THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Mikell R. Scarborough, Master-in-Equity

Case No. 2007-CP-10-4692

Historic Charleston Foundation and
Preservation Society of Charleston, ... Respondents,

v.

The City of Charleston, The City of Charleston
City Council and Library Associates, LLC, ... Appellants.

RECORD ON APPEAL
VOLUME II OF V

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INDEX PAGE

VOL I

Order of the Honorable Mikell R. Scarborough dated August 19, 2010 1

Order of the Honorable Mikell R. Scarborough dated November 4, 2010 16

Order of Consolidation 17

Order of Reference 21

Notice of Appeal 25

Complaint 27

Answer – City Defendants 90

Answer – Library Associates, LLC 98

Motion to Alter, Amend or Reconsider 104

Transcript of hearing, January 12, 2009 113

Testimony:

BRADISH J. WARING

Direct by Mr. Pritchard 133

Cross by Mr. Domin 147

Cross by Ms. Cantwell 151

Redirect by Mr. Pritchard 156

Examination by the Court 162

JONATHAN H. POSTON

Direct by Mr. Pritchard 163

Cross by Mr. Domin 179

Cross by Ms. Cantwell 183

Redirect by Mr. Pritchard 187

Recross by Ms. Cantwell 191

Redirect by Mr. Pritchard 194

Examination by the Court 195

ROBERT GURLEY

Direct by Mr. Walker 197

Cross by Mr. Pritchard 249

Cross by Ms. Cantwell 249

Cross by Mr. Domin 272

Redirect by Mr. Walker 275

Recross by Ms. Cantwell 277

Recross by Mr. Pritchard 281

Recross by Ms. Cantwell 281

Examination by the Court 285

WINSLOW HASTIE

Direct by Mr. Pritchard 287

VOL II

Transcript of hearing, March 9, 2009 294

Testimony:

WILLIAM J. COOK

Direct by Ms. Hanafi 302

Cross by Mr. Domin 333

Cross by Ms. Cantwell 345

Cross by Mr. Walker 354

Redirect by Ms. Hanafi 357

Examination by the Court 361

Recross by Mr. Walker 366

LEE C. BATCHELDER

Direct by Mr. Domin 375

Cross by Ms. Smith-Yancey 401

Cross by Ms. Hanafi 420

Cross by Ms. Cantwell 424

Redirect by Mr. Domin 429

Recross by Ms. Smith-Yancey 432

Cross by Mr. Pritchard 435

Examination by the Court 437

Redirect by Mr. Domin 441

MICHAEL T. MAHER

Direct by Mr. Domin 441

Cross by Ms. Smith-Yancey 461

Cross by Ms. Cantwell 481

Redirect by Mr. Domin 484

Examination by the Court 486

Cross by Mr. Pritchard 488

JOSEPH P. RILEY

Direct by Mr. Domin 488

Cross by Mr. Walker 503

Cross by Ms. Cantwell 520

Redirect by Mr. Domin 523

Examination by the Court 523

Defendants' Exhibit 1 529

Defendants' Exhibit 2 532

Defendants' Exhibit 3 555

Defendants' Exhibit 4 588

Defendants' Exhibit 5 596

Defendants' Exhibit 6 597

Defendants' Exhibit 7 619

VOL. III

Defendants' Exhibit 8 768

Defendants' Exhibit 9 938

Defendants' Exhibit 10 940

Plaintiffs' Exhibit 1 (Filed separately) 947
Plaintiffs' Exhibit 2 (Filed separately) 947
Plaintiffs' Exhibit 3 (Filed separately) 947
Plaintiffs Exhibit 4 (Filed separately) 947
Plaintiffs' Exhibit 5 948
Plaintiffs' Exhibit 6 950
Plaintiffs' Exhibit 7 (Filed separately) 951
Plaintiffs' Exhibit 8 (Filed separately) 951
Plaintiffs' Exhibit 9 952
Plaintiffs' Exhibit 10 1020
Plaintiffs' Exhibit 11 1060
Plaintiffs' Exhibit 12 1062
Plaintiffs' Exhibit 13 1063
Plaintiffs' Exhibit 14 1064
Plaintiffs' Exhibit 15 1083
Plaintiffs' Exhibit 16 1096
Plaintiffs' Exhibit 17 1097
Plaintiffs' Exhibit 18 1123
Plaintiffs' Exhibit 19 1128
Plaintiffs' Exhibit 20 1151
Plaintiffs' Exhibit 21 1161
Plaintiffs' Exhibit 22 (Filed separately) 1166
Plaintiffs' Exhibit 23 (Filed separately) 1166

Plaintiffs' Exhibit 24 1167

Plaintiffs' Exhibit 25 1171

VOL. IV

Plaintiffs' Exhibit 26 1258

Plaintiffs' Exhibit 27 1282

Plaintiffs' Exhibit 28 1283

Plaintiffs' Exhibit 29 1355

Plaintiffs' Exhibit 30 1528

VOL. V

Plaintiffs' Exhibit 31 1529

Plaintiffs' Exhibit 32 1737

Plaintiffs' Exhibit 33 1761

Complaint re: Variance Case 1762

Order Affirming Variance 1786

Notice of Intent to Appeal Variance 1796

Certificate of Counsel 1798

STATE OF SOUTH CAROLINA — IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON — FOR THE NINTH JUDICIAL CIRCUIT

HISTORIC CHARLESTON FOUNDATION AND PRESERVATION SOCIETY OF CHARLESTON,

Plaintiffs,

VS.

THE CITY OF CHARLESTON, THE CITY OF CHARLESTON CITY COUNCIL AND LIBRARY ASSOCIATES, LLC,

Defendants.

COPY

CASE NO.:2007-CP-10-4692 and 451

Trial before the Honorable Mikell R. Scarborough, reported by Bernadette A. Cali, CSR and Notary Public, at 9:30 a.m. on March 9, 2009, at 100 Broad Street, Charleston, South Carolina.

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I N D E X

	Page
William J. Cook, sworn	9
Direct Examination by Ms. Hanafi	9
Cross Examination by Mr. Domin	40
Cross Examinatino by Ms. Cantwell	52
Cross Examination by Mr. Walker	61
Redirect Examination by Ms. Hanafi	64
Examination by the Court	68
By Mr. Walker	73
Lee C. Batchelder, sworn	82
Direct Examination by Mr. Domin	82
Cross Examination by Ms. Smith-Yancey	108
Cross Examination by Ms. Hanafi	127
Cross Examination by Ms. Cantwell	131
Redirect Examination by Mr. Domin	136
Recross Examination by Ms. Smith-Yancey	139
Cross Examination by Mr. Pritchard	142
Examination by the Court	144
By Mr. Domin	148
Michael T. Maher, sworn	148
Direct Examination by Mr. Domin	148
Cross Examination by Ms. Smith-Yancey	168
Cross Examination by Ms. Cantwell	188
Redirect Examination by Mr. Domin	191
Examination by the Court	193
By Mr. Pritchard	195
Joseph P. Riley, sworn	195
Direct Examination by Mr. Domin	195
Cross Examination by Mr. Walker	210
Cross Examination by Ms. Cantwell	227
Redirect Examination by Mr. Domin	230
Examination by the Court	230

I N D E X T O JANUARY 12 E X H I B I T S

Previously marked exhibits from January 12, 2009:

E= In Evidence

Plaintiff's Exhibits 1 through 7 are premarked

Plaintiff's Exhibit 1 (Height District Chart)	E
Plaintiff's Exhibit 2 (Base Zoning Overlays)	E
Plaintiff's Exhibit 3 (Proposed Height Districts)	E
Plaintiff's Exhibit 4 (Existing 3X Districts)	E
Plaintiff's Exhibit 5 (HCF Trustees)	E
Plaintiff's Exhibit 6 (HCF Easements)	E
Plaintiff's Exhibit 7 (Photos Library Site)	E
Plaintiff's Exhibit 8 (Historic Preservation Plan)	E
Plaintiff's Exhibit 9 (Minutes 9/27/05)	E
Plaintiff's Exhibit 10 (Minutes 9/26/06)	E
Plaintiff's Exhibit 11 (BZA Position Statement 2/17/04)	E
Plaintiff's Exhibit 12 (BAR Position Statement 12/14/05)	E
Plaintiff's Exhibit 13 (BZA Position Statement 1/2/07)	E
Plaintiff's Exhibit 14 (Conservation Easement)	E
Plaintiff's Exhibit 15 (Conservation Easement)	E
Plaintiff's Exhibit 16 (Letter 6/19/07)	E
Plaintiff's Exhibit 17 (BAR Minutes 12/14/05)	E
Plaintiff's Exhibit 18 (BAr Minutes 2/20/08)	E
Plaintiff's Exhibit 19 (City Council Minutes 6/19/07)	E
Plaintiff's Exhibit 20 (Planning Commission 7/18/07)	E
Plaintiff's Exhibit 21 (HCF Covenants and Easements Map)	E
Plaintiff's Exhibit 22 (Hotel Design Packet)	E

Defendant's Exhibit 1 (An Ordinance)	E
Defendant's Exhibit 2 (City Council Minutes 6/19/07)	
Defendant's Exhibit 3 (City Council Minutes 8/21/07)	E
Defendant's Exhibit 4 (Public Hearing)	
Defendant's Exhibit 5 (Map Proposed Height Districts)	E
Defendant's Exhibit 6 (Carolopolis Maps and Photos)	
Defendant's Exhibit 7 (Charleston Downtown Plan)	E
Defendant's Exhibit 8 (Commercial Market Analysis)	

I N D E X T O MARCH 9 E X H I B I T S

Previously marked, January 12, 2009, now (March 9) received in evidence:

Plaintiff's Exhibit 1, Height District Overlays
Plaintiff's Exhibit 2, Base Zoning Chart
Plaintiff's Exhibit 3, Proposed Height Districts
Plaintiff's Exhibit 4, Existing 3X District Boundary Chart

Premarked Exhibits of March 9, 2009:

Plaintiff's Exhibit 23, Proposed Project Drawing
Plaintiff's Exhibit 24, Wm. J. Cook CV
Plaintiff's Exhibit 25, City Plan (Century V)
Plaintiff's Exhibit 26, City's Power Point Presentation
Plaintiff's Exhibit 27, Downtown Plan
Plaintiff's Exhibit 28, Calhoun St. Corridor Study
Plaintiff's Exhibit 29, Uptown Urban Design Study
Plaintiff's Exhibit 30, Charleston Place photo

All exhibits received in evidence by consent.

	Page
Plaintiff's Exhibit 31 marked in evidence (Charleston 2000 Plan)	15
Plaintiff's Exhibits 32 and 33 marked in evidence (Application and Assessment)	76
Defendant's Exhibit 9 marked in evidence (Page 62 of Downtown Plan)	148
Defendant's Exhibit 10 marked in evidence (Hotel model photos A-G)	164

Premarked Exhibits:

(Plaintiff's Exhibit 1, Height District Overlays
Plaintiff's Exhibit 2, Base Zoning Chart
Plaintiff's Exhibit 3, Proposed Height Districts and
Plaintiff's Exhibit 4, Existing 3X District Boundary Chart
received in evidence by consent.)

(Premarked Exhibits,
Plaintiff's Exhibit 23, Proposed Project Drawing
Plaintiff's Exhibit 24, Wm. J. Cook CV
Plaintiff's Exhibit 25, City Plan (Century V)
Plaintiff's Exhibit 26, City's Power Point Presentation
Plaintiff's Exhibit 27, Downtown Plan
Plaintiff's Exhibit 28, Calhoun St. Corridor Study
Plaintiff's Exhibit 29, Uptown Urban Design Study
Plaintiff's Exhibit 30, Charleston Place photo
(All received in evidence by consent.)

(Court convenes, 9:00 a.m.)

THE COURT: We're back on the record in Historic Charleston Foundation and the Preservation Society of Charleston, as Plaintiffs, versus the City of Charleston and Library Associates, LLC.

We were last here on January 12, 2009 and heard from the Plaintiffs at that time. Do the Plaintiffs still have some evidence to go?

MS. HANAFI: Yes, Your Honor. We have our expert William Cook and, of course, we have an objection from the Defendants on the admissibility or qualifications of Will Cook as an expert.

THE COURT: Okay. We'll start with that.

MS. CANTWELL: I'll argue it.

We have two cases, Judge. One being the

variance appeal and the other being the rezoning. And the Appellants and Plaintiffs, if you will, are proposing to offer William Cook, who is a professor at the Charleston School of Law, as an expert. My objection is based on a couple of grounds. Initially, the first one being with respect to the variance, no testimony is admissible in that case, so I don't think it would be appropriate, even if you did qualify him as an expert, for him to testify in the variance case.

More fundamentally, in both the variance -- as to the variance case and the rezoning case, Will Cook is a very good lawyer and I'm sure a very good teacher, but, Your Honor, he has -- I question his qualifications as an expert in zoning which is what this case is about. He doesn't teach zoning. In fact, there is another professor, Billy Want that teaches zoning at the School of Law.

He has no formal training in the area. He's never tried a case in the area. He's never qualified as an expert in this area. His primary experience has been as a plaintiff's lawyer in mass tort litigation.

So I just offer that, for the record, as to why we have a basic disagreement as to whether or not he would qualify as an expert in the area that's before this Court.

Aside from that, if you read what he is proposing to testify to, the purpose of an expert, as I understand it, is to assist the trier of fact, you, with facts; with facts that may be unique or which are difficult to understand. Mr. Cook's testimony, at least on his deposition, is that he's going to offer an opinion of law. That is inappropriate. That's your call, respectfully, not his. He may have his view of how the law should be applied but, again, that's your call.

There was a similar case, and I cited it in my brief, I think it's Field versus Dawkins, on a motion for summary judgment they offered the affidavit of John Freeman from the University School of Law, and the Court said it was appropriate not to admit because essentially what Professor Freeman was doing was arguing why the Court should rule in its particular way and offering a legal judgment and legal opinion as opposed to assistance with facts.

I think that's where Professor Cook is headed here, and so we would respectfully request you not permit him to testify.

MR. DOMIN: The City joins in the motion.

THE COURT: Okay.

MS. HANAFI: Your Honor, I would respectfully

disagree with Ms. Cantwell's argument. We base our argument on the very same case that she sites. It's Dawkins versus Field and if Your Honor would like me to pass up our Memorandum.

THE COURT: Sure.

MS. CANTWELL: Your Honor, I'll give you also a Memorandum. You have it. I sent it by e-mail but this is for the file so it can be clocked in.

THE COURT: Very good.

MS. HANAFI: Your Honor, Mr. Cook is a professor of law in historic preservation. And in historic preservation zoning plays a large part of that field. South Carolina law permits an expert -- expert qualification when the expert is trained in some specified field of knowledge. Whether that specified field of knowledge goes to those specific facts are an issue of weight for the Court or for the fact finder, not as to admissibility. South Carolina law is very lenient on the qualification, ability to qualify an expert rather than -- South Carolina law is very lenient on allowing an expert to be qualified and instead says that his qualifications go towards the weight of the evidence not towards the admissibility.

I would site to the Dawkins versus Field case that Ms. Cantwell cites to. It says that the expert's

opinion is not inadmissible simply because it embraces the ultimate issue to be decided by the trier of fact or simply because it expresses opinions and inferences. It goes to the weight but not the admissibility of the testimony. And there is an extensive body of case law from South Carolina allowing qualification of experts in that way.

THE COURT: All right.

MR. PRITCHARD: Two things --

(Interruption)

MR. PRITCHARD: It's a non-jury trial. I think you should except the testimony and then sort out the weight.

THE COURT: Yes, I'll allow him to testify. Subject to cross and subject to any objections certainly he can testify. Anything further on that?

MS. CANTWELL: No, sir.

THE COURT: Very good. All right. You may call your first witness.

MS. HANAFI: Plaintiffs call Will Cook.

(Whereupon William J. Cook, 105 Bull St., Charleston, S.C. 29401, duly sworn, testifies as follows:)

DIRECT EXAMINATION BY MS. HANAFI:

Q Mr. Cook, I'm handing you a document. Can you tell me what this is?

A This is a copy of my resume'.

Q And I understand it's been admitted by stipulation as Plaintiff's Exhibit Number 24?

MS. CANTWELL: That is correct.

MR. DOMIN: My understanding is all the exhibits are in by stipulation.

THE COURT: I'll assume they're in unless I hear otherwise.

Q Mr. Cook, what is your current job title?

A Associate Professor of Law at the Charleston School of Law.

Q How long have you held that position?

A I'm in my third year of full time teaching there.

Q What do you teach as Associate Professor of Law?

A I teach first year property law, which is a one year survey course. I also teach appellate, practice jointly with Chief Justice K. Hearn, Court of Appeals; as an elective course, fall of each year, I teach an elective course in historic preservation. Spring of each year and also alternate summers I teach constitutional law.

Q What kind of topics are covered under these subjects, particularly property law and

historic preservation law?

A Property law we survey the very broad topic of property, starting with fundamental principles of ownership, the kinds of estates that one can own and land and things we examine, future interest and limitations on future interest. Other types of conveyances, we study real estate transactions. We study title assurance and we end the semester with a segment on land use regulation, takings law.

Q At this time, just to be clear, I would like to introduce Mr. Cook as an expert in historic preservation as it relates to the site at 404 King Street.

MR. DOMIN: Subject to the objection, I think you've already ruled.

THE COURT: All right. So qualified.

Q Mr. Cook, also to clarify, what topics are covered under historic preservation?

A Of course. In historic preservation law we undertake the study of the federal, state and local laws that apply to issues involving historic preservation.

Q Great. Have you reached an opinion in this case?

A I have.

Q What is that opinion?

A That there are facts in the litigation that suggest that an illegal spot zoning occurred, when the City rezoned the property at 404 King Street to allow a total 3X height allowance.

Q What did you rely on in framing this opinion?

A I overviewed the documents that have been produced in this matter by all of the parties. I have visited the site at issue. I have undertaken my own research of the press to gain additional knowledge about the background of the debate and the dispute and also reviewed, as I mentioned in my review of the documents produced in this matter, various maps and plans, schematics. I have surveyed the law so I would have an understanding of the limitations of my inquiry.

Q And what particular plans have you reviewed in preparing your opinion?

A Sure. Well, there were a couple of different maps and one that I could refer the Court to, which I believe has already been introduced as an exhibit, is -- yes.

Q Exhibit -- Plaintiff's Exhibit 4, I

believe?

A Correct. I have reviewed a plan similar to that map.

Q This shows the site as we discussed it on day one of the trial. It shows the site as previously zoned and the entire block of the site?

A Correct, after the rezoning.

Q And then included in the City's production documents that you reviewed is a drawing of the proposed hotel at Marion Square?

A Yes.

Q Which has been marked as Plaintiff's Exhibit 23 and entered by stipulation.

A It was part of the BZA height variance request.

Q Could you tell me a little bit about this?

A This depicts a view of the proposed hotel, Marion Square facing north. One -- could be said that one is standing at Calhoun Street looking north and on the right, top right, there is an image of the Old Citadel which is now the Embassy Suites Hotel. To the left is a proposed rendering of the hotel that's proposed for 404 King Street. To the left of that is St. Matthew's Lutheran Church.

Q This is, to your knowledge -- best of your

knowledge it's to scale?

A That's my understanding.

Q As far as any sort of comprehensive plans or adopted City plans you reviewed, what do those include?

A Specifically I focused my inquiry in trying to determine facts, certain facts related to the City's policy. I examined the City of Charleston's Historic Preservation Plan of June 1974. This is a plan in place prior to the adoption of the current plan that was adopted in 2008. That current plan was not applicable at the time that the 404 King Street rezoning took place.

I also reviewed the City of Charleston's Century V City Plan which was adopted February 2000 which is the current Comprehensive Plan for the City. That is built on various other plans including the Charleston Downtown Plan. It's adopted in 1999; specifically addresses development, or strategic growth in the downtown area of the City of Charleston.

Also the Charleston 2000 plan was adopted by the City in 1991. Also reviewed a plan called Uptown District Urban Design Study adopted in 1982.

MS. HANAFI: And for the record, we've entered all of these as exhibits, and I have copies for the Court if the Court would like those.

The 1974 Historic Preservation Plan is Plaintiff's Exhibit 8, which was introduced on day one of trial. The City of Charleston Century V Plan is Plaintiff's Exhibit 25.

THE COURT: Make a stack here.

MS. HANAFI: And the Downtown Plan has been previously admitted as Defendant's Exhibit 7. We have the Uptown District Urban Design Study which is Plaintiff's Exhibit 29. And the Commercial Market Analysis which has already been marked as Defendant's Exhibit 8.

THE COURT: That was Defendant's 8?

MS. HANAFI: Yes, sir.

The Calhoun Corridor Study, which is Plaintiff's Exhibit 28, and that should be it.

THE COURT: What about the 2000, what's the 2000 Plan?

MS. HANAFI: Charleston 2000.

(Whereupon Plaintiff's Exhibit 31 is marked in evidence.)

MS. HANAFI: We assume Exhibit 31 is in evidence?

MR. DOMIN: Yes.

MS. CANTWELL: Yes.

THE COURT: Thank you.

Q Mr. Cook, what else did you rely on? Anything else from the City's production? What about the Power Point that was in the City's production?

A Yes, I've reviewed the minutes that were produced by the City from the -- by the City Planning Commission concerning the rezoning. I also reviewed the transcript of the BZA variance hearing and included in the City's production was a Power Point that was introduced by the City concerning 404 King Street, economic benefits.

Q That Power Point has been previously admitted as Defendant's Exhibit 6.

THE COURT: Okay.

Q What facts show that this area, found on Plaintiff's Exhibit 4, is a spot?

