BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of the National Child Research Center BZA Application No. 16970

SUPPLEMENT TO MOTION TO DISQUALIFY CHAIRMAN GEOFFREY GRIFFIS AND TO VACATE VOTES TAKEN MARCH 9 AND APRIL 13, 2004

In the motion to disqualify Chairman Griffis and vacate votes taken by the Board, the Opposition Parties noted that they would "submit particulars of the relationship" between Chairman Griffis and the NCRC Trustee either publicly or in executive session as the Board may decide. In opposition to the motion, NCRC has asked that it be denied for failure to supply evidence to support the allegations. We have received notice that a public meeting on the motion will be scheduled. Accordingly, the Opposition Parties submit this Supplement to the motion, providing evidence supporting the allegations, as follows:

1. Claire Bloch has been a Trustee of NCRC throughout these proceedings and has been actively involved in advocating NCRC's position to the Board. Attached hereto as Exhibit 1 is a letter sent by Ms. Bloch to "Geof" Griffis dated October 31, 2003, noting that she has been working on the project for over two years and has attended every hearing before the Board. The letter laments the "protracted and costly battle with some of our neighbors" and argues, inter alia, that NCRC's application is "vital to the school's mission and purpose." It urges Chairman Griffis "to approve this case."

2. Attached as Exhibit 2 is another letter to Chairman Griffis from Claire Bloch dated January 12, 2003, expressing support of the NCRC proposal concerning traffic congestion and

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safety. Also attached as Exhibit 3 is a letter from Claire Bloch to "Neighbors" dated July 23, 2002, establishing Ms. Bloch's leadership role in the NCRC application as early as that date.

3. NCRC in its Opposition to the motion concedes, at footnote 1, that Claire Bloch remained a trustee of NCRC as late as April 13, 2004, and indeed attended an NCRC Board meeting on that date. April 13, 2004 was the day the Board voted 3-1 to approve NCRC's request for new construction.

4. Attached as Exhibit 4 is an affidavit of Darryl Hess, a licensed investigator in the District of Columbia, attesting to his observations on the evening of June 4 and the morning of June 5, 2004, outside the residence of Chairman Griffis. In brief, the affidavit establishes that Ms. Bloch entered the home of Chairman Griffis at 8:26 p.m. and departed at 9:25 the next morning, when they kissed goodbye and she departed. The affidavit attaches photographs verifying the observations of the investigator.

5. Attached as Exhibit 5 is an affidavit of Ana Evans, attesting to her chance observations of personal contact between Chairman Griffis and Claire Bloch in a public place on or about January 23, 2004. It is clear that a personal relationship between the Chairman and Ms. Bloch began well before the Board's vote on March 9, 2004, and became an intimate relationship either before or shortly after that date. Ms. Evans' affidavit also attests to the fact that Claire Bloch has been one of the most visible and outspoken supporters of the school and critics of the neighbors in this proceeding.

6. The Opposition Parties question NCRC's representation in its Opposition that it has "every confidence that the BZA has already considered the facts as presumably described to it by Chairman Griffis . . ." Absent impermissible ex parte communications, NCRC is not in a

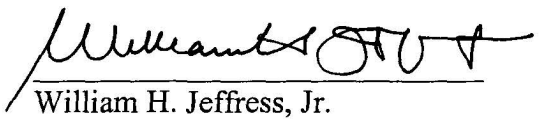
position to know whether Chairman Griffis has described any facts to the Board. On information and belief, the personal relationship between Chairman Griffis and NCRC was known to NCRC well before the Opposition Parties filed the present motion; and rather than disclose the relationship to the Board and the Opposition Parties, NCRC attempted in May 2004 to distance Ms. Bloch from NCRC's activity in support of the application, and to keep the relationship as quiet as possible.

7. The facts plainly require disqualification of Chairman Griffis. The Board has not yet issued its Order on the application. Issuance of the order is not a formality: then remains, for example, a question whether the Order will reiterate – as suggested by Board Member Zaidan at the April 13 meeting – the exact student enrollment of 120 permitted at NCRC's site, which by previous vote of the Board is not to be exceeded.

