BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

RE: JBG/JER 2440 M, LLC: Application for special exception and variances to allow construction of 138-unit apartment building at 2440 M Street, N.W. (Square 25, Lot 20)	))))))	Application No. 16687

MOTION OF TENANTS OF 2440 M STREET, N.W. TO APPEAR
AS PARTIES IN OPPOSITION TO THE APPLICATION

Pursuant to 11 D.C.M.R. § 3106.2, the following named tenants of the professional building located at 2440 M Street, N.W. hereby petition to appear as parties in opposition to the above-captioned application. The persons who seek this status are as follows:

1. Capital Pulmonary Internists, P.C., and its members Byron S. Cooper, M.D., David C. Gross, MD, Gary H. Miller, MD, and Brian C. Turrisi, MD
2. Nancy Falk, MD
3. Bryan J. Arling, MD
4. David W. Patterson, MD
5. Samuel Stopak, MD
6. Katherine C. Edwards, MD
7. Roy Leiboff, MD
8. George Bren, MD
9. William G. Pinney, PhD
10. Steve Van Waggoner, PhD
11. Nancy Pugh
12. Becky A. Bailey, PhD
13. Adrian Brown, MD
14. David L. German, DO
15. Marissa R. O'Malia
16. Maria Z. Cohn, PhD
17. Constance E. Dunlop, MD
18. Hrant Semerjian, MD
19. John L. Marlow, MD
20. David H. Goodman, MD
21. Henry B. Fox, MD
22. Eugene C. Gadaire, DDS
23. Joseph E. Gutierrez, MD

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Case No. 16687
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.16687
EXHIBIT NO.29

24. George F. Bronsky MD
25. Jean C. Bolan, MD

Each of the above named persons maintains a professional office address in 2440 M Street, N.W. Washington, D.C. 20037. Each of the above-named persons will appear through the following legal counsel: Andrea C. Ferster, 1100 17th Street, N.W. 10th Fl., Washington, D.C. 20037. A letter authorizing counsel to represent the above-named persons as parties in this proceeding is attached hereto. They are seeking party status for themselves as a single group composed of 28 individuals and a professional corporation.

Pursuant to 11 D.C.M.R. § 3106.2(e), the tenants submit the following written statement setting forth why they should be granted party status:

(1) Each of the above-named persons is a tenant of 2440 M Street, N.W., the building that is the subject of the above-captioned application, and maintains a professional practice therein. Their professional livelihoods as well as the comfort, convenience, and needs of their patients and other visitors will be adversely affected by the relief requested in the application due to the resulting increase in traffic, construction impacts, and the reduction in available parking.

(2) Each of the above-named person has a leasehold interest in 2440 M Street, N.W., the building that is the subject of the above-captioned application.

(3) Each of the above-named persons is a tenant of 2440 M Street, N.W., and therefore are located directly in the building that is the subject of the above-captioned application.

(4) Each of the above-named persons will suffer economic harm through adverse impacts to their medical and professional practices. Specifically, the addition of 138 apartment units to 2440 M Street will have an adverse impact on traffic in the neighborhood, which is already

extremely congested. The additional parking to be developed in connection with the new apartment units will not be adequate to address the demand for parking generated by the residents, staff, and visitors of the new apartment units and will result in an overall reduction in the already limited supply of available on- and off-street parking in the neighborhood for patients and visitors of the current tenants. In addition, the construction of the apartment units will further impair the tenants' quiet enjoyment of the professional building and adversely affect their professional practices by generating noise, traffic, odors, debris, and other construction impacts that will harmful to or create hardships for their clientele, many of whom have disabilities and medical conditions that render them especially sensitive to environmental hazards and disruptions.

(5) As tenants of the building which is going to be the subject of construction and the addition of the 138 apartment units, as well as persons whose livelihood and economic well-being is dependent on maintaining the amenities and existing condition of the building, the above-named persons will be more significantly, distinctively, and uniquely affected by the proposed zoning relief than other persons in the general public.

Accordingly, the above-named tenants of 2440 M Street, N.W. respectfully request that they be given leave to appear, through the undersigned legal counsel, as parties in opposition to the above-captioned application.

Respectfully submitted:



Andrea C. Ferster
Cornish F. Hitchcock
1100 17th Street, N.W. 10th Fl.
Washington, D.C. 20036
(202) 974-5142

April 10, 2001

Capital
Pulmonary
Internists, P.C.

Byron S. Cooper, MD FCCP
David C. Gross, MD FCCP
Gary H. Miller, MD FCCP
Brian C. Turrisi, MD FCCP

PULMONARY DISEASES SLEEP DISORDERS

April 9, 2001

Board of Zoning Appeals
441 Fourth Street, N.W.
Suite 210-S
Washington, DC 20001

RE: Application of JBG/JER 2440 m, LLC
Application No. 16687

The following named tenants of 2440 M Street, NW, Washington, DC 20037 authorize Andrea Ferster to represent them at the Board of Zoning's hearing on application number 16687 to be held on April 24, 2001.

1) Capital Pulmonary Internists, P.C.
Byron S. Cooper, MD, David C. Gross, MD, Gary H. Miller, MD, Brian C. Turrisi, MD

2) Nancy Falk, MD

3) Byan J. Arling, MD and David W. Patterson, MD

4) Samuel Stopak, MD

5) Katherine C. Edwards, MD

6) Roy Leiboff, MD and George Bren, MD

7) William G. Pinney, PhD

8) Steve Van Wagoner, PhD

9) Nancy Pugh

10) Becky A. Bailey, PhD

11) Adrian Brown, MD

2440 M STREET NW, SUITE 810, WASHINGTON, DC 20037 202 833-3000 FAX 835-9040
106 IRVING STREET NW, SUITE 3400, WASHINGTON, DC 20010 202 833-3000 FAX 835-9040

12) David L. German, DO

13) Marissa R. O'Malia,

14) Maria Z. Cohn, PH.D

15) Constance E. Dunlap, MD

16) Hrant Semerjian, MD

17) John L. Marlow, MD

18) David H. Goodman, MD

19) Henry B. Fox, MD

20) Eugene C. Gadaire, DDS

21) Joseph, E. Gutierrez, MD

22) George F. Bronsky, MD and Jean C. Bolan, MD

Sincerely,

Byron S. Cooper, MD