gap between buildings on either M Street or 22nd Street. The 2nd level open court will reduce shadowing on the rear of nearby structures. The green elements of the building will more than compensate for the loss of what would otherwise most likely be an impervious rear yard. The urban design contributions of this PUD justify the requested relief from the rear yard requirements, while the landscaped courtyard, and the stated degree of public access to that feature, meet the intent of the zoning regulation. *OP recommends this relief be granted.*
- §411: Roof Structure Requirements.
 - Number: The applicant has asked for relief to construct three roof structures, rather than the one permitted as a matter of right by the zoning regulations. Each would be 18'6". Relief would permit more light to reach the building's L-shaped atrium/vertical garden. The promotion of such an environmental element would mitigate the impact of having multiple roof structures. *OP recommends approval of this relief.*
 - Setbacks: The applicant is also asking for relief from the 1:1 setback required for roof structures from the exterior walls. The amount of regular mechanical and of solar hot water equipment requires the applicant to use the full 37% of the allowable roof area for the roof structures. The applicant states that it would not be possible to do this and achieve the 1:1 setback on both the principal facades and those in the rear. Therefore the applicant is asking for 12'6" of roof structure setback relief in the rear of the building. The roof structures would be setback between 37' and 40' from the property lines bordering the public alley behind the building. *OP recommends approval of this relief.*

The safety railings atop the roof will be 42 inches high, will be set back 42 inches, and will not require relief.

- § 2115.2 Parking Space Size Requirement. **This relief is newly requested** as of the December 10, 2007 pre-hearing statement. The applicant is required to provide 37 parking spaces that meet zoning requirements. Of these, 40% may be designated for compact cars. The applicant requests permission to designate 60% of the spaces for compact car parking.

The applicant has determined the garage's overall capacity to be 71 spaces, through the compact car space relief, through the use of elevators rather than ramps, and through the use of valet parking. Since no vehicles will be self-parked, *OP recommends approval of the requested relief.*

- § 2117.4 Parking Accessibility Requirement. Parking spaces are required to be accessible at all times via unobstructed driveways or ramps. The applicant proposes

using vehicle elevators and valets to access the parking spaces, which have been used successfully in other parts of the District.

At set-down, both the Zoning Commission and OP expressed concern about the impact that the garage's queuing might have on 22nd Street traffic, particularly during the evening rush-hour. In its pre-hearing filing, the applicant included a revised traffic and truck circulation plan, and noted that there would be separate valet parking operations for hotel guests and for restaurant patrons. Guests would have a lay-by lane off-of 22nd Street that would accommodate 4 vehicles. This would eliminate an unspecified number of public street-parking spaces. Restaurant-goers would have a three to four-space drop-off, with no lay-by, on the north side of M Street. This would eliminate four on-street public parking spaces.

At a meeting with the applicant on February 4, 2008, DDOT staff expressed concern about the proposed lay-by, curb cuts and parking entrance on 22nd Street, as well as the newly proposed restaurant drop-off area on M Street. DDOT is currently reviewing these elements in more detail, particularly the desirability of having the garage loaded off-of the rear alley rather than 22nd Street, as proposed.

Pending receipt of written comments from DDOT, OP is not able to make a recommendation on the relief requested from Section 2117.4. OP encourages the applicant to continue working with DDOT to resolve these matters.

- **§ 633 Ground Level Public Space Requirement.** The ground level development in the CR zone is required to provide “the equivalent of ten percent” of the total lot area for public space. It is to be adjacent to the main entrance, open to the public on a continuous basis and open to the sky or have a minimum vertical clearance of 10 feet. The applicant has asked for complete relief from this.

In lieu of the open space, the applicant is proposing to locate the principal café on the building's prime corner, design it to be open to the street when weather permits; encourage public use of the lobby, lounges, garden and other facilities on the ground floor and second levels; and, make the roof deck open to the public. The applicant also responded to OP's preliminary report comments about publicly-oriented measures, and has agreed to provide several publicly accessible environmental education features about the hotel's environmentally sustainable elements and will provide information on purchasing “green” goods used in the hotel rooms. The applicant has refined the exterior wall design of the restaurant space at the corner of 22nd and M Streets to make it much more transparent and open-feeling to passersby, and has asked DDOT for permission to widen the sidewalk in front of the café to provide more space for pedestrians, and a livelier area for the café tables to face.

The applicant has also responded to OP's concerns about the pedestrian environment by reducing the depth of the canopy that would project over the sidewalk. The new design allows for an eight-foot wide sidewalk that outside the area covered by the canopy. Although some of the sidewalk would remain on private property, all of it will now be open to the sky. This could make a pedestrians feel less like they are intruding on hotel

property when walking along 22nd Street. The proposed new design is attached to this report.