8. The facts also plainly require voiding of agency action in which Chairman Griffis participated while engaged in or while anticipating a personal relationship with Claire Bloch. The extensive record in this proceeding, including transcripts of public meetings, establishes without room for argument the leading role of Chairman Griffis in favor of NCRC's positions. While the Opposition Parties can document that the personal relationship between Chairman Griffis and Ms. Bloch became an intimate one by June 4, 2004, the precise timing of the intimacy is not determinative. If the Board determines that it is relevant, then the Opposition Parties hereby request an evidentiary hearing at which witnesses may be examined concerning (1) the origin and nature of the relationship between Chairman Griffis and Ms. Bloch, (2) NCRC's knowledge of that relationship, and (3) the role of Ms. Bloch in NCRC's pursuit of its application to this Board.

9. The Opposition Parties respectfully submit that the facts established in this Supplement require disqualification and vacating of votes taken by the Board. It would be shocking if actions taken by an agency whose Chairman had an undisclosed personal relationship of the sort described herein, with a Trustee of a party who has been one of the leading advocates of the party's position before the agency, were allowed to stand.

Respectfully submitted,



William H. Jeffress, Jr.
Baker Botts
1299 Pennsylvania Ave., NW
Washington, DC 20004
Phone: 202-639-7751

Counsel for Cleveland Park Neighbors

Bruce and Sallie Beckner
Henry P. Little
Linda Badami and Gaylord Neely
Steven R. Hunsicker

Other Parties In Opposition To The Application

Of counsel for Cleveland Park Neighbors

Richard B. Nettler
Robbins, Kaplan and Miller & Ciresi L.L.P.
Suite 1200
1801 K Street, NW
Washington, DC 20006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Supplement To Motion To Disqualify Chairman Geoffrey Griffis and To Vacate Votes Taken March 9 and April 13, 2004 was served by Fax to Maureen Dwyer and by regular mail on the following:

ANC 3C
Nancy MacWood, Chairperson
2737 Devonshire Place, N.W.
Washington, D.C. 20008

Mr. Denzel Noble, Deputy Administrator
Building & Land Regulation Admin.
Department of Consumer & Regulatory Affairs
941 North Capitol Street, N.E.
Room 2000
Washington, D.C. 20002

Arthur Jackson
Office of Planning
801 North Capitol St., N.E.
Washington, D.C. 20002

Ellen McCarthy
Office of Planning
801 North Capitol St., N.E.
Washington, D.C. 20002

Gaylord Neely & Linda Badami
3207 Highland Place, NW
Washington, DC 20008

Steven R. Hunsicker
Baker Botts, LLP
1299 Pennsylvania Avenue, NW
Washington, DC 20004-2400

Henry P. Little
The Nature Conservancy
201 Mission Street, 4th Floor
San Francisco, CA 94105

John Spagnoletti
John a. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

The Friends of NCRC
c/o Anne Large
P.O. Box 11219
Cleveland Park Station
Washington, DC 20008-9998

Katharine Marshall
3208 Highland Place, NW
Washington, DC 20008

William H. Jeffress, Jr.

Claire A. Bloch
3525 Ordway Street, NW
Washington D.C. 20016

2003 OCT 31 PM 12:55

Mr. Geof Griffis
Chairman
Board of Zoning Adjustment
441 Fourth Street, NW
Washington DC 20001

Re: Application No. *16970*

October 31, 2003

Dear Mr. Griffis,

I am a member of NCRC's Board of Trustees and support the school's application. I live three blocks from the school and I am in my seventh consecutive year as an NCRC parent. I have been working on NCRC's proposed project for over two years and have attended every hearing before your board. Before this case is closed next week I feel it is imperative to draw your attention to several things that have yet to be said at our many zoning hearings.

First, as you may be accustomed to from other school cases, the opposition has blown the problems way out of proportion. Yes, it is true that Highland Place is a lovely, quiet street, but it is also true that NCRC is a lovely, quiet school. I feel strongly that this school and its operations fit in ideally on this street. The traffic generated by the school is nominal. Even taking at face value the opposition's traffic findings, the worst they have ever documented is one period of fifteen minutes when there was a queue line. On the other day they "studied" all of the drop-off activity was contained within the four spaces in front of the school. Those numbers do not support the exaggerated claims of our opposition. In reality, since we have lengthened our drop off and pick up times, the cars are spread out over a longer period with virtually no "queuing." Again, this is not the traffic nightmare that the opponents are trying to portray.

