

Affidavit of Kathleen D. Rooney, Representative of RP 3701 NW LLC

The undersigned, being duly sworn according to law, deposes and says:

1. I am the President of Rooney Properties, the parent entity of RP 3701 NW LLC (“**Owner**”), the applicant under BZA Case No. 19099 (the “**Order**”) and the instant extension request.
2. Owner is the owner of 3701 New Hampshire Avenue, N.W. (Square 3030, Lot 30¹) (“**Property**”).
3. Owner has owned the Property since April 16, 2015.
4. As President, I am responsible for overseeing efforts relating to designing, permitting, financing, constructing, and marketing of the residential and retail project at the Property (“**Project**”).
5. Since the final date of the Order, September 30, 2016, Owner has been diligently proceeding in good faith with the Project as approved by the Order. However, as described in the letter to which this affidavit is attached, the finalization and construction of the Project as approved by the Order has been delayed due to the market and other conditions beyond Owner’s control.

Construction Costs and Difficulties

6. Since the issuance of the Order, construction costs in the Washington, D.C. area have increased steadily and significantly. Such increase in construction costs has greatly exceeded expectations due to, among other reasons, geopolitical factors.
7. As a result, the construction costs estimates have increase by more than 30% beyond the originally forecasted construction amounts.
8. Further, due to site constraints, including multiple street frontages, proximity to a Metrorail station and the Metrorail line, and the existing improvements, construction of the Project is more costly than a typical development.
9. These same site constraints also contribute to a more complicated construction configuration and process than would typically exist.
10. Due to the increase in construction costs and the delay due to physical site constraints, Owner has been unable to proceed with the Project before the expiration of the Order.

WMATA Zone of Influence

11. The property is located across the New Hampshire Avenue from the Georgia Avenue/Petworth Metrorail Station. Further, the Property is located within the Washington Metropolitan Area Transit Authority (“**WMATA**”) Zone of Influence due to its proximity to the below-grade Metrorail line.
12. Due to its location within the Zone of Influence, any construction at the Property must understandably be reviewed and coordinated with WMATA to ensure that WMATA improvements are not damaged or adversely impacted by the Project.
13. Such review and approval process has introduced additional delay for the design and

¹ We note that Lot 805 was subdivided into Record Lot 30 since the Order was issued.

permitting process and has required re-study and revisions of various aspects of the Project in order to address WMATA comments.

14. These delays associated with the Zone of Influence have complicated proceeding to construct the Project before the expiration of the Order.

Work Relating to Permits

15. Despite the above challenges, following the issuance of the Order, Owner spent many months working with its architect, design consultants, and financial and market consultants preparing to design and develop the Project. As a result, Owner applied to the Department of Consumer and Regulatory Affairs (“**DCRA**”) for the building permit necessary to begin the implementation of the Project on the Property, demonstrating Owner’s intent to complete the Project.
16. Since September 30, 2016, Owner has expended significant time, money and resources to study, design and implement the Project. The chart below summarizes the approximate amounts expended by Owner for such efforts during such timeframe:

Cost Category	Amount
Architectural (Including Structural)	\$20,473
Legal: Transactional and Zoning	\$29,232
Civil Engineering	\$57,904
Other Consultants	\$138,779
Marketing	\$9,845
Permitting (Including WMATA)	\$114,114
Total Expenditures To Date	\$370,347

NOTE: Expenditures to date do not include Owner carrying costs or real estate taxes. All amounts are approximate and rounded to the nearest \$1,000 increment as a reflection of the ongoing nature of many of the above expenses.

Therefore, since September 30, 2016, Owner has spent approximately \$370,347 relating to its pursuit of the Project.

17. However, due to the delay issues discussed above, finalizing and pulling the permit from DCRA has been delayed.
18. Owner intends to work with the JV Partner (as defined below) to finalize the plans, potentially update the building permit set to reflect a final design, and work toward obtaining the building permit in good faith in the time allowed if the requested extension is approved.

Joint Venture

19. Since the issuance of the Order, Owner has investigated unique ways to implement the approved Project. To that end, Owner has reached out to potential joint venture partners to explore approaches to deliver the Project.
20. As a result, Owner entered into a partnership with Community Three (“**JV Partner**”) in order to help finalize and construct the Project.
21. While the JV Partner will help move the Project forward, the process of negotiating an

agreement with the JV Partner and the related due diligence process have involved an inevitable delay in moving forward to construct the Project.

22. Owner's partnering with the JV Partner provides evidence of good faith actions undertaken to best position the development team to deliver the Project.

Additional Items

23. Owner has also solicited interest from, and had numerous discussions with, potential operators of the retail portion of the Project. These discussions are ongoing but indicate further good faith actions to implement the Project, as approved, since the issuance of the Order.

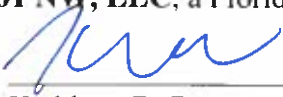
Conclusion

24. Given the above, developing the Project has been delayed by a multitude of factors, despite good-faith efforts by Owner. However, Owner believes that with the additional time requested, the Project will be able to proceed.
25. If Owner loses the entitlements granted by the BZA under the Order, the efforts to bring the Project to fruition will be even further hampered.

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I hereby swear and affirm under penalty of perjury that the statements made in the foregoing affidavit are true and correct to the best of my knowledge, information, and belief.

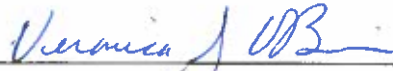
RP 3701 NW, LLC, a Florida limited liability company

By: 

Name: Kathleen D. Rooney

Its: President

Subscribed and sworn to before me this 27th day of September 2018.


Notary Public

My Commission expires: Oct 31, 2020

[Notarial Seal]

Veronica Joan O'Brien
Notary Public
Commonwealth of Virginia
Registration #296006
My Commission Expires
October 31, 2020