

SUBDIVISION BY PUBLIC ACCESS EASEMENT - PROPOSED TEXT AMENDMENTS

SUMMARY

- 1) Amend Subtitle C 302.2 to create a “by right” option for the Property. The amendment will allow a theoretical subdivision as a matter of right only when:
 - a. Each lot complies with all zoning requirements
 - b. The lots have a public access easement
 - c. The project has been through the Large Tract Review process (which will give the Zoning Commission comfort that there has been agency review and opportunity for public comment).
- 2) Amend Subtitle A 301.3 to add these public access easement theoretical lot subdivisions to the list of developments exempt from the record lot requirement.

AMENDMENT TO SUBTITLE C, SECTION 302 (SUBDIVISION REGULATIONS)

302.2 Each new primary building and structure shall be erected on a separate lot of record in all R, RF, and RA zones, except as follows:

- (a) **For a theoretical lot subdivision by public access easement on Lot 134 in Square 3977, provided:**
 - (1) **Each building shall meet all of the development standards for the zone based on a plan of theoretical subdivision where individual theoretical lots serve as boundaries for assessment of compliance with the Zoning Regulations;**
 - (2) **Each theoretical lot has a public access easement approved by the District Department of Transportation;**
 - (3) **The theoretical subdivision has been reviewed pursuant to the Large Tract Review procedures of Title 10, Chapter 23 of the D.C. Municipal Regulations; and**
 - (4) **Notwithstanding the provisions of Subtitle A Section 301.4, a building permit application for construction of any building within the theoretical subdivision may be processed, and any work authorized may be carried to completion, pursuant to the provisions of provisions of the Zoning Regulations in effect as of [INSERT DATE EMERGENCY REGULATION TAKES EFFECT] so long as an application for the first building within the theoretical subdivision was legally filed with, and accepted as complete by the Department of Buildings on or before that date.**
- (b) **For other theoretical lot subdivisions, as** provided for in the theoretical lot subdivision regulations of Subtitle C § 305.1;
- (c) Buildings and structures erected in conformance with an approved campus plan, medical campus plan, or private school plan; and
- (d) Buildings and structures erected in conformance with an approved planned unit development.

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AMENDMENTS TO SUBTITLE A, SECTION 301 (BUILDING PERMITS)

301 BUILDING PERMITS

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301.3 Except as provided in the building lot control regulations for Residence Districts in Subtitle C and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled “An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities,” and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Official Code § 9-101.05, a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; except a building permit may be issued for:

- (a) Buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia;
- (b) Boathouse, yacht club, or marina that fronts on a public body of water, is otherwise surrounded by public park land, and is zoned MU-11;
- (c) Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure;
- (d) Trapeze school and aerial performing arts center to be constructed pursuant to Subtitle K;
- (e) A structure in the USN zone to be constructed on an air rights lot that is not a lot of record;
- (f) Buildings and structures approved as part of a campus or private school plan or medical campus plan;
- (g) Playing fields and associated accessory structures to support such fields and, if permitted by the Zoning Commission, an unenclosed pavilion, on the unzoned property comprising and abutting the Robert F. Kennedy Memorial Stadium, subject to Subtitle A § 209.2(c);
and
- (h) Buildings and structures within the SEFC-4 Zone District pursuant to Subtitle K, Chapter 2; **and**
- (i) **A theoretical lot subdivision by public access easement as provided for in Subtitle C § 302.2(a).**