A If I could just briefly, before I explain. I used the case of Knowles versus City of Aiken for the applicable spot zoning test and that case requires a determination that there is, in fact, a spot that one property owner receives the benefit to the detriment of others. If there is a spot then there is an inquiry as to whether or not there is adherence to the Comprehensive City Plan and that

the common welfare is promoted. So the first fact that would relate to that inquiry would be the determination of a spot.

(Witness approaches board.)

In this case the rezoning applied to this green portion here. It's just adjacent to the blue. This portion of the property on which the Old Charleston Library site was rezoned to allow this particular half or this approximately half of the property to be rezoned from a 55/30 height limitation to a taller 3X designation. And 55/30 simple means the height of the building cannot exceed 55 feet. The height must exceed 30 feet. The 3X is calculated from the distance from the center point of the right of way to the facade of the building. That is what 3X means.

Q So to explain, the 55/30 means that a building can be built within 55 feet max and at the lowest 30 feet?

A Correct.

Q But it doesn't mean that it has to have -- that that's the only qualifications or criteria for this?

A This is in respect to height. That was changed by the rezoning to go from 55/30 to 3X for

this second portion of the X blocked out.

Q Okay.

A So that would be the first fact in the spot zoning analysis, that there is in fact a spot that has been singled out. It's important to note that no other land owner on Marion Square received a similar redesignation. There is also property to this side of Marion Square that is zoned at 3X. It's shaded in blue here. That did not receive any kind of 3X benefit.

Q So did any other property owner around here receive benefits?

A No, only the owner of 404 King Street.

Q What facts show that there is a detriment to others as a result of this rezoning?

A Well, I would say the detriment or harm that adjacent landowners would experience fall into several categories. Those would be aesthetic concerns, historical values and easements. I would say the last category would be this increased risk of the City losing National Registry designation. And with respect to aesthetic harms, in historic preservation law we learn about the importance of history and aesthetics, and one fact to keep in mind is that the dominant historic building on the site

is, in fact, the Old Citadel building. What's known as Marion Square was historically the Old Citadel Parade Grounds, so there is a look, a feel and an association of this place that would be jeopardized by much larger buildings such as the one that is proposed there. Having a building that is of a greater height than the historic property on the site diminishes its overall appearance, feel, look and overall aesthetics.

There is also aesthetic harm to the skyline, particularly the church steeples. There would also be harm to the aesthetics and overall feel of the -- sort of the pedestrian scale of the upper King Street shopping district.

With respect to the historic values of the City would be another kind of harm that would flow from or flows from the redesignation of this property as a completely 3X zone. The City is unique in the country in that height has always been a limiting factor in terms of development of new construction.

Starting with the City's Historic Preservation Plan of 1974, I would refer to various portions within this report, specifically page 9 that refer to --

THE COURT: It's Exhibit Number 1?

MS. HANAFI: Plaintiff's Exhibit 8.

THE COURT: I'll take a look. All right.

A At least since 1974 it's been the expressed policy of the City to value height and skyline and that's always been something that's been valued by the City as its public policy.

On page 9 -- on page 12 of the 1974 Historic Preservation Ordinance I would quote from the second paragraph, page 12.

A vital part of the total City scene not to be really tampered with is the skyline. Punctuated with beautiful steeples of historic churches, they add immeasurably to the harmony of building heights, which is only occasionally expoiled by modern intrusions.

(Interruption)

Again, there is an illustration on the right, captioned A Vital Part Of The Total City Scene Is The Skyline.

I would also point to page 14 of the Historic Preservation Plan that points to the importance of preserving prospects and vistas from City streets and other areas.

This concern with height also

permeates the other planning documents of the City starting with, for example, if we were to look to the Uptown District Urban Design Study adopted in 1982. Sam, what is that exhibit number?

MS. HANAFI: That is Exhibit Number 29.

A On page 83 of that exhibit, paragraph 4, there is a statement which provides, the visual alignments around Marion Square will relate to the surrounding historic buildings. The Calhoun Monument and the Citadel established the north-south axis. It's pointing to the importance of preserving the height of the Old Citadel building.

In addition, on page 81 of that report there is, in paragraph 2, the report states, the permitted building height of the development surrounding the Square should be increased to six stories to provide spatial containment and scale with the Square. Buildings this height would not cast shadows on the Square.

This demonstrates the City previously examined what heights would be appropriate for buildings surrounding the Square and that the appropriate measure of height would be the Old Citadel.

Q What about page 135 of that same study?

What does that study say about the maximum height and the View Corridor?

A Paragraph 2 on that page provides that in terms of building height new development around the Square may be built to a maximum of six stories or 80 feet. The proposed development for 404 King Street is, in fact, 105 feet. The minimum height is four stories or 50 feet.

Q What about the View Corridor?

A Again, existing View Corridor, which penetrates Calhoun Street, must be maintained. At this point on axis with the Calhoun Monument, the street wall is limited to two stories in height. I think that further emphasizes the pedestrian -- importance of a pedestrian scale in this portion of the City.

Q Thank you.

A In addition, the Charleston 2000 Plan, which is Exhibit 31, I believe, also shows that the City has had a plan with respect to height limitations. On page 78 of the Charleston -- what's known as the Charleston 2000 Plan, which was adopted in '91, under height limitations there is a statement. Goal: Foster development of a city with building heights which, one, respect the historic

downtown fabric; and, two, provide variety where appropriate in suburban areas.

There is discussion here, too, in terms of 3X. Final paragraph of page 78 says that height district of 3X exists which allows building heights to be three times the distance from the adjacent right-of-way center line to the building facade. The 3X district opens the way for heights limited only by building technology in the case of large parcels --

Q May I -- what page?

A Page 78. The final paragraph.

Q Thank you. Continue please.

A Again, this particular portion of the report is noting the dangers of allowing 3X zoning because there is no potential limit on the height. It's purely dependent on how far back the parcel sits from the site, so 3X has generally been routinely rejected as appropriate in the City, and this is one of the few areas where it continues to exist.

Q Thank you.

A I would also note that on page 79, again, it's a goal of the City to preserve significant historic sites in areas. And I would certainly

include the Old Citadel and the Parade Grounds, which is Marion Square, in that goal.

Then a final point in terms of city planning in Charleston with respect to height would be found on page 85 under the heading Historic District, that the City works towards encouraging preservation of Charleston's architectural heritage. Again, the heritage of this place that is focused on the Old Citadel and its dominance on the site of its old Parade Grounds.

Just have a couple of examples of how height is valued. Final two I would reference would be the -- what's known as the Charleston Downtown Plan.

Q That was Defendant's Exhibit 7?

A Yes. That was adopted by the City in 1999 as an updating or a supplement to the Charleston 2000 Plan that I just referenced. Particularly applies to -- well, to downtown in Charleston.

With respect to height in this area or in this plan there is a section on page 62 titled height. Section 8.4, Height. There are some schematics above it that illustrate how height should be factored in, in terms of the current skyline, the desired skyline that would include new

development and an undesired skyline of new development.

Some points here that I would mention, there is specific mention of the Charleston skyline being characterized by lower buildings with higher buildings along King Street, Meeting and Calhoun. But it notes how towers and spires punctuate the horizon showing that there are, in fact, significant buildings. There is a statement, too, that Charleston has generally accommodated growth without increasing height. That there has been historical preference for horizontal versus vertical development. They use the term intensification and the report notes there has been numerous examples of medium density buildings in Charleston that preserve a low profile on the horizon. Specifically with respect to 3X, the Downtown Plan notes that 3X is potentially too high to be compatible with the City's historic fabric and may be inappropriate. To reinforce the skyline the report states, the overly permissive categories in the height regime, such as 3X, should be replaced with a more directed and site sensitive approach.

I guess this favor, in terms of the 3X zone, continues on page 65. There is a portion

of the page that states in bold, replace the overly permissive height zones. The 3X zone that used to apply to King Street and Meeting Streets above Calhoun related to the height of the lots, size and setback. Under this regime there was a risk that consolidation of land in the large sites could result in very high buildings. Again, knowing the risk of zoning at the 3X height level.

Finally, again, underlying the City's commitment as part of its public policy to historic preservation I would refer the Court to Section 8.8 on page 69. There is a section on heritage preservation and, in addition, there is specific recommendations on page 78 that relate to the proposed redevelopment of Marion Square. There are specific recommendations that provide that development should fit within its context.

Again, pointing to the importance of keeping the Old Citadel as the most prominent or significant building on the Parade Grounds site. Existing buildings should be restored, preserved and adapted without compromising the architectural quality.

Finally, in terms of the Old Library site there is a specific recommendation. I would

quote, the Old Library site is smaller but represents a significant development opportunity. Appropriate redevelopment would further enhance the Square to bring out the prominence it warrants. As new development is planned and designed particular attention should be paid to preserving the prominence of the church steeples and specifically the Old Citadel building.

THE COURT: Tell me where you're reading that.

THE WITNESS: Yes, sir. Page 78. Under the heading of Marion Square.

THE COURT: Okay.

A I would also note that in the City's Comprehensive Plan, the city overall --

Q Tell me what that's call?

A This was adopted in 2000. It's called the Century V City Plan, Plaintiff's 25.

Q Plaintiffs 25. Thank you.

A Again, the importance of the historic resources of the City are noted in this plan and among other places on page 11 there is a statement in the Comprehensive Plan document that states, our historic buildings, neighborhoods and sites must be preserved. Again, the Old Citadel Parade Grounds certainly qualifies as an historic site within the

City's Historic District.

On page 20 -- page 11 there is a statement, site must be preserved. Page 20 there is a reaffirmation of the importance of cultural and national resources to the City.

In terms of new development there is a statement on page 98 that neighborhood -- or sorry, on page 28. Neighborhood design, building design and infill and redevelopment must compliment the neighborhood setting.

Q Thank you.

THE COURT: Page 98?

A Twenty-eight. I misspoke.

Q So after review of all these adopted plans would you say that the City in making the decision here would have adhered to the Comprehensive Plan or not adhered to these plans?

A Well, based on my review of the record and just reviewed again the minutes from the Planning Commission's hearing in which it rezoned the property to 3X I saw no consideration of any of these height or historic preservation factors that are required under the public policy of Charleston.

I mentioned, too, that there were harms to existing easements in the area. That takes

several forms. The parties in this action, Historic Charleston Foundation and the Preservation Society of Charleston, are holders of various conservation easements in the surrounding area. Their success or the viability of these programs is contingent on the City's retaining -- City's adherence, in fact, to local historic preservation laws. By failing to respect City policy in regards to historic preservation we've placed National Registry and landmark status at increased risk and if the City or municipalities don't comply with what is required under the National Registry and the historic preservation regulations under the National Historic Preservation Act there is a danger of losing National Registry and landmark status.

That factor is important because it would jeopardize existing conservation easements, perhaps, which depend on that designation for tax credits that have been approved by Congress to incentive-ize property owners to donate conservation easements in historically sensitive areas, to preserve their overall look and feel so there would be a potential loss or loss -- there is a loss because of this increased risk of losing the National Registry status to both the Preservation

Society and the Historic Charleston Foundation.

There is also, I would say loss in terms of valuing the easements; the actual value of these easements, which are diminished by the large scale of the proposed hotel.

So those are some of the ways that one could demonstrate harm as the final factor, is that the final harm or fact showing harm is if the developer did not move forward with the plan that was approved there is the increased danger of an even taller building being proposed and built on the site.

Q Easements, you're talking about -- examples of those easements can be found in Plaintiff's Exhibit 6 introduced day one of the trial. It's a list of easements held by the Historic Charleston Foundation.

What about -- let's talk a little bit more about the skyline diminishment and the steeples in the area.

A Well, there are two churches that are nearby. One is across King Street from the proposed hotel. It's also shown in the schematic that's right behind that map, of St. Matthew's Lutheran Church, which is the closest church. Also the

Citadel Square Baptist Church on the diagonal from there up in that direction where you pointed -- further right -- maybe indicates.

Yes, so those are two prominent steeples in the area that, again, they would not be completely obscured by the proposed 404 King Street development but they would certainly interfere with the view of the steeple depending on where one was standing in relation to the square.

Q Thank you.

A And finally there is, I guess, a view corridor that -- I think its on Vanderhorst Street which you can see the Old Citadel as you're approaching from Vanderhorst but, again, it would not be visible from a building that exceeded the Old Citadel's height.

Q Thank you. Let's turn to the Power Point presentation that was in the City's production documents, that is Plaintiff's 26. What facts do you see in the Power Point that would have supported the City's decision, and would also have been in alignment with the Comprehensive Plan?

A Well, I think what's striking about the presentation is that there is no mention about the height and the historic preservation aspects of the

Century V City Plan or the Charleston Downtown Plan. Absence evidence of that, that is most striking to me. There is a recitation of the economic benefits that would be realized by building a, quote, full-service hotel. And I think it would be important to point out that that's -- I guess this public need is an area -- an issue or fact that the Supreme Court examined in Knowles versus City of Aiken. In Knowles there was a need for a medical office complex in the neighborhood where it was ultimately approved. It was also -- it was a two-story building which was in line with the houses in the area.

So, again, there is a lot of emphasis in this plan on the need for a full-service hotel; not withstanding the full-service hotel across the street at the Francis Marion. There is also a hotel, Embassy Suites, right next to 404 King Street and the Hampton Inn which is not referenced here as well.

Q And Charleston Place, is that close?

A There are comparisons -- well, the City has made comparisons on numerous occasions to Charleston Place, which is, again, within walking distance of the 404 King Street site.

Q And just for reference, Plaintiff's Exhibit 30, will you look at this and tell me what it shows?

A Yes, this -- it's my understanding -- this was given to me over the weekend by Jonathan Poston who was formerly the Director of Preservation at the Historic Charleston Foundation, from his archives. I thought it was interesting because it depicts the original Charleston Center, fourteen story building that was originally envisioned for the Charleston Place site. We know that the scale of the building was reduced to, I believe, eight stories so I think it's just illustrative of the fact that what is initially proposed is not what is always needed.

I think another, I guess, another fact that is striking but not mentioned in the City's presentation is that when the developer sought approval to build the hotel in 2004 it stated in its application that no rezoning was needed nor requested. So, again, there is an absence of consideration that a rezoning was never sought, in fact.

Q Is Charleston Place a successful hotel, a full-service hotel?

A Yes. I think most people would agree that

it is. But, again, I don't think it's an appropriate relater. It's not got an adjacent historic building on Marion Square and also the facts surrounding its development are completely different from the facts surrounding the proposed development of 404 King Street. When Charleston Place was originally envisioned the area was quite blighted. To my knowledge, there was not a major hotel in the area that was viewed as critical to revitalizing the City's economy but since the mid 80's the economy of Charleston has changed drastically, and upper King Street where 404 King Street is located has proceeded to develop economically without the addition of, I guess, of another full-service hotel. There is already one in terms of the Francis Marion across the street from Marion Square and, again, there are other hotels within the immediate vicinity, so those would be additional facts that would demonstrate or mitigate against a lack of need.

And the other thing, that there is also no showing in this presentation that it would have been impossible to build a hotel at the 55/30 height limit. There is this argument that's been made that the developer of 404 King Street would be

forced to use every bit of the zoning envelope, but there is no such requirement, in fact.

Q So you're saying that there is a way to build an -- there may be a way to build an economically viable full-service hotel within the original building envelope?

MR. DOMIN: Objection. He has no qualifications to testify as to whether or not, from an architectural standpoint, the number of rooms would support an economically viable hotel. It's one thing to talk about zoning and preservation law, another for him to qualify as an expert in hotel management, tourism management, and architecture.

MS. HANAFI: I submit Mr. Cook is qualified to testify whether something has been presented as an option.

THE COURT: The existence of whether or not --

MS. HANAFI: Okay. I'll amend my question to that.

THE WITNESS: Correct, there is no attempt to explore other options. There is only a single plan that has been put forth.

MS. HANAFI: Thank you.

THE COURT: I'll allow it on that basis.

Q Is this property subject to particular

extraordinary conditions that they couldn't build this full-service hotel?

A No.

MR. DOMIN: I think that's the same objection, Your Honor but -- treading over the line he's qualified to answer.

MS. HANAFI: This is a zoning --

THE COURT: You could certainly ask him on cross what his basis for that is, or she can bring that out now.

MS. CANTWELL: Your Honor, we're going to allow testimony on the variance?

THE COURT: Is that where we're going?

MS. CANTWELL: That's where she's headed.

MS. HANAFI: Your Honor, I'll strike that question.

THE COURT: All right. I don't want to go there.

Q How did the Knowles case help you form your opinion?

A Again, it's the most recent articulation of the spot zoning standard. I've articulated the test there; has to be a spot. I've shown how I believe there is, in fact, a spot. We've discussed that there is only one property owner who is benefiting from the designation. The fact it's the

owner of the 404 King Street. Also discussed the detriment to other land owners, the four or five categories I just detailed, and we've also shown another part of the test and that would be the factual adherence to the Comprehensive Plan or the lack thereof. My discussion about the public policy of preserving height and history and aesthetics in the City would also relate to the final element of Knowles, the Knowles test that relates to promotion of the common welfare.

Q Thank you. I just want to just get you to mention what this particular map shows, Plaintiff's Exhibit 1. Just so you can compare it to Plaintiff's Exhibit 4. Just for the Court's reference.

A This appears to be a map or depiction of the 404 King Street site as rezoned completely 3X. This block here in green.

THE COURT: What is all that blue?

THE WITNESS: This is a 55/30 height district. The pink is an 80/30 height district. And the green is the 3X.

Q All this blue is 55/30?

A Correct.

Q Thank you.

THE COURT: For the record, that looks yellow to me. Looks green down at the bottom. I don't know what -- there is some green down there but that's not where we were discussing.

THE WITNESS: Very pale green.

Q Mr. Cook, are there any facts that you wish to discuss as a basis for your opinion?

A I think I've covered the facts.

Q Mr. Cooke, based on your knowledge, skill, experience, training and education in the areas of zoning, land use planning and historic preservation, and based on your review of the materials to which you have testified here today, your investigation and review of the facts and circumstances and the materials and documents in evidence, is your opinion that the City of Charleston rezoning of the property, which is the subject of this action, 404 King Street, to extend the 3X height district to the remainder of the property constitutes spot zoning to a reasonable degree of zoning land use planning and historic preservation certainty?

MR. DOMIN: Subject to our objection. Also threw in qualifications -- now he's a land use planner as well.

MS. CANTWELL: He was qualified as an expert in

historic preservation law and now he's expanded but I object to the form of the question and I object to his answering it, for the record.

MS. HANAFI: Your Honor, I'll limit that question to a reasonable degree of historic preservation certainty.

THE WITNESS: It is my opinion that the illegal spot zoning occurred.

THE COURT: All right. I'll accept the opinion. My notes reflect that I approved him as an expert in historic preservation and land use issues is what my notations are. I don't think we discussed it at that time but that's what my records reflect, that's how he was qualified. To the extent it's limited to those areas he's entitled to give his opinion and he has done so. All right.

MS. HANAFI: Thank you, Your Honor.

Q Briefly. Mr. Cook, is your opinion that this is a spot zoning as to a reasonable degree of historic preservation and land use issues certainty?

A Correct.

Q Thank you very much. For clarifying. I appreciate it.

MS. HANAFI: Please answer any questions Mr. Domin has.

THE COURT: All right.

CROSS EXAMINATION BY MR. DOMIN:

Q Professor Cook, good morning. I just want to make certain we're clear on the record, you do not have any degrees in planning, land use, urban planning; is that correct?

A Correct.

Q You've no degrees in aesthetics or architecture; is that correct?

A Correct.

Q You have not represented either a landowner or any kind of government entity in any type of zoning case, whether it be spot zoning or some other type of zoning dispute?

A Correct.

Q You have not, other than this one occasion, attempted to act as an expert in the area of zoning?

A Correct.

Q And while there is a class in zoning at the law school where you teach, you do not teach that class?

A I do not teach a zoning course, but I do teach about zoning and property and historic preservation law.

Q But as to the class which is called zoning, that's taught by another professor?

A Correct.

Q Now, as I understand it, your allegations related to spot zoning, you would agree that spot zoning is really just a special species or special hybrid of some kind of constitutional prohibition against arbitrary and unreasonable government action?

A Yes.

Q And I think you described it as fundamentally a due process limitation?

A It can be viewed that way.

Q Now, as it relates to due process, we're talking about substantive due process as opposed to procedural due process?

A Correct.

Q Certainly procedural due process has been afforded here. You went through the requisite public meetings, there was approval by the Planning Commission, approval by a duly elected City Council in this case; correct?

A I'm not here to testify about whether every procedure was followed by the City. In fact, there were some, I believe, problems with that

process.

Q Okay. Well, you haven't testified and are not here to testify as to any procedural defects. You're here, as I understood it, contending there is substantively something wrong as far as the, quote, spot zoning analysis; correct?

A Yes.

Q And what I was trying to do is bring this around. You agree to it being a constitutional challenge and, as such, you agree that a government body in passing an ordinance is entitled to a presumption of validity as well as constitutionality; is that correct?

A It is. But in a spot zoning situation spot zoning is usually formally viewed as creating a presumption of invalidity.

Q But before we get to that spot, when you have an ordinance, whether or not it be something prohibiting smoking in bars and restaurants or whether or not it's some kind of a zoning decision, the courts have made clear those are legislative enactments; correct?

A Correct.

Q And as a legislative enactment they're entitled to this presumption of constitutionality;

is that correct?

A Correct.

Q And certainly when we're looking at the reasons why a government would enact the legislation, if the reasons are even fairly debatable, that's something which the Court must give deference to the fact that the legislature must ultimately make those decisions?

A Yes, if there is actually something that's fairly debatable.

