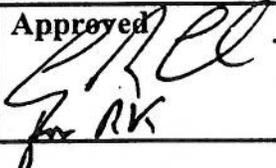




Director's Rule 17-97

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| Applicant: City of Seattle Department of Construction and Land Use | Page of 1 3 | Supersedes: Director's Rule 24-96 |
| | Publication: 12/1/97 | Effective: 1/2/98 |
| Subject: New Downtown Office Development: Interpretation of Definition and Allocation of Usable New Office Space | Code and Section Reference Chapters 23.41, 23.49 and 23.84 of the Seattle Municipal Code (Land Use Code) | |
| | Type of Rule: Code Interpretation and Procedural | |
| | Ordinance Authority: Seattle Municipal Code 3.06.040 | |
| Index: Land Use/Technical Requirements | Approved  | Date 12/29/97 |

Interpretation of the Definition of Usable New Office Space Downtown

Background

Section 23.49.011 of the Land Use Code, *Downtown Zoning, Maximum Annual Development of Office Space*, limits the maximum annual development of usable new office space in downtown.

Usable new office space is defined in Section 23.84.040 as follows:

“Usable new office space” means the gross floor area of a structure, which floor area is created by new construction for principal office use, rather than by changing the use of floor area to office use in a building existing as of the effective date of this ordinance. *(The effective date of the City Ordinance #117410 - amending this definition - was January 13, 1995)*

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Rule

1. "Usable office space" shall mean the gross floor area of a structure in office use, excluding a 3 1/2 percent allowance for mechanical equipment.
2. In calculating the usable new office space in a proposed project, any principal use office space proposed to be demolished on the same lot under the same permit may be subtracted from the total amount of usable new office space in that project. The applicant shall submit "as built" plans of the structure to be demolished, prepared by a registered architect or licensed engineer. In addition, a permit history showing the last permitted use of all the square footage in the structure shall be submitted, or, if there is no permit record, the applicant shall establish for the record that any office use in the structure was a legal use prior to June 1, 1989.

Reason

1. Initiative Measure 31 established an annual limit on "usable" office space. The Land Use Code includes an automatic exemption from the floor area ratio limits in downtown zones of 3 1/2 percent of the square footage of buildings, to account for mechanical equipment. It is logical to use this same percentage as a measure of the usable portion of new office space.
2. When an old office building is demolished and replaced on the same site with a larger office building, the additional environmental impacts are caused by the net addition of the office space. Therefore, only the net amount of new office square footage should count toward the total new usable office space in the project. However, if the demolished building and the new project are not on the same lot, the impacts of the new office building may not be diminished by the demolition of the other structure. Allowing such a transfer from one lot to another could also encourage demolition of structures in outlying areas of downtown in order to build in the office or retail core. Similarly, when the demolition and new construction are on the same site but not done under one permit, the impacts of the new office space can no longer be compared to those of the previously existing smaller office building, but to a vacant site.

Allocation of Usable New Office Space Downtown

Background

Section 23.41.004.A.4 of the Land Use Code, *Early Project Implementation, Applicability and Phasing, Design Review Required*, reads that "design review shall also be required for all new structures containing more than 50,000 (fifty thousand) square feet of usable new office space in Downtown zones."

Section 23.49.011.E of the Land Use Code, *Downtown Zones, Maximum Annual Development of Office Space*, reads that permits for usable new office space downtown “will be issued on a first-come, first-served basis annually under rules adopted by the Department of Construction and Land Use.”

Rule

Allocation of usable new office space for all new structures downtown containing more than 50,000 (fifty thousand) square feet of office space shall be performed on a first-come, first-served basis, tied to DCLU’s Design Review process. Since all office projects subject to the allocation process are also subject to Design Review, future office-space allocation to a particular project shall be based on the date a Design Review Pre-Design Application, following the required Land Use Pre-Application Conference, has been submitted to the Department. Reservation of this allocation shall continue only if a substantially complete Master Use Permit application is submitted within six (6) months of the date of the Pre-Design Public Meeting, pursuant to Section 23.41.014.B. Once the Director’s decision on the Master Use Permit application is published, further reservation of this allocation shall continue only if a complete building permit application is submitted within six (6) months of the date of publication of the Director’s decision on the Master Use Permit.

Reason

Ordinance #118012, effective March 22, 1996, amended the City’s Land Use Code Chapter 23.41, *Early Project Implementation*, requiring the design review process for “all new structures containing more than 50,000 (fifty thousand) square feet of usable new office space in all Downtown Zones.” With this amendment, it became necessary to change the process for allocating usable new office space downtown, by rescinding Director’s Rule 5-94, *Allotment of Office Square Footage Downtown*, and replacing it with the first-come, first-served basis as administered through the Design Review process described and revised in this Director’s Rule 17-97, *New Downtown Office Development: Interpretation of Definition and Allocation of Usable New Office Space*.

NOTE: The provisions of Section 23.49.011, approved by Initiative Measure 31 at a special election held on May 16, 1989, expire on December 31, 1999.

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