

Good Evening,

My name is John Miller. I am a DC resident and a real estate developer. I came here tonight because I am concerned about the unintended consequences of the proposal and believe additional study is needed. Specifically, my concern is that the proposed regulation does not account for sites where the natural grade of the site slopes downward from the sidewalk elevation.

For our upcoming project, the site slopes down from the sidewalk into the site as a result of historical excavation on the site. In my first slide, Exhibit A, you can see a section of how we propose to develop the site. Today this elevation can be built by right. As you can see the elevation of the homes is raised so that the front doors are at the sidewalk level. If the proposed regulation is passed, however, the building would have to be pushed down into the ground and the front doors will be a full 7' below the adjacent sidewalk level. You can see this illustrated in my last page, Exhibit B. The effect on the quality of the streetscape is dramatic, would diminish the street frontage, and impact public safety and stormwater management.

I understand the intention of this proposed regulation is to stop developers from building above the sidewalk on sites where the slope is flat or rises from the sidewalk. In that sense, I think it is a good idea. However, the law does not account for those lots where the elevation at the property line is below the sidewalk elevation. The law's definition of natural grade is also problematic as it does not take into account historic modifications to sites that result in a grade that is actually unnatural and non-contextual with neighboring properties.

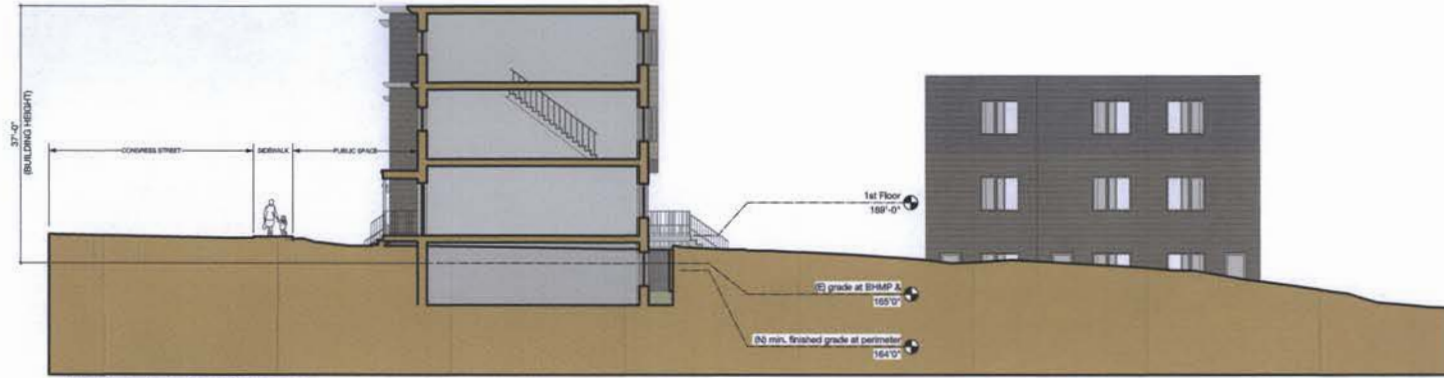
If the regulation is enacted as written, I am concerned that in these circumstances developers will build new structures that actually detract from the quality of the streetscape, and that the effects will be most dramatic in Wards 7 and 8 which are witnessing more development and which have a great deal of topographic variation.

I request further study be done to identify and analyze sites that slope downwards from the sidewalk so that the City can better understand how the proposed changes will affect these sites. I believe the case I present shows that this law may have unintended consequences as bad as those the law seeks to mitigate. I suggest some provision be made for sites like the one I describe that allows the natural grade to be re-established to at least the elevation of the sidewalk. A "natural grade plane" could be established at this level and berming could be allowed as the sides of the rear of the property to maintain a building's cellar level. Such a change would have no negative impacts on a pedestrian's perspective of a project's height or density. When the law is passed, I also request that implementation is delayed so projects like ours do not need to be changed dramatically in the middle of the design process.