I have a child who attended John Eaton Elementary (just three blocks from NCRC) and now two of my children attend Georgetown Day School. At both schools I have often observed extremely long lines of cars blocking residential streets making it difficult for oncoming cars to pass. While I think that these conditions are pretty normal where a school exists in an urban setting, what takes place at NCRC has far less impact because the volume of traffic is vastly different. The traffic generated by our preschool is so nominal that there is rarely a disruption on the street that can't be resolved in a matter of seconds.

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The opposition has continually referred to the number of people who support them in their fight against NCRC. What they have not mentioned is how they got people to sign petitions against the school. The vehement leaders of this opposition have repeatedly used misinformation to generate mistrust of the school and to bolster support for their opposition. A flyer that the opposition circulated when they were trying to gather signatures titled, "Ordway Alert," contained a series of gross exaggerations designed solely to frighten neighbors about NCRC's plans and to get signatures for their petition. The flyer claimed, for example, that as a result of our project, Ordway Street could experience an increase of 380 car trips in a single day and would lose up to 16 parking spaces. Both of those claims are obviously false.

Furthermore, when opponents initially collected signatures, they used incorrect information. At an ANC meeting in October 2002, opponents admitted this fact and said they would go back and provide signatories with the correct information. I have since spoken with at least a dozen people who said they were never made aware of the correct information and that had they known the facts, they would not have signed in opposition against the school.

What seems incredible to me is that the opponents have all chosen to live in the city. They opted to live next to a thriving school. However peaceful they want to keep their street, Highland Place is not a gated community. It is part of a busy, traffic-filled neighborhood. For some reason, our opponents seem to believe that they own the street, the parking spaces and the neighborhood. NCRC has been in the same location for more than 70 years and has always reached out beyond the narrow boundaries of Cleveland Park drawing students and faculty from all over Washington D.C. And this is how it should be.

In its many decades on Highland Place, NCRC has never undergone any significant expansion. We are now before your board, engaged in this protracted and costly battle with some of our neighbors, because what we are proposing is vital to the school's mission and future. While the facility is charming and historic, it clearly lacks some necessary features. What we are proposing to add—an indoor playspace, two new classrooms, private meeting rooms for staff and parents, an elevator—are all critical to ensure NCRC's future as a model preschool in the District of Columbia. At this point, after nearly two years of postponing and revising our plans to address neighbor concerns, I urge you to approve this case and to allow this historic Washington institution to continue to thrive.

Sincerely,

Claire A. Bloch

Claire Bloch & John Nielsen
3525 Ordway Street, NW
Washington D.C. 20016

D.C. OFFICE OF ZONING
RECEIVED
2003 JUN 13 AM 9:01

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W.
Washington DC 20001

Re: BZA Application No. 16970

June 12, 2003

Dear Chairman Griffis and Members of the Board,

I am writing to express my support of NCRC in their effort to expand and specifically to register support for DDOT's proposal to make Highland Place a one-way street.

While there are no records of any traffic accidents on Highland Place, opponents to the school's plans have raised the issue of safety and school traffic, particularly with respect to the potential for danger that eastbound cars face when they come up against NCRC's westbound drop-off and pick-up queue. It is clear that the only viable solution is to create one-way traffic on the street so that there is never an instance when two cars might meet head on.

The school traffic already operates in a one-way pattern. School officials in orange vests are posted in the vicinity of the school directing cars to go eastbound on Newark Street and to drive up Highland Place only in the westbound direction. After dropping children off in front of NCRC, cars then turn left on 33rd place and then either go right or left on Newark Street. Since the safety of every resident and student is at stake then it doesn't seem like too much to ask residents of Highland Place to follow that same traffic pattern. Especially since it would eliminate the primary safety concern they have raised.

Another solution might be to cut into the front yards on Highland Place to create a wider street as well as some much-needed sidewalks, but of course this would come at a much greater expense to both residents and the District.

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Yet another solution to the safety issues raised by NCRC's opponents would be a regulatory one. The Department of Transportation could create spaces along the entire frontage of the school that would be designated as no-parking during school hours. This would create enough curbside spaces to accommodate the drop-off and pick-up queue, particularly since the school has already offered to stagger arrival and dismissal times. Without the queue forming in the westbound traffic lane, less potential danger would arise. If there were ever a time when too many cars arrived to queue, the off-duty police officer that NCRC has proposed hiring would manage the traffic to ensure the safety of any oncoming cars.

