

**MEMORANDUM OF AGREEMENT BETWEEN  
LEDROIT PARK CIVIC ASSOCIATION AND THE TRUSTEES OF FLORIDA AVENUE  
BAPTIST CHURCH AND FLORIDA AVENUE BAPTIST CHURCH**

THIS MEMORANDUM OF AGREEMENT (this "Agreement") is made as of this day 3 of November 2024, between the LEDROIT PARK CIVIC ASSOCIATION (the "LPCA"), and THE TRUSTEES OF FLORIDA AVENUE BAPTIST CHURCH and FLORIDA AVENUE BAPTIST CHURCH (together, the "Church") (each, individually, a "Party" and collectively, the "Parties").

**RECITALS**

WHEREAS, the Church owns Lots 17, 27 and 28 in Square 3078 (the "Property"), which have frontage along Bohrer Street, NW, and are part of the subject property in Zoning Commission Case No. 24-01 (the "Petition").

WHEREAS, the Petition seeks to rezone the Property from PDR-3 to MU-10.

WHEREAS, the low-density residential, historic LeDroit Park neighborhood is located to the west of the Property, along U Street, NW, 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 500 and 600 blocks of U Street NW (the "Impacted Residential Area"), resulting from the possible redevelopment of the Property at the maximum building height permitted in the MU-10 zone.

WHEREAS, the public hearing on the Petition is scheduled for December 16, 2024.

NOW, THEREFORE, in order to address adverse impacts resulting from the potential building heights on the Property, the Parties hereby agree to the following:

**Height Restriction**

1. In the event that the Property is rezoned to MU-10, the Church agrees to restrict the development and use of any new construction on the Property as follows:
  - a. Transition Heights: The building height of any new construction on the Property

shall be as follows:

- i. Square 3078, Lot 17: A maximum height of 50 feet, consistent with the maximum height permitted in the adjacent MU-4 zone, is permitted at the lot line abutting the east side of Bohrer St NW.
  - ii. Square 3078, Lots 27 and 28: A maximum height of 35 feet, consistent with the maximum height permitted in the adjacent RF-1 zone, is permitted at the lot line abutting the east side of Bohrer St NW.
  - iii. Square 3078, Lots 27 and 28: With the exception of the first 35 feet of height, all additional development must maintain a relationship of one foot of height for every one foot of setback from the lot line referenced above, to a maximum height of 65 feet (i.e. a building height of 50 feet would be set back 15 feet from the lot line, and a building height of 65 feet would be set back 30 feet from the lot line)
- b. Use Restrictions for Square 3078, Lots 27 and 28: No new construction, including mechanical equipment, loading docks, service entrances, trash/dumpster removal shall be located within 100 feet of the lot line abutting the east side of Bohrer St NW. Further, no restaurant, bar, tavern, or club shall be located with 100 feet of any lot line abutting the East side of Bohrer St NW.\_
2. The Church shall memorialize these height and use 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.

#### Miscellaneous

3. The Parties hereto reserve the right to amend this Memorandum of Agreement at any time with the written agreement of both Parties.
4. 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.

5. 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.

6. 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]**

LE DROIT PARK CIVIC ASSOCIATION

Signature

Printed Name

Title

J. MATTHEW FAY

LPCA PRESIDENT

THE TRUSTEES OF FLORIDA AVENUE  
BAPTIST CHURCH

Signature

Printed Name

Title

Iris S. Payer

Trustee, FABC

Yvette Anne  
YVETTE RUSSELL  
TRUSTEE CHAIR  
John Dyer  
John Dyer  
Vice-Chair, Pastor

FLORIDA AVENUE BAPTIST CHURCH

Signature

Printed Name

Title

Rev. Earl D. Trent Sr

Senior Pastor