- The plans for the lay-by that have been submitted since the original application have eliminated the previously-shown three-foot landscaped island between the lay-by and 22nd Street. OP is concerned that this lack of separation will leave an ill-defined and unattractive space along 22nd Street in front of the building's entrance. ***OP recommends that if a lay-by is provided, there be a landscaped island at least 3-feet wide between the lay-by and 22nd Street.***
- ***Subject to these provisions, and comments DDOT may provide in relation to the relief requested from §2117.4, OP recommends that the requested relief from §633 be approved.***

VII. PROJECT IMPACTS, PUBLIC BENEFITS AND AMENITIES

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is “designed to encourage high quality developments that provide public benefits.” Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved.

A. Project Impacts

The PUD standards state that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project” (§2403.3). The project will have a positive impact.

At setdown OP had recommended the applicant supply additional information and/or evaluation relating to four issues. The applicant has responded satisfactorily to two of these:

1. Ground Floor Façade Details: The glassed in area at the corner of 22nd and M Streets has been made more transparent.
2. Hotel Use Impact on the West End: The applicant addresses this in Exhibit C of its pre-hearing statement. The hotel addresses the upper end of the growing national “luxury-boutique” hotel market niche, which is under-represented in the West End and throughout the District. The applicant’s consultant has compared hotel residential and commercial land use in the West End, categorizing hotels as non-residential uses even in the CR zones. For the overall West End, there is 27% more residential space than hotel space. Within only the subset of the CR zone, where – for zoning purposes – hotels are counted as residential uses, there is 53% more hotel space than residential space. The consultant is aware of only one small West End site that may be in the planning stages for a hotel. OP notes that the developer who had been considering this site has recently decided not to pursue it. There is one relatively large West End site with development potential. Much of that land is owned by the District, which has already indicated there will be substantial housing requirements place on anyone who re-develops the site.

There are two issues for which additional consideration is required.

1. Review of Parking Queuing Impact by DDOT. The applicant has submitted a revised transportation impact study for which, the applicant states, the District Department of Transportation (DDOT) was consulted. As previously noted, OP remains concerned about aspects of the relief requested from § 2117.4, and has requested DDOT input. DDOT has expressed concern to OP about the proposed garage's being entered and exited from 22nd Street.
2. Streetscape: *OP has concerns about the sidewalk space and pedestrian experience at the corner of along 22nd Street, and at the corner of 22nd Street and M Street.* These concerns are noted in detail in the discussion above on relief requested from §§ 2117.4 and 633.

B. Public Benefits and Amenities

§§ 2403.5 - 2403.13 of the Zoning Regulations describe the definition and evaluation of public benefits and amenities. § 2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...” (§2403.12).

The amenities proposed by this project are significant. The hotel would provide for a healthier, more environmentally responsible, and literally green environment than any other hotel now provides in the District.

The applicant has listed several areas which it considers benefits or amenities:

1. Enhanced Urban Design, Architecture, Landscaping and Open Spaces (§2403.9(a)):
Aspects of these qualities have been discussed above and constitute both amenities and public benefits. This project could be one of the most notable contemporary buildings in the city, not only because it would be “green” but also because of its exceptionally high quality of architectural design. The hotel’s “green” elements and its exceptional design would have positive benefits for those working in and staying at the hotel, and for the surrounding neighborhood. The sidewalk café would be on leased public space and would be open to the public. The terrace and roof gardens would be on private space and open to the public.

OP had been concerned that the façade design of the upper floors had not achieved the same level of refinement as the lower floors. After the elimination of façade elements that continued above the roofline, the applicant had not achieved a satisfactory termination for the upper levels. The applicant has achieved this in its newly-filed design, which provides for a progression from relatively small-scaled window mullions on the lower floors to very open metal window frames on the upper two floors.

There are, however, two areas where the urban design and appearance of the building requires improvement. The deficiencies in the sidewalk space on 22nd Street, near its

intersection with M Street have been noted above, in Section V. ***OP recommends that the applicant present an alternative design for the proposed 22nd Street lay-by, sidewalk reconstruction and canopy.*** The alternative should provide additional landscaping between the hotel and 22nd Street, make a clearer and wider pedestrian path, and better balance the relationships among public space furnishings, a public sidewalk, and privately-leased public space that the public is invited to patronize.

