

EXHIBIT C

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (this “Declaration”) is made as of this 11th day of December, 2024, by **HOWARD UNIVERSITY**, a federally chartered, non-profit corporation (“Declarant”).

RECITALS

WHEREAS, Declarant is the owner of that certain real property in the District of Columbia depicted and described in the attached as **Exhibit A**, which is improved with the Howard University Hospital (the “Property” or the “Hospital Site”).

WHEREAS, pursuant to Zoning Commission Order No. 24-01, the Hospital Site was rezoned from PDR-3 and RA-2 to MU-9B and MU-10.

WHEREAS, the Hospital Site abuts the low-density, residential, historic LeDroit Park neighborhood to the east and to the south, which is zoned RF-1.

WHEREAS, the LeDroit Park Civic Association (“LPCA”) expressed concerns about the potential adverse impacts on the 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 the future redevelopment of the Hospital Site as permitted in the MU-9B and MU-10 zones.

WHEREAS, the Declarant and the LeDroit Park Civic Association (the “LPCA”) entered into that certain Memorandum of Agreement dated October 18, 2024, which provides for certain restrictions related to the development and use of the Hospital Site.

NOW, THEREFORE, Declarant does hereby covenant and declare that the following covenants and restrictions burden and encumber the Hospital Site, which covenants and restrictions shall run with the Property and be binding upon all parties having any right, title or interest in the Property, their heirs, successors and assigns.

1. Restrictions on Development and Use for the Hospital Site.

a. Transition Setbacks: Except for the construction of a pavilion fronting on Georgia Avenue 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 depicted in Exhibit B, and 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.
- 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 building heights 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: Except for the construction of a pavilion on Georgia Avenue and 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.

Declarant acknowledges that the setback, height and use restrictions provided herein are more restrictive than the setback, height and use restrictions permitted in the MU-10 zone as a matter of right.

2. Covenants to Run with the Land. The covenants and restrictions contained herein shall be deemed real covenants running with the land and shall bind Declarant, and its successors and assigns, and shall inure to the benefit of Declarant, and its successors and assigns. In the event that Declarant sells or conveys all or part of the Hospital Site, the purchaser of transferee and its successors and assigns shall be considered Declarant hereunder.
3. Recordation. Declarant shall record this Covenant against the Property among the Land

Records of the District of Columbia (the "Land Records").

4. Amendments. No modification, amendment or termination of this Declaration shall be deemed valid, binding or enforceable unless the same is in written form, executed and acknowledged by and on behalf of Declarant and duly filed for record in the Land Records.
5. Governing Law. This Declaration and the rights and liabilities hereunder shall be governed by, and construed in accordance with, the laws of the District of Columbia, without regard to conflict of laws principles.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, **THE HOWARD UNIVERSITY**, a nonprofit corporation created by an Act of Congress and operated under the laws of the District of Columbia, has caused this Declaration to be executed and delivered in its name by ANTHONY FREEMAN, its duly authorized VP, as of the date first above written.

DECLARANT:

THE HOWARD UNIVERSITY
a nonprofit corporation created by an Act of Congress

By: ANTHONY FREEMAN

Name: [Signature]

Title: VP & Chief Real Estate Officer

ACKNOWLEDGEMENT

DISTRICT OF COLUMBIA)

) SS:

BEFORE ME, a Notary Public in and for the jurisdiction aforesaid, personally appeared this date Anthony Freeman personally well known (or satisfactorily proven by the oath of credible witnesses) to me to be the individual who executed the foregoing Declaration of Restrictive Covenants on behalf of The Howard University, and who acknowledged the same to be its free act and deed for the uses and purposes therein contained.

GIVEN under my hand and seal this 11th day of December, 2024.

