

**TESTIMONY OF ANC COMMISSIONER  
DEBBIE SMITH-STEINER SMD 5E01  
TO THE ZONING COMMISSION  
CHAIRPERSON, ANTHONY HOOD  
1 JUDICIARY SQUARE  
441 4<sup>TH</sup> STREET NW; Room 200 South  
Florida & Q LLC – Modification to PUD @ Square 3100  
PUD – Z.C. Case No. 06-04C  
OCTOBER 3, 2013**

Good day, Chairman Anthony Hood and the body of the Zoning Commission, I Deborah Steiner (aka: Debbie Smith-Steiner) represents the Single Member District, 5E01. I am grateful to this body for the exceptional work which they carry out and I am truly appreciative of the ongoing changes which are happening in the District.

Thus, brings me to provide written testimony in favor of the Florida & Q LLC project with a major concern or flaw – the amenities package of which the Applicant claims is grandfathered.

As the Applicant is requesting approval of modifications to plans approved by the Zoning Commission when it approved a planned unit development and related zoning map amendment for Lot 48 in Square 3100 (the "Subject Property"). The Zoning Commission approved a PUD and related rezoning of the subject property from the C-2-A Zone District to the C-2-B Zone District pursuant to Z.C. Order No. 06-04, as extended pursuant to Z.C. Order Nos. 06-04A and 06-04B. The approved PUD had a maximum density of 4.5 FAR and a maximum building height of 86 feet (not including roof structures). The approved project included 84 parking spaces located on two levels of underground parking accessed from a curb cut on Florida Avenue. This approval processes was handled during a time before redistricting and other ANC Commissioners' were seated; ANC 5C

Now the applicant, Florida & Q LLC is requesting for a "new body" of ANC Commissioners to accept everything that was approved, within the amenities package which was set before this body long ago. How reasonable is the position of the Applicant, needing approval of the new and current ANC's support for their PUD Modification before the Zoning Commission today, however, refers to "amenities" being grandfathered showing their unwillingness to allow the ANC to revisit the amenities package that was approved years ago, in its entirety.

At the Public meeting of ANC 5E on September 24, 2013 the Applicant presented their modification plans of which the ANC unanimously approved, while setting aside the amenities package as a whole, even though the Applicant was trying to be insistent to the ANC Commission to only deal with the reprogramming of a select group of unallocated money. When the Applicant was asked about revisiting the entire amenities that were set forth in the previous order, the response was "other than the amounts that have to be reprogrammed, which are before you, the prior amenities are grandfathered." While Applicant is seeking approval of their PUD modifications the applicant's request is not a right; especially when he is in need of support from an entirely new body of Commissioners.

I accept the proposal of the PUD modification because of the SMD Commissioner's due diligence regarding this matter; however, I call to the attention of the Zoning Commission the applicant's used term – grandfather.

Referencing the Zoning Commissions current laws: sections:

2403.8 In deciding a PUD application, 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.

- (i) Uses of special value to the neighborhood or the District of Columbia as a whole; and
- (j) Other public benefits and project amenities and other ways in which the proposed PUD substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.

2403.17 The description of each public benefit shall be identical to the description contained in the applicant's proposed order unless a revision is required for clarity or to reflect a revision.

Since section 2403 directly relates to amenities, there is nothing written which covers a grandfather clause; for this reason and the fact that the current ANC body of Commissioners should be respected and provided an opportunity to weigh-in on the Applicants entire amenities package, I request as much.

Therefore as SMD Commissioner representing SMD 5E01, I respectfully asked the Zoning Commission to require the Applicant to allow the new body of ANC Commissioners to revisit all amenities before the conclusion of this process.

Thanking you for allowing me to have my testimony made part of the permanent record.