OP had also asked the applicant to re-consider its proposed facing for the western and northern building walls and roof structure enclosures. Inclusive of the roof enclosure, they will rise approximately ninety feet higher than the northern and western-adjacent four story structures. The applicant proposed they be painted cementitious surfaces. OP did not find the materials and finishing to be suitable for PUD walls that will have prominent exposure. The applicant submitted a revised design to OP on February 14, 2008. This is attached to OP's report. OP did not have time to review the proposal in detail. It appears that the design has been improved by scoring the exposed wall and distinguishing the color of the roof structure enclosure from the color of the side wall. ***OP is concerned that, despite the design revisions, both the side wall and side of the roof structure remain faced with a painted cementitious surface.***

The applicant should also submit information about exterior signage design and location by the public hearing.

2. Environmental Benefits (§2403.9 (h)): These have been described above. In addition to a healthier, more sustainable environment for hotel employees and guests, this project would have a smaller impact on water consumption and runoff, electricity usage, and possibly air pollution than a comparably-sized standard hotel. This benefits the environment, the health of the District's citizens, and, potentially, future tax and utility rates. This would be the first hotel in the District where the applicant has agreed to achieving LEED certification as a condition of PUD approval, and the first striving for LEED Silver certification.

Environmental features include: extensive use of daylight for lighting the building interior, and automatic controls for artificial lighting; a ventilated double-skin façade; extensive solar panels for hot water; harvesting of rainwater for internal re-use, and use of roof-top pool water for fire sprinklers; dual-flush toilets; grey-water re-use, and an atrium that will promote vertical air circulation and, through use of vegetated walls, air filtration. There is a double layer curtain wall system that has been employed elsewhere for several years that, through air circulation, helps to moderate temperatures and reduce needs for heating and cooling. The floor plan is organized around large atria intended to be vertical botanical gardens that will filter air and bring light and greenery to the first floor and the corridors on other floors. The building will employ dual fresh and grey water systems. The edge of the 12th floor on the 22nd Street and M Street sides will have an intensive green roof. The remainder of that level will have a significant amount of landscaped recreational area. At level 13, almost all of the roofing for the mechanical penthouses will be covered with solar devices collecting water and heating it for use in the building. Pages 10 and 11 of the pre-hearing statement provide more details.

3. First Source Employment Agreement and Local, Small and Disadvantaged Business Enterprises (§2403.9(j)). This has been signed since setdown.

4. Other Community Benefits and Amenities

The following community amenities/benefits are proposed as a result of input received at meetings with member of ANC 2A, the Foggy Bottom Association, and the West End Citizens Association. The total amount of the direct contributions for specific projects would be \$296,000

Under the terms of a Memorandum of Understanding dated November 7, 2007 the applicant would provide ANC 2A with \$146,000 to be divided among the following projects. These projects are listed on pages 12 and 13 of the applicant's statement, and all are subject to DDOT approval:

- 3 segmented public benches, at locations specified in the pre-hearing statement;
- 10 replacement street trees, at locations specified in the pre-hearing statement;
- Three-sided tree box fencing installation or replacement, and landscaping of tree boxes, as described on page 12 of the pre-hearing statement;
- New Washington Globe streetlights adjacent to the project, at locations described on page 12 of the pre-hearing statement.

\$153,500 to the follow groups for the specified projects or services, which are further detailed on pages 13 and 14 of the pre-hearing statement.

- \$35,000 to Olin Conservation, towards the repair of wall frescoes as part of the renovation of St. Mary's Church on 23rd Street, NW;
- \$60,000 to the Foggy Bottom Association (FBA), for its Biennial Sculpture Project. \$45,000 would be earmarked to paying back loans the FBA took out for the 2007 Project, and \$15,000 would be earmarked for the 2009 project;
- \$50,000 to the FBA for renovation of a Dog Park on 26th Street between I and K, subject to DDOT approval;
- \$8,500 to Iris Miller for contractual landscape architecture services to preserve for future use, landscaping now on the applicant's site, and to develop landscaping standards for the West End.

Although providing money to help FBA pay back its loans may enable the FBA to serve the community better in the future, OP does not consider the loan payback to be an element that should be considered part of a benefits and amenities package. Nevertheless, in OP's estimation, the project's overall benefits and amenities sufficiently balance the additional FAR and requested relief requested for the PUD.

VIII. AGENCY COMMENTS

The applicant has met with DDOT. DDOT has reviewed the PUD applicant internally and has expressed significant reservations about the proposed lay-by, the location of the parking entrance and other features. It is also continuing to work with the applicant on aspects of the proposed amenities package. DDOT plans to submit written comments to the Commission. ***OP recommends the applicant make every effort to resolve these important issues with DDOT prior to the public hearing.***

There had been no other agency comments as of February 14, 2008.

