

특별건축구역 운영 가이드라인 마련 연구

Establishing Operational Guidelines for Special Architectural District

임유경 Lim, Yookyung

이주경 Lee, Jookyung

김준래 Kim, Junlae

(a u r i

Establishing Operational Guidelines for Special Architectural District

SUMMARY

Lim, Yookyung
Lee, Jookyung
Kim, Junlae

The Presidential Commission on Architectural Culture & Construction Technology, launched in December 2005, proposed that some provisions of the Building Act needed to be relaxed in order to realize creative architecture, and in October 2007, the Building Act was amended to introduce the Special Architectural District System. Since the system was implemented in January 2008, 70 districts have been designated and operated in Seoul, Busan, and Sejong, and apartment complexes account for more than 90% of such districts.

After the system's establishment, the Ministry of Land, Infrastructure, and Transport revised the statute to expand the authority over designated zones, which had been limited to the Minister of Land, Infrastructure, and Transport, to mayors/provincial governors in order to activate the system and also to expand the scope of exceptions. As the private proposal system was newly established and the scope of exceptions then expanded, it is expected that demand for application of the system to small-scale apartment complexes and detached housing sites will increase. The criteria for deliberation by the Building Committee, which determines whether to designate a zone and apply building-related exceptions, also need to be presented more precisely.

The purpose of this study is to prepare guidelines for the operation of Special Architectural Districts in the future by diagnosing the system operation status 14 years after the introduction of the Special Architectural District System, and examining the possibility of expanding the system according to the amendment of laws and regulations. In this study, the operating principles and directions for the Special Architectural District System were set, and the designation procedure, considerations during designation deliberation, and considerations during application of exceptions and integrated application deliberations were reviewed to present guidelines for the operation of Special Architectural Districts.

Chapter 2 analyzes the introduction purpose, revision history, and system status of the Special Architectural District System, and by reviewing discussions on deregulation related to the Special Architectural District System, the characteristics and main issues of Special Architectural Districts as a deregulation system are summarized.

The Special Architectural District System is a deregulation system introduced for creative architecture, creation of excellent urban landscapes, and improvement of construction technology. The state and local governments have designated Special Architectural Districts to secure local identity or enhance the design of apartment buildings. In 2020 and 2021, the Ministry of Land, Infrastructure, and Transport announced the Special Architectural District policy when promoting future architecture design competitions in pioneering areas such as smart architecture.

Meanwhile, the Special Architectural District System, in which standards such as building-to-land ratio, floor area ratio, and height, which limit the size of buildings, were relaxed, was recognized as a means of deregulation to increase business feasibility and induce investment, in addition to the original purpose of enhancing the creativity of architectural design. A representative example is the designation of Special Architectural Districts as investment-driving districts under the Local Development Assistance Act. The Special Architectural District System was set as a major target of the government's building regulation reform policy, established as an institutional means of revitalizing the housing supply.

This system, introduced to improve the quality of architectural design, is recognized as an archetypal quantitative method of relaxing building regulations. This change in

perception is also reflected in the history of statute revision. At the time of the introduction of the Special Architectural District System, the Minister of Land, Infrastructure, and Transport was the sole authority to designate Special Architectural Districts, and these mainly targeted buildings built by the state or local governments. However, through continuous revision of the relevant laws and regulations, such as the continual expansion of designated organizations, requirements for application for designation, and targets of designation, the objectives of the system and interested groups have changed.

Accordingly, in this study, three important points were derived from setting the direction of operation for Special Architectural Districts. The first is the question of whether the Special Architectural District System works in accordance with the purpose of creating urban landscapes, improving the level of construction technology, and improving architecture-related systems through harmonious and creative architecture. The second pertains to how best to secure public value in terms of the benefits of applying the system in circumstances whereby the interested parties are changing. Third is how to establish relationships with urban planning in case of deregulation.

Chapter 3 examines the designation status of Special Architectural Districts and analyzes the actual status of system operation based on the consideration of the Building Committee. In addition, the current status of Special Architectural Districts was comprehensively reviewed by analyzing related media reports and conducting interviews with relevant persons. Design specialization that considers the surrounding landscape and measures to secure public value contributed to the creation of new urban landscapes, and this was shown to be a result of the Special Architectural District System; however, the following issues and limitations were also identified.

