



**COUNCIL OF THE DISTRICT OF COLUMBIA**

THE JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004

**MEMORANDUM**

**TO:** Secretary Nyasha Smith  
**FROM:** Councilmembers Mary M. Cheh, Charles Allen, and Trayon White, Sr.,  
and Chairman Phil Mendelson  
**DATE:** November 9, 2022  
**SUBJECT:** Requests for the November 15, 2022, Additional Legislative Meeting

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We request that the following emergency measures be agendized for the November 15, 2022, Additional Legislative Meeting:

- 11th Street Bridge Project Emergency Declaration Resolution of 2022
- 11th Street Bridge Project Emergency Act of 2022
- 11th Street Bridge Project Temporary Act of 2022

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

Planning and development of the project has involved extensive community outreach, including more than 1,000 public meetings. It is supported by the adjacent Advisory Neighborhood Commissions, Members of the Council, and many other community leaders and residents.

The Bridge Park’s community-driven, equitable-development plan has received national recognition for its anti-displacement efforts, which have already and will continue to benefit residents, particularly in Ward 8. To date, the project has invested over \$86 million in strategies to retain and promote housing, workforce, culture, and small businesses. Outcomes of those efforts include 102 renters from Ward 8 becoming homeowners through the Ward 8 Home Buyers Club; standing up of the Douglass Community Land Trust, which has secured

250 units of permanently affordable housing in the District; investing over \$1 million in black-owned businesses; placing eighty-three graduates of construction training in high-quality jobs; and launching the largest privately funded unconditional cash transfer program ever attempted in the country, with over \$3 million distributed to Ward 8 residents.

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

The project is nearing completion of its final design and is now seeking final permit approvals from the Department of Energy and the Environment ("DOEE").

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

One such permitting requirement is 21 DCMR 1104.4(b). That regulatory language requires that the construction, placement, or mooring of project facilities over Class B Waters—that is, waters not used for direct contact recreation (such as swimming), but rather secondary contact recreation (such as canoeing or kayaking) or aesthetic enjoyment—must either be directly water-oriented (such as a boathouse); or, if not, the uses are prohibited unless the facility is for use by the general public, and land-based alternatives are unavailable.

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

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

Please contact Michael Porcello at 724-8062 or mporcello@dccouncil.gov if you have any questions.