

MEMORANDUM OF AGREEMENT BETWEEN
LEDROIT PARK CIVIC ASSOCIATION AND THE HOWARD UNIVERSITY

THIS MEMORANDUM OF AGREEMENT (this "**Agreement**") is made as of the day 13th of October, 2024, between the **LEDROIT PARK CIVIC ASSOCIATION** (the "**LPCA**"), and **HOWARD UNIVERSITY**, a federally chartered, non-profit corporation ("**Howard**"), (each individually a "**Party**" and collectively, the "**Parties**").

RECITALS

WHEREAS, Howard has filed a petition with the Zoning Commission ("ZC"), ZC Case No. 24-01, which seeks to rezone approximately 26 acres along the east side of Georgia Avenue, NW, between Euclid Street and Florida Avenue (the "Property"), from the RA-2, PDR-2, and PDR-3 zones, to the MU-9B and MU-10 zones, as depicted on the map attached as Exhibit A (the "Petition").

WHEREAS, a portion of the Property to be rezoned is currently improved with the Howard University Hospital and other healthcare and academic facilities ("the "Hospital Site"). which is reflected in Exhibit B.

WHEREAS, the Hospital Site is within the boundaries of the 2020 Howard University Central Campus Master Plan (the "Campus Plan"), and therefore must be developed in accordance with the Campus Plan, as may be amended by the Zoning Commission, which could include the extraction of the Hospital Site from the Campus Plan.

WHEREAS, Howard proposes to deliver an integrated academic medical center that will expand the existing hospital with the construction of a new addition on Georgia Avenue and enhance the existing Howard Hospital, Hospital Towers and Cancer Research Center facilities through phased renovations and conversion into academic usage (the "Hospital Expansion").

WHEREAS, the Hospital Expansion includes a new pavilion to be built along Georgia Avenue, between Georgia Avenue and the existing hospital tower (the "Pavilion").

WHEREAS, the Hospital Expansion could result in the relocation of the hospital emergency department and primary ambulance access being relocated from the north side of the Hospital Site, near V Street, to the south side of the Hospital Site, closer to the U Street Alley.

WHEREAS, DDOT and the Public Space Committee must review and approve any curb cuts and traffic improvements in connection with the Hospital Expansion.

WHEREAS, in their review and approval of an application related to the Hospital Expansion, the Zoning Commission and the Public Space Committee are required to give “great weight” to the written report of ANC 1B, which may include the comments and concerns of the LPCA.

WHEREAS, the low-density residential, historic LeDroit Park neighborhood abuts the Howard Hospital Site to the east and to the south and is zoned RF-1 (“LeDroit Park”).

WHEREAS, the LPCA has expressed concerns about the potential adverse impacts on LeDroit Park neighborhood, particularly for the residences along the U Street Alley, Bohrer Street, NW, and the 2000 and 2100 blocks of 5th Street, NW (the “Impacted Residential Area”), resulting from (1) the future redevelopment of the Hospital Site as permitted in the MU-9B and MU-10 zones and (2) the possible relocation of the emergency department and ambulance access to the south side of the Hospital Site as part of the Hospital Expansion.

WHEREAS, the LPCA is entering into this Agreement based upon the covenants and representations from Howard that they will construct and properly maintain a fully enclosed ambulance tunnel that will limit noise, light, pollution and other nuisance-causing conditions upon the citizens of LeDroit Park if Howard elects to relocate the emergency department or ambulance access area within 150 feet of the Impacted Residential Area.

