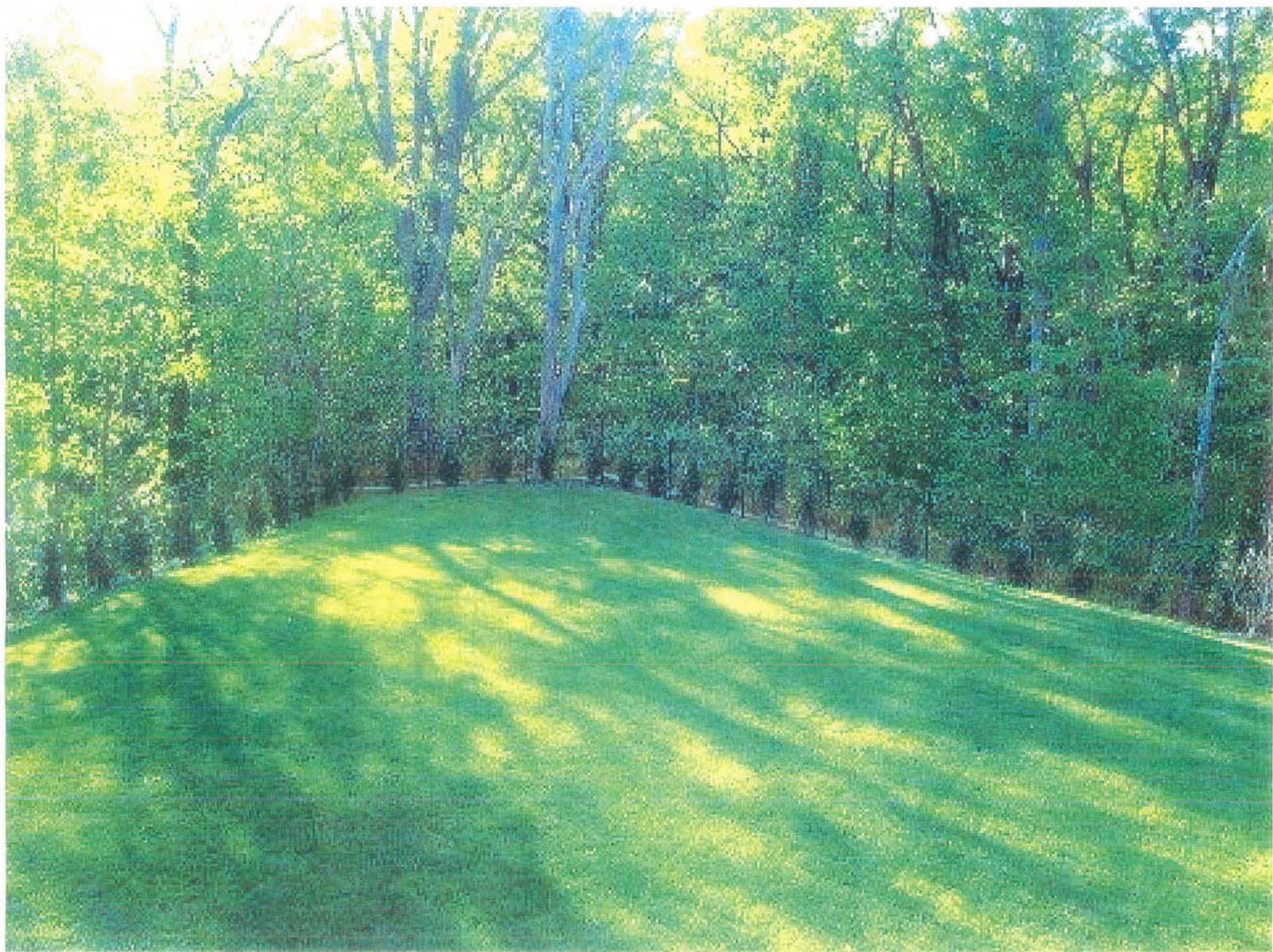


• REBUTTAL TO NPS INTERVENTION

- The issues raised by the Park Service are without merit or beyond the jurisdiction of the Board
- NPS' arguments that the wall was not properly constructed in accordance with the Zoning Regulations are the same as and have been answered in our response to appellant's arguments
- NPS' request that the Board incorporate the 4' height limitation of § 2503.2 into § 2503.3 has no basis in law or fact
- If NPS has issues with alleged water and/or soil damage to parkland from the retaining wall, relief to this Board is inappropriate
- The retaining wall does not encroach onto federal property. Assuming arguendo it does, NPS relief lies in an action for trespass in another forum. We note that NPS has moved the park boundary stakes closer to the wall since the wall construction began.
- There is significant precedent that other retaining walls border federal parkland in the District of Columbia
 - Dumbarton Oaks Park
 - New Mexico Avenue
 - Cathedral Avenue
 - Dalecarlia Parkway
- Park Service personnel monitored the construction of the retaining wall since inception, found no encroachment except for a discarded pipe partially on park property, and suggested certain plantings on the wall for moisture absorption and to blend in with the natural "look" of the park setting

























2801 NEW MEXICO AVE, N.W.- *Colonnade apts*
BORDERS GLOVER ARCHBOLD PARK



2801 New Mexico Ave
BORDERS GLOVER ARCHBOLD PARK



**The Cathedral Apartments- 4101 Cathedral Ave N.W.-Borders
Glover Archbold Park**





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