Q And in the zoning context it has -- the court, our Supreme Court has referred to not only being not fairly debatable but rising to the level of impairing a Constitutional right; is that correct?

A That is not the only -- I mean, if your question has to do with whether someone has standing to bring a challenge, you don't have to articulate a Constitutional right.

Q I'm just asking if that is one prong or branch of analysis the Supreme Court has used in South Carolina in analyzing land use decisions as to whether or not the decision is so unreasonable as to impair a Constitutional right?

A That is one prong; correct.

Q Now, as we look at the issue of spot zoning specifically, I think that we agree that the leading case, presently on the subject, in South Carolina is the Knowles versus City of Aiken case. Now, in that specific case --

MR. PRITCHARD: Was that a question or was that a statement?

MR. DOMIN: I think it was a statement leading to a question.

MR. PRITCHARD: I'm not sure. I think --

Q Do we, in fact, agree that that is the case? I think you cited that as being the principle case that we should be dealing with; is that correct?

A Yes. It's the most current spot zoning decision in South Carolina.

Q Now, I believe that you principally rest your analysis on that portion of the opinion that says that spot zoning is the process of singling out a small parcel of land for use classification totally different than that of the surrounding area; is that correct?

A Yes.

Q Now, you would concede that what the City did in this situation was extend the 3X zoning

classification over the remaining approximately 40% of the property because the 3X zoning already existed on approximately 60% of the property; correct?

A Assuming what you're telling me is correct, I would agree. I don't know if it's exactly 60/40.

Q More than half at this point. You concede that?

A Yes.

Q More than half the property was already in a 3X zone?

A Correct.

Q Now, you would agree that there are a total of seven properties that are either wholly or partially already in the 3X zone that would be contiguously or adjacent to the segment which the City rezoned?

A Approximately six to seven, yes. I can't count exactly from here, but there are other properties in the 3X zone.

Q Now, I want to make sure I heard you correct. Your contention is that whenever the City rezones a single piece of property, or for that matter a portion of one TMS number, that that is

presumptively spot zoning?

A Yes, when there is a single landowner that is receiving a benefit to the detriment of other landowners.

Q Let me show you, if I could -- let me give you a copy of the Knowles versus City of Aiken case. Read the one sentence beyond the one which you quote.

MR. DOMIN: In fact, I'll make certain that the Court can read along.

Q Where you stopped off was right above the Bob Jones University citation. Is that correct?

A Yes.

Q Then the Court went on, did it not, and said, this Court also noted, quote, it could not be considered as spot zoning where the proposed change is from one use to another and where there was already a considerable amount of property adjoining the property sought to be reclassified falling within the proposed classification.

Do you see that?

A Yes.

Q And, in fact, part of what the Court did in the City of Aiken is they upheld the decision of the local government; is that correct?

A Correct.

Q And what they said was, first of all, what is being rezoned in the Aiken case is arguably a continuation of a zoning class that already existed on some land; is that correct?

A It was actually unzoned property, so that's a distinction here.

Q They made an analogy, because it was unzoned property what the city did in Aiken was really more restrictive than that which existed prior to this; is that correct?

A That is not the case here.

Q I'm asking you, if there is a large area of property that's already zoned in a particular way, whether or not it's residential, whether or not it's industrial, commercial, whether it's height zoning, to adjust the bounds of that area is not spot zoning?

A I disagree with you.

Q Okay. So you would suggest that any time there is a single TMS number or a single portion of a TMS number which is identified for rezoning, that is spot zoning?

A No. No, there are other elements in the spot zoning test that have to be satisfied. It's

not the creation of a spot that means that the spot zoning is illegal. If your question is, is a spot created by some extension that benefits one landowner or not another, that's a factual inquiry. I would say yes. It doesn't mean illegal spot zoning has occurred, however.

Q Doesn't the Knowles case say, even if it is a spot zoning, even if it is a spot zoning then we look at the Comprehensive Plan?

A Correct.

Q So would you agree with me that you do not pass go, you do not collect $200 if you don't get to the point where it's a spot. If it's not a spot zoning then you don't go to the Comprehensive Plan analysis?

A I would agree with you.

Q So, the first inquiry that the Court should make is: Is this a spot zoning? If it is a spot zoning then move on to the Comprehensive Plan and analyze whether this action is consistent with the Comprehensive Plan; is that correct?

A And the promotion of the common welfare and only to correct injustices which are clearly shown.

Q Well, I think I can agree with you on the

first part of the also for the common welfare and then the Court should correct injustices as clearly shown; correct?

A Well, yes. It's the Court doing the analysis of the spot zoning.

Q But in terms of what the Court should do, in terms of if it finds spot zoning, then it goes on, is it consistent with the Comprehensive Plan, is it for the common good, and is over ruling it necessary to correct an injustice?

A Yes, as I said but only to correct the injustices which are clearly shown.

Q Now, as it relates to the Comprehensive Plan, you walked through various portions of the Comprehensive Plan and said, essentially, I don't think it followed the Comprehensive Plan. Is that an okay summary, a thumb nail sketch?

A It does not -- the rezoning by the City did not give any consideration to the historic height restrictions or Historic Preservation policy that the City has followed at least since 1974.

Q Would you agree with me that comprehensive planning documents are necessarily broadbrush documents, they are not intended to specify the zoning for each inch and millimeter of the City?

A Well, this is the City's law with respect to zoning and comprehensive planning.

Q Would you agree with me that a comprehensive planning document sets forth general goals?

A It does, and I articulated some of those goals and policies.

Q And some of those goals --

A Part of the plan.

Q Some of those goals relate to historic preservation; correct?

A Correct.

Q Would it be fair to say some of those goals also relate to economic development and sustainability?

A Correct.

Q Those historic goals are not to be pursued in a vacuum. The planning documents acknowledge we need both sustainable growth as well as historic preservation; correct?

A Correct, both.

Q Would you agree with me that in the context of looking at it from both an economic perspective as well as the historic perspective that there is some fairly debatable basis that the

Comprehensive Plan sets forth sections which could be read as encouraging economic growth and sustainable growth on that site?

A Yes, and on other sites.

Q And would you agree with me that those very planning documents identified this site as being particularly important as an area where growth would be beneficial to the City?

A Yes, subject to the restrictions I mentioned earlier concerning height and Historic Preservation policy.

Q Is there anything in any of these documents that says Ye shall never build, Ye shall never build at 103 feet or 105 feet?

A No, there is not a mandate that says that, but I think the fair reading of all of the plans, I mean, an entity interpreting plans is charged with harmonizing what might be contradictory view points. That harmonization or consideration never took place here.

Q That harmonization is even referred to in the title, a balance, a balance is needed?

A Which requires an actual balancing.

Q Ultimately that balance is made by the elected decision makers; is that correct?

A Yes.

MR. DOMIN: Please answer any questions Ms. Cantwell has. Thank you.

CROSS EXAMINATION BY MS. CANTWELL:

Q Professor Cook, I only have a few questions. Mr. Domin covered most of what I was going to ask you, but I just want to make clear that under -- let me show you. This is Plaintiff's Exhibit 3. I will represent to you that it is a map of the height district regulations that covers the property in question and some more, and it's got blackened where the site of 404 King Street is and an X. Do you see that?

A I do.

Q This is a fact, is it not, that now 404 King Street, the entirety of the site is subject to one height district, that being the 3X?

A Correct.

Q It's also a fact that directly across King Street from 404 King Street, properties from Vanderhorst to Calhoun, the entirety of those sites have 3X zoning; do they not?

A That is correct.

Q And also 3X continues to even the eastern portion of properties that front on St. Phillip's

Street?

A Correct.

Q And so the 3X district -- 404 King Street now being zoned under one height district is no different. In fact, it's the very same as what's happening across the street and down the block; correct?

A Correct. But it is the only property that is adjacent to the Old Citadel and the Parade Grounds which is subject to a 55/30 height limitation.

Q The height now allowed on 404 King Street is no different than what's allowed directly across the street to include a whole city block. That is factually correct, is it not?

A I don't know if it includes the whole city block.

Q I'm talking about -- well, let's take the city block from Vanderhorst to Calhoun on the west side of King Street.

A Yes, according to that map.

Q So it now has the same zoning as what's allowed across the street as far as height is concerned?

A Correct.

Q Now, this -- the 105-foot height, it's not the tallest height in the area, is it? There are other buildings in that area of Marion Square that exceed 105?

A It would be the tallest new building on the site.

Q No, but you certainly have the churches; do you not?

A Correct. But the steeples are exempt from the height restriction.

Q I'm not asking you about exemptions. I'm asking you what is existing on the grounds. Right now there are buildings, whether they are public buildings, religious buildings, privately owned buildings that exceed the height that could be erected at 404 King Street?

A Correct. But they are not appropriate relators in terms of applying the City's historic preservation law.

Q Now, you indicated earlier -- first of all, let me ask you, and Mr. Domin hit both of this, but you keep harping on the fact that only one property benefited, others had been -- tell me, you talked about detriment that this rezoning, to allow a uniform height across the site, poses. You

mentioned aesthetics. Now, wouldn't you agree with me that beauty is in the eye of the beholder? What one person thinks is aesthetically pleasing another may not?

A It depends, but there are some guidelines that are in place here for Marion Square.

Q I'm just -- I'm asking you whether aesthetics is a subjective consideration.

A As a general proposition, yes.

Q In fact, there is a debate going on and it will get louder about what should happen with the Federal Building; correct?

A Correct.

Q Some who think that building is beautiful, it has historic significance, it ought to stay where it is and there are others who think we ought to start from ground zero; correct?

A That is correct.

Q You also mentioned that the hotel would effect the skyline in relation to the church steeples. Now, referring to Plaintiff's Exhibit 23, which shows the King Street and I guess the Meeting Street elevation, the church steeples aren't blocked by that building?

A Well, not if you're facing the Marion

Square facade of the Old Citadel and 404 King Street, because you're looking directly at them.

Q But the building does not obscure the church steeple at St. Matthew's?

A It depends on where you're standing and your point of view.

Q You could stand in one spot and it might -- you might not get as open a view as you do now, but you could stand somewhere else and see it just as plain as day?

A Correct.

Q Same holds true for the Baptist Square Church, First Baptist Church across Meeting Street?

A It would also depend on where you were standing and your perspective.

Q Isn't that true, just about with any view, where you stand effects what you see?

A Correct. But in a place where one is supposed to protect the viewscapes that determination becomes critically important.

Q And you said earlier that -- before I get to that.

Does this proposal to build, whether it's a hotel, office building, doesn't matter what it is, would the proposal to go as high as 105 at

404 King Street, it doesn't impose any impediment to light, does it, to the churches, to the steeples?

A Well, according to the City's former plan anything over six stories would create light issues for the Square.

Q It's and impediment to air, I would assume you would say, as well?

A Not necessarily, no.

Q Let me ask you this, and I found it curious, as I understand how 3X works it's a function of the size of your site. The bigger your site the higher you could go?

A Well, yes. The distance from the facade of your building to the middle line.

Q If you have a deeper site you could get father back from the center line and you could go higher?

A Correct.

Q There was a concern those plans raised about that issue, because on upper King Street there are -- there is the potential to consolidate a pretty big piece of property. Do you recall reading that?

A Yes.

Q Now, 404 King Street is finite; is it not?

I mean, it's set. It's not going to get any bigger than it is now and I believe the highest you could go on that site, if it's zoned 3X, is 105 feet; correct?

A I would have to do the math.

Q You don't know?

A Off the top of my head, no, I think the building as it stands is 105 feet, but the 3X measurement might be somewhat higher.

Q So maybe, maybe not maxing out on the height. Okay.

You testified earlier that 3X is consistently rejected as inappropriate in the City. Yet as recently as 2005 the City Council looked at the height districts, particularly -- well, all City-wide but particularly on upper King Street; did they not. Did they not?

A Correct.

Q And it made a legislative decision not to remove 3X from the block from Vanderhorst to Calhoun Street; correct?

A I assume that is the case.

Q And it left in place the 3X that is on -- that was on Marion Square?

A Correct.

Q So the City Council did not reject 3X for this area of our city?

A Correct. But that is inconsistent with all of the City Planning documents that I have reviewed.

Q Your interpretation of them?

A Correct.

Q You admitted on cross examination with Mr. Domin that you could read those plans to require not just aesthetic and historic preservation, correct, but economic sustainability considerations, use considerations? There is a balancing effort that goes in how a city is laid out and planned and developed; correct?

A Yes. There has to be an actual balancing of the considerations.

Q No one factor is a deal killer; is it?

A Not according to these plans.

Q I just want to ask you one more question about your -- you said that the easements that are held by either the Preservation Society -- oh, by the way, you serve on the Board of the Preservation Society?

A I do.

Q You offered a suggestion that this height

at this site would detrimentally effect the easements. And I guess my question to you, as I understand the easements, and you know them far better than I do but, essentially, these facade easements, as I call them, some are interior but as far as the exteriors are concerned, the Preservation Society does not lose one ounce of control that it now has over the facilities where it holds easements, does it, by virtue of this rezoning?

A Not a question of control but one of value.

Q I'm asking you. I'm asking you the factual question. They still have absolute control over what happens on the outside; do they not?

A Correct.

Q The outside cannot be changed absent their input and approval; correct?

A Correct.

Q They have the right to view the site, I guess, whenever they want and as far as going inside they would maintain that right to go inside and see what's happened on the inside of the building; correct?

A Correct.

Q None of that changes with the height

rezoning?

A The factors that you just mentioned but, again, the valuation of the easement.

Q Just asking you the question. None of that changes with respect to this rezoning?

A According to what you've asked me, yes, you're correct.

MS. CANTWELL: I don't have anything else.

DIRECT EXAMINATION BY MR. WALKER:

Q Mr. Cook, you were asked some questions about the property across the street, the Francis Marion Hotel and the parking garage?

A Yes, sir.

Q Are those parcels that Ms. Cantwell referred to built out, or are there structures on them now?

A There are structures there.

Q So there is no risk of any high building going on top of a parking garage there?

A Not to my knowledge, correct.

Q Ms. Cantwell was asking you about the City Council discussions related to the 3X District. Have you reviewed the minutes from September 2005 of that City Council discussion where, in fact, certain counsel members did bring up whether or not 3X

should be removed from this site and were told that since the property owner didn't receive notice they couldn't take that action?

A I do recall that.

Q All right. Do you recall, and have you read, I guess is the first question, the City Council minutes from September 2006 where Mayor Riley made his comments that we've talked about a lot, that 3X was archaic and prehistoric and along those lines?

A Yes, I'm aware he made those statements.

Q Do you consider that to be a statement of the public policy of the City?

A I do. He's the Mayor.

Q Is the extension of the 3X height district to this entire parcel consistent with or in violation of those policies?

A It is in violation of those policies.

Q Do you know of any other single instance in the history of the City where the City has extended the 3X height district?

A No, I do not.

Q You were asked questions about the Comp Plan by Mr. Domin. You were asked questions about whether it was just a generalized statement. In

fact, do the documents that you read together as the Comp Plan specifically refer to Marion Square?

A They do.

Q Did you read to us from page 78 of the Downtown Plan about Marion Square?

A I did.

Q Did you consider that just to be a broadbrush statement?

A I do not.

Q Finally, Mr. Domin asked you about the different elements of the Comp Plan, under the statute we have a population element, an economic element a zoning element, a land planning element. Do you -- in your estimation, does one element trump the other? Does economic trump land use?

A No, sir. Not as the plans are drafted.

Q Do you believe that the different elements of the plan are to be read and applied harmoniously to give effect to all the provisions?

A Yes, I do; as they are required to do under principles of statutory construction.

Q Is there anything in those plans that you referred to where there is a discussion of the economic component and there is a specific statement that economics takes priority over the land use and

zoning components?

A There is no such statement.

MR. WALKER: Thank you.

REDIRECT EXAMINATION BY MS. HANAFI:

Q Mr. Cook, just a brief follow up. Let's refer to Plaintiff's Exhibit 1. I would like to take a look specifically at the way these properties, the 55/30 and the 3X split up through these different TMS number plats.

A Yes.

Q Is the extension of the 3X zone to the entire Library site consistent with the other split zoning of the other plats running up and down King Street?

A No, and the question I was relating to was strictly to the shaded green portion of Marion Square but, yes, there is certainly effect to the north of the site where there is another split zone, 3X zone would be potentially higher than the 80 slash 30 zone that is immediately to its north.

Q But specifically we're looking up and down King Street and even down King Street all through Marion Square, this particular zone right here, this dotted line represents the end of a zone created. You see up here it runs through the middle of these

parcels?

A Correct.

Q The extension of this height zone is inconsistent or is it inconsistent or consistent with the rest of the split system up and down King Street?

A It's inconsistent. It is higher than the existing zoning and, again, it would be another way that a viewscape would be diminished or jeopardized.

Q But, again, even just the shape of the extension, is that inconsistent with or consistent with the way that it is split zoned up and down these parcels?

A It is inconsistent with the existing split.

Q And is it obvious to you that this extension is out of place from the way that it has been set up previously?

A Just visually, yes. You can see the -- yes, it's now sort of a square-shaped zone as opposed to a rectangle jutting out from its northeastern corner.

Q Thank you. Are any of these other split zoned properties subject to this zoning ordinance, this extension or the extension of the zoning?

A To 3X?

Q Right, to 3X.

A I'm not aware that they are. That's the only portion or the only site I'm aware of that was granted that extension.

Q Or even an extension in any other zoning. Did any of the other parcels originally split zoned, did they benefit or were changed as a result of the extension of this zoning as to 404 King Street?

A Well, they themselves were not changed but there is a detriment to them in terms of the special height that was allowed.

Q All right. We talked about the height restrictions mentioned in the plans that you reviewed, and throughout the plans was there a theme of restricting the height?

A Yes, that height is to be restricted in the City of Charleston to the extent necessary to preserve viewscapes and the overall historic feel of and aesthetics of the City.

Q And did the plans specifically mention restriction or removal of 3X as a height district?

A The plans show it's a disfavored zoning height mechanism.

Q And --

A That removal is recommended.

Q Then the easement valuations, Ms. Cantwell asked you about the easements the Preservation Society and Historic Charleston Foundation hold on adjacent properties or nearby properties. While they still have control of those easements how are the easements actually effected by this zoning change?

A There is an actual market value associated with easements which is largely dependent on the ability to gain tax credits for those. The kind of a chipping away at the City's historic preservation laws, that places that National Registry landmark status at jeopardy. If it were to be removed these programs such as that are held by Historic Charleston Foundation and Preservation Society would be in jeopardy because there would no longer be incentive for owners to give easements for tax benefits.

Other ways they could be harmed, you know, increased use, traffic; again, the pedestrian feel, the aesthetics of the area would be damaged by a building that's out of scale with the adjacent historic buildings. The easements are aesthetic. When you tamper with surrounding aesthetics you

necessarily realize some damage to an adjacent easement.

Q While these plans might mention and they do mention economic growth and they talk about economic growth in some place, do you think that is inconsistent with the other parts of the plans that say that there should height restrictions placed or that view corridors should be respected, other things like that?

A There is nothing inconsistent with reading those provisions together. That did not occur here. On the record.

Q And to adhere to a comprehensive plan do you believe you have to adhere to all of the aspects of the comprehensive plan?

A Yes, one would have to consider all aspects of it. To the extent harmonization was possible one would need to do that. That did not take place here.

MS. HANAFI: That's all I have. Thank you, Mr. Cook.

MS. CANTWELL: Nothing further.

EXAMINATION BY THE COURT:

THE COURT: In reviewing the case of Knowles versus Aiken, do you agree that it's seminal that the

Court's got to have -- has to be a determination of whether or not it's a spot zone in order to get past the issue, the question of the Comprehensive Plan.

THE WITNESS: That is how I read the opinion, Your Honor.

THE COURT: That's an issue, number one, for the Court, right --

THE WITNESS: Yes, Your Honor.

THE COURT: -- in a rezoning case? I had a couple of factual questions I wanted to ask you.

Is there any other 3X zoning in the City other than what's shown -- if you're aware of other that what I see as yellow on that exhibit?

THE WITNESS: I'm not aware of any other such zone.

THE COURT: All right. You stated in the original request for the site that no rezoning was sought or needed.

THE WITNESS: Yes, sir.

THE COURT: Was that at the time of the variance?

THE WITNESS: Actually, prior to the variance. It was the first step in the process when the developer sought approval to build a hotel at 404 King Street. At that time they specified that a variance would be needed, but that no zoning change was needed or sought.

That is in their application, I believe, which was filed with the City in 2004.

THE COURT: I think -- yes.

THE WITNESS: It's attached to the Complaint; one of the complaints.

THE COURT: I'm going to give you-all an opportunity to ask questions in response to that.

When I looked at the City's Power Point presentation, which is Plaintiff's Exhibit 26, there was, in that -- it's stamped page 444 City of Charleston -- that the site gained zoning approval for a 185-room hotel in 2004. That's repeated a couple of times in there. Are you familiar with that?

THE WITNESS: Yes, sir. That was the application to which I was referring where the developer said no rezoning was needed or sought.

THE COURT: But the zoning approval, that references the same issue, then. This says the site has already gained approval for the 185-room hotel. I'm assuming that's the variance.

MS. CANTWELL: If I could, with their permission, to build a hotel you have to get a special exception. So that's what happened in 2004. They have got the special exception and they didn't need a rezoning because it was zoned for accomodation.

MR. WALKER: It was a use allowance, but the accommodations over weighed it.

THE COURT: The only zoning question is the one that's before me. The special exception from the BZA is what's on appeal now?

MS. CANTWELL: Yes.

MR. DOMIN: No, what's on appeal now is the variance that was granted for height which was not really -- this is not an issue right now before you right now. The issue of whether the special exception was properly granted.