IX. COMMUNITY COMMENTS

The chair of ANC 2A has signed a Memorandum of Understanding dated November 19, 2007 stating that in reliance on the MOU, which provides for the community benefits and amenities listed in Section VI. B of this report, the ANC agrees to support the case. (Cf. Exhibit E of the Applicant's Pre-Hearing Statement).

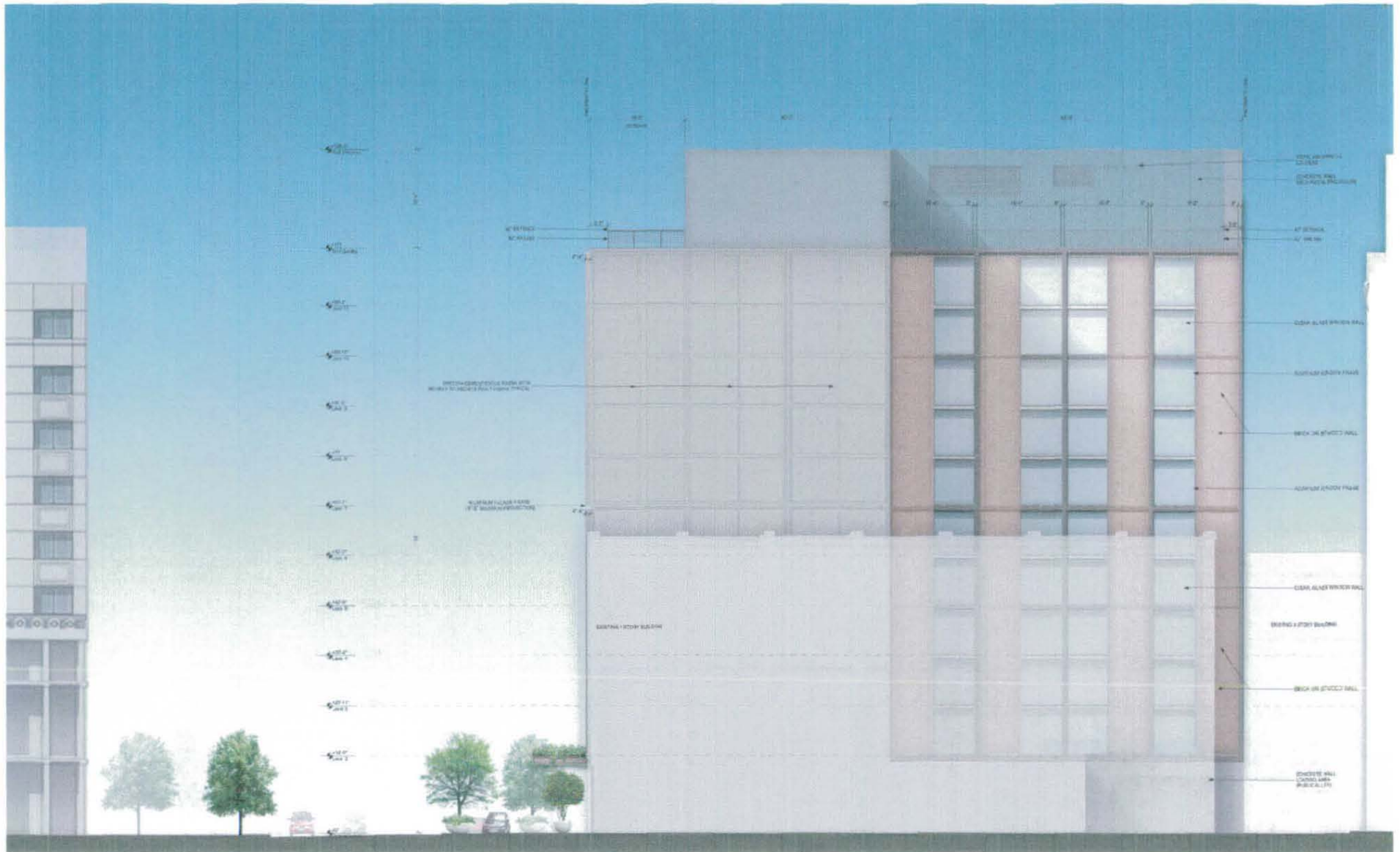
X. RECOMMENDATION

The PUD proposal is consistent with goals and objectives of the Comprehensive Plan. It would redevelop an under-utilized property in the West End, and set a high benchmark for environmentally progressive development in the District. OP recommends the Commission approve this application, subject to the following conditions:

- The applicant shall address DDOT's concerns about the 22nd Street proposed garage entrance, lay by, sidewalk location and width, and the benefits and amenities proposed for public space;
- OP shall have been provided with sufficient information to review and recommended approval of proposed signage design and location prior to proposed action;
- Related to the relief requested from § 633:
 - If a lay-by is provided, the applicant shall provide a landscaped island at least 3-feet wide between the lay-by and 22nd Street, subject to DDOT approval;
- In addition to the revised design of the exposed portions of the northern and western walls of the building and roof structure that is attached to this report, prior to proposed action the applicant shall address OP's concerns about the durability and appearance of the proposed cementitious surfaces by submitting information that compares the performance and appearance of this material to materials such as stone, glass, and metal.