Wanda J. [Signature]
Notary Public

My commission expires: 9/14/2025

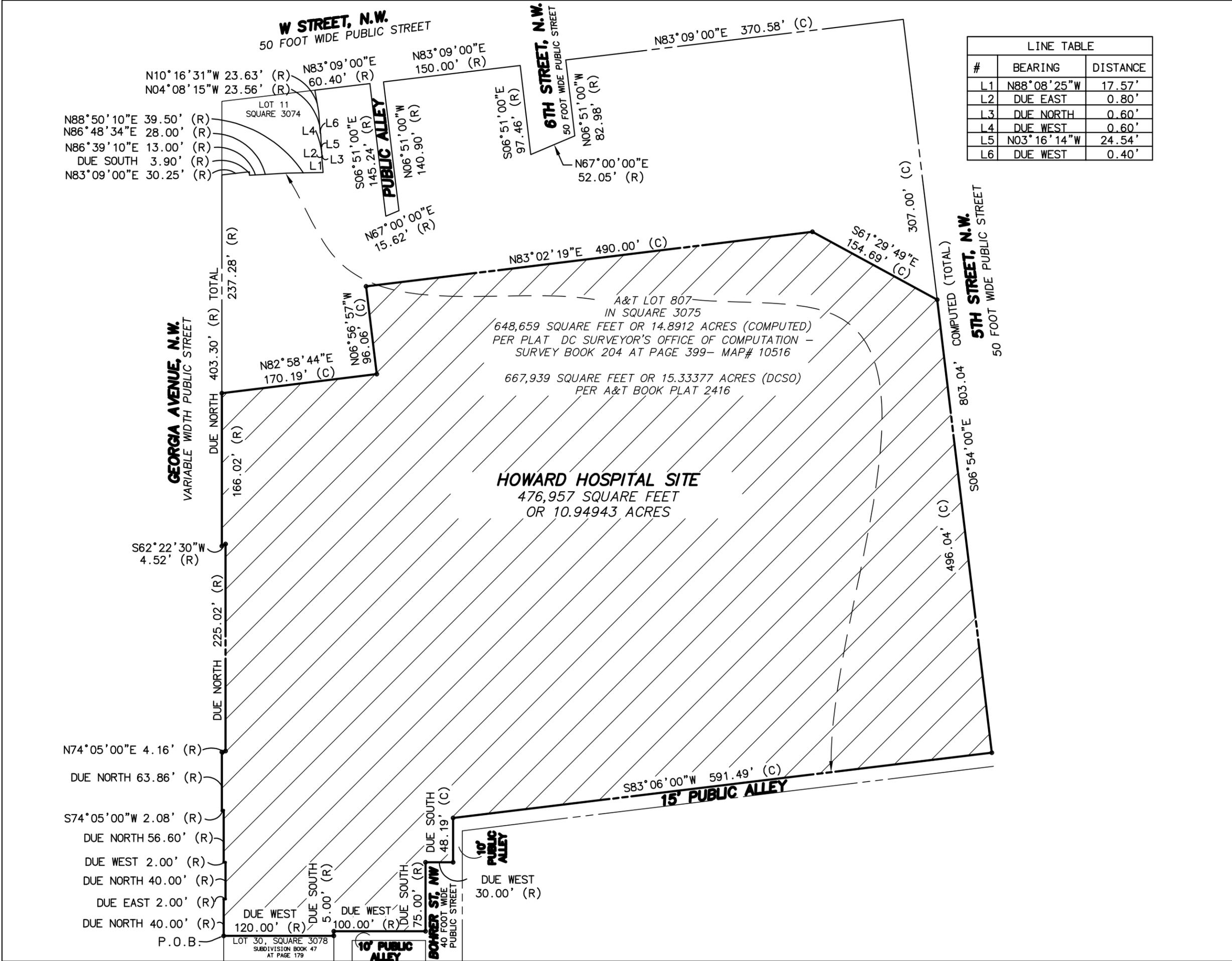
[NOTARIAL SEAL]



EXHIBIT A

SKETCH AND LEGAL DESCRIPTION SUBJECT PROPERTY

[SEE ATTACHED]



LINE TABLE		
#	BEARING	DISTANCE
L1	N88°08'25"W	17.57'
L2	DUE EAST	0.80'
L3	DUE NORTH	0.60'
L4	DUE WEST	0.60'
L5	N03°16'14"W	24.54'
L6	DUE WEST	0.40'