MS. CANTWELL: The special exception is on appeal. The renewal of the special exception is on appeal.

THE COURT: That's what it is. The renewal question. Because the original was not challenged.

MS. CANTWELL: Correct.

THE COURT: All right. I want to make sure I was clear on that. Okay.

Then I think I want to take you to Defendant's Exhibit 7, the Charleston Downtown Plan. And on page 65? This is, I think, subject to -- under Goal of Preserving Downtown Height under Section 8.4 of Height we discussed. Placed overly permissive height zones, they talk about that. I made note of the 3X zone to be replaced with the 80/30 and the 130. Are you aware of

whether or not those zones exist? The 130? And there is also a discussion of a 120/30 zone.

THE WITNESS: In this particular vicinity I believe there is an 80/30, but I'm not aware of the 120 or 130, Your Honor.

THE COURT: All right. 80/30 is, I think, pink on that one I'm looking at.

(Reference to Plaintiff's Exhibit 1, Height District Overlays.)

THE WITNESS: Yes, Your Honor. Yes, 80/30. Then it's a 50/25 down here and again there is a 55/30.

THE COURT: In blue.

THE WITNESS: Yes.

THE COURT: My other question. Looked like it was over on page 78 of that same document. Looks like a discussion of Marion Square itself.

THE WITNESS: Yes, sir, Your Honor.

THE COURT: Again, this is a plan or a comprehensive plan for the downtown area.

THE WITNESS: Yes, Your Honor.

THE COURT: It equates Marion Square with the Four Corners of Law.

THE WITNESS: Yes, Your Honor. Well, yes, that's one comparison and then specifically -- yes, addresses the Old Library site, kneeling to respect the Old

Citadel Building.

THE COURT: Very good. I think that's all the questions I have, Mr. Cook. Okay. Any follow up?

MS. HANAFI: I just wanted to put in, for the record, that Mr. Cook's CV -- I can ask him.

THE COURT: I think that's already in.

MS. HANAFI: I just wanted to point out for the record the presentation of public lectures made by Mr. Cook, on the CV.

THE COURT: Okay.

MS. HANAFI: Just to show that.

THE COURT: He's now got an expert qualification for the next time he shows up in court. Thank you, Mr. Cook.

MR. WALKER: I had one very quick. This relates to, as a follow up, to nail down what you were saying.

BY MR. WALKER:

Q When you were referring to the application by the property owner that no rezoning of the site is being requested or necessary, were you referring to the application for a special exception in January 2004 for the application of the accommodations overlay zone?

A That's the document I was referring to.

MR. WALKER: All right. Your Honor, that appears

on page 6 of that Assessment. Thank you.

Ms. Cantwell asked me is that in the record. I did see the record was certified to the Circuit Court, but I don't know that we have put it into evidence as an exhibit. Although I think His Honor has it.

THE WITNESS: Your Honor, I believe it's attached to the Pleadings.

MR. WALKER: Is it attached?

MS. CANTWELL: To the what?

THE WITNESS: The Pleadings. One of the complaints.

MR. WALKER: It is Exhibit A to the Complaint of the spot zoning case.

THE WITNESS: Thank you, Your Honor.

THE COURT: Thank you, Mr. Cook.

Let's take about five minutes. Do Plaintiffs have any other witnesses they intend to call?

MR. WALKER: We have a few deposition designations.

THE COURT: We'll address those and see where we are. Okay. Thank you. We'll stand at ease for a few minutes.

(11:30 a.m. Break)

THE COURT: Back on the record. Ms. Hanafi, Mr. Walker?

MS. SMITH-YANCEY: We do have some deposition designations we would like to read into the record.

THE COURT: Tell me what they are and I'll read them later.

MS. SMITH-YANCEY: I'd be happy to you.

THE COURT: If you have a list of them I'll take them that way, too.

MS. SMITH-YANCEY: These are from Michael McCutcheon and Lee Batchelder. Those are both City witnesses.

THE COURT: You-all have a copy as well?

MS. CANTWELL: Yes.

MR. DOMIN: Yes.

THE COURT: Okay. Very good. Anything further?

MR. WALKER: The last thing we would like to do is to admit into evidence that Assessment that we were just talking about to complete the record. That appears as Exhibit A to the Complaint in the rezoning case. Do you all have any objection?

MS. CANTWELL: No.

MR. DOMIN: No.

THE COURT: All right.

MR. WALKER: It includes the Application and the attached Assessment. It's for the one year extension but it attached the earlier application and assessment,

the special exception dated January 16, 2004.

THE COURT: All right.

(Whereupon Exhibit 32 and 33 are marked and received in evidence.)

THE COURT: Anything further from the Plaintiffs?

MR. WALKER: Nothing further from the Plaintiffs.

MR. PRITCHARD: Nothing from the Foundation.

THE COURT: Thank you. All right.

MR. DOMIN: I think we're obliged to make some motions. I certainly suspect that you want to hear all the evidence but, Your Honor, this is a fundamentally spot zoning case. I think I disagree with the professor in suggesting that -- when he suggests that any single TMS number, a piece of a TMS number parcel is rezoned that that is automatically a spot.

I think the Knowles case is very clear in saying that when there are properties which are adjacent to the property which is being rezoned, if the rezoning is going to create a zoning classification similar to those pre-existing ones then it is by definition not spot zoning. You do not go any further in the analysis than that and upon that the professor and I do agree.

If you don't find that there is spot zoning because you find there is contiguous property, you don't move on to the issue of the Comprehensive Plan

and the common good and whether or not there is an injustice that is so great you must correct.

The undisputed evidence in this case indicates that portions of seven different TMS numbers, which constitute both sides of a city block from Vanderhorst to Calhoun Street on King Street, were already 3X. This extension of approximately 40% of the site would be contiguous to those pieces and, therefore, by definition, cannot be spot zoning. It cannot be spot zoning.

Furthermore, even if it would be declared a spot zoning then you would move on to those other criteria and while the Plaintiff has opined that this development would be inconsistent with the Comprehensive Plan, equally acknowledges the Comprehensive Plan takes into consideration economic aspects as well as other aspects including historical aspects and that there must be a balancing, and ultimately that is for the legislatures in this case, City Council to determine, and it would not be for Your Honor to disrupt that balance unless you found that it was entirely disregarded and that the Comprehensive Plan was followed in no respect.

Here I think it's acknowledged the Comprehensive Plan was followed at least in partial respect, the City

would submit, because by definition the Comprehensive Plan is a balancing act. We're going to come in later and show you that's exactly what the City did. It has balanced the sensitivities of this area approving something which will be appropriate and consistent with the plan as well as the overall common good.

MS. CANTWELL: I would join in his motion and only add that the evidence also demonstrates that the effects of this proposal to allow a height at this location and to allow a significant structure there, will in fact have spin-off benefits, direct benefits for the City of Charleston but spin-off benefits for neighboring properties which, again, is in furtherance of the public good, and I agree with everything else. I adopt what Mr. Domin said.

THE COURT: Okay. Is the parcel itself, the Library, is that one TMS number?

MR. DOMIN: It is.

THE COURT: So that actual lot, that designated lot was split zoned.

MS. CANTWELL: Correct.

THE COURT: The question for me is, was it spot zoned. Mr. Walker?

MR. WALKER: Thank you, Your Honor.

The Knowles case, which we've heard a lot about,

doesn't say that if there are adjoining properties in the same classification it cannot be spot zoning. If we go back to the portion of the case that's been referred to so many times, the Supreme Court says, in Bob Jones, this Court also noticed -- noted that, quote, it could not be considered as spot zoning where the proposed change is from one use to another and there was already a considerable amount of property adjoining the property sought to be reclassified, falling within the proposed classification.

Here the Francis Marion is certainly an anomaly. Everybody recognizes that. What we've shown is that split zoning is the rule not the exception for the entirety of that side, being the east side of King Street. So we're looking at this -- really, rezoning is accomplishing two things. One, it was extending 3X. 3X, we would submit, was not within -- or the zoning classification -- the height classification for a considerable amount of property adjoining the property that was reclassified.

And the second is that we were eliminating the split lot zoning which, in fact, as I pointed out, is what is throughout the neighborhood, so it's considerably contrary to how all other properties on the east side of King Street are treated.

Additionally, we can't look at this in a vacuum and say, well, they went out and did it and because there is a property across the street that's zoned 3X it's okay. The Court doesn't look at it in the abstract.

The Court needs to consider also what we've shown in that there is ample proof that 3X is archaic. That was decided or at leased described by the Mayor as prehistoric. It was not an existing classification that had ever been extended to any property. Therefore, to extend it in this instance where the sole purpose was to eliminate the appeal of the granting of the variance, is not -- isn't anything but spot zoning.

So we would say under Knowles we have made out not only a prima facie case but we're going to, we think, present overwhelming evidence once we have a chance to cross examine the witnesses for the City.

The next factors would be whether or not there is an injustice and whether or not it's contrary to the Comp Plan.

We've pointed out in spades, through Mr. Gurley and Mr. Cook, that this rezoning is contrary to the Comp Plan. It is unjust to adjacent property owners, since it does devalue and diminish the easement that is held by the Preservation Society and the other

easements that are held by the Preservation Society and the Historic Charleston Foundation.

Ms. Cantwell cross examined Mr. Cook to the effect that the easement terms were unchanged. In other words, the Foundation and the Preservation Society still have the same rights. That's not the question. As Mr. Cook said the question is: Is it devalued? When you put a gigantic building next to a smaller historic building like the Aimar Building that my client has an easement on across the street, that is diminished.

So we would submit, Your Honor, that we have established not only a prima facie case but, even if you weighed the evidence, a convincing case, and that we should be allowed to proceed.

THE COURT: All right. Very good.

MR. PRITCHARD: One other thing that seems to have been lost in the shuffle in all of this. Also pending before you is a challenge to the variance that was granted to admit the height on the property prior to its rezoning.

Even though we haven't discussed that at length here, because of the fact that it's an appeal versus a challenge that requires evidence and a decision by you, in that sense, you can't lose sight of the fact that

the City granted a variance, a height variance which we challenged and in response to that they came back and zoned this property. I think that can be taken into consideration in determining, factually, whether a spot zoning has taken place. And I don't think that should be lost sight of.

The other thing is Mr. Walker talked about cross examining the witnesses. I think if you read those deposition excerpts we'll put in in our case in chief, I think you'll also find that that evidence is present in those deposition excerpts.

THE COURT: All right. I'll deny the motion for now, then we'll press forward with the defense case. Are you all ready? I want to press on.

MR. DOMIN: Your choice. We can call our first witness, Lee Batchelder.

THE COURT: Let's get started.

(Lee C. Batchelder, 8 1/2 Council Street, Charleston, S.C. 29401, duly sworn, testifies as follows:)

CROSS EXAMINATION BY MR. DOMIN:

Q Mr. Batchelder, what is your official title with the City?

A I'm the Zoning Administrator for the City of Charleston.

Q What does the job of the Zoning

Administrator entail?

A It entails administering, enforcing, interpreting zoning regulations that the City has adopted.

Q What work do you do with the City's Comprehensive Plan?

A I participate as a member of the Planning Department in preparation of plans and the enactment of plans and then the implementation of those adopted plans.

Q Tell the Court a little bit about your educational experience.

A I have an undergraduate degree from Iowa State University in Community and Regional Plannning; a Master's Degree from University of Virginia in Urban and Environmental Planning and have taken a number of courses over my time as a Zoning Administrator dealing with different aspects of land use planning and zoning administration.

Q How long have you been the City of Charleston's Zoning Administrator?

A I've been Zoning Administrator for 20 years.

Q And have you been qualified as an expert in the courts of law of this state as an expert?

A Yes, I have.

Q Multiple times, in fact?

A Yes.

MR. DOMIN: I would offer Mr. Batchelder as an expert in the area of urban planning and zoning.

THE COURT: Any objection or voir dire?

MS. SMITH-YANCEY: I don't have an objection to his qualifications, but he was not listed as an expert witness.

MR. DOMIN: On the answers to discovery we specifically said each one of our witnesses may qualify as an expert due to special educational, experience and knowledge, and reserved the right to call them as such.

THE COURT: Do you want to verify that or you agree?

MS. SMITH-YANCEY: Your Honor, I would just like to note my objection for the record in case it comes up later.

THE COURT: All right.

MS. SMITH-YANCEY: I don't want to hold things up.

THE COURT: Proceed. I'll qualify him based upon experience and both practical application as well as educational experience. Mr. Domin?

Q Mr. Batchelder, I want the try and be as brief and to the point as possible. Can you explain

to the Court in very general terms how is it that the 3X zoning came to exist in certain parts of the City and explain how it is that we got to this point today?

A Well, in 1974 the City of Charleston adopted the Preservation Plan which included an element that talked about restricting heights or developing new height regulations for the Peninsula for the Historic District. In about 1977 those -- or '78 those height regulations were implemented and adopted by City Council. And that implementation created the 3X height district which covered large areas of the lower part of the Peninsula, moving north from Calhoun Street, as well as several other locations on the Peninsula.

Over time, as revitalization occurred on the Peninsula and moved further up King Street, the planning efforts that had taken place in the 70's and early 80's were no longer really current and that lead to the City beginning the efforts to prepare the Downtown Plan, which was eventually adopted in 1999.

Q That is Defendant's Exhibit Number 7, Plaintiff's Exhibit something or other, that the Court has referred to; is that correct?

A That's correct. That plan talked about height. Again, in the document, along with a number of other aspects of planning and land use on the Peninsula. The plan was really accomplished or enacted in response to growing concerns on the part of residents of the City over the continued revitalization efforts that were occurring and the impacts those efforts were having on various neighborhoods on the Peninsula.

The plan went into some detail about changing height regulations. Some areas adding or allowing additional building height. Other areas lowering the allowed building heights and included some general maps to show those, what those changes should be, and so that plan was adopted in 1999 and then moving forward the City began to implement the recommendations of that plan beginning in about 2001, I believe, with some changes. And I can go through those if you like.

Q Before we get to that spot, let's back up. You referred to Defendant's Exhibit Number 7. You said it was adopted in November of 1999 and is called the Charleston Downtown Plan. Would you refer to this as being the guiding planning document as of 1999 for this specific area?

A Yes.

Q Now, do other areas of the City have other planning documents?

A Yes.

Q And certainly as it relates to planning documents generally, can you tell the Court, is it the intention of the Zoning Department and planning staff to zone each inch of property through a planning document?

A No.

Q What is the goal of a planning document?

A The plan provides a guide, a framework for making decisions.

Q So as far as this particular exhibit is concerned would you say, then, that it provides something of absolute clarity that we must follow each word or more so that it provides that framework or guideline?

A It provides a framework or guideline but not an absolute.

Q Now, as City Council proceeds forward to consider individual requests, you make reference to the Comprehensive Plan; is that correct?

A That's correct.

Q Likewise, sometimes there are larger

activities which City Council engages in to change zoning in an entire area. Would you also make reference to the plan in those situations?

A Yes.

Q Let's fast forward in time, before we actually tackle this planning document, to what City Council did in the timeframe of September 2006 with respect to 3X zoning. Can you set the stage for us and explain to the Court what happened and how it came about?

A Well, the -- this is post change or post implementation of the changes that were recommended by the Plan for the area of King Street and Meeting Street north of Calhoun Street and when those changes were made the area on the northwest corner of Marion Square and to the west of Marion Square was left to the 3X zone and then in 2006 the height zone, 3X height zone that covered approximately 60% of the property identified as 404 King Street was extended.

Q Let me roll back to the 2006 timeframe when the 3X height was addressed throughout the City, if we could.

As it relates to that time period, let's set the stage for that. The plan, the

original Downtown Plan you told us was implemented in 1999. Rolling forward in time it was not immediate that the zoning -- 3X zoning was changed; correct?

A Right.

Q So now in the timeframe of 2006 did the City address the 3X height zoning through major portions of the City?

A Yes, we did. The area of the 3X height district extending north of Hutson Street all the way up to the Crosstown Expressway, and it covered a large area between properties on the east side of Meeting Street all the way to a boundary line that was between the properties on King Street and the St. Phillip Street, so that would be to west of King Street. So that large area that was encompassed within the 3X height district was rezoned to various height districts to accomplish the intent of the 1999 plan.

Q What about extending out into other portions of the City? Were are there also other 3X zones?

A There were and still are. We did not rezone those areas. Those areas are still in the 3X.

Q Let me ask that question. If you could, I think you referenced there is a map in this document; is that correct?

A That's correct.

Q And --

THE COURT: You're in the Downtown Plan?

MR. DOMIN: I'm in the Downtown Plan.

Q Would it be page 63?

A Yes, that's correct.

Q Now, I want to make certain I understand. This is the planning document which then City Council did not act on changing the zoning until approximately the timeframe of 2006?

A That's correct.

Q Now, based on your knowledge as the Zoning Administrator, where was the 3X height zoning retained? This map shows the existing 3X?

A There are 3X height zones on the northern end of Lockwood Drive north of the Crosstown, Highway 17 Expressway. Also there is a 3X height zone that exists with the Sergeant Jasper Apartment Complex, located just north of Broad Street.

Q And specific of course, then, to this area that we've looked at many times?

A And this area as well.

Q Now, let me refer to Plaintiff's Exhibit 4. That area was retained as a 3X height district by City Council in 2006?

A That's correct.

Q Now, from a planning and zoning perspective were you supportive of keeping the 3X zoning classification in this area as well as at Brittlebank and Sergeant Jasper?

A That's correct, we were.

Q And drilling down on this area specifically, why was the Planning Department in favor of keeping 3X zoning in this specific area?

A We felt that the 3X zone in this area was an appropriate zoning district. We had buildings that already were quite tall within this area and others that were planned and felt that that height, that height district would permit appropriately sized buildings for that particular area.

Q To place it in perspective. We talk about large buildings surrounding this site. The Francis Marion Hotel, what does it ring in at?

A I believe that building is at 165 feet, approximately, in height.

Q And the spire of the church directly across the street from this site?

A I believe that building or that church spire has a height of 297 feet.

Q And extending out into the surrounding area, are there other large buildings in the vicinity?

A There are other large buildings in the vicinity. You have the Federal Office Building on the west side of Meeting Street, which is approximately 100 feet tall. And those would be the immediate --

THE COURT: East side?

A Did I say west side of Meeting? I'm sorry. East side of Meeting Street. Then, of course, there are other buildings on the Peninsula within walking distance that are quite tall. The Charleston Place has a height of approximately 120 feet for the tower. The People's Building has a height of -- I don't recall exactly but it's somewhere in the neighborhood of somewhere between 80 and 100 feet in height on Broad Street here. And the Mills House Hotel, for instance, nearby, has a height of approximately 80 feet to the parapet. So those are just a sampling, I guess, of some of the taller buildings on the Peninsula.

Q Let's forward in time to 2007 when the

City Council actually discussed extension and voted for extension of the 3X zoning through the entirety of this particular site that brings us here today. Were you involved in those discussions?

A Yes, I was.

Q Now, based upon your professional experience and expertise, was the extension of the 3X zoning across the remainder of the property, a spot zoning?

A No, it was not.

Q Was that zoning consistent with properties that were contiguous to it?

A Yes.

Q When you are deciding that a change in a zoning classification should be made as it relates to a specific property or piece of property, if there are portions of other properties that are contiguous to it, significant portions, do you consider that to be a spot zoning?

A No, I don't.

Q Now, the question has also been raised as to whether or not that rezoning request would be consistent with the Comprehensive Planning documents of the City of Charleston. Do you have an opinion as to whether or not the rezoning of that 40%

portion of this property is consistent with the Comprehensive Planning documents of the City?

A Yes, I believe that it is consistent with our Comprehensive Planning documents.

Q What do you base that on?

A Well, the Downtown Plan, in a number of sections, talked about achieving continued revitalization, continued economic development on the Peninsula through strategic growth management. I think that term is used in the Executive Summary in trying to strike a balance between competing interests. And if we go through the plan, which I'll be happy to do, I can point out certain sections.

Q Do you have a copy there?

A I do have a copy with me.

Q Let me just give you an extra copy of Exhibit Number 7, see if you can point to the places in the Comprehensive Plan that you think support the rezoning that has been undertaken of the 40% of the property that is under challenge today.

A Well, again, in the Executive Summary it states that the key issue becomes one of managing the change and directing the growth for the better, of downtown residence and businesses. That's an

important statement as we move through the document and look at the various recommendations that are included in the document.

Q Let me stop you right there, because Mr. Walker had asked some questions of his expert or Mr. Cook, I should say; question whether or not there are land use planning objectives and then also economic planning goals. Are those, in fact, separate?

A No.

Q Okay. So as we look at the zoning of a particular piece of property, whether or not it's to allow an office building or a residence or to allow a certain height, does that of itself include economic implications?

A Absolutely.

Q Is that deliberately so? When you are looking at rezoning a piece of property are you looking at it from an economic perspective?

A We are looking at it from that perspective as well as other perspectives.

Q And just to kind of put that in a nutshell, you have to balance those economic perspectives against what other kinds of perspectives?

A For instance, traffic impacts, impacts on preservation, impacts on aesthetic qualities. Those are the sorts of things we're looking at.

Q So, I interrupted you. You were pointing to us on page one of the document?

A Right.

Q The overall goal of strategic growth; is that correct?

A That's correct.

Q Go ahead and continue and tell us where else within this planning document would you point the Court to?

A If I could just continue on. It talks about strategic growth management: Provide an opportunity to deflect growth pressure from where it causes the most friction to areas where it can bring the most benefits.

So as we move through the document and move on to page 7 --

Q Before you go there, go to the end of that paragraph.

A The end of this paragraph?

Q Starting, north of Calhoun Street, middle column. I'm sorry. Let me just read it.