This solution seems viable, especially because NCRC is committed to enforcing a strong, new traffic management plan. Of course, it does not ensure the complete resolution of safety issues. For example, when the Cleveland Park Club Camp is in session during the summer months, they direct their families to drive eastbound on Highland Place after dropping off their children at the intersection of Highland and 33rd Place. With two institutions asking cars to head in opposite directions on a small street, it is possible that no uniformed guard or strong traffic management plan is enough to ensure safety.

For this reason, we urge you to seriously consider this one-way solution. The issue is clearly not whether NCRC adds ten new children to their program. The issue is the safety of the residents, school children and the Cleveland Park Club members that use this street now. The solution has nothing to do with enrollment numbers, the solution is to make this narrow, winding street safe for everyone who uses it—today and in the future. Making Highland Place one-way will do that.

Thank you very much.

Sincerely,

Claire Bloch & John Nielsen

cc: Ken Laden, Department of Transportation



NCRC
National Child
Research Center

Susan L. Piggott
Director

July 23, 2002

Dear Neighbors:

I am writing to inform you about our most recent community meeting and to let you know where things stand with the NCRC project.

Our architect, Chuck Anthony, our traffic consultant, Osborne George, and two representatives from the DC Department of Transportation met at NCRC last month along with approximately twenty-five neighbors. We presented our new drawings, which reflect a response to many of the concerns raised by neighbors. We also shared specific ideas that we believe can mitigate current traffic issues as well as ensure that any additional staff and students will have minimal impact on the neighborhood.

For those of you who could not attend, I have included an outline of the project, how it compares to our first presentation in February, and some of the commitments we are prepared to make.

If you have any questions or if you would like to come in and look at our new plans, please feel free to e-mail me at cabloch@starpower.net or NCRC's Director, Susan Piggott at spiggott@his.com. Thanks very much.

Sincerely,

Claire Bloch

Claire Bloch,
NCRC Board Member
Ordway Street

Enclosures

NOTE: This letter and enclosures were previously emailed to members of the Cleveland Park listserv on July 18, 2002.

3209 Highland Place, NW • Washington, DC 20008
202.363.8777 • Fax 202.244.3459

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of the National Child Research Center
BZA Application No. 16970

AFFIDAVIT

I, Darryl Hess, a licensed private investigator, licensed in the District of Columbia, do hereby attest and affirm the following facts:

1. I was retained by Access Investigative Services, Inc., a licensed private investigative firm located in Arlington, Virginia, to conduct surveillance in public spaces of Geoffrey Griffis and Claire Bloch.

2. I conducted surveillance of 1246 Columbia Road, NW, Washington, DC, the personal residence of Geoffrey Griffis, on the evening of June 4th, 2004 and the morning of June 5th, 2004. I conducted my surveillance from the same location on this public roadway that evening through the next morning.

3. At approximately 8:26 PM, on June 4th, 2004, I observed Geoffrey Griffis and Claire Bloch entering the front of his residence. Claire Bloch was wearing a blue jean jacket with tan slacks while carrying a small blue and white duffel bag, a small white rectangular-shaped bag as well as a black purse over her left shoulder. I maintained surveillance of his residence continuously that evening and into the morning of the next day. I did not observe either individual leaving or entering the residence until the next morning.

4. At approximately 9:25 AM, June 5th, 2004, Geoffrey Griffis and Claire Bloch were next observed as they exited the residence together. Griffis was wearing a dark colored baseball cap, white dress shirt with vertical stripes and light colored shorts. Bloch was wearing a blue jean jacket, a light colored shirt and dark pants. They walked to the rear of her Toyota Sienna (DC tag AN 2534) that was parked on Columbia Road near Griffis' residence. Griffis was carrying two beach chairs over his right shoulder. Bloch was carrying children's beach toys in her right hand and the same duffle bag, white bag and purse over left shoulder and a tennis racquet in her left hand. Griffis opened the rear hatch of Bloch's minivan and they both placed the items into the vehicle. Griffis rubbed Bloch's right shoulder using both hands and then kissed her. They walked to the driver's side door where they kissed again, prior to her entering the vehicle. Thereafter, she left the area in her vehicle and he left the area on foot.

