

July 10, 2014

Sara Benjamin Bardin
Director
District of Columbia Office of Zoning
441 4th Street NW, Suite 200S
Washington, D.C. 20001

Re: Zoning Regulations Review

Dear Director Bardin:

As President of the NoMa Business Improvement District, I am writing to formally submit comments on the current text set down of the Zoning Commission's Zoning Regulations Review (DCOZ Case Number: 08-06A). On the whole, we are strongly supportive of the recommended revisions, particularly as they directly affect NoMa. We urge the Zoning Commission to consider and adopt the proposed revisions. As discussed below, we recommend, however, a slight adjustment to the current text as it applies to the availability of credits ("Credits") to developers who provide publicly-accessible open spaces in NoMa.

First, the expansion of the downtown provisions of the regulations to the commercial core of NoMa (D-5-B-1) is an important acknowledgement of the role of our rapidly growing neighborhood as part of downtown. Additionally, the designation of First Street, NE from K Street, NE to New York Avenue, NE as a primary street will help ensure the continued development of NoMa as a vibrant, mixed-use community.¹ First Street, NE is the commercial spine of NoMa and a requirement for retail use along its frontage will ensure maximum utilization of ground-floor spaces for amenities and services, while fully activating this vitally important street. Hence, we strongly support the Commission's designation of First Street, NE as a primary street and the requirement for consistent retail frontage.²

Next, we commend OP and the Commission on the creative use of Credits to incentivize private developers to provide publicly-accessible open spaces in the NoMa/Union Station trade area.³ However, we have heard from our NoMa developers that the proposed hours (open until 10pm) are likely to deter many from utilizing this incentive. Therefore, we request that the opening hours required for credit generating open spaces/plazas be modified, to require that such spaces remain open until 8pm.⁴

As you know, the NoMa BID, the District of Columbia Government and various property owners have been working in partnership on the visioning and development of public spaces in NoMa for several years. The rapid growth of NoMa demands that new public spaces be created. Indeed, when fully "built-out", NoMa will be one of the densest mixed-use areas in Washington, D.C. In 2014, the District

¹ Zoning Regulations Review: Subtitle I, Chapter 6, Section 615. Text Set Down, September 9, 2013.

² Zoning Regulations Review: Subtitle I, Chapter 6, Section 602.2. Text Set Down, September 9, 2013.

³ Zoning Regulations Review: Subtitle I, Chapter 8, Section 804. Text Set Down, September 9, 2013.

⁴ Zoning Regulations Review: Subtitle I, Chapter 8, Section 804.3. Text Set Down, September 9, 2013.

committed \$50 million to the building of parks and open spaces in NoMa. This investment, coupled with the proposed zoning incentive, will help deliver the spaces needed to create a welcoming and sustainable mixed-use neighborhood.

The recommendation forwarded herein by the NoMa BID on behalf of its members is to change the stipulated hours to 7am to 8pm. Some of the reasons why we believe the proposed (draft) closing time of 10pm is too late and a closing time of 8pm is far better, include:

- Today, NoMa is a little over halfway built out. As the neighborhood grows and more eyes are on the street, it might make sense that the required closing time of open spaces/plazas could change. However, in this interim period, the volume of activity needed to ensure the safety of users of such spaces after dark is not adequate.
- Safety and security are always a concern in parks and this concern tends to increase after dark. As a result, many parks, like Meridian Hill Park or Rock Creek Park, here in the District, close at dusk.
- We have heard from developers and property owners in NoMa that a requirement to keep credit generating open spaces/plazas open until 10pm will keep them from availing their projects' of the credits and, thus, impede the development of the healthy, green mixed-use community that we are all trying to realize in NoMa.

While 8pm may seem early to some, we feel it is crucial to assure that the zoning incentive actually works and that developers do indeed add more public space to NoMa. We are concerned that developer and property owner fears about security will undermine significant utilization of the incentive. A requirement to remain open until 8pm will not deter the creation of such parks. If this effort is as successful as we expect it will be, property owners and managers will find that these spaces are safe, seen as significant amenities and elect to extend their hours.

For the above stated reasons, we sincerely believe that the Credits to be made available for the development of public parks on private land in NoMa should not require that those spaces be open later than 8pm. We appreciate your consideration of this request and are grateful for your role in bringing open space to NoMa.

Please feel free to contact me directly if you have any questions or comments. And again, thank you for your time and attention to these issues of such importance to the NoMa neighborhood.

Sincerely,



Robin-Eve Jasper
President, NoMa Business Improvement District

cc: District of Columbia, Zoning Commission



Board of Directors, NoMa Parks Foundation