NOW, THEREFORE, in order to address potential adverse impacts to the LeDroit Park neighborhood, the Parties hereby agree to the following:

Restrictions on Development and Use for Hospital Site

1. If the Hospital Site is rezoned to MU-9B and MU-10, Howard agrees to restrict the development and use of any new construction on the Hospital Site as follows:

- a. Transition Setbacks: With the exception of the Pavilion and an enclosure for ambulance access from Georgia Avenue, any new construction on the Hospital Site shall be set back from the property lines as follows:

- i. 15-foot (15 ft.) setback from the U Street Alley that runs parallel to the 500 and 600 blocks of the U Street Alley.
- ii. 15-foot (15 ft.) setback from the 2000 block of Bohrer Street.
- iii. 15-foot (15 ft.) setback from the 2000 and 2100 blocks of 5th Street to the north side of V Street.
- iv. Any required setback area shall not be used for storage, loading, or accessory uses including building services (e.g. ventilation and HVAC).
- v. Any required setback area shall be landscaped with evergreen trees.
- vi. No residential communal outdoor recreation space shall be located within fifty feet (50 ft.) of any lot line directly abutting the Impacted Residential Area.

The setback areas are reflected on the attached Exhibit C.

- b. Transition Heights: The building height for any new construction on the Hospital Site shall be as follows:

- i. A maximum height of 35 feet, or the matter-of-right height for the RF-1 zone, is permitted adjacent to the 15-foot setback area.
- ii. With the exception of the first 35 feet of height, all development must maintain a relationship of one foot of height for every one foot of setback from the property lines referenced above, to a maximum height of 100 feet (i.e. a building height of 100 feet

would be set back 100 from the property line).

- c. Restrictions within 100 Feet of the Impacted Residential Area: With the exception of the Pavilion or an enclosure for ambulance access from Georgia Avenue, no new construction, including mechanical equipment, loading docks, service entrances, trash/dumpster removal shall be located within 100 feet of the Impacted Residential Area. Further, no restaurant, bar, tavern, or club shall be located with 100 feet of any lot line abutting the Impacted Residential Area. This restriction shall not apply to any residential development fronting 5th Street, between U and V Streets.

2. Subject to the written support of the Zoning Map amendment from the LPCA and Advisory Neighborhood Commission (“ANC”) 1B, Howard shall memorialize the foregoing restrictions in a Declaration of Restrictions, which shall be executed prior to the Zoning Commission’s approval of the Petition and included in the case record. The executed Declaration of Restrictions shall be recorded in the Land Records following the approval of the Petition by the Zoning Commission and the expiration of all appeal periods without an appeal being filed.

Design and Operation of Hospital Expansion

3. Howard agrees to the following restrictions for the Hospital Expansion:
 - a. The Hospital Expansion shall not include the operation of a helistop.
 - b. The primary vehicular ingress and egress for the Hospital Expansion shall be from Georgia Avenue.
 - c. With the exception of an enclosure for ambulance access from Georgia Avenue, no loading docks, curb cuts for emergency vehicle primary ingress/egress to the hospital, service entrances, and trash/dumpster removal shall be located adjacent to the Impacted Residential Area.
 - d. If the ambulance access is located within 150 feet of the U Street Alley or Bohrer Street, Howard agrees to the following:

- i. The ambulance access must be fully enclosed (except for ingress and egress from Georgia Avenue NW) with masonry or other soundproof materials (the “Ambulance Tunnel”). The type and extent of soundproofing for the Ambulance Tunnel shall be in accordance with the recommendation of an independent acoustical engineer commissioned by Howard. The study provided by the acoustical engineer must establish a baseline of the current decibel level generated by emergency vehicles at the Hospital Site within the Impacted Residential Area. The Ambulance Tunnel must be designed to mitigate any sound above the baseline decibel level. The findings of the study shall be shared with the LPCA prior to the construction of the Ambulance Tunnel.
- ii. The side of the Ambulance Tunnel facing the Impacted Residential Area will be opaque and light inside the Ambulance Tunnel (including, but not limited to, siren and car lights) shall not be visible from the Impacted Residential Area except for light emitted from the egress/ingress point of the Ambulance Tunnel.
- iii. The entrance to the Ambulance Tunnel shall maintain the same setback from Georgia Avenue as the new hospital building.
- iv. The Ambulance Tunnel must allow for head-in, head-out ingress and egress for ambulances and other emergency vehicles.
- v. The Ambulance Tunnel must prohibit through-access from Georgia Avenue to 5th Street.
- vi. The Ambulance Tunnel shall be ventilated to D.C. Building Code standards. Additionally, the exhaust outlet at a height of no less than 90 feet and a set back from the lot of line of no less than 70 feet.
- vii. Howard shall seek the LPCA’s input on the design and materials