THE COURT: Same paragraph you were in just, the

last sentence.

Q North of Calhoun Street there is room to accommodate a greater degree of growth that could be beneficial to all members of the downtown community; on page one of the Executive Summary.

A Yes, I was on the wrong page, sorry.

Q That happens to me quite frequently.

You were starting to continue on, but would you agree that the area north of Calhoun has been identified as an area that can accomodate greater growth over the coming years, as of this 1999 study?

A Yes.

Q Now, do you put principles as well in this far right-hand column under Executive Summary, number one, including fostering sustainability to use growth strategically, and to maintain the downtown as a regional center of culture and commerce. Would those all be planning goals of the City of Charleston that are incorporated into the Comprehensive Plan?

A Yes.

Q Go ahead and continue. You said you wanted to turn us next to page 7 of this document?

A Right. Moving on to page 7. This is the

first page of the section titled The Vision. And when I refer to the lower Peninsula, this plan, of course, covered the area of the Peninsula south, generally running south of the Crosstown Expressway and as extended across the Peninsula.

So the vision for the physical form of the lower Peninsula will support, and then there is a colon and it talks about corridors and nodes. Gaps along the corridors will be redeveloped with low to mid-rise dense structures and supported by transit. Retail corridors will be reinforced as downtown shopping streets. The King Street and Meeting corridor will retain it's role as downtown's main shopping street and will accomodate new retail housing office and accomodation. The Calhoun corridor will be intensified from the Ashley River to the Cooper River, Spring and Cannon Streets more densely developed, will retain their respective commercial and residence roles.

Moving on, it talks about nodes of higher intensity. Public activity are envisioned where east-west corridors meet King Street and Meeting Streets, and the Cooper and Ashley River waterfronts.

Well, this east-west corridor that

we're referring to here is the Calhoun Corridor, a major street on the Peninsula and where that intersects King Street and Meeting is a node of higher intensity as defined by this section of the plan.

These nodes were focal points which might include public art, well defined civic spaces, parks and squares framed by buildings will create points of interest throughout the downtown.

Q What's that saying to you? Why do you think that page 7 is important to direct us to?

A Page 7 is really saying we need to look at the structure of the Peninsula and focus the development that is going to occur so that it reinforces the structure and takes advantage of these certain areas where you have these nodes of higher intensity; where it can accomodate higher intensity development, and these would be away from those areas that are more susceptible to adverse impacts, residential areas, neighborhoods that surround the Peninsula.

Q And when the language of page 7 refers to squares framed by buildings, does that have significance as it relates to this particular site?

A Right, it does. Marion Square, of course,

is a very large public space, somewhere between four and five acres in size. It's unique in that sense because it is so large. And it is at the center of the Peninsula, center of the commercial area of the Peninsula.

Q Now, continuing on with those nodes and analysis of nodes, you wanted to direct my attention to page 41, I think, when we were getting ready; is that right?

A Correct.

Q Turning to page 41 of Exhibit Number 7, what does that show?

A Forty-one shows the -- a map that shows existing and proposed nodes and corridors and has circles around certain areas where these nodes are identified and there is a circle around the -- what is identified as a node centered around Marion Square.

Q Continuing on, where would you show the Judge and the Court the continued consistency with the Comprehensive Plan?

A As I continue on through the document?

Q Yes.

A Okay. Well, moving on, I think page 53, we can -- 53 where we're talking about where to

direct growth and development, it talks about directing hotels generally north of Calhoun. Building on the -- visitor accomodation study, the Downtown strategy is to encourage hotels away from the heart of downtown to locations where they might act as catalysts to revitalization. The strategy also aims to keep hotels away from the waterfront in order to maintain and enhance meaningful public water access. New hotels totaling a maximum of 800 rooms over the next 20 years are proposed to be concentrated north of Calhoun in the transitional and redevelopment areas of Upper King Street, Meeting Street and the Crosstown gateway. Hotels are also proposed as focal points along the eastern edge of Downtown.

So that's saying, in effect, that we anticipate the continued considerable economic development on the part of accomodation uses, hotel development and that those uses, those future hotel rooms should be directed north of Calhoun Street to not over burden the southern part of the Downtown area with additional tourist or tourism impacts and that the areas north of King Street or north of Calhoun would include Upper King Street, Meeting Street because these are areas where we've

identified nodes of concentration, nodes of concentrated development that are served in various ways by road infra-structure, transit infra-structure.

Q Continuing forward in this Comprehensive Plan.

A Well, it goes on, on the next page, 54, and talks about three general areas are recommended for inclusion for accomodation, uses. The Upper King and Meeting Corridor contains large tracts of under utilized land that will have increased prominence with the relocation of the Crosstown. And how important it is for these areas along Upper King and Meeting to have these uses because it puts them in close proximity to the transit system that we have in place.

Q Now, if we could, let's flip forward to page 61 to the Comprehensive Plan. Professor Cook talked about the concern over taller buildings or modern buildings that might be near or next to historical structures. Is the planning document for the Downtown Peninsula only to allow historic structures or is there an accomodation for different types of buildings?

A No, there is an accomodation for different

types and sizes of buildings.

Q Is that reflected in this plan?

A Yes, it is.

Q Okay. Why don't you explain that to the Court and cite to us the provisions that you think are supportive of that?

A On page 61 there is a goal that's stated, Build In Keeping With The Downtown Grain And scale. And under the heading, under the heading of Build In Keeping With The Downtown Grain And Scale, under the heading Insure A Diversity Of Building Types the plan goes on to state that buildings can and should play a diversity of roles within the overall city fabric. Some buildings should be background buildings, structures that will create an attractive and coherent street edge but that do not stand out as extraordinary. Some buildings have a special role within a block or street and should stand out more. They should mark an open space, a special corner or they might be on axis with the important or attractive View Corridor.

There is also room for buildings that are truly outstanding objects, places of worship, public structures, certain locations adjacent to the waterfront or important parks. All warrant

exceptional treatment and design. Downtown Charleston should contain all of these types of buildings.

Q Putting that in perspective, when we look at Marion Square, do you believe that it's being identified as one of those prominent public parks?

A Yes, I do.

Q And as it relates to this site, do you believe that this building plays an important role with respect to framing that park and providing some form of dimension for it?

A Yes, I do.

Q Do you think that a building of the scale that's been proposed, consistent with the extension of 3X height on that property is advantageous or detrimental to the surrounding park?

A I think it's advantageous.

Q Why?

A Because the park is a very large space and larger, taller buildings on this park will not be a detriment to the park. It will not block the sun in this location and will provide what is called for here, buildings that have a prominent location should be prominent, very attractive designs, become a part of that urban fabric, important urban fabric

for Charleston.

Q Now, I think that may bring us to the most specific reference to the Marion Square area and Old Library site on page 78. You would agree that that area, that discussion in this planning document specifically refers to the Old Library site?

A Yes. There is specific mention to, on page 78, of Marion Square and Marion Square as being a premiere public space in the Downtown and it's restoration is currently under way, bounded on three sides by the main commercial spines of Charleston, of Calhoun, King Street and Meeting Street and is the communal front lawn for three churches, two prominent hotels. Although in recent years it has seen the addition of a gas station and drive-thru bank. The Square has in the past been graced with a library and the Citadel. A major building could be located directly -- to directly face onto Marion Square, the prime location being the Federal Building site directly addressing the square.

And then it goes on and talks about, in the third paragraph, the Old Library site is a smaller but also -- is smaller but also represents a significant development opportunity. It's appropriate redevelopment would further enhance the

Square to bring its prominence -- the prominence that it warrants. Together with the Four Corners of Law, a corner of prominent places will be created at the heart of the City. A new development is planned in design, particular attention should be paid to preserving the prominence of the church steeples, the Old Citadel building and the Calhoun Column on the skyline.

Q Now, in your opinion, as a professional Zoning Administrator, does the 3X height zoning respect and follow this planning guideline?

A Yes.

Q Explain why?

A In this location it allows taller buildings but those buildings are not of a height that would adversely impact those other existing buildings that surround the square, and it would not violate the principle laid out in this Comprehensive Plan as I've just stated it.

Q Fair to say what you've said is the Comprehensive Plan overall wants to encourage both economic growth as well as historic preservation including skyline issues; correct?

A Yes.

Q That ultimately as it relates to this area

it was described as being a node of activity; correct?

A That's correct.

Q And certainly this site would be able to handle a more intense use consistent with that node of activity?

A Correct.

Q Now, with respect to this site, specifically, it was identified as being a site which was an important one and an important redevelopment opportunity?

A That's correct.

Q And ultimately redevelopment would be encouraged but at the same time it should be respectful to the other buildings in the area?

A Correct.

Q And you believe the 3X height zoning is respectful to the other buildings in the area; is that correct?

A Yes.

Q And, in fact, the 3X height zoning is not going to cause buildings which are going to be significantly higher than some of the other significant buildings that already exist in the immediate area?

A That's correct.

Q Including the Francis Marion Hotel and the Federal Building?

A Correct.

MR. DOMIN: Mr. Batchelder, that's all the questions I have for you. Please answer any questions opposing counsel has.

CROSS EXAMINATION BY MS. SMITH-YANCEY:

Q Good afternoon, Lee. Always a pleasure. You would agree with me that since the development of the Downtown in 1999 the City has taken affirmative steps to phase out 3X in the Downtown area?

A We have taken steps to eliminate large areas of the 3X zone; right.

Q And the Downtown Plan specifically refers to the 3X zoning as over permissive in several provisions?

A Yes.

Q You agree with that?

A Yes.

Q With respect to the Downtown Plan I believe in your testimony, in response to some questions Mr. Domin asked you, you referred to it as a general plan, a plan that provides guidelines or

recommendations without really any firm substance. Is that correct?

A Well, it's a broadbrush planning document; provides a framework for decision making, looks at issues and tries to come up with representations on how to address those issues.

Q Is there any other plan by the City that is more specific than this Downtown Charleston Plan in terms of development on the Peninsula?

A In terms of development on the Peninsula? That's been adopted?

Q Yes.

A No.

Q So this is it?

A This is the most current.

Q This is what the City looks to when it talks about development on the Peninsula?

A Yes.

Q Now, the Downtown Plan, as we've discussed before, does call for the allowment of height increases as development progresses?

A Correct.

Q But doesn't the Downtown Plan require that that development, that be in keeping with the current skyline? Let me refer you to page 62 of the

plan.

A Okay.

Q And I'm looking at Section 8.4 which is titled Height?

A Correct.

Q Do you see down there at the bottom of that first column, the Downtown Plan identifies ample room to accomodate new development in a more intense form that is in keeping with the scale and character of the existing context? Correct?

A Correct.

Q And directly above that is a series of pictures?

A Right.

Q Read for me what is beside that, the first sentence of that.

A New development should be in keeping with the City's current skyline. The Downtown Plan recommends that the height regime be modified to clearly reflect the desired development.

Q Doesn't this plan specifically say, with respect to increases in height, that they should be slight and even refers to them as being increases of one story in height in terms of buildings?

A Could you point me to that particular --

Q Sure. Let's turn to --

A I'm not sure I would agree with your characterization.

Q Let's turn to page 63.

A Okay.

Q That final sentence there, parts of Spring Cannon and Calhoun Street shall benefit from an increase in height, generally one story.

A Generally one story; correct.

Q Turn to page 64 for me, underneath that map. Height limits along Calhoun, Spring, Cannon Corridors are increased slightly; correct?

A Correct.

Q And you talked about a number of larger buildings in response to some questions from Mr. Domin, and I believe those buildings you talked about were the Mills House, the Francis Marion, the People's Building, Federal Building?

A Right.

Q And I believe the reason you were pointing those out was to show that there are some large buildings on the Peninsula?

A That's correct.

Q None of those large buildings, however, sit directly adjacent to a historic site, such as

the Old Citadel; do they?

A Well, I wouldn't say they don't sit adjacent to a historic site.

Q Which one of those buildings sit directly adjacent to, directly beside a historic site?

A Well, the Federal Building sits next to the Old Citadel Baptist Church.

Q Correct.

A Citadel Square Baptist Church. People's Building occupies a prominent site on Broad Street where there are numerous historic buildings. Charleston Place, of course, occupies the location that's virtually surrounded by other historic buildings.

Q You equate those historic buildings you just mentioned to have the same value, historic value to Charleston as the Old Citadel?

A Well, just in the case of another one being the Francis Marion that occupies a site next to St. Matthew's Lutheran Church. I think St. Matthew's Lutheran Church and probably Citadel Square Baptist Church are rated in the same way; very highly, at least if they're not given the same rating of architectural rating that the City has.

Q Mr. Domin had you go through the Downtown

Plan and identify some general statements in the plan which you believe are supportive of the rezoning of this property. Right?

A Correct.

Q But with respect to this plan we don't even need to look at general statements because this plan specifically addresses Marion Square; correct?

A It does talk about Marion Square.

Q And it specifically address the Library site; correct?

A It mentions the Library site.

Q It does more than mention it. It sets some limitations on the development that should take place on that site; does it not?

A I don't think it limits, specifically limits the development.

Q Turn there with me and let's talk about what this Downtown Plan specifically requires in terms of the Old Library site. I believe it is on page 78.

Let me know when you are there.

A I'm on page 78.

Q The Old Library site is smaller but represents a significant development opportunity. The -- it's appropriate redevelopment would further

enhance the Square to bring the prominence it warrants together with the Four Corners of the Law, a corridor of prominent places will be created in the heart of the City. As the new development is planned and designed, particular attention should be paid to preserving the prominence of the church steeples, the Old Citadel building and the Calhoun Column on the skyline.

You don't think that this plan specifically sets limitations to the development of the Old Library site?

A Not specific limitations, no. I don't agree with that.

Q You had mentioned in some questioning from Mr. Domin that you believe that this project was appropriate and within the guidelines of the Downtown Plan because the plan references Marion Square's ability to accommodate a larger building; correct?

A Correct.

Q Isn't it true, though, that with respect to an accomodation of a larger building on Marion Square the plan addressed the Federal Building and not the Library site?

A Well, it talks about both sites.

Q Right. And in terms of a major building it talks about the Federal site; correct?

A It does mention that term when it's speaking about the Federal Building.

Q Says a major building could be located to directly face onto Marion Square. The prime location is the Federal Building site directly addressing the Square.

The next paragraph which speaks to the Library site describes it as a smaller site; correct?

A It is a smaller site than the Federal Building site.

Q There is no reference of a major building being built on the smaller site, the Library site?

A No, there is no specific reference.

Q Right. Really the only reference with respect to that site is the importance of keeping development there in compliance with preserving the Old Citadel building and the church steeples?

A Preserving the prominence of those buildings; correct.

Q Right.

I want to turn back to that diagram we were looking at earlier. I believe it's on page

63. I'm sorry page 62. There are three drawings there: Current, desired and undesired. You see that?

A Yes.

Q I also want to refer you to this diagram which is Plaintiff's Exhibit 23. Is it just me or does this exhibit showing the proposed project and the scale of this hotel look dangerously close to this undesired diagram contained in the Charleston Downtown Plan?

A No.

Q You disagree with --

A I disagree.

Q I want to talk a little bit more about the 3X, and the phasing out of 3X of Downtown. None of the City's planning documents call for an expansion of 3X; do they?

A No, I don't believe they do.

Q And in your 20-plus years as Zoning Administrator for the City of Charleston you can't think of one other instance where 3X was expanded in a rezoning of the property other than the site we're here about today?

A I cannot.

Q And in this case the developer had already

obtained the height variance it needed to build this hotel that they wanted to; correct?

A Correct.

Q And, in fact, when the developer applied for its special exception for the project it affirmatively stated to the City that a rezoning would not be required. Are you aware of that?

A I'm aware of the application, yes, and their statement.

Q But after the height variance was appealed by the Plaintiffs in this case, the City began affirmative measures to rezone this property; correct?

A Correct.

Q And this was done to make moot the challenge of the height variance by the Plaintiffs; was it not?

A No, it really wasn't done for that purpose.

Q There were communications from the City indicating that that was a consideration; was there not?

A My recollection, which I think is reflected in my deposition, is that that subject, that consideration came up during a meeting that we

had with several people talking about the opportunity to rezone the property and I'm not sure who mentioned that. I'm not sure that I didn't mention that just as a question that I posed to the attorneys who were present. But the reality is that we sought to rezone the property for other reasons. That wasn't really the reason we sought to rezone the property. In fact, it hasn't had that effect anyway. It hasn't mooted anything so --

Q Well, the split zone situation with respect to the property, the City was aware of that; correct?

A Aware of the split zoning of the property?

Q Right.

A Yes.

Q They were also aware of the proposal for a hotel for this project?

A Right. You mean back when we had this discussion?

Q Let me do better. Back in 2005 when the City started to curtail or change the height districts, it was recognized and discussed at a City Council meeting that this particular piece of property was split zoned as to height and that there was a hotel proposed for the project. Correct?

A That's correct.
Q And actually there was discussion about eliminating the 3X zoning as to that piece of property and making the whole thing 55/30; correct?
A I don't recall specifically that discussion.
Q You don't recall the City Council minutes reflecting that the reason that there was concern about going ahead and doing that at that meeting was lack of notice to the landowners?
A I don't recall that.
Q Okay. But at least as far as 2005 is concerned the City was aware of the situation, the split zoning situation on the property, and the developer's plans for the hotel?
A Yes.
Q And it was in the midst of rezoning height districts; correct? In 2005?
A Yes, and it was --
Q And done in 2006?
A Right. And -- but that effort was really focused on dealing with the very large 3X height district that we had at the time. And so if I can expand on that point.
Q Please.

A So one of your exhibits there shows the extent of that 3X zone as it existed prior to us eliminating it, substantially eliminating it. And that was just one of a series of efforts we undertook after the adoption of the plan to implement the changes that were recommended in the plan and of course with each one of those rezonings to implement the recommendations of the plan we made some modifications or adjustments as we saw fit according to the recommendations of the plan, and so the change to the Upper King and Meeting Corridor included eliminating the 3X zone over a very substantial portion of what had existed for a number of years in that area. But we chose -- we intentionally chose to leave this particular part of the 3X zone intact.

Q And you particularly chose to leave this parcel, that we're here about today, zoned as it is -- zoned as it was?

A That's correct.

Q Okay. And -- while this was a more global initiative to address the height districts --

A Right.

Q -- there are two pages of discussions in the City Council minutes about this property site

alone in 2005; are there not?

A I'll take your word for it, that fact.

Q Again, this is something that the City is undertaking at that time, addressing rezoning of height districts, and so why is it that it wasn't until two years later after the Plaintiffs appealed the variance, that the City, for the first time, sought to rezone and make the height consistent on this one piece of property?

A I think at that time we were concerned with just simply removing the 3X height zone and rezoning those properties to other specific height zones. That was our main concern at the time. Because that was not a simple task. It involved hundreds of property owners and some of those property owners, as you can imagine, are not, or were not too pleased we were removing the 3X height zone from their property. So the adoption of the change to eliminate the 3X height zone north of Hutson Street was not by any means assured. But that was really the goal of that effort, was to focus on that area removing the 3X height zone from that area to north of Hutson Street, because I think all of us in this room would probably agree that that was not appropriate for that particular area of

the Peninsula. And often times when you're trying to make changes through the legislative process you really need to focus on the change that -- the main goal of the change or the request that's being made, which is the area north of Hutson Street. That's what we were doing, and that's necessary so that you can improve your chances of success. We need to have enough members on City Council voting in favor or in support of our request in order for that to take place, and so that really was the thinking at that time is to focus on that, stick to that issue.

Q So despite this issue being on the City's radar, so to speak, in 2005 it did nothing about it at that time?

A That's correct.

Q And just by coincidence decided to rezone the property after the Plaintiffs filed their variance challenge?

A Not by coincidence. I think at some point along the way, after having the benefit of studies that looked at Marion Square and what should happen around the Square and looking at the plans for this one particular site, we as a staff came to the realization that what was being proposed was entirely suitable for that site based on the

representations of the plan and the importance of striking a balance, economic development, all those reasons, you know, focusing development on this node of concentrated activity.

And so for all those reasons we felt like it was the right thing to do to rezone this property to benefit, really, the City of Charleston.

Q So you disagree with Councilman Tinkler's statement as reflected in the August 21st, 2007 City Council minutes where he stated, so the reason they are considering this rezoning is to strengthen the legal position of the City?

A Well, he was an elected official and --

Q I'm just asking do you agree.

A I don't agree. I don't agree.

Q And so in, I believe, June or July of 2007 the City began its efforts to rezone this particular piece of property?

A I don't recall exactly the dates but --

Q Sound about right?

A Sounds about right.

Q And that's because at that particular time through -- what did you say? Through various studies or plans for the project that this then became a priority for the City or something the City

wanted to address?

A We felt that it was appropriate to take this step.

Q And this property is not the only property in this area that is split zoned with a 3X height district; is it?

A That's correct.

Q There is this large parcel here?

A Correct.

Q This is the Bell South building?

A No, that is the site that's occupied by the dormitories, College of Charleston dormitories.

Q So this entire parcel here is split zoned as to 3X and 55 just like this one was; correct?

A That's correct.

Q And this 3X split zoning remains in effect on Marion Square as well?

A Correct.

Q And when the City decided that it was encumbent upon them to address this split zoning issue in this area, it focused its efforts on this one spot; correct?

A Focused on that one property.

Q One property. Is there any other property owner that benefits from the rezoning?

