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2 Chairman Phil Mendelson

Councilmember Mary M. Cheh

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6 Councilmember Trayon White, Sr.

Councilmember Charles Allen

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10 A PROPOSED RESOLUTION

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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 To declare the existence of an emergency with respect to the need to exempt the project to build
19 an elevated park on the piers or foundation of the former 11th Street Bridge from the
20 requirements of 21 DCMR 1104.4(b).
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22 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
23 resolution may be cited as the “11th Street Bridge Project Emergency Declaration Resolution of
24 2022”

25 Sec. 2.(a) The 11th Street Bridge Park Project (“Project”) will construct a unique elevated
26 park on the piers of the old 11th Street Bridge, spanning the Anacostia River, and linking the
27 neighborhoods of Anacostia and Navy Yard. The park will be a venue for healthy recreation,
28 environmental education, and the arts for residents in Wards 6 and 8 and across the District. And,
29 the park has the potential to positively impact the Anacostia River, bringing new life to the
30 waterfront, providing environmental education, and exposing residents to the beauty of this
31 critical natural resource.

32 (b) Planning and development of the project has involved extensive community outreach,
33 including more than 1,000 public meetings. It is supported by the adjacent Advisory

34 Neighborhood Commissions, Members of the Council, and many other community leaders and
35 residents.

36 (c) The Bridge Park’s community-driven, equitable-development plan has received
37 national recognition for its anti-displacement efforts, which have already and will continue to
38 benefit residents, particularly in Ward 8. To date, the project has invested over \$86 million in
39 strategies to retain and promote housing, workforce, culture, and small businesses. Outcomes of
40 those efforts include 102 renters from Ward 8 becoming homeowners through the Ward 8 Home
41 Buyers Club; standing up of the Douglass Community Land Trust, which has secured 250 units
42 of permanently affordable housing in the District; investing over \$1 million in black-owned
43 businesses; placing eighty-three graduates of construction training in high-quality jobs; and
44 launching the largest privately funded unconditional cash transfer program ever attempted in the
45 country, with over \$3 million distributed to Ward 8 residents.

46 (d) The Council has, working with the Mayor, fully funded the public-sector costs for the
47 project. This has meant adding and accelerating funds within the District’s Capital Improvement
48 Plan, for a total public investment of over \$40 million, including \$5 million in FY 2023.

49 (e) The project is nearing completion of its final design and is now seeking final permit
50 approvals from the Department of Energy and the Environment (“DOEE”).

51 (f) DOEE is responsible for issuing permits regarding the project’s impact on the quality
52 of the District’s waterways. These include federal permits, issued pursuant to the federal Clean
53 Water Act, and District-specific permits, which are typically more stringent than federal
54 standards. Obtaining approval from DOEE is a necessary condition for the project to proceed.

55 (g) One such permitting requirement is 21 DCMR 1104.4(b). That regulatory language
56 requires that the construction, placement, or mooring of project facilities over Class B Waters—

57 that is, waters not used for direct contact recreation (such as swimming), but rather secondary
58 contact recreation (such as canoeing or kayaking) or aesthetic enjoyment—must either be
59 directly water-oriented (such as a boathouse); or, if not, the uses are prohibited unless the facility
60 is for use by the general public, and land-based alternatives are unavailable.

61 (h) The Council has learned from the agency that the project may not strictly comply with
62 21 DCMR 1101.4(b), as some of the amenities planned for the project could technically be
63 located on a land-based alternative site. This fact, though, is a feature of the project rather than a
64 failing. Indeed, the project is designed to activate the Anacostia River, connecting the
65 neighborhoods on either side of the River with a broad array of community activities and
66 engagement. As such, the Council views this project as a unique opportunity that necessitates
67 regulatory flexibility to proceed and meet its stated goals. The Council does not intend to set a
68 precedent for non-water-focused construction over the Anacostia River; nor, though, should this
69 requirement derail such a significant project inuring to the benefit of all District residents,
70 particularly those in areas lacking in such greenspace.

71 (i) Emergency legislation is necessary to exempt the project to build an elevated park on
72 the piers or foundation of the former 11th Street Bridge from the requirements of 21 DCMR
73 1104.4(b).

74 Sec. 3. The Council of the District of Columbia determines that the circumstances
75 enumerated in section 2 constitute emergency circumstances making it necessary that the 11th
76 Street Bridge Project Emergency Amendment Act of 2022 be adopted after a single reading.

77 Sec. 4. This resolution shall take effect immediately.