of the Ambulance Tunnel. Prior to applying for a building permit for the Hospital Expansion, Howard shall present the final Ambulance Tunnel design to the LPCA for its review and approval, which shall not be unreasonably withheld.

viii. The Ambulance Tunnel shall be constructed prior to the issuance of the final certificate of occupancy for the Hospital Expansion.

4. The foregoing criteria shall be reflected in Howard's application to the Zoning Commission for further processing of or amendment to the Campus Plan and in Howard's application to the Public Space Committee in connection with the Hospital Expansion. Further, the LPCA shall actively support Howard's application to the Public Space Committee for curb cuts on Georgia Avenue in connection with the Hospital Expansion. Specifically, the LPCA shall issue a letter in support of the application, request ANC 1B's written support of the application, and testify at the Public Space Committee meeting(s) on the application.

5th Street Residential Buffer

5. In the event that residential uses are permitted on the Hospital Site along 5th Street, Howard agrees to study a residential townhouse development on 5th Street, between U and V Streets (the "Residential Buffer Project"). The study will include concept plans and renderings and a discussion of the economic feasibility of the Residential Buffer Project (including, project costs, income projections, and market conditions). Howard shall present the findings of the study to the LPCA prior to the issuance of a building permit for the Hospital Expansion.

Height Restriction for Square 3078 Parcels

6. In the event that Lots 26 and 30 in Square 3078, at the intersection of Florida and Georgia Avenues, are rezoned to MU-10, Howard agrees to limit the height of any new construction on these lots to a maximum height of 65 feet, consistent with the maximum height permitted in the adjacent ARTS-2 zone. Howard shall memorialize this height restriction in a Declaration of Restrictions, which shall be executed prior to the Zoning Commission's approval of the Petition and included in the case record. The executed Declaration of Restrictions shall be recorded in the Land Records following the approval of the Petition by the Zoning Commission and the expiration

of all appeal periods without an appeal being filed.

7. Should Howard acquire or control additional lots in Square 3078 along Florida Avenue or Bohler Street for future development, the development(s) on those lots shall be limited to a height of 50 feet, consistent with the maximum height permitted in the adjacent MU-4 zone.

Miscellaneous

8. The Parties hereto reserve the right to amend this Memorandum of Agreement at any time with the written agreement of both Parties.

9. Each party acknowledges and agrees that owners of property within the Impacted Residential Area are third-party beneficiaries of the representations, warranties and covenants of this Agreement.

10. This Memorandum of Agreement shall terminate automatically in the event that ANC 1B does not recommend that the Zoning Commission grant the Petition to rezone the Property, with support from the LPCA; or it shall terminate automatically in the event that the Zoning Commission does not grant the Petition to rezone the Property.

11. This Agreement is governed by the laws of the District of Columbia. The courts located in the District of Columbia will have exclusive jurisdiction over any dispute arising under, in connection with, or incident to this Agreement or about its interpretation.

[SIGNATURE PAGE FOLLOWS]

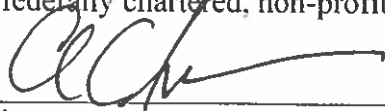
LEDROIT PARK CIVIC ASSOCIATION


Signature

M. MATTHEW FAY
Printed Name

PRESIDENT
Title

HOWARD UNIVERSITY,
a federally chartered, non-profit corporation


Signature

ANTHONY FREEMAN
Printed Name

VP Chief Real Estate Officer
Title