ATTACHMENT A: TIMELINE

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The 1991 special exception with parking requirements:

7/24/91 — Final BZA order approving Application No. 15542 for a special exception for Capitol Hill Group to operate 130 nursing facility beds with 250 employees, contingent on providing 176 off-street parking spaces.

The 1999 special exception modifying the 1991 order:

10/21/99 — Final BZA order approving Application No. 16407, granting approval for an expansion of Capitol Hill Group facility to 162 beds and 340 employees, contingent on Capitol Hill Group providing 276 off-street parking spaces on squares 865 and 895. (Order expires after two years unless building permit or certificate of occupancy applied for.) This order modifies the 7/24/91 order in Application No. 15542.

The 2000 request for reduction of the parking requirement:

4/21/00 — Capitol Hill Group's counsel submits a letter application seeking to modify the order in No. 16407 to reduce the parking requirement to 199 spaces. The request is based on the statement that the accessory parking on Square 865 lies on land Capitol Hill Group has agreed to sell to Holladay Corporation for residential development. (This application is never properly served on the Advisory Neighborhood Commission, ANC6A.)

6/7/00 — BZA hearing on Capitol Hill Group's 4/21/00 application for modification. Unaware of the proceeding, no ANC6A representative attends. BZA approves the unopposed application.

9/8/00 — Final BZA order 16407-A approving reduction in parking requirement to 199 spaces.

9/15/00 — DC Zoning Administration representative inspects Capitol Hill Group underground parking facility, finds water damage and determines that garage condition is not in compliance with requirements of 9/8/00 BZA order.

2/12/01 — After ANC6A obtains approval for a rehearing of the parking requirement reduction, Capitol Hill Group files a request to vacate the 9/8/00 order (16407-A) granting the 4/21/00 application, one day before the scheduled hearing.

BZA
Case No. 17043
Exhibit No. 4

Board of Zoning Adjustment
District of Columbia
CASE NO. 17043
EXHIBIT NO. 4

3/7/01 Final BZA order vacating the 9/8/00 modification order: "The Board's Decision and Order dated October 21, 1999, including the conditions to the order, is therefore in full force and effect."

The 2001 request for reduction of the 1999 parking requirement:

5/2/01 Capitol Hill Group resubmits its request to modify the 1999 order in No. 16407 to reduce the parking requirement.

5/3/01 The surface parking lots on square 865 are permanently sealed off in connection with their sale to real estate developer Holladay Corporation.

6/27/01 Capitol Hill Group requests that BZA vacate the order in No. 16407 in its entirety (but neglects to withdraw the 5/2/01 request for modification of the same order).

7/3/01 At BZA hearing, presiding Vice-Chair Renshaw notes "our understanding that the new Order [No. 16407] has not taken effect and that the Capit[o]l Hill Group is actually operating under [Order] 15542." Commissioner Mitten further notes that "there is a trigger mechanism for orders to go into effect which is either a building permit is sought or a certificate of occupancy is sought and neither of those things has happened...." BZA votes to take no action.

7/24/01 Capitol Hill Group withdraws its request to modify and/or vacate the 1999 order.

Recent developments:

2/21/02 Capitol Hill Group files under Chapter 11 in Bankruptcy Court.

11/20/02 Notice of Infraction issued against Capitol Hill Group for failure to comply with its certificate of occupancy – specifically, for not providing the number of parking spaces required under BZA Order No. 16407.

12/12/02 The Zoning Administrator advises Capitol Hill Group in writing that any rescission of BZA Order No. 16407 must come from the BZA and not from the Zoning Administrator.

2/24/03 Instead of appealing the Zoning Administrator's decision to the BZA, Capitol Hill Group files a lawsuit in Bankruptcy Court naming the District and DCRA's director as defendants.

3/26/03 The Zoning Administrator reverses his earlier position and issues CO 51289 and

51290, thereby imposing significantly reduced parking requirements.