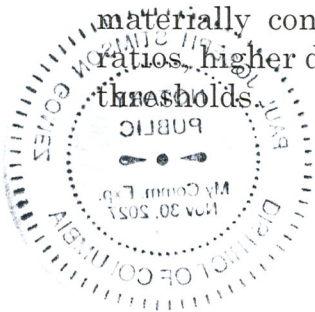


## Affidavit of Greg Rooney

I, Greg Rooney, being first duly sworn, hereby depose and state as follows:

1. My name is Greg Rooney. I am a Senior Vice President, Development at The Bernstein Companies, an affiliate 3rd & K, LLC (the "Applicant").
2. I am authorized to submit this Affidavit in support of the Applicant's request for a two-year time extension to file a building permit application and commence construction for phase two (the "North Building") of the approved planned unit development ("PUD") in Z.C. Case Nos. 12-14/12-14A, *et seq.*
3. I have personal knowledge of the matters set forth herein.
4. Phase one of the PUD was completed and received a Certificate of Occupancy on April 27, 2018.
5. The North Building will be an 11-story residential building with approximately 187 dwelling units, including a 12% Inclusionary Zoning component at 60% MFI.
6. The Applicant remains committed to constructing the North Building in accordance with the Zoning Commission's approvals.
7. Since completion of phase one, and continuing through 2024, 2025, and into 2026, the Applicant has made sustained, good-faith efforts to secure construction financing and equity capital for the North Building.
8. These efforts have included outreach to construction lenders, engagement with capital markets advisors, discussions with institutional and private equity partners, and repeated updates to underwriting assumptions to reflect current market conditions.
9. Despite these efforts, the Applicant has been unable to secure construction financing on economically viable terms.
10. The inability to obtain financing is the direct result of sustained and adverse capital market conditions beyond the Applicant's reasonable control.
11. Since 2024, new multifamily construction lending conditions have remained materially constrained due to elevated interest rates, reduced loan-to-cost ratios, higher debt service coverage requirements, and increased equity return thresholds.



12. Construction costs, insurance premiums, and operating expense assumptions remain significantly above pre-2020 levels, further impacting feasibility.
13. In addition, multifamily absorption in the District has lagged recent delivery levels, resulting in conservative rent and underwriting assumptions by lenders and equity investors.
14. These factors have led to a continued slowdown in new multifamily construction starts and have materially impaired the feasibility of commencing the North Building at this time.
15. The delay is not due to abandonment or lack of diligence by the Applicant, but solely to prolonged and unfavorable macroeconomic and capital market conditions.
16. The Applicant has been unable to obtain sufficient project financing for the North Building due to changes in economic and market conditions beyond its reasonable control.
17. The requested extension is necessary to allow additional time for capital markets to stabilize and to preserve the Commission-approved PUD for completion of the North Building.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
 Greg Rooney  
 Senior Vice President, Development  
 The Bernstein Companies

Sworn to and subscribed before me this 25th day of March 2026.

\_\_\_\_\_  
 Notary Public

My Commission Expires: 11/30/2027