A Yes.
Q Who is that?
A Well, the rezoning has a beneficial effect for the surrounding area.
Q Well, that's not what I asked.
A Well, I guess that's how I interpreted what you were asking, but is there any property owner --
Q That benefits from the rezoning?
A That has their zoning changed as a result of that? Is that what you're really asking?
Q What I'm asking is, did this rezoning specifically effect this one piece of property and no other piece of property?
A Yes.
Q Okay.
A That's not unusual, of course, with rezoning requests.
Q Why isn't it that this issue wasn't addressed here? (Indicating north of Vanderhorst.)
A Well, those properties were already developed and there was no need, in our opinion, to adjust the zoning. We wouldn't do it over on that side because it doesn't -- it's not identified in the plan as a note of concentration, not along the

King Street Corridor, so for all those reasons the adjustment or rezoning of that boundary on the western side of the block would not make sense.

Q Because they are already developed?

A They're not -- that property doesn't fit within the descriptions of this plan where higher concentrations of development, where future accomodation uses should be located. Doesn't fit within the plan, so we wouldn't support the adjustment of that boundary on that side of the block. And they are developed with buildings that fit within the height district that are there and so there is not any imminent change that we would have to even consider anyway.

Q There is a building on this property now that fits within the height district; correct?

A Correct.

Q And there is nothing inconsistent with the Comp Plan about having a hotel on this property that would be within the 55/30 zoning district?

A There is nothing inconsistent with that, no. Except that that size and height limit would not, in our opinion, meet the goals of the plan which was to focus that future accomodation development, retail, economic development along the

King Street Corridor and Meeting Street Corridor.

Q With the slight height adjustments we've already discussed?

A Well, that's a general statement and so general statements are open to, I think, interpretation as you move from plan to actual implementation. There are adjustments that are made. In fact, there are a number of adjustments that were made in other areas of the City as a result of the same kind of process that we went through with this particular case.

Q As we sit here today does the City have any plans to expand the 3X zoning anywhere else on the Peninsula?

A No, we don't.

Q Do you think that's ever going to happen again?

A I don't know. It might.

MS. SMITH-YANCEY: Thank you, Mr. Batchelder. That's all I have at this time.

MS. HANAFI: Your Honor, I just have a few questions.

THE COURT: I'll allow a few.

CROSS EXAMINATION BY MS. HANAFI:

Q Just briefly. The 3X zoning, you said the

3X was decided -- you decided that 3X zoning -- it would be appropriate to leave 3X zoning in this area because of the already existing buildings on this block?

A Well, and the fact it's right there at that node of concentrated development outlined in the plan and on Marion Square, and so for a lot of reasons we felt it was appropriate to leave it in place.

Q Were there any 3X buildings on this block -- are there any zoning -- are there any buildings that would require a 3X zoning on this block already?

A No.

Q And the only buildings that would require 3X zoning are on this block with Marion Square across the street?

A I take that back. I think actually the Old Citadel building does exceed the height limitations in place.

Q Do you know how tall the Old Citadel building is?

A I believe that the top of the crenulated wall is approximately 63 feet and the towers that extend above that at the entrance, main entrances,

are in the neighborhood of 80-some feet.

Q You decided to leave that 55/30. Would another height district have satisfied the 63-foot height for the Citadel building? Do you necessarily need the 3X district there?

A No, you could have placed a different height zone. In fact, you could have extended the pink to go south.

Q Do you know if church steeples are subject to the height restrictions?

A They're exempt.

Q Was economic growth necessarily restricted by height restrictions, such as economics cannot be reconciled with the Comprehensive Plan? In regards to 404 King Street?

A It's one consideration but, again, there are various considerations that need to be brought into -- it's a balancing of different factors we have to consider.

Q Explain the 3X zoning to me. How tall can the buildings be at 3X?

A The maximum height is determined by measuring from the center line of the right-of-way which the building fronts to the face of the building, and then taking that dimension times

three.

Q So what is -- can you give me an example of what the tallest building in a 3X zone could be?

A I can't really give you that example. Until we eliminated the zoning north of Hutson Street, the 3X zoning north of Hutson Street, those blocks -- again, we're talking about seven, eight blocks, maybe more than that, moving all the way up to the Crosstown, those were entirely within the 3X zone and conceivably you could have built a building that was -- I think the plan even mentions 400 feet. Certainly that would be possible.

Q 400-foot building could have been built under the 3X zone?

A Right. It would have been permitted. Of course, it would have had to be approved by the BAR, but that 3X zone would have established a maximum limit that was quite high.

Q Why did you choose to eliminate that 3X zone from the other areas?

A The 3X zone, and I believe in 1977 or '78 when the height districts were originally approved, the 3X zone extending over that large area of Upper King and Meeting Street was somewhat of a compromise position in order to get the height regulations

adopted. But the blocks in that area, again, I know there are a number of blocks that already have historic buildings, parking garages, office buildings; probably would not be redeveloped in the near future, but there are other blocks moving north that are either undeveloped or under utilized, have vacant structures, whatever, and those blocks are large enough that if somebody were to come along and assemble properties or even maybe acquire one large property, under that 3X height district they could construct a very, very tall building.

Q So that very, very tall building would be not in the best interest and goals of the Comprehensive Plan?

A Clearly not be in the best interest of the City or the goals of the Comprehensive Plan.

MS. HANAFI: That's all I have.

THE COURT: Okay. Ms. Cantwell?

CROSS EXAMINATION BY MS. CANTWELL:

Q Mr. Batchelder, just let me ask you right off the top. There has been some implication that when the hotel application was submitted in 2004 for the special exception that no rezoning -- it was represented in the application that no rezoning would be necessitated but they did represent that a

variance would be needed; isn't that right?

A Yes, I believe I recall that that was even presented to the Board of Zoning Appeals when we presented the special exception.

Q It's been no secret that height has been an issue with this site from at least since 2004 when that initial accomodation overlay zone, special exception for a hotel was first submitted?

A That's correct.

Q Okay. Now, if I understand your testimony that Marion Square -- the Downtown Plan recognizes Marion Square as a place, a node if you will, where intense development should be encouraged?

A Correct.

Q And it's also located along the King Street Corridor where similarly an intense use is urged?

A Correct.

Q And isn't it true that height is a function of intensity?

A Yes.

Q And so a higher height allowance at this location is consistent with those goals of the plan?

A That's correct.

Q And if you would look at page 62 of the

Downtown Plan, please. I'm looking at the first paragraph under Section 8.4, Height. If you would read the last sentence, says this overall height envelope --

A This overall height envelope is supported by the existing height regime. Greater restrictions apply along the edges of Downtown and higher heights are permitted along the central spines and should be preserved.

Q And should be preserved. So the idea always explained to me is that the idea behind height being distributed on the Peninsula, is you would have your higher heights along the major corridors of King Street and Meeting then tapering off as you reach the waters edge on each side of the Peninsula; is that correct?

A Correct. And that's really what the drawings above reflect, and that's what I think we're attempting to do; reflects to certainly fit within that.

Q So in your opinion the height that is now allowed at Marion Square, at 404 King Street, is consistent with this goal of the Downtown Plan?

A Yes.

Q I wanted to ask you, you testified, and I

apologize. I probably should have gotten up, but I think there was testimony that prior to the height adjustment at 404 King Street it was a split -- had split districts. It was 3X for about 60% of the site, then the rest of it was 55/30. I think a comparison was made between the split at 404 King Street existing similarly for the split height districts that are along the properties that are on St. Phillip Street, Vanderhorst, and Calhoun Street?

A Correct.

Q Now, both of those properties, I'll call them the St. Phillip Street property. Both St. Phillip Street and 404 King Street had split districts; did they not?

A Yes.

Q But the difference was on the St. Phillip Street properties the greater height was to the interior of the site; right?

A That's correct.

Q And on -- which is consistent with how most properties that have split districts -- the greater height is to the interior of the site; isn't that right?

A That's correct.

Q But when you get to 404 King Street you

had all the height along King Street?

A That's correct.

Q Now, wouldn't you agree with me that if you had a piece property not very large, as 404 King Street, that has split districts where you have all the height amassed along King Street dropping down toward what I'm calling the rear of the site, really it's to the east of the site, that would present an awkward design challenge at best; wouldn't it?

A Yes.

Q Could you have gotten, in your opinion, the type of building that 404 King Street demands, as far as symmetry is concerned, with those height districts remaining in place as they were?

A No. Wouldn't be possible.

Q Could you have gotten a building at 404 King Street that would have enhanced the park and framed the park and accommodated the goals of the plan that would -- that recognized that that site should be -- and it was a node and should be developed for an intense public type use?

A No, I don't think that would be possible.

Q You earlier indicated, I think in response to a question and these are my words, my notes, that when the City was relooking the heights in 2005,

maybe? That there was an effort made to scale back the 3X in some parts of the City but not here; right?

A That's correct.

Q And why not?

A On this lower portion of the 3X zone we felt it was an appropriate zone for that particular area and we would leave that intact.

MS. CANTWELL: Thank you. I don't have anything else.

THE COURT: Mr. Domin?

REDIRECT EXAMINATION BY MR. DOMIN:

Q I want to make certain. You were asked the question whether 3X was over broad. You said you agreed with that statement as a general rule. Is that correct?

A Yes.

Q But as it relates to this specific site do you see anything wrong with 3X zoning?

A No.

Q Why?

A The 3X zone has limited height restriction for this particular property and other properties in this area. The 3X district -- and, again, you've got Marion Square, the plan recommending that

intense development occur in this area, and the -- of course, the site is under the control of the Board of Architectural Review, and it's very doubtful the Board would ever approve of a building that was simply a large block that occupied the entire extreme envelope that was created by the height district, so we feel that we have the necessary protections in place to guarantee a good building on this site or any other site in that 3X district.

Q I hear you say that one of the major objections of the 3X height zoning is because it was undefined; it was unknown. If you could accumulate properties together north of Hutson Street and you could amass enough of a setback you could get an extremely large building?

A Correct.

Q And you don't know whether or not as a city you're going to be getting extremely large buildings or not when you have the 3X zone?

A That's correct.

Q But those same conditions, in your opinion, are not present on this site, because it's a defined site?

A Correct.

Q Okay. And then you were asked the question as to whether or not on page 62, the little diagram looked, quote, frighteningly similar to what is shown, and like a good witness you responded and answered the question. But could you give the explanation? You said it was not frighteningly similar to you.

A Right. What's proposed really fits within the desired diagram and, in fact on page 62, which shows the higher heights along the spine, the central spine of the Peninsula, which is what King Street really, truly is; and so that doesn't violate the main point of those diagrams and the statement below which is you don't want to have taller buildings at the edge of the Peninsula which is typified by the tall condo building over on the harbor.

Q Then looking also at undesired, does it show these high rise buildings going up to be taller than the church steeples in the bottom diagram?

A Yes.

Q So it shows extremely large buildings being built up very high in those situations?

A That's correct.

Q Compare desired to the current. When you

look at the current does it envision infill projects? I guess my way to do this is when you look at the difference in the diagram between current and desired what's the difference? Because to the subtle eye you may not see it.

A There is infill development that's occurred within that.

Q Some of those infill projects, in terms of height, show that those are going up to the area of the steeple or the beginning of the steeple and still there would be steeples that rise above that; is that correct?

A That's correct.

Q So when the plan talks about, later on, on page 78, preserving the prominence of church steeples, in your view does that diagram have to be viewed in conjunction with that language and does this proposed hotel do justice to the prominence of those steeples around it?

A Yes. I think it still respects the church steeple -- church steeples that surround it.

MR. DOMIN: That's all the questions I've got.

MS. SMITH-YANCEY: Briefly.

RECROSS EXAMINATION BY MS. SMITH-YANCEY:

Q On that same diagram.

A On page?

Q Page 62. Next to it. It states, new development should be in keeping with the City's current skyline; correct?

A Yes.

Q This new project does not keep within the City's current skyline; does it?

A I believe it does. It respects the skyline.

Q With respect to this project this hotel does not. It's a substantial increase in the skyline than the existing Library building, almost twice as tall; is it not?

A I'm not sure exactly how tall the existing Library building is. Probably more like 40 feet in height.

Q How many stories is it?

A Two.

Q This is an eight-story building; correct?

A Correct.

Q Okay. And looking back at this diagram, what is the difference between the current and the desired sketch there?

A Well, again, there is infill development; does not rise above the point where the steeples

begin.

Q It doesn't not only rise above steeples but it doesn't arise above the buildings, the current buildings, as they are sketched in this diagram; correct?

A Actually, I think there is some -- yes, I think some do rise above the buildings. The darker shaded buildings represent the infill and I seem to see existing buildings that are shorter in front of those new buildings. That's what it appears like to me.

Q Every structure shown on the desired is also shown on the current; correct? As to height?

A Yes.

Q So the desired is only showing new development. It's not showing an increase in height of current buildings?

A No, it's not showing an increase in height of current buildings, but it is showing new buildings being infilled.

Q Or an increase in height over current buildings?

A No, I disagree with that, because I think it shows new buildings being increased in height above existing buildings.

Q But it does not show an increase in buildings -- in existing buildings?

A No, it doesn't seem to show that.

Q Okay. Thank you.

CROSS EXAMINATION BY MR. PRITCHARD:

Q You're not a trained preservationist; are you?

A I'm not trained formally or probably not considered to be an expert witness in that.

Q And in response to Ms. Cantwell's earlier questioning you testified about the difficulty of designing a structure with the split zoning. Do you recall that testimony?

A Yes.

Q It's certainly possible to design a building, even with the split zoning, that's consistent with the 55/30; isn't it?

A Yes.

Q So, in other words, you don't have to use the entire envelope; do you?

A You don't have to.

Q So you could build a handsome structure applying the 55/30 zoning be; correct?

A You could build a handsome structure but not one that would accomplish the goals that we seek

to accomplish with the plan.

Q Exactly. The purpose of this rezoning was to enhance the economic viability of this project; wasn't it?

A Well, the purpose was to enhance economic opportunities of the City.

Q And the project?

A The project had already received a variance. Of course that variance could be over turned but we feel like that was the right decision, and so I don't feel like this is enhancing, necessarily, the economic viability of this project. It's merely the City stating that a building of this size is appropriate under the plan in this location for all the reasons we've talked about.

Q If the variance was correct why go through this exercise?

A Because the variance runs with the project and we don't know for sure that this project will move forward. I hope it does, but if not then we would want to see somebody else come in its place and do something similar. We think this is the right place for this type of building, for this size building, and so the variance, even though we think it was the right decision for all the reasons that

are on the record, this is project specific. We wanted this to be a zoning that carries forward.

Q Why not make that consistent with all these other split properties?

A I think we've talked about how this site is a bit different and warrants the change that we've made.

Q In other words, this zoning was specific to this property and this property only?

A Well, the zoning effects this one property because it's a rezoning, and typically rezonings are single properties that are being effected by those changes that are being requested, so it's not unusual in that respect. We deal with this all the time.

MR. PRITCHARD: No further questions of this witness.

THE COURT: Anything, Ms. Cantwell?

MS. CANTWELL: No; no, sir.

EXAMINATION BY THE COURT:

THE COURT: Mr. Batchelder, I have a couple. What is the proposed height of the hotel with the variance, and what could they get without the variance?

THE WITNESS: Without the variance, under the split zoning that existed, they could have constructed

a building of 105 foot in height.

THE COURT: That's without --

THE WITNESS: Without any variance -- without any zoning change. And that is the proposed height of the hotel.

THE COURT: So the variance would allow what?

THE WITNESS: The variance was to essentially allow a shift in the volume of the building so that instead of being an L-shaped building with the taller portion on King Street, that volume of building that could have risen above the 55 height limit was shifted, a good portion was shifted to make the building symmetrical.

THE COURT: So the variance allows for the symmetry of the building because of this split zoning.

THE WITNESS: Correct.

THE COURT: But under the 3X zoning they could get 105 feet. Is that what you're telling me?

THE WITNESS: Correct.

THE COURT: Whereas, they would only be 55 feet if it remained split zoning. 105 on the King Street and 55-foot on the other side.

THE WITNESS: Yes, essentially about 60% along King Street is within 3X or was, so that could have been 105 height; the remained being 55.

THE COURT: So as proposed, it's 105?

THE WITNESS: That's correct.

THE COURT: Over on page -- let's leave that alone. On page 54 of the Downtown Plan. Those diagrams, for the record, look identical to me between current and desired. Somebody just shaded them in. It's possible some of that shading became new construction or something, but they look almost identical to me.

Page 54 there is some discussion of hotels in this area.

THE WITNESS: Yes.

THE COURT: 7.3 is The Land Use Strategy. Talks about directing hotels generally north of Calhoun.

THE WITNESS: That is correct.

THE COURT: On page 54 there is a discussion, specific discussion about hotels. In reviewing that, if you would, look at that. There is some discussion. There evidently are or were hotels envisioned at the time of this plan. Did that encompass this site or other sites? Seems to talk about east of Meeting Street and north as hotels.

THE WITNESS: In about '97-'98 the City did enact changes to its zoning regulations that restricted the size of future hotels south of Calhoun Street;

beginning the process of thinking, well, we're going to get more hotels for -- full-service hotels, that sort of thing, and we want to really focus the development of those hotels north of Calhoun Street. Then this plan really carried that thought process forward in looking at where specifically those kinds of large hotel developments should be located, and this was certainly one of the areas that was envisioned. I don't recall if in 1998 or 1999, when this plan was being developed and adopted, if there was a specific proposal at that time or discussion about a hotel on the Old Library site, but generally the idea was we want to focus -- begin to really focus energy on Upper King Street further, the redevelopment of that area and do what we accomplished on lower King Street.

THE COURT: There is not a proposal to ring the Square with large buildings or hotels? I didn't see that. I'm asking.

THE WITNESS: No. In fact, the height restrictions on the south side of the Square are still very restrictive in that regard.

THE COURT: All right.

THE WITNESS: And on the west side of the Square. Or east side of the Square. Sorry.

THE COURT: All right. Okay. I think that's all

the questions I have. Anything?

MR. DOMIN: I want to circle these differences because it's hard to see. Is that okay?

THE COURT: If they are shaded I see a difference. If they're not shaded I see no difference. I'll give you a pink pen if you want.

BY MR. DOMIN:

MR. DOMIN: Circle those areas where the height is increasing. Do it with the pink pen.

(Witness indicates.)

THE WITNESS: Okay. I identified three specific areas.

MR. DOMIN: Mark that as the next exhibit.

(Whereupon Defendant's Exhibit 9 is marked in evidence.)

THE COURT: It's 1:30. We'll come back at 2:30.

(Lunch recess)

(Court reconvenes, 2:30 p.m.)

(Michael T. Maher, 11 Marion St., Charleston, S.C. 29403, duly sworn, testifies as follows:

DIRECT EXAMINATION BY MR. DOMIN:

Q Mr. Maher, can you tell the Court a little bit about your current position?

A I'm the Director of the Charleston Civic Design Center which is a City agency focused on urban design.

Q I think you pointed out to me page, what was it, 90?

A 90.

Q Page 90 of this plan is the most important page because it created your job?

A That's correct.

The Downtown Plan, one of the recommendations of the Downtown Plan was to create a design center, in order to refine the recommendations and to implement the strategies and goals of the plan over time.

Q What was your academic background prior to taking this position with the City?

A I have an undergraduate degree, a Bachelor of Science in Architectural Study from University of Wisconsin in Milwaukee; graduate , Master's Degree in Architecture, Rice University.

Q Prior to taking this position did you spend some time in private practice?

A Yes, I'm a licensed architect, registered in the state Wisconsin, licensed in 1992; was in private practice for several years as an architect. Subsequently began teaching and taught at the University of Wisconsin, at Clemson University, as well as some visiting positions overseas.

Q Now, as a director of the Design Center, from time to time are you asked to review certain potential zoning changes or other matters which are going to be considered by City Council?

A Yes, or components of those discussions.

Q And were you asked to review the change on this site to extend the 3X zoning across the entirety of the site?

A We were asked to do a study of the site and its relationship to Marion Square, subsequent from the discussions about rezoning for the property.

Q And were you asked to come back with a particular conclusion or recommendation?

A No.

Q So it was open-ended?

A Yes.

Q Now, you did a presentation to the City of Charleston that reflected some of your views and conclusions relating to your study?

A Yes.

Q I think it may be just a good logical way to allow you to explain to us what you presented to City Council, which already was introduced as Defendant's Exhibit Number 6. Can you walk us

through it slowly?

(Slide)

If I might, our process, as a sort of an understanding of how our presentation -- our process usually in this case certainly involves going through an identification of what the issues are around a particular area or site or condition. That can include looking at the existing conditions of the site, if there are existing buildings or context. It can include looking at various documents within the City's planning apparatus, the zoning code, certainly previous studies that have been done, Urban Design Study, such as the Downtown Plan.

We generally do analyses on this type of issue which is volumetric in nature; doing pure modeling studies of a particular area and using that as a tool to understand how a proposal may or may not fit within the framework, or how it changes the regulatory framework; might be necessary in order to achieve the larger goals.

So this document was a summary of that study, the first two slides of which -- and if I might, I won't give the whole presentation but I'll give you my logic in the presentation, what's

behind the logic. Simply the conditions, this was the existing condition, this was the proposed.

THE COURT: Go back to the existing to start.

THE WITNESS: Sure.

(Witness indicates.)

THE COURT: Existing was what?

(Discussion off the record.)

THE WITNESS: The existing condition simply shows the zoning line that bisected 60/40 on the site. Then the proposed condition.

THE COURT: All right.

(Slide)

A (Witness indicates.) This first slide was trying to lay out the outline of our presentation. We began the presentation, and as we go forward with it focusing a little bit more on the economic side of things, economic development, implications of the redevelopment of this particular site in relationship to the larger commercial context of King Street and of Downtown.

We also included within this outline the specific proposal relative to a full-service hotel and what that might mean in regards to both economic development, but other potential development to the community.