First, the Special Architectural Districts designated to date have been concentrated in some areas of the Seoul metropolitan area and special/metropolitan cities, and are mainly apartment complexes. Specific guidelines for operation of the system are required for applicability in more various forms as well as diversification of business methods in line with the changes of the times. Second, the exceptions applied in Special Architectural Districts are limited, and most are ‘partial relaxations’ subject to adjustment. In specific cases, only some special exclusion exceptions are applied and are

centered on the building pitch rather than evacuation facilities, structure, or building safety. It is necessary to prepare alternatives in order not only to create an urban landscape, but also to improve the level of construction technology and to improve architecture-related systems. Third, there is no monitoring system for the post-construction process.

Currently, the operation of Special Architectural Districts is limited to ‘zone designation’ and ‘applied exceptions’ and also to the stage of development and construction of excellent buildings. In order for the Special Architectural District System to be sustainable, discussions are required not only at the stage of development but also during the processes after development. Accordingly, it is required to review how ‘applied exception’-related issues affect residents and measures for follow-up operation and management to secure public value, which is used as the justification for ‘zone designation’.

Chapter 4 presents the operating principles and future direction of the Special Architectural District System, and establishes the relationship with the Zoning Ordinance, and the applicability of the system is presented in detail via simulations.

The operating principles for Special Architectural District regulations were based on premises of ‘consistency with the purpose of building laws’ and ‘harmony with the neighboring environment or urban planning’. The first principle is to promote public value by improving the safety, functional environment, and aesthetics of buildings through Special Architectural District designation. The second is to make it possible to realize the public value of living spaces, social public value, and cultural public value of architecture. Third is to promote the development of urban landscapes, improve of the level of construction technology, and improve architecture-related systems. Fourth is to protect the environmental rights of areas neighboring the Special Architectural District. Finally, if it is necessary to review other laws and related plans in a mutually developed direction and to change the established urban plan, through prior consultation, the procedures for this must be carried out promptly and in accordance with the relevant laws.

The main elements of necessity, feasibility, and public value, which are the criteria for deliberation when designating a Special Architectural District, are as follows. First, in

order to meet the criterion of necessity, a prospective location must be a project area that can be designated by the Minister of Land, Infrastructure, and Transport or the mayor/provincial governor in accordance with Article 69 of the Building Act. In other situations, when the designating authority deems it necessary to designate a Special Architectural District in order to hold an international event, to improve the landscape, or to develop a creative building for the promotion of architectural culture, these are cases in which it is necessary to improve the building system or to apply deregulation by such means as applying advanced technologies for the development of construction technology. The second criterion for judging whether the designation of a Special Architectural District is valid pertains to whether the relationship with higher-level related plans has been reviewed. These are cases in which the connection and coherence with the surrounding development plan or urban plan are reviewed and reflected, or where it is expected to promote sustainable urban development by adjusting the existing city/county management plan. Third, public value was divided into 'public value of living spaces', 'social public value', and 'cultural public value' based on the contents of Articles 7 to 9 of the Framework Act on Building that presents detailed standards; living space public value entails plans to create buildings and spaces for safe living, social public value entails plans related to solving social problems for a sustainable future. While cultural public value entails plans to present creative and harmonious architectural design.

In order to establish a relationship with Zoning Ordinance, the status of the legal provisions and the agenda processing of other laws were analyzed. Expert opinions were collected on the scope of exclusions and relaxation of building standards, and on the procedures for changing Zoning Ordinance when designating a Special Architectural District. Legal provisions regulating the relationship with Zoning Ordinance in the case of designation of a Special Architectural District, exclusion and relaxation of regulations, and integrated application have been established. In actual practice, it was found that separate procedures such as deliberation or consultation with the Urban Planning Committee were being carried out. Expert opinions were divided as to whether the exclusion or relaxation of building standards according to the designation of Special Architectural Districts could exceed the Zoning Ordinance limits, or whether changing the Zoning Ordinance should be included on the agenda when a Special Architectural District is designated. In the event of changes in Zoning Ordinance due to the

designation of a Special Architectural District and the application of exceptions, the conclusion was drawn in this study that the changes should be made in accordance with the procedure set forth in the National Land Planning and Utilization Act.

In a simulation, developments were divided into four types, namely, development of apartment housing in adjacent low-rise residential areas in the Seoul metropolitan area, development of apartment housing in areas adjacent to old downtown neighborhoods of provincial cities, development of lot-divided detached housing, and development of lot-integrated multi-family/rowed housing. As a result of examining the applicability of the Special Architectural District System, by excluding or relaxing Article 55 (Building-to-Land Ratio), Article 56 (Floor Area Ratio), and Article 61 (Limits on Heights of Buildings for Solar Access) of the Building Act, it has been confirmed that while securing business feasibility, it is possible to achieve effects such as creating a landscape in harmony with the surrounding area, securing local community facilities, improving the pedestrian environment, improving parking problems, and revitalizing the streets.

