ST. PATRICK'S SCHOOL
Amendment to Cap on Faculty and Staff

Currently, St. Patrick's School (the "Applicant") employs 92 full-time equivalent (FTE) faculty and staff in connection with its campus at 4700 Whitehaven Parkway (the "Whitehaven Campus"). The campus contains 62 parking spaces in the gymnasium. In addition, the Applicant leases public space from the District of Columbia that is improved with 42 angled parking spaces. The Applicant also leases a portion of the adjacent property (owned by the Army Corps of Engineers), which it uses for 23 spaces. Thus, the Applicant has 127 parking spaces to accommodate regular day-to-day school use.

In April 2002, the Applicant appeared before the BZA requesting approval for a junior high school at 4925 MacArthur Boulevard, NW. Approval was granted by the BZA pursuant to Order No. 16852, dated March 25, 2003. During the 2002 hearings for the junior high school, ANC 3D testified that the Whitehaven Campus was operating with a faculty and staff count significantly in excess of the cap established by the BZA in the 1990 BZA Order relating to that campus (BZA Order No. 15374). The Applicant rejected this assertion, citing the wording of the 1990 order, which capped staff, and not faculty. Specifically, the order reads: "The number of *staff* shall not exceed 60." (Emphasis added.)

In the 13 years since the 1990 order was written, the Applicant's faculty and staff count has increased from an estimated 51 in 1990 to a current total of 92 FTEs. Throughout that decade, St. Patrick's considered its growth within the legal limit, which, as written, constrained staff, and not faculty. Indeed, in 1999, during a BZA hearing requesting permission for the construction of a new gymnasium and additional academic space, the Applicant's attorney specifically called attention to this unusual "staff only" condition. (See transcript of December 8, 1999 hearing, page 441). Neither the BZA nor the ANC questioned this irregularity at the time of the 1999 hearing.

During the 2002 hearings for the junior high school, the ANC presented compelling evidence – with which the Applicant now agrees – that the governing "staff only" cap was written in error. In light of that evidence, the Applicant forthrightly admits that it should have

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returned to the BZA as soon as the faculty and staff total exceeded 60 in the early 1990s. Since the faculty and staff grew gradually over the decade, several incremental increases to the cap would have been required.

The Applicant therefore now requests an amendment to the most recent order affecting the Whitehaven Campus, Order No. 16517, to reflect a new cap of 93 total allowed FTEs (faculty, staff, and administration) at 4700 Whitehaven Parkway, NW. Since the regulations require two parking spaces for every three teachers and other employees for school use, the existing 62 parking spaces fully satisfy the requirement.

Finally, the Applicant wishes to acknowledge the ANC's careful and exhaustive research, which has focused the school on the need to request the revision of the cap established in the 1990 order. The Applicant appreciates the ANC's efforts in uncovering this error and is determined to comply fully with the letter and the spirit of all BZA conditions governing its activities.

In light of these circumstances, the Applicant respectfully requests that the Board grant the requested relief.