Then the last two bullets of this outline relate to more the physical planning side of things; the Comprehensive Plan and previous plans have been done and how this analysis learns from or draws from those different plans.

And then the final bullet point being about the state of this project, this particular site, if you will, relative to previous findings by the Board of Zoning Appeals by appropriate citizen boards such as BAR and BZA. Also identifying what those site characteristics are, about this particular 404 King Street, that we think warrant this level of study.

(Slide)

So from that outline we developed the argument that the correlation between the site we were looking at, 404 King Street, and the Charleston Place which we referred to as the Charleston Place effect, we saw some correlation between it.

There was some, I think, intimations about that within the Downtown Plan, of recognizing different nodes of economic activity. At the intersection of King and Market, for example, at Marion Square and then further down at Spring and King Street; and how these different nodes really

become key economic drivers, not just for those particular sites, those intersections, but for the areas that feed around them. So we're using this as an illustration of how that effect really does play out. It's just not about the investment that happens on the site here but also the investment that spurs off of it; the comparison of the opposite side of the street at that time to what we see today and how that spurs -- how that economic development effects not just an immediate area but has echoes through the Downtown --

(Slide)

-- or ripples, if you will, all the way down King Street.

(Slide)

We are showing here Hutson Street and finding a similar condition to what we found in Charleston Place looking at historical photographs; buildings that some of which are in good shape but many of which are lacking in investment or lacking in the kind of economic activity, sort of generate the kind of synergy around this area of Marion Square.

So using these slides, comparisons to try to illustrate how we think this project from

an economical development standpoint is related directly to the previous efforts at Charleston Place.

We also performed an analysis of the area of Upper King. I know we were talking about how anecdotally people look at Upper King and get excited about what's happening, but behind the surface there are still alot of vacancies along Upper King Street. There is still alot of property under utilized; gravel parking lots sprinkled throughout the area, and alot of vacancies. Maybe not vacancies today, but we don't see the kind resilience of the economic activity we might see in Middle King Street.

So we did go into an analysis based on some of the information we received from an economic development department about revenues the City would anticipate from redevelopment. So I won't go through all those, go into a full range of different fees, taxing benefits, so forth, that such development brings to the larger community of Charleston.

(Slide)

Similarly those economic benefits go into the kind of jobs to anticipate, kind of a spin

off investment you can start to see.

This particular slide, then, starts to go into more the physical planning site; looking at some physical-planning type documents and some of which are more economic development analyses. So, for example, the King Street Corridor, commercial market analysis that was done by the Gibbs Planning Group looking at King Street as an economic entity and identifying what kind of trends one could see, both positive and negative, and identifying what the City might strategically do to try and leverage some investment that's occurred and to advance further investment, particularly in the area of Upper King.

One specific part of that study which is very illuminating for us was discussion about -- I'm not sure it actually finds itself in the document, but in the meetings we had there was an analysis of walking distances and how the typical visitor walks a certain distance, would sort of shop so far and turn around, unless there is something that spurs them on. And what they were identifying was this area of Marion Square. If you think about Charleston Place as the beginning point for visitors, when they get to Marion Square it's sort of the outer limits as walking distance. They turn

around unless there is some impetus, message that there is more to see, more to do. Certainly in looking at the 404 King Street as it is today it sends just the opposite message. Nothing more to see this way, go back.

We also looked at various studies around Marion Square including, as was mentioned, Rally Around The Square. Other studies we had performed on other sites around the Square such as the Federal Building sites and south side of Calhoun.

Q You mention Rally Around The Square. We haven't heard that yet in the context of this trial. Can you expand out on what that was, what some of the conclusions were relevant to your analysis?

A Rally Around The Square was a citizen-driven project. Group of citizens got together with some architects and some other designers to look at Marion Square, trying to develop from their viewpoint a vision for Marion Square. They developed a series of drawings that I think from an urban design standpoint, their focus was looking at ways the Square could be more highly contained, large buildings could create a better sense of identity of the space, and how the anchors

of the buildings around the Square and some at height could create or leverage the investment in Marion Square already happening into an even more vibrant kind of condition. Certainly there are parts of the Square right now that aren't performing the way one might like to see on a central square like that.

THE COURT: Is that where the concept of ringing the Square with buildings came from?

THE WITNESS: Yes. That concept or that view of how you develop around the Square, it doesn't come just out of that particular initiative. That's really talking more about fundamental urban design principles which are that good urban spaces have a level of containment and definition that comes from the buildings around them; the general principle that there is a sectional relationship. The larger the space is the taller the building needs to be to create that sense of containment. If you compare, maybe, Hampton Park which has two-story buildings, to Marion Square which has much taller buildings, that sense of room is something we associated more with good urban spaces; a greater level of enclosure which you really can't accomplish with one or two-story buildings.

(Slide)

So this particular site went into a little bit more specific characteristics of the site. Identifying that they were specific characteristics of 404 King Street in that it's a site with really three sides, arguably four, which are public. It is almost a, if you will, it's own city block from the respective exposures. Most buildings don't have three or four exposures on public ground pieces. So that particular condition, and particularly that it's on two -- it faces, really, two very major public spaces. King Street which is a public-realm element, which is linear space, and Marion Square which is a public-realm element which is room-like.

We are identifying that the current zoning, the split height we've been talking about all morning, forces greater mass towards King Street and forces greater mass towards St. Matthew's Church and steeple; that an approach, a volumetric approach, which allowed a better distribution of the mass of the building, could provide a better relationship between what could happen on 404 King and the adjacent context, both the Citadel on one side and the St. Matthew's Church on the other side. So what we were proposing and what we were analyzing volumetrically is different strategies, different envelopes for the volumetrics of the zoning

of the site which could try to mitigate or create better relationships between the complex context that is around it.

So, for lack of a better way of putting it, the site is kind of caught between not really a rock and a hard place but the Citadel and the Church, are two competing entities that really both, in a way, want deference. At the same time you have this opportunity for a building and a major focal point that's already related to a much larger entity in Marion Square and the length of King Street. So all of these different influences provide different impeti, if you will, on how you might approach the site.

THE COURT: Is that a word?

THE WITNESS: I believe it is.

(Laughter)

So as an outgrowth of that, as I mentioned, we do volumetric analysis. This is a computer model that we generated of the context so we can better understand what alternatives there might be and how they relate to each other, and how different strategies on the site. This report was certainly a summary of those findings

(Slide)

So what we have here is a massive demonstration of the zoning envelope for this site in the split zoning

condition. You see the higher portion of the site on King Street, the lower portion filling out toward the Citadel. Then we're comparing that in this visual to the proposed approach that would be engendered by getting rid of the split zoning, by moving the 3X zoning to cover the whole site.

(Slide)

So this is a rendition, if you will, not of that zoning envelope but of a solution within the zoning envelope that would -- we think demonstrates volumetrically this image, that would help to create a better relationship not only to the steeple but also to the Citadel and to Marion Square.

(Slide)

Similarly from this view of King Street looking north, that change between the zoning envelope to this proposed building envelope, how the change in the zoning has the ability to redistribute the mass on the site, reduces the sense of scale, reduces the sense of the mass. Even though the height may be the same, the scale and mass are, we think, considerably different, and evident within these illustrations. Really, for us, in this process of historic preservation and economic development, how these things relate, the question of mass is very often much more important than

height even can be.

(Slide)

So diagonally from across the Square we see St. Matthew's and a previous zoning volume and the proposed building envelope within the new 3X covering the site -- that would be allowed by the 3X covering the site.

(Slide)

This is just running back, the argument, if you will, of what's proposed in this change and this is the presentation of the City of Charleston. So reminding them what was proposed based on our analysis, our recommendation to go head and for them to consider it.

MR. DOMIN: You can take your seat.

Q When you made this presentation to the City of Charleston there was a variety of discussion amongst the Council members as well as public input; is that correct?

A Yes.

Q There were folks who spoke in favor of the proposed change and folks who opposed it?

A Yes.

Q Now, Mr. Cook had said that the problem was that there was no balance that was made between the historic preservation and paying respect to the

historic structures of the Citadel and the church, and that all of the emphasis was on economics. Can you respond to that from your own perspective?

A I believe the evidence of the presentation is exactly opposite. We did consider economics and economic development, certainly, but we also considered volumetrically how zoning, and what could be made possible by zoning, affected the form of the building or form of the proposal, the mass of it, but also its relationship, volumetrical relationship to the surrounding context and specifically the Citadel and St. Matthew's Church.

Q And on Exhibit Number 3, Defendant's Exhibit Number 3, did you have a discussion where you iterated those same concepts?

A Yes.

Q And I guess effectively you were saying that this is an approach that is more sensitive to the historic structures than the split zoning?

A Yes. I think embedded within that discussion at the City Council was how we were to work this balance between what are very often contradictory or competing influences and come up with not either/or but one that is the best balance, if you will, between them.

Q So when the Comprehensive Plan refers to making certain that the structure pays proper respect to the historic structures, do you believe that the rezoning helps accomplish that purpose?

A Yes.

Q Now, you have a practice as an architect. You've seen the plans that I believe are submitted as Plaintiff's Exhibit Number 22. Is that correct?

A Yes.

Q And you can identify for us this model; is that correct?

A Yes.

Q Does this model show a representation of those plans?

A It does. There are -- they are, for all intents and purposes, identical. Couple of window patterns -- but the massing of that model is the same as in the drawings.

MR. DOMIN: I think there have been some pictures made of these drawings which have been seen. I would like to mark those. I have no problem with them being marked collectively as an exhibit.

(Whereupon Defendant's Exhibit 10 A-G are marked in evidence.)

Q If you could, looking at those exhibits

starting off with A. What representation does A show of the model?

A 10-A is from, essentially, a bird's eye view, middle of Marion Square, I would say. 10-B is a frontal view from Hutson Street. 10-C is a diagonal view from the intersection of King Street Hutson and Vanderhorst. 10-D is an aerial or bird's eye view from -- essentially from the northeast on Hutson Street. 10-E is a corner view from King Street and Marion Square. 10-F is a frontal view from Marion Square essentially looking north from Marion Square, and 10-G is what we might call a three quarter view -- angle view from King Street almost as if you were at the Francis Marion.

Q Now, some folks on the other side would say, but a handsome building could be built within the prior existing zoning envelope. From a volumetric standpoint and aesthetic standpoint what was your conclusion?

MR. PRITCHARD: Your Honor, I might object to this. I'm not sure. Is he qualified as an architect or --

THE COURT: I don't think he asked to be an expert at all.

MR. DOMIN: I would certainly qualify him as an

expert in architecture and urban design.

MR. PRITCHARD: If he has an architecture degree, let's hear about it.

THE COURT: He talked about it.

MR. DOMIN: I've not formally moved him as an expert.

MR. PRITCHARD: That's my point.

MR. DOMIN: I'll do so right now. I would offer him as an expert in architecture and urban design.

MS. SMITH-YANCEY: I may be missing this. We had the same issue with Mr. Batchelder. I don't believe that either of these witnesses were designated as experts in discovery.

THE COURT: You've had a chance to look that over. I'll let your objection continue, but I'll allow it for the purposes, based on his background and experience. So qualified. All right, Mr. Maher.

Q I think I was driving at an opinion. Again, just to back up. The question is, can you build a handsome building within the pre-existing split zoning classification, and what would be your response to that?

A Well, I would qualify it by indicating that for us the question is contextually appropriate. If the zoning was in the middle of a

field you could probably do a handsome building but, would that building respond to the specific contextual conditions of that site, is a different question.

The split zoning creates a situation or created a situation in which, what I think is well argued, the face -- front face of the building on Marion Square from a zoning standpoint, from an envelope standpoint was being treated like the side. The front was presented more towards King Street. So in the context of Marion Square the split zoning created a condition where any design was going to be, very like to be putting its side to the front of the site or what is probably the primary front of the site.

Q What about responding to the suggestion, if there was a variance in place there was no need for rezoning?

A Well, again, the variance is project specific, but if we recognize from our analysis that a better approach to this site is to remove the split zoning so that any project that would be designed for the site today or in the future would be able to be responsive in a more positive way to its front face on Marion Square or its primary face

on Marion Square.

Q Did your presentation to City Council intend to convey that point?

A Yes.

MR. DOMIN: I don't have any further questions. Answer any questions opposing counsel may have.

CROSS EXAMINATION BY MS. SMITH-YANCEY:

Q Hello, Mr. Maher. The pictures that you have been asked to identify, they don't show the Old Citadel building; do they?

A No, the model is just as it is here.

Q The model doesn't show the Old Library?

A It does not.

Q The Old Library is within the 55/30 zoning; is it not?

A It sits within 55/30; that is correct.

Q That's conceptually appropriate; is it not?

A Technically it's nonconforming.

Q But conceptually appropriate for that site?

A The zoning -- well, the --

Q From an architecture perspective?

A The form of the building in its relationship to the Square is a good relationship,

sure.

Q So there is nothing preventing a similar handsomely constructed building within a 55/30 height restriction on the site that we're talking about either?

A If your criteria is merely aesthetic, then I would agree.

Q Your presentation to City Council intimated that it drew from other planning documents. I think that was your testimony as well?

A Yes.

Q Was the Charleston 2000 Plan one of those documents?

A I believe it was.

Q And you're familiar with the Charleston 2000 Plan?

A Yes.

Q And do you recall that that document, like the Downtown Plan, characterizes 3X as an overly permissive height district?

A I think that both the documents refer to that.

Q And calls for a reduction of 3X on the Peninsula; correct?

A I can't say that. I'm not sure it says

that specifically.

Q You don't recall that? Well, the --

A I think, if I might, one of the factors of the 3X that is important to understand is that in the old historic part of the City the 3X occurs where we have design review. There are other parts of the City where we did have 3X when the Downtown Plan and other comprehensive documents were there, that did not have design review. So that's a key component of our zoning code which is what role design review has in mitigating what the zoning code might, in fact, allow.

Q Design and review, though, is not -- they're not charged with a legislative responsibility of rezoning; are they?

A I'm sorry?

Q Design review has no responsibility concerning rezoning?

A No, they do not.

Q And the Charleston 2000 Plan that we've been discussing certainly doesn't call for an extension or an expansion of 3X on the Peninsula?

A No, it does not.

Q With respect to the development in the Calhoun area, the Charleston 2000 Plan states the

development will fall within the guidelines of the Calhoun Corridor study; correct?

A I don't know that specific language is in the Charleston 2000 Plan.

Q Let me see if I can refresh your memory. This is Plaintiff's Exhibit 31. Mr. Maher, I'm handing you Plaintiff's Exhibit 31 which is the Charleston 2000 Plan; correct?

A Yes.

Q Turn to page 90 of that, please.

A Okay.

Q I'm looking under the second bulleted point over there in the right-hand column. With respect to development along Calhoun doesn't this plan call for reference to the Calhoun Corridor Study for any new development in the area?

A It does.

Q You're familiar with the Calhoun Study?

A I am.

Q And that study references the fact that higher structures in this area were historically reserved for church steeples, monuments, cupolas, landmarks, if you will; does it not?

A I don't know that specifically says that.

Q Let's look at that one. That I believe is

Plaintiffs 28. Plaintiff's Exhibit 28, that's the Calhoun Study, and I'll point you to page 12.

Under Building Form and Scale, do you see that second paragraph, the last sentence, higher structures were reserved for symbolic features such as steeples, towers or cupolas placed at the end of strategic view corridors. The following sentence says, it is important that the traditional scale of Charleston be maintained along Calhoun Street. Does that refresh your recollection?

A It says that.

Q This study also emphasizes the City low skyline in the context of the accentuating symbolic landmarks and makes specific reference to the landmark on Marion Square, does it not, on page 16? It's in the middle of the second column there. And states, for instance, an important physical and symbolic landmark presides over Calhoun Street in the Calhoun Monument at Marion Park. Accentuating it's physical presence will also underscore its historic importance. Recognizing and commemorating symbols are important part of the life and vitality of an important street like Calhoun.

A I apologize. I'm not sure I'm on the right page.

Q Page 16?
A Okay.
Q You see?
A It says that.
Q This study certainly doesn't call for the expansion of 3X along the Calhoun Corridor or in the Marion Square area?
A No, it does not.
Q The Uptown District Urban Design Study, is that one of the studies that you drew from in preparing your presentation to City Council?
A We did. If I might, we looked at many studies that have been done including the ones you've mention and I've mentioned. Some of these predate the Downtown Plan and some of these predate subsequent work that has been done since the Downtown Plan and since implementation of some of the recommendations of the Calhoun Corridor Study.
Q I think we beat the Downtown Plan like a dead horse. I wanted to draw on the other studies that you reference in your Power Point presentation. The Uptown District Urban Design Study is one of them; correct?
A Yes.
Q And that study does set guidelines for the

development of Marion Square specifically; correct?

A Yes.

Q Those guidelines state that the existing View Corridor of Marion Square must be maintained; correct?

A I don't know it says that specifically.

Q Do you recall that it limits development in the area to six stories?

A No, I'm not familiar with that.

Q Let's look at that one. This is Plaintiffs 29. I ask for you to turn to page 135.

A One -- difficulties with some of these studies is that they're very peripheral to the site. The Calhoun Study, for example, dramatically addresses very little of the site of 404 King Street.

Q Page 135 talks about Marion Square specifically; does it not? Item number two, building height, new development around the Square, may be built to a maximum height of six stories?

A It does.

Q That's pretty specific?

A Yes. It's not something that was implemented, however.

Q How about the Commercial Market Analysis?

Is that another plan that you drew from?

A Yes.

Q I want to ask you some questions about that. That's Defendant's 8. Now, the photos -- in your presentation to City Council you made a comparison of this site to the Charleston Place Hotel site; correct?

A Yes.

Q And the photos that you showed of the site before Charleston Place looked pretty blighted; correct?

A Yes.

Q But the area that we're talking about on Upper King Street is nowhere near that blighted. In fact, Upper King Street is enjoying a revitalization on its own; is it not?

A Actually, I think there is a lot of concern about Upper King Street today.

Q Let's take a look at this Commercial Market Analysis. This was done in 2003; correct?

A That's correct.

Q And this analysis finds Upper King Street has been successfully evolving, is well established and positive growth in the area is expected to continue; does it not?

A I don't know where it says that.

Q I'm sorry. Look at page 54. In the middle of the page there.

A Yes.

Q Under Upper King District. Upper King Street has been recently successfully evolving into a desired restaurant district --

(Reading)

-- appealing to many of the regions permanent residents. This area of north of Calhoun is well established. Anticipated as positive growth will continue to expand north and into adjacent neighborhoods. Also indicates the focus on development in the area should be on serving neighborhood residents; does it not?

A It indicates that facades that would be attractive to local residents should be promoted; yes.

Q Now, the Rally Around The Square study, that's not a comprehensive planning document; is it?

A No.

Q That wasn't adopted by the City?

A No.

Q As the Court pointed out, this study actually encourages the Square or walling off of

Marion Square, does it not, by large tall buildings?

A It encourages taller buildings than exist currently on two of the faces, reinforcement of -- with infill buildings of a similar scale that's already on -- such as the Federal Building site and the King Street site.

Q The City doesn't agree with that plan in terms of Marion Square; does it?

A The City agrees with general principles, urban design principles that good urban spaces have proper containment and definition by active and contributory uses.

Q Does the City anticipate walling off the Square with buildings?

A Walling off is a very gray term.

Q You don't know what I mean by that?

A No, we're -- the City is not intending to wall it off. The City is intending to encourage redevelopment where possible and where appropriate to help advance and redefine the edges of the Square in more positive way.

Q You would agree with me that these plans that you drew from recognize the importance of preserving the City skyline?

A They indicate that is an important aspect

of the City's growth as it moves forward and how it has to be balanced with all the other factors that make the City successful.

Q None of these plans call for the expansion of 3X anywhere on the Peninsula?

A No.

Q These things that we've talked about in the plans were not highlighted in the presentation to City Council; were they?

A The lines that you've picked out, no.

Q Now, as I understand it, the City's position that rezoning -- the City's position is that the rezoning of the property is going to benefit the public because of the economic value that it will bring. Is that fairly stated?

A That's one part.

Q And your presentation sets forth some anticipated profits and revenues for the project; correct?

A I don't believe we talked about profits. Revenue to the City, yes.

Q And I believe that -- was there any supporting data supplied to the Planning Commission for the City Council to back up these numbers?

A None of the research was provided to them.

If they had requested it, it certainly would have been provided.

Q Was there a comparative analysis of whether a project of this scale, as proposed, could have detrimental economic impact in terms of tourism. If you will --

A There was no indication that it would.

Q I think you were present in the courtroom for Mr. Cook's, or Professor Cook's testimony that projects such as these can jeopardize the City's listing on the National Historic Registry. Was that considered at all?

A Certainly.

Q It was?

A The City is always concerned to make sure the balance of development and historic preservation is maintained.

Q So that was considered?

A Sure.

Q And is that reflected in the Planning Commission minutes?

A I have not reviewed them. I don't know.

Q Do you recall that being debated at the City Council?

A I don't recall it specifically.

Q Did your analysis take into account other full-service amenities planned for other hotels in the immediate area?

A Not in a specific way. I mean, again, in everything it's trying to understand the balance. Providing too much of one type of view could be detrimental, so forth.

Q Are you aware that the Francis Marion has recently expanded their conference facilities, and was that considered?

A I'm familiar with that they have.

Q Was that considered in the analysis?

A Certainly.

Q Is that reflected in the Planning Commission minutes or the City Council minutes?

A No.

Q And how about the Holiday Inn? I believe they were recently approved for an expansion of some conference facilities along Meeting Street; correct?

A Yes.

Q And to your knowledge was that debated or presented to the Planning Commission or City Council?

A It was not presented. As I said, it's also considered within the overall package of our

analysis of the balance of things.