In Chapter 5, based on the principles and directions of system operation summarized in Chapter 4, the legal regulations were interpreted and operational guidelines were drafted with examples in order to provide an understanding of regulations on Special Architectural District designers, designated proposers, and personnel in charge of designated organizations. During the process of establishing these guidelines, various opinions from competent departments, designated organizations, and experts were collected.

The guidelines consist of a total of 7 chapters. These are: Chapter 1, General Provisions; Chapter 2, Special Direction of Architectural District System Operation; Chapter 3, Procedures for Designation of Special Architectural Districts; Chapter 4, Considerations for Designation of Special Architectural Districts; Chapter 5, Review Items for Application of Exceptions for Buildings in Special Architectural Districts; Chapter 6, Review Items for Integrated Application of Buildings in Special Architectural Districts; and Chapter 7, Management After Designation of Special Architectural Districts.

The guidelines are divided into four main parts: first, general rules and the overall direction of system operation; second, procedural matters; third, matters to be reviewed

in deliberations over zone designation and application of building exceptions; and fourth, post-designation management. In addition, detailed guidelines on how to fill out applications for designation of a Special Architectural District; a designation deliberation checklist; a checklist for deliberations over exceptions and integrated application; deliberation considerations for exception application; preparation of exception application and integrated application operation management plan; and examples of exception applications and designation procedures have been included and marked with asterisks.

For the future development of the Special Architectural District System, first, it is necessary to establish a relationship with urban planning to increase coherence and efficiency. It is necessary to minimize changes to the city plan in the subsequent architectural deliberation stage through revision of the district unit plan establishment guidelines, and make it possible to review matters related to the Special Architectural District as a special planning district designation target. In addition, in order to make the process efficient, an amendment to the Building Act needs to be made to add the provision, "If it is necessary to change the city/county management plan, consult in advance with the relevant department to avoid conflicts between the two plans and to proceed with both procedures at the same time if possible." Second, it is necessary to simplify the procedure or strengthen support so that various application cases can emerge. When introducing new building technology, the Special Architectural District designation process will be solidified and simplified and the necessary support will be provided to help develop the technology and system concerned. In addition, it is necessary to relax usage restrictions so that exceptions can be applied to a wider range of uses and scales than is the case now. Finally, in order to contribute to expansion of performance-oriented architectural production methods and development of the Building Act, it has been proposed to monitor the Special Architectural District exception applications developed so far.

In this study, major issues were derived by analyzing the current status of the system and its operation through a literature review, including administrative documents such as the Special Architectural District Designation Application Form and Public Notice, and

architectural review data, as well as interviews with stakeholders. Based on this, the operating principles and directions for the Special Architectural District System were set, and the designation procedure, designation deliberation considerations, and considerations during exception applications and integrated application deliberations were reviewed to present guidelines for effective operation of the Special Architectural District system.

However, in the process of analyzing the actual conditions of operation, there was a limitation regarding the practical impact analysis of the application of the system, such as collecting the opinions of residents in apartment complexes and surrounding areas to which special architecture district exceptions have been applied, and changing the landscape, including the areas surrounding the special architecture district, was insufficient. In addition, guidelines for the direction of system operation and related procedures, considerations for designation and application of exceptions, basic matters for post-designation management, and a checklist for securing public value were presented; however, in the actual deliberation process, the effectiveness of the guidelines was not verified.

The Special Architectural District Operational Guidelines (Draft) proposed in this study were reviewed by the Building Policy Department of the Ministry of Land, Infrastructure, and Transport, which is the responsible department, and were administratively announced on September 23, 2021. The guidelines were promulgated as an ordinance of the Ministry of Land, Infrastructure, and Transport on November 3, 2021. Now, it is necessary to continuously supplement any deficiencies while monitoring the operation status of the guidelines. For efficient operation of the Special Architectural District system in the future, when applying the Special Architectural District system, it is necessary to conduct follow-up studies focused on methodologies to analyze the effects of deregulation and public value and details and procedures for achieving system objectives such as technology improvement.

Keywords :

Special Architectural District, Living Space Public Value, Social Public Value, Cultural Public Value, Zoning Ordinance