NORTH (DCSO)

NOTES

- 1.) THE PROPERTY SHOWN HEREON IS DESIGNATED FOR TAX AND ASSESSMENT AS: 3075 0807 (520 W ST, NW)
- 2.) THE HORIZONTAL DATUM IS BASED ON RECORDS OF THE OFFICE OF THE SURVEYOR OF THE DISTRICT OF COLUMBIA.
- 3.) R STANDS FOR RECORD
C STANDS FOR COMPUTED
- 4.) ASSESSMENT AND TAXATION LOT 807 IN SQUARE 3075 IS FILED IN ASSESSMENT AND TAXATION PLAT 2416 AND A PLAT OF COMPUTATION ON ASSESSMENT AND TAXATION LOT 807 IN SQUARE 3075 SHOWING ONE THEORETICAL SITE AS RECORDED IN SURVEY BOOK 204 AT PAGE 399, ALL AMONG THE RECORDS OF THE OFFICE OF THE SURVEYOR OF THE DISTRICT OF COLUMBIA (DCSO).
- 5.) A&T LOT 807 IN SQUARE 3075 BEARINGS AND DISTANCES SHOWN HEREON WERE OBTAINED FROM A DC SURVEYORS OFFICE PLAT OF COMPUTATION RECORDED IN SURVEY BOOK 204 AT PAGE 399, AMONG THE RECORDS OF THE OFFICE OF THE SURVEYOR OF THE DISTRICT OF COLUMBIA (DCSO).

SKETCH SHOWING
HOWARD HOSPITAL SITE
ON A PORTION OF
A&T LOT 807 IN SQUARE 3075
A&T BOOK PAGE 2416
SURVEY BOOK 204, PAGE 399
WASHINGTON, DC
1"=100'
DATE: DECEMBER 9, 2024
REVISED: DECEMBER 11, 2024
SHEET 1 OF 1

Revised 12.11.2024
12.09.2024

Howard Hospital Site

**DESCRIPTION OF
A PORTION OF
ASSESSMENT & TAXATION LOT 807
IN SQUARE 3075
ASSESSMENT & TAXATION BOOK PLAT 2416
PLAT OF COMPUTATION – SURVEY BOOK 204 AT PAGE 399
(MAP #10516)
WASHINGTON, D.C.**

Being a portion of Assessment and Taxation Lot 807 in Square 3075, as filed in Assessment and Taxation Book Plat 2416 and shown on a Plat of Computation entitled “Assessment and Taxation Lot 807, being on theoretical lot” recorded in Survey Book 204 at Page 399 (Map # 10516), all among the Records of the Office of the Surveyor of the District of Columbia and being more particularly described as follows:

Beginning for the same at a point of being the northwesterly corner of Lot 30 in Square 3078, recorded in Subdivision Book 47 at Page 179 among the aforesaid Records, said point also being the southwesterly corner of the aforesaid Assessment and Taxation Lot 807 in Square 3075 and the southerly end of a Due North 40.00 plat line of said Assessment and Taxation Lot 807 in Square 3075, as shown on the aforesaid Plat of Computation recorded in the aforesaid Survey Book 204 at Page 399, said point also lying on the easterly line of Georgia Ave NW, variable width public street, thence running with a portion of the common line of said Assessment and Taxation Lot 807 in Square 3075 and said Georgia Avenue, NW the following eleven (11) courses and distances

1. Due North, 40.00 feet (record) to a point; thence
2. Due East, 2.00 feet (record) to a point; thence
3. Due North, 40.00 feet (record) to a point; thence



