

April 1, 2019

VIA ELECTRONIC FILING

Anthony J. Hood, Chairman  
District of Columbia Zoning Commission  
441 4th Street, NW, Suite 200-S  
Washington, DC 20001

**Re: Z.C. Case No. 02-38J: Application of WFS2, LLC (the “Applicant”) to the District of Columbia Zoning Commission for a Second-Stage PUD Application for 1000 4th Street, SW (Square 542, Lot 822, the “Property”) – Applicant’s Further Revised Submission Regarding Public Benefits**

Dear Chairman Hood and Members of the Commission:

The Applicant hereby submits another further revision to its list of proffers and corresponding conditions of approval. This revision addresses the comments the Commission raised at the March 25, 2019 public meeting regarding the Applicant’s previous proffer to the Amidon-Bowen Parent Teacher Association (“PTA”) and reflects further comments from ANC 6D and the PTA. The Applicant, PTA and the ANC commissioner for the SMD that includes the Property together file this joint submission.

In sum, the amount of the proffer (\$75,000) is unchanged and the further revised condition proposed here is much closer to that proposed in the Applicant’s March 11, 2019 filing, which is included below for reference. In light of the Commission’s comments, the funds earmarked for the elementary school must be devoted to laptop computers and computer storage carts or such other information technology equipment or audio visual equipment as the PTA and DCPS identify in coordination with the Applicant. The revised proffer gives the PTA flexibility to request substitute information technology or audio/visual equipment (e.g., iPads, televisions, projectors, etc.) depending on DCPS funding for the school. The Applicant will deliver the equipment shortly after the issuance of the Commission’s order in this proceeding (subject to resolution of any appeal).

**Proffer**

**Uses of Special Value to the Neighborhood (11-X DCMR § 305.5(q)):** Following post-hearing discussions between the Applicant and the Amidon-Bowen PTA, the Applicant has committed to purchase \$75,000 worth of equipment and improvements for Amidon-Bowen Elementary School.

**Further Revised Condition (as of April 1, 2019)**

15. Contribution to Amidon-Bowen Elementary School PTA:

- a. **Not more than ninety (90) days after the issuance of this Order with no appeal having been taken (or in the event of an appeal of this Order, no more than ninety (90) days following the issuance of a mandate fully and finally affirming this Order)**, the Applicant shall deliver to Amidon-Bowen Elementary School either (i) \$75,000-worth of laptop computers and corresponding number of compatible laptop computer storage carts, or (ii) such other combination of up to \$75,000-worth of information technology equipment and/or audio-visual equipment as may be agreed-upon by the Applicant, the Amidon-Bowen PTA, and DCPS representatives.
- b. In satisfaction of this condition, the Applicant shall, prior to the issuance of a Certificate of Occupancy, submit to DCRA invoices evidencing proof of purchase of \$75,000 of such computers, carts, and/or other equipment together with evidence that all such computers, carts, and/or other equipment have been delivered to Amidon-Bowen Elementary School.

**Original Condition (filed March 11, 2019)**

~~15. **Not more than [90] days after the issuance of this Order with no appeal having been taken (or in the event of an appeal of this Order, no more than [90] days following the issuance of a mandate fully and finally affirming this Order)**, the Applicant shall deliver to Amidon-Bowen Elementary School either (i) \$75,000-worth of (a) laptop computers and (b) corresponding number of compatible laptop computer storage carts, or (ii) such other combination of up to \$75,000-worth of information technology equipment as may be agreed-upon by the Applicant, the Amidon-Bowen PTA, and DCPS representatives. In satisfaction of this condition, the Applicant shall submit to DCRA invoices evidencing proof of purchase of such \$75,000 of equipment together with evidence that all such equipment has been delivered to Amidon-Bowen Elementary School.~~