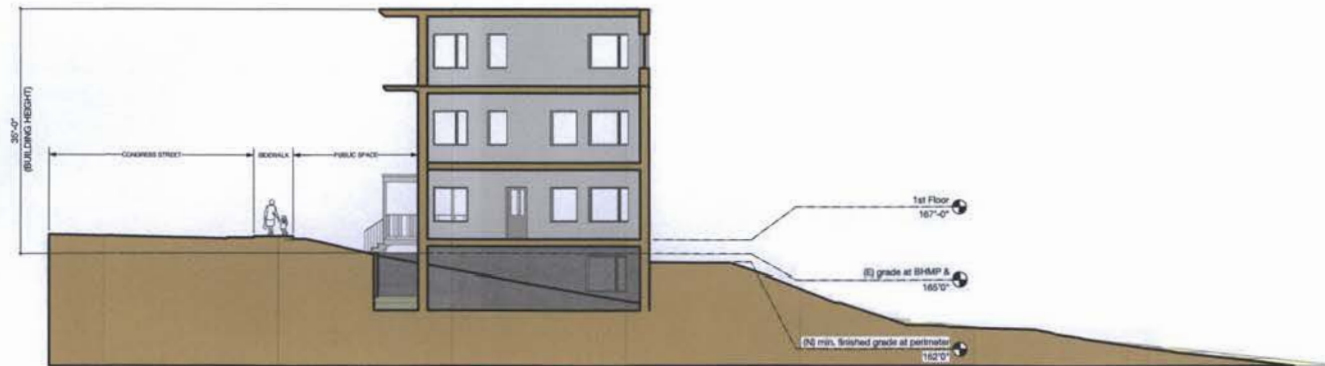
I fear that if the law is approved as designed, I will have to pursue the "option B" shown in the provided exhibit even though I do not wish to. If I don't lower the units as required under the proposed law, we would lose units from a 100% affordable development plan. Our City has an affordable housing crisis and we must maintain the ability to build cellars to responsibly add to the City's density. I fear if passed as written, other developers would make this same decision.

Thank you for your consideration.

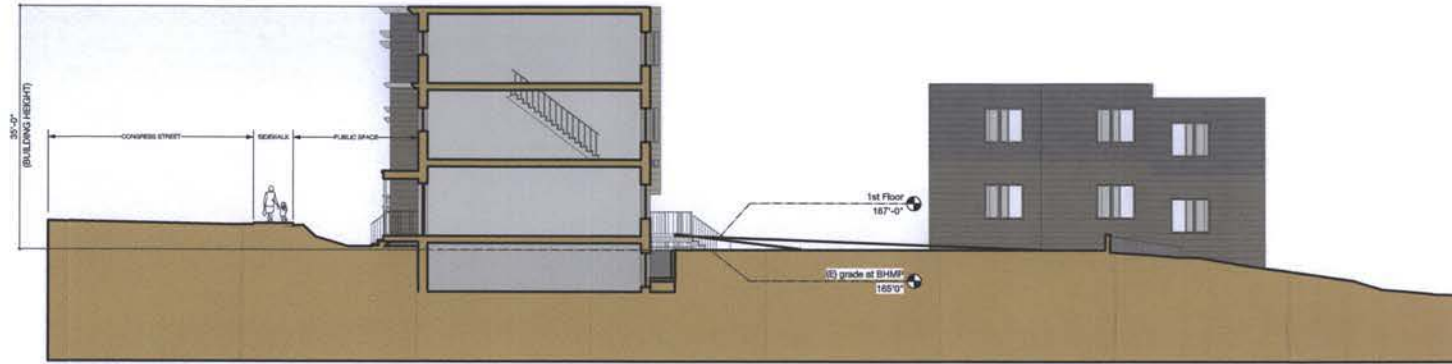
EXHIBIT A



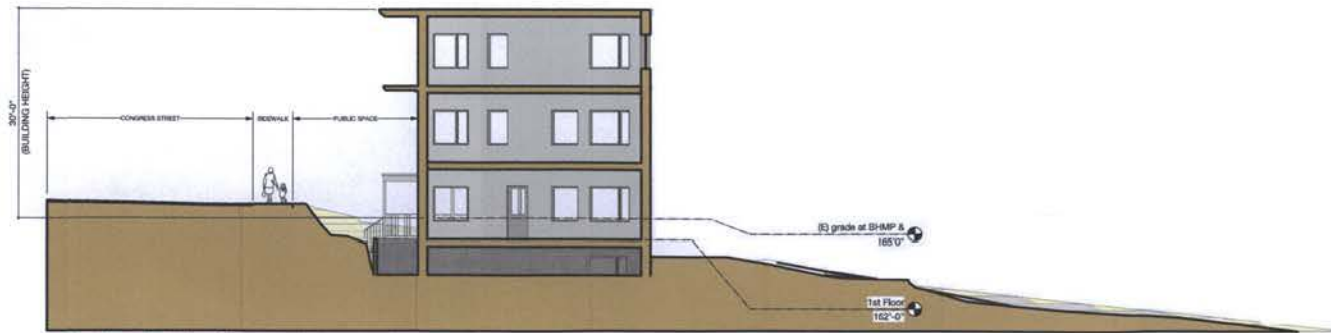
Section A-1 (looking east)



Section A-2 (looking east)



Section A-1 (looking east)



Section A-2 (looking east)