5. At this point I left the public roadway where I conducted my surveillance.

6. I attach as Exhibit A five (5) separate still photographs extracted from the video film footage on VHS tape made by me of the events described above. Each photograph also has a time and date caption.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY AND UPON PERSONAL KNOWLEDGE THAT THE CONTENTS OF THE FOREGOING PAPER IS TRUE AND ACCURATE.

Darryl Hess
2200 Wilson Blvd.
Suite 102-124
Arlington, Virginia 22201

Notary Public

TAMMY M. WHITE
Notary Public, State of Maryland
County of Howard
My Commission Expires July 1, 2008

EXHIBIT A


JUN 4 2004
8:26:29PM


JUN 5 2004
9:25:34AM


JUN 5 2004
8:26:26AM


5 2004
8:26:28AM



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of the National Child Research Center
BZA Application No. 16970

AFFIDAVIT

I, Ana G. Tejblum Evans , do hereby attest and affirm the following facts:

1. My name is Ana G. Tejblum Evans, and I reside at 3428 Ashley Terrace, N.W, Washington, DC. I am a neighbor of the National Child Research Center (NCRC), and I oppose the proposed expansion. I am a member of a small group which has served as representatives of the neighbors in discussions with the school and in appearances before civic associations, the ANC, and this body.

2. I know Claire Bloch. She has had children at NCRC. She has been an active advocate for the school. She has been identified throughout this entire controversy as a member of the Board of Trustees of the school, and a member of the program committee which has responsibility for the expansion project. From the first meeting with the neighbors held to discuss the project, she has been a vocal advocate. At the large meetings with neighbors, she has spoken on behalf of the Board and the program committee. She has also attended meetings of the neighborhood ANC and spoken at those meetings on behalf of the school.

I have had at least one angry verbal exchange with Ms. Bloch. She has, throughout this controversy, been one of the most visible and outspoken supporters of the school and critics of the neighbors.

3. I have attended every hearing of the Board of Zoning Adjustment in which NCRC was on the agenda. Ms. Bloch has attended every hearing as well. During those hearings, she has sat with the school's supporters, consulted with its counsel and others, and manifested her support for the school. She always sat next to, or in close proximity, to Ms. Alexa Halaby, and they frequently consulted each other during the proceedings. Ms. Halaby represented the school in a series of meetings with neighbors to discuss and resolve the dispute; and she also identified herself as being the member of the Board of Trustees of NCRC responsible for the expansion project.

4. I know Geoffrey Griffis by sight because he has presided at all BZA hearings concerning NCRC. My children attend Georgetown Day School and around Christmas of 2003, I realized he had one or more children at GDS. I have subsequently learned that his daughter is in the same first grade class as a child of Ms. Bloch. Mr. Griffis never disclosed this fact at any hearing at which I was present.

5. On or about January 23, 2004, I saw Ms. Bloch in an extensive animated conversation with Mr. Griffis. I was stopped at the intersection of Q Street and MacArthur Boulevard, waiting to turn into the driveway of Georgetown Day School. I witnessed the conversation as I was stopped at the light, and then as I passed Ms. Bloch and Mr. Griffis on my way into the school's parking area. I thought it unusual that Ms. Bloch and Mr. Griffis were having such an intense conversation, although I could not overhear it, and I reported my observation to several other neighbors. As a result of these events, our counsel wrote to the board seeking to have the board members disclose any *ex parte* contacts with representatives of the school. Mr. Griffis did not report any such contact. I was unaware that they had an intimate relationship until our counsel filed the Motion to Disqualify Mr. Griffis.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY AND UPON PERSONAL KNOWLEDGE THAT THE CONTENTS OF THE FOREGOING PAPER IS TRUE AND ACCURATE.

Ana G. Tejblum Evans
3428 Ashley Terrace, NW
Washington, DC 20008

SWORN TO BEFORE ME, a Notary Public for the District of Columbia, on the 16th day of July, 2004.

Wenona F. Brown
Notary Public, District of Columbia
My Commission Expires 10-14-2006

Notary Public

My term expires: 10-14-2006