JLS/slc

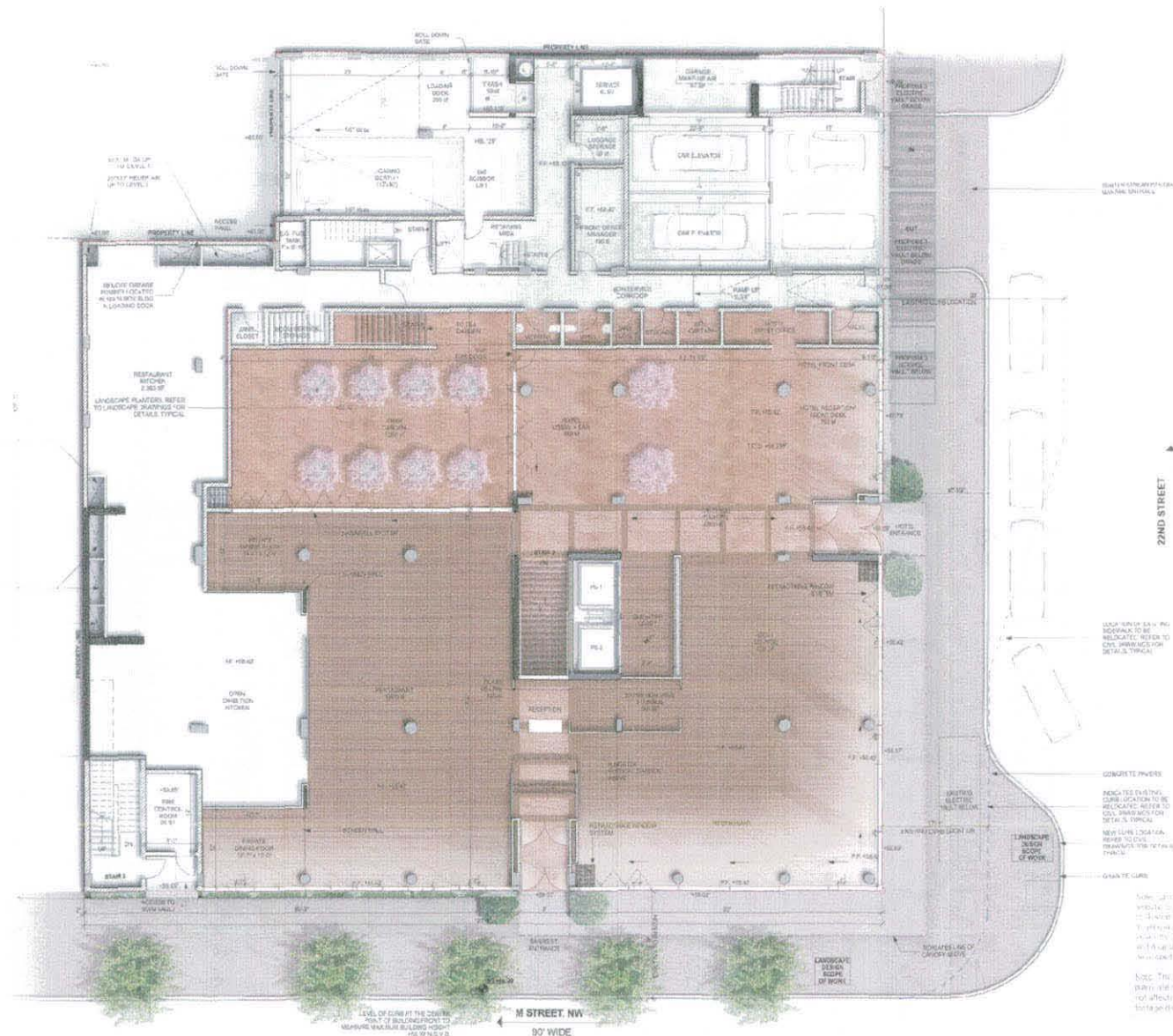
Attachments (revised side wall designs; revised canopy/sidewalk design)



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