**Previous Condition (filed March 22, 2019)**

15. ~~Not more than ninety (90) days after the issuance of this Order with no appeal having been taken (or in the event of an appeal of this Order, no more than ninety (90) days following the issuance of a mandate fully and finally affirming this Order), the Applicant shall establish an account with an escrow agent selected by the Applicant and shall place into such account funds in the amount of \$75,000.00 for the direct support and benefit of the students of Amidon Bowen Elementary School and its teachers and staff.~~
- ~~a. The funds may be drawn only by the Amidon Bowen PTA or its designee, for the following purposes:
    - ~~i. Capital improvements to Amidon Bowen Elementary School for: sound proofing, stage curtains, new cafeteria sound system;~~
    - ~~ii. Technology, repairs, and supplies for: iPads, Smartboards, laptops, desktops, copy paper;~~
    - ~~iii. Aftercare/enrichment programs for: scholarships for afterschool programs, gap coverage for new aftercare vendor, purchase of uniforms and field trips; and/or~~
    - ~~iv. Family engagement programs for: continuation of Kindred Dialogue group, support groups for children who have had a death or trauma, emergency housing, and meals at PTA meetings and other school events.~~~~
  - ~~b. Each draw shall be accompanied by a letter to ANC 6D, accompanied by evidence such as invoices or receipts as applicable, setting forth the manner in which the funds will be used to advance one of the purposes set forth above.~~
  - ~~c. Pursuant to Subtitle X, Section 311.2 and notwithstanding the requirements of Subtitle X, Section 305.2 of the Zoning Regulations, the Commission authorizes the satisfaction of this condition through an escrow account, and compliance with this condition shall be demonstrated by funding of such account. The Applicant shall not be required to demonstrate that the items or services have or are being provided as a condition of obtaining or maintaining any permit or certificate of occupancy for the project.~~
  - ~~d. Any agreement between the escrow agent and the PTA shall provide that in the event any funds remain in said account after five (5) years (as measured from the date the account is funded by the Applicant), the funds shall be returned to the Applicant. Any interest earned on the escrow account shall be used to fund the fees of the escrow agent.~~

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The Applicant looks forward to the Commission's action on this matter. Please feel free to contact the undersigned with any questions.

Respectfully submitted,



David M. Avitabile, Attorney for the Applicant

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Gail Fast, Chair, ANC 6D

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Allison Harvey, Co-President, Amidon-Bowen PTA

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Rose Shelton, Co-President, Amidon-Bowen PTA

cc:

Gail Fast, 700 7th Street SW #725, Washington, DC 20024 *(1 copy via hand delivery)*  
Anna Forgie, 28 K Street SE, #1008, Washington, DC 20003 *(1 copy via hand delivery)*  
Ronald Collins, 301 G Street SW #609, Washington, DC 20024 *(1 copy via hand delivery)*  
Andy Litsky, Vice Chair, 423 N Street SW, Washington, DC 20024 *(1 copy via hand delivery)*  
Anthony Dale, 222 M Street, SW, #820, Washington, DC 20024 *(1 copy via hand delivery)*  
Rhonda N. Hamilton, 44 O Street SW, Washington, DC 20024 *(1 copy via hand delivery)*  
Edward Daniels, 301 Tingey Street SE, #433, Washington, DC 20003 *(1 copy via hand delivery)*  
PN Hoffman, 760 Maine Avenue SW, Washington, DC 20024, Attn: David Roberts *(2 copies via hand delivery)*  
Mr. Joseph Lapan, DMPED, 1350 Pennsylvania Avenue NW, Suite 317, Washington, DC 20004  
DC Public Library, Southwest Neighborhood Library, 900 Wesley Place, SW, Washington, DC 20024 *(1 copy via hand delivery)*

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David M. Avitabile, Attorney for the Applicant

DocuSigned by:

*Gail Fast*

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Gail Fast, Chair, ANC 6D

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Rose Shelton, Co-President, Amidon-Bowen PTA

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## CERTIFICATE OF SERVICE

I certify that on or before April 1, 2019, I delivered a copy of the foregoing document via e-mail, hand delivery, or first class mail to the addresses listed below.

Jennifer Steingasser (*1 copy via hand delivery*)

Joel Lawson

Steve Mordfin

District of Columbia Office of Planning

1100 4<sup>th</sup> Street, SW, Suite 650E

Washington, DC 20004

Anna Chamberlin (*1 copy via hand delivery*)

Aaron Zimmerman

Policy and Planning

District Department of Transportation

55 M Street, SE, 5<sup>th</sup> Floor

Washington, DC 20003

Advisory Neighborhood Commission 6D (*1 copy via hand delivery*)

1101 4th Street SW, Suite W130

Washington, DC 20024

Tiber Islands Cooperative Homes, Inc. (*1 copy via U.S. Mail*)

429 N Street, SW

Washington, DC 20024

Attn: Paul Greenberg and Paula Van Lare

Carrollsborg Square Condo Assn. (*1 copy via U.S. Mail*)

c/o: The New Washington Land Company

1606 17th Street NW

First Floor

Washington, DC 20009

/s/ David A. Lewis \_\_\_\_\_