4. Due West, 2.00 feet (record) to a point; thence
5. Due North, 56.60 feet (record) to a point; thence
6. South 74° 05' 00" West, 2.08 feet (record) to a point; thence
7. Due North, 63.86 feet (record) to a point; thence
8. North 74° 05' 00" East, 4.16 feet (record) to a point; thence
9. Due North, 225.02 feet (record) to a point; thence
10. South 62° 22' 30" West, 4.52 feet (record) to a point; thence
11. Due North, 166.02 feet (record) to a point; thence leaving the aforesaid common line of Assessment and Taxation Lot 807 in Square 3075 and Georgia Avenue, NW and running so as to cross and include a portion of Assessment and Taxation Lot 807 in Square 3075 the following four (4) courses and distance
12. North 82° 58' 44" East, 170.19 feet (computed) to a point; thence
13. North 06° 56' 57" West, 90.06 feet (computed) to a point; thence
14. North 83° 02' 19" East, 490.00 feet (computed) to a point; thence
15. South 61° 29' 49" East, 154.69 feet (computed) to a point lying on the westerly line of 5th Street, NW, 50 feet wide public street, said point also lying on the easterly line of the aforesaid Assessment and Taxation Lot 807 in Square 3075; thence running with a portion of the common line of said Assessment and Taxation Lot 807 in Square 3075 and 5th Street, NW
16. South 06° 54' 00" East, 496.04 feet (computed) to a point marking the southeasterly corner of the aforesaid Assessment and Taxation Lot 807 in Square 3075, said point also lying on the southerly line of a Fifteen (15) Foot Public Alley in Square 3079; thence leaving the aforesaid common line of Assessment and Taxation Lot 807 in Square 3075 and 5th Street, NW and running with the common line of Assessment and Taxation Lot 807 in Square 3075 and a Fifteen (15) Foot Public Alley in Square 3079



17. South 83° 06'00" West, 591.49' (computed) to a point lying marking the northwesterly corner of a Ten (10) Foot Public Alley; thence leaving said common line of Assessment and Taxation Lot 807 in Square 3075 and a Fifteen (15) Foot Public Alley in Square 3079 and running with the common line of Assessment and Taxation Lot 807 in Square 3075 and a Ten (10) Foot Public Alley in Square 3079
18. Due South, 48.19 feet (computed) to a point marking lying on the northerly line of Bohrer Street NW, a 40 foot Public Street; thence leaving the common line of Assessment and Taxation Lot 807 in Square 3075 and a Ten (10) Foot Public Alley in Square 3079 and running with the common outline of Assessment and Taxation Lot 807 in Square 3075 and Bohrer Street NW the following two (2) courses and distances
19. Due West, 30.00 feet (record) to a point; thence
20. Due South, 75.00 feet (record) to a point marking the northerly line of a Ten (10) Foot Public Alley in Square 3079; thence leaving the common outline of Assessment and Taxation Lot 807 in Square 3075 and Bohrer Street NW and running with the common outline of Assessment and Taxation Lot 807 in Square 3075 and a Ten (10) Foot Public Alley in Square 3079 the following two (2) courses and distances
21. Due West, 100.00 feet (record) to a point; thence
22. Due South, 5.00 feet (record) to a point marking the a northerly corner of the aforesaid Lot 30 in Square 3078, said point also being a southerly corner of Assessment and Taxation Lot 807 in Square 3075; thence leaving the common line of Assessment and Taxation Lot 807 in Square 3075 and a Ten (10) Foot Public Alley in Square 3079 and running with the common line of said Assessment and Taxation Lot 807 in Square 3075 and said Lot 30 in Square 3078
23. Due West, 120.00 feet (record) to the point of beginning, containing 476,957 square feet or 10.94943 acres (record) of land.

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EXHIBIT B

DIAGRAM OF TRANSITION SETBACKS

[SEE ATTACHED]

**Memorandum of Agreement Between LeDroit Park Civic Association
and the Howard University**



Black line represents the 15-foot transition setback.

Green line, represents the 50-foot buffer in which no residential communal outdoor recreation space may be located.

Orange line represents (a) the 100-foot buffer in which all buildings must be constructed 1:1 in height as they relate to the distance in which they are setback from the lot line; and (b) restrictions for use, equipment and service areas.

Blue line represents the 150-foot buffer in which ambulance access must be enclosed.