Q Considered by you but not necessarily the Planning Commission or City Council?

A That's fair.

Q You don't have any evidence to show that that was considered, other than the minutes? Because that's all we have; right?

A There is nothing in the report to be submitted. That's true.

Q Nothing in the minutes to reflect that was considered by the Planning Commission or City Council?

A No. We relied on it in our own work using our own expertise.

Q And you can see that there is already a full-service hotel in this immediate area, is there not, with the Francis Marion?

A Yes.

Q It has conference facilities, it has ballrooms, it has all these things that the City appears to be saying is needed in this area to bring this economic growth. They are already there; right?

A There are facilities in place, yes. Whether or not there is unmet need or unfulfilled

capacity is more a pertinent question for us.

Q And was that analyzed and balanced by the Planning Commission or the City Council?

A That specifically was not presented but it was something we relied upon in our formulating our own report.

Q Was there any analysis as to whether the amenities desired by the developer could be accomplished in other properties that the developer owns in the area?

A Not that I'm aware. We were not asked to look at them.

Q That's not something you considered?

A No.

Q Was there any analysis of whether a full-service hotel could be accomplished in the 55/30 zoning district?

A In my experience as an architect in previous practice, working on conceptual designs of hotels, I understand quite clearly a site of this size with that height limit would not be able to sustain full-service amenities.

Q And what analysis, what data did you present to the Planning Commission and the City Council showing that in your opinion a full-service

hotel could not be accomplished within the 55/30 zoning district?

A I did not present that.

Q Was there any analysis of the economic benefits of a hotel on the scale within the 55/30 zoning district? Any comparative analysis?

A We did not do comparative analysis.

Q So for all you know --

A The zoning of the site, even with the split zoning, allows more than the 55/30.

Q Let's talk about both issues. Within -- let's talk about whether there was an analysis of a hotel that fit within the split zoning envelope. Was there any comparative analysis about whether that type of facade would bring the same revenues and benefits to the City, economically, as the proposed project?

A Well, there are two separate issues. For me our focus was trying to come up with the right envelope for this site, for its contextual conditions; to analyze the feasibility, the economic feasibility of a solution, a volumetric solution, which we thought was inappropriate for the Square, really would bring us no attraction, so we did not pursue that.

Q So I take it, then, you did no economic analysis of whether a hotel within the split zoning envelope would reap the same economic benefits as the proposed hotel?

A We did no such analysis.

Q And you did no analysis of whether a smaller hotel that fit entirely within the 55/30 zoning district, like the Citadel, would reap the same economic benefits?

A I'm relying on my expertise. I can say it would not bring the same economic benefits.

Q But you did not analyze that; did you?

A I analyzed it, if you will, intuitively understanding that reducing the scale or size of the facade that much would eliminate many of those amenities from being possible.

Q You assumed that without doing any research or data or back up?

A I relied on my expertise.

Q Did you do any research, you yourself, affirmatively do any research in that regard with respect to this project?

A Again, I did not do specific analysis of how many rooms one could fit with full-service amenities within the 55-foot limit. I know from

experience that it would not be enough rooms to justify the investment in full-service facilities.

Q As you sit here today you cannot say that a rezoning of the property was necessary to reap the anticipated economic benefits that were presented to the Planning Commission and the City Council?

A As we present it in our Power Point to the City Council, the rezoning of the site would facilitate both a more appropriate approach to the site contextually and facilitate the creation of a node here on Marion Square in an area that had been identified in previous studies as an important place for an economic node to generate.

Q I'll ask my question again. I'll ask you to answer with yes or no, then you can explain your answer.

As you sit here today you cannot affirmatively say the rezoning of the property was necessary to reap the same anticipated economic benefits as were presented to the Planning Commission and the City Council?

A No.

Q Now, the current design does nothing -- there has been a lot of discussion about how the current design eliminates the shift of the mass of

the project away from King Street. Correct?

A I don't agree with what you said. I don't believe.

Q Maybe I misunderstood. As I understood your presentation here, perhaps -- perhaps, I won't fool with that. (Indicating slide projector.)

The concern about the existing zoning envelope was that the higher height district, the 3X height district would shift the mass or the height of the hotel to King Street. I think you said that would -- it would look more like the side of the building?

A That's correct.

Q But this proposed design has the same amount of mass shifted towards King Street. It just extends the mass throughout the entire site; does it not?

A That's not correct.

Q Tell me how I'm wrong.

A Well, the question of mass is very different from even volume or height. The zoning envelope which created a 3X envelope on King Street creates an impression of mass which is much greater than when you are allowed to do, for example, as it does here, a stepback or setback at certain levels.

In fact, we build that into many of our zoning ordinances, height overlays, that setback. In order to reduce that sense of mass. The 3X does not, on King Street -- to have a shear face, if you will, which the zoning essentially encouraged, pushing the mass toward King Street would create a greater sense of mass on King Street and across from the church.

Q The rezoning, though, extends the height that was applicable to the 3X portion of the site back and throughout the entire distance, if you will, of the site; does it not?

A It does shift the envelope for height across the site, thus allowing more flexibility in how that mass gets distributed within that zoning envelope. And by extension allowing a reduction in the sense of mass of the building.

Q But the side of the building, I guess -- perhaps, I won't do that either. (Indicating model) I think I'm going to need to. I'm sorry. (Moves model.)

This side of the building fronts King Street; is that correct?

A That's correct.

Q And the rezoning of the property did nothing to eliminate what you're going to look at,

what you're going to see if you're standing on King Street looking at it from this direction?

A I'm not sure I understand your question.

Q Rezoning of the property did nothing to eliminate what you're going to see when you're standing on King Street looking at it from this direction?

A If you're speaking from an elevational perspective, a drawing flat; yes, that's correct. In terms of the sense of scale given by actual three dimensional volumetrics I would disagree.

Q Rezoning of the property just allowed the same effect to take place throughout?

A Allows the redistribution of the mass across the site.

MS. SMITH-YANCEY: Thank you, Mr. Maher. Those are all the questions I have for you.

THE COURT: Ms. Cantwell?

MS. CANTWELL: I just have a couple of questions. This time I mean it. I'll be very brief.

CROSS EXAMINATION BY MS. CANTWELL:

Q Mr. Maher, just to make sure I understood your testimony, the Citadel, Old Citadel as it now sits exceeds the 55/30 height district?

A It does.

Q We've heard a lot today about -- first, and also this property, 404 King Street, obviously is not on Calhoun Street?

A That's correct.

Q We've heard a lot today about all these various plans the City has dating back maybe as far as 1974 and coming forward. And in your experience it's the usual and customary thing for the City to update its plans from time to time to reflect current conditions, reflect changing goals, reflect changing strategies; is that not right?

A That's correct.

Q In fact, if you turn to page three of the Downtown Plan which is -- that's Defendant's Exhibit 7. If you would turn to page three, the first paragraph on the left starting with: Ultimately the Downtown Plan will form part of the updating of the City's Charleston 2000 Plan?

A Yes.

Q And that paragraph essentially says that this plan is built on prior plans that the City has done in the past?

A That's correct.

Q They're all a collective -- all part of one collection, if you will; correct?

A That's correct.

Q Then it says that the strategies, and I'm reading from the last sentence, says strategies and policies from these plans, the ones -- prior plans the City has done, are still in place. Then it has: except where the Downtown Plan proposes and alternate approach?

A Correct.

Q The Downtown Plan is the most recent expression of the City Council and its planning goals -- City Council for the planning goals of the Downtown area, to include Marion Square?

A That's correct.

Q And that plan, as we noted earlier, calls for this site to be part of a development node, it's supposed to have an intense use; is that correct?

A Yes.

Q And certainly height is consistent with an intense use?

A Yes.

Q And, just for the record, in your Power Point presentation you referenced the Gibbs Planning Study, which I think is the King Street-Market Street commercial analysis. And that is --

A I have it.

Q That is Plaintiff's Exhibit -- excuse me, Defendant's Exhibit Number 8. If you would turn to page 55 of that plan it recognizes Marion Square and the development opportunity posed by the Old Library site as an excellent gateway to Upper King Street?

A It does.

Q And if you turn to page 56, the proposed uses for this very site would include a hotel; would it not?

A Yes.

Q And this plan was done in 2003; correct?

A That's correct.

Q This is the most recent plan we have as to this particular site?

A Yes.

Q Okay.

MS. CANTWELL: Thank you, Your Honor. I don't have anything else.

REDIRECT EXAMINATION BY MR. DOMIN:

Q You were asked a question about whether or not you had done a study of whether a full-service hotel and facilities could be built within the existing building envelope as existing before the zoning change. Do you recall that?

A Yes.

Q While you've not done any study, you had said several times on cross that that was, from your experience, not going to be practical?

A Yes.

Q Can you explain to the Court what you mean by that?

A Sure. There are a number of factors that within a fixed amount of volume, especially in a zoning condition as this split zoning had, in a full-service hotel facility there are different room types in terms of floor-to-floor heights and how they might fit within that zoning envelope as well as the peripheral area, the face of the building, if you will, the exposures in which you can actually get rooms in. So one of the challenges working within a tight volume is how you try to fit all those parts and pieces in. In the 55/30, for example, in a 55-foot zone with a full-service, where you might have a ballroom and the higher floor to ceiling heights you would expect in large spaces, it puts pressure on that 55-foot limit in the number of floors you can fit. So generally in this case I think specifically it would reduce the room count that you could fit within the same amount of volume just because there are certain standards of

floor-to-floor height that have to be met in order to have something that's marketable or feasible. So the combination both of the 55-foot limit, also the volume of that area above 55 feet, that would limit the amount of exposure of rooms and would reduce the number of rooms you could fit within the same volume of space.

Q Within your expertise as an architect, to a reasonable degree of certainty in your field, do you believe that the economic benefits that you outlined in the Power Point presentation to the City Council would be achieved if the split height zoning were retained and if the 3X had not been extended throughout the site?

A I think that the likelihood is that the economic impact would be reduced if the split zoning was kept in place.

MR. DOMIN: Thank you.

EXAMINATION BY THE COURT:

THE COURT: So then was the purpose of going to the volumetric study to get to the number of rooms that had been granted in the initial special use exception?

THE WITNESS: Not specifically. What we were working towards is -- sort of -- kind of work inside out and outside in. The volumetrics we were looking

at, first, primarily were from the outside in; how did it relate to the context of Marion Square, King Street and the Citadel and St. Matthew's Church. Within that we then started to understand -- because there are implications, ramifications of those proposals. And coming to a couple of iterations of it. You know, the certain volumetric conditions would create limitations on the feasibility of the number of rooms and full-service facility.

THE COURT: And just to follow with where you were going on cross. To what extent was that information presented to the Planning Commission and to Council or is it just presented in the form of what was delivered? To what extent did they debate that, is really what I'm asking you.

THE WITNESS: I wasn't present at the Planning Commission meeting. At City Council the -- I don't believe there was any specific debate about a full-service hotel -- amongst Council members -- about full-service hotel versus a non-full-service hotel. I believe there was discussion about the overall economic benefits that this could bring to this particular part of King Street but also to Downtown and to the larger community in terms of jobs and other benefits.

THE COURT: Which is one factor?

THE WITNESS: Absolutely.

THE COURT: Okay.

Any questions to to follow those?

MR. PRITCHARD: One question.

BY MR. PRITCHARD:

Q I take it from your earlier testimony that even if it were lowered to 55/30 height limit there would be a positive economic impact, just a lesser one?

A Any improvement on the site would be an increase to the economic impact.

MR. PRITCHARD: Thank you. No further questions.

THE COURT: Okay. I don't have anything further. Thank you very much.

I see the Mayor has arrived. Mr. Mayor, can we take about a five minute break, and we'll get right with you?

MAYOR RILEY: Of course; yes, sir.

(Recess)

(Joseph P. Riley, Jr., 20 Gibb St., Charleston, S.C. 29401, duly sworn, testifies as follows:)

DIRECT EXAMINATION BY MR. DOMIN:

Q Mayor, how long have you been Mayor of the City of Charleston?

A Thirty-three years.

Q And over that period of time have you become a student, if you will, of how cities grow and develop?

A Well, I sought to be. One of the chief responsibilities of the mayor is to help guide his city and work to make his or her city as beautiful and economically successful as possible. I've studied cities throughout and helped create the Ameritage Institute for City Design which I worked with the mayors of over seven hundred cities or seven hundred mayors on issues of design and development of their cities.

Q Now, does zoning play a role in the economic development of a city?

A Of course it does. It's a key component of allowing a city or encouraging the appropriate development, economic, physical, social development of a city.

Q And as it relates to zoning and in Charleston, specifically, what's the relationship between zoning and historic preservation and then economic development as well?

A Well, it's all connected and interrelated. Obviously, zoning is the guide or the enabling legislative -- city legislative foundation for the

use of the property and, you know, historic preservation, one of the things that Charleston has done successfully is address the issue -- for a successful historic preservation you have to have economic energy, because cities can't be successful if they attempt to be museums or places of facades. They have to work, people have to use them, commercial buildings have to have economic viability because there is economic activity, so zoning is a very important part of historic preservation. It has been in Charleston.

Q Now, is that something which you have to strive to balance, between historic preservation and economic development?

A Always. The City's done that and, again, I believe successfully.

Q There have been references to the Charleston Place effect, and as long as we're dealing with this chronologically, maybe we could go back to early in your administration and discuss that. As it relates to the Charleston Place Hotel can you just quickly tell the Court of your involvement in that project and the importance of that project?

A Well, I was intimately involved, and the

City was. Charleston, like most cities in America, the main street, King Street, was almost gone. There was a huge vacancy rate and under utilization of buildings on its main street and we did a plan, then, for King Street, Martin Ashman Plan(phonetic), and it recommended a center of activity, a node of activity at Market, King and Meeting Street to create a critical mass, to move people and to put -- required something of great scale to give the energy. You know, you have to have people going up and down main streets. They have to be walking and moving, and if you don't do that then they're not going to -- they won't come back.

So Charleston Place was built with -- not without controversy, I may say, in its design, development and progress, but it was seen as a necessary catalyst for the revitalization of King Street and it certainly has proven to be so. And if -- we knew that if something diminutive had been put there then, you know, the purpose of it, the restoration of King Street wouldn't have been achieved. You have to have -- you have to reach scale, critical mass. You've got to have the economic energy and movement of people and the activity, then, to give life to buildings that

without that have no life because they aren't economically sustainable.

Q We are here today about a zoning change that happened in 2007 whereby the 3X zoning class was extended over the remaining 40% of the Old Library site. Before I can get to that I think I need to talk to you a little bit about 3X zoning and how it is that that operated in the City of Charleston. In 2006 3X zoning was removed from certain portions of the City. Do you recall the discussions that lead up to that?

A Yes. The City did a study -- very inarticulate. The City studied the issue of its height in, really, the Upper King Street area and other parts of our city and a good bit of the City had been zoned 3X, which was a zoning designation used a long time ago.

Not to get off -- not to go off, but the study of cities, figuring how to design and develop and restore cities was a challenging thing for America from about the 1950's on. Cities started changing and didn't know what to do. So Charleston had a 3X district and perhaps you've got some other cities, which three times the distance from the middle of the street and you go up.

We realized that for most of the City that didn't work. That was not a wise way to encourage development, and so for most of the City we removed it. And I think I said, as a general application, it was archaic or unbolted?

In this instance, which is as with many things, the general application they may not fit any longer, but precise applications can be very beneficial, and it was in this case.

The decision was to retain the 3X district here. The Francis Marion Hotel is our -- obviously, in existence and there was -- the height line kind of ran along King Street so the 3X district had been incorporated, you know, in that area. And whether this is in response to your question, yet, but what you often do in strategic plans and in, you know, big scale in terms of addressing good parts of a city, you work with a pretty broad brush. It's somewhat general. You're striving for general principles and then you, often times, you need to bring out the finer brush or the slightly, you know, more precise lense as you examine what you're doing in terms of it fulfilling the goal.

So what was done here was recognizing

that the 3X district cutting through this property, which really has, at least arguably, two major fronts, front sides. It's an unusual piece of property. The back was, you know, if you gave it the fine brush or the more precise microscope it didn't work, because you created an asymmetrical building and something that would not be appropriate in its addressment to Marion Square, which was just as important as its addressment of King Street.

Q Let's delve into that. You indicate that in broad fashion there was a roll back of the 3X height district in 2006?

A That's right. We just -- I think it was kept here and a couple of other places in the City; the Brittlebank Park area and perhaps another. But it was retained where we thought it was appropriate. It was replaced in areas where we thought it needed to be removed.

Q Let's fast forward in time, then, to 2007. Came before City Council, a proposal to extend the zoning on this property, to extend the 3X across the entirety of the site.

A Yes, sir.

Q You recall those discussions?

A I do.

Q Were you involved in those discussions?

A Yes, sir.

Q Just tell me in plain simple terms, why would you as a voting member of City Council vote to extend 3X height zoning across that property?

A Well, for aesthetics. To mention, again, the fine analysis, this was an unusual piece of property that, because it fronted on Marion Square which was an important public square in the City. But it was becoming even more important. Because when Marion Square had it's beautiful restoration, it -- I think, almost everyone in Charleston looked at it differently. It was used more. It was much more beautiful and much more revered. And so -- and the Old Library obviously closed, abandoned and eye sore or an eye sore and not used, was a major redevelopment responsibility. Not just opportunity; a responsibility. One of the most beautiful urban squares in the world and a beautiful place in the City and you've got a building there that's boarded up, nothing going on and a main street that you're still working very hard to continue its restoration, Upper King Street and Middle King Street, Lower King Street, it's still ongoing. And so I we felt that to have a building where the zoning had 3X for about

60% of it and then drop down was -- no one would want a building fitting that zoning envelope put there, number one; and it would be an affront to Marion Square, and we felt that a symmetrical building, which like the building that is now proposed and has been approved for this site, would be the graceful way to address Marion Square and King Street.

Secondly, was that, you know, downtowns are ecosystems. They are very delicate, and their interrelationships are complex and are subtle. And so many cities in America failed when they didn't address that, and they just kind of thought in a non-urban context where you can just stick something here, just get whatever it is. Well, you can get a big office building there, something like that. Well, city ecosystems that are ill -- main streets in America have been ill. Ours was ill. Then the exact right prescription in the right dose is required to restore it to health.

So we felt that here there needed to be, kind of like Charleston Place, a node of substantial activity and that the best use there, the best use for the ecosystem would be a full-service hotel. It would pivot kind of with and

off the Francis Marion.

It could, first of all, send people from within the building out to Marion Square and back and forth which is a very nice thing, where you've got a wonderful public space, to have a building that has public uses in it. It just makes everything better; the Square and the people using it and all that. And then you would have that energy and activity of sending people up King Street and pulling people down King Street.

Just the other day I was in a restaurant that was just getting ready to have its grand opening. Spent -- a tremendous amount of investment, beautiful restoring of an old building. You see a single house when you go inside. And the person said, you know, we're making this investment because we believe in your vision of King Street and we know that when that hotel gets going and the one up there, people will be moving; it's wisely spent. Beautiful restoration of it.

So to have a substantial use there and the best use would be a hotel and full-service hotel, because with the full-service hotel -- this is the difference. And just the other day, this weekend -- not to go -- my best friend growing up is

from Texas. His wife and he, coming down King Street, reminded us that he proposed to his wife in the Francis Marion Hotel. Well, see, full-service hotels have a civic component that inns never do, because it's a place the citizens of a community use. It's where they might propose marriage. It's where the Bar mitzvah or wedding reception will be held, where the high school reunion is held, so what you do is you have a civic community connection with it, in addition to the economic energy that a hotel provides.

The economic energy, of course, is wonderful because people are staying there that have money in their pockets. And so they walk out onto a main street. And they're not in a remote place. Alot of cities built these remote things. The Renaissance treatment, put a wall around it; not connected with the City. Well, here they come out of this beautiful place, they've got a beautiful square, they've got a main street, they are relaxed. They are walking, they buy, they shop, they eat and all of that. So we felt that this was a key; so important. Just like with the Frances Marion Hotel. You know, that was foreclosed on and Prudential owned it and the College wanted to buy it for a

dorm. And I called the College president, and I said, we can't -- you can't do that. He said, well, Joe, why don't you like dorms? I said, Mr. President, we've got an ecosystem, everything you've all heard. And this building, for the health and ecosystem, needs to be a hotel. And I called Hugh McCall. Banks were lending money on hotels then. I said, Hugh, you know -- and he said, as a young banker I remember we used to have nice meetings there. So you have to have -- make sure you've got the right use.

So you send the energy up. That's why -- it's like we -- shame on us, and a real shirking of our responsibility if, in this key development opportunity node, we didn't do everything we could to have a use there that would give the nourishment and health to the economic system that it needs.

Q Mayor, why would you advocate for the zoning change if the variance had already been approved? What was the logic and reasoning there?

A There was a couple of reasons. First of all, we're in the business of civic life, getting things done. It's not -- so to have a lawsuit over a variance that you felt was correct and withstood

any public policy test and to spend a few years on that. When we met in my office, the legal staff and all, and said, well, what's -- you know, is there something that's being varied from that is -- does it need to be something that requires a variance? Is it -- we said no. You know, we realized that all the stuff I've just said about the fine paint brush and the microscope, and so, then, we don't -- let's don't have a game going on here, waste everybody's time and money if the -- if we had been smarter when we did the 3X we would have included the whole site realizing it fronted on both Marion Square and King Street, so we should zone it so that you don't need a variance to accomplish the public purpose that I've outlined.

And, secondly, if you -- the variance is project dependent. So let's say you say, well, we go the variance route and it succeeds. Then for some reason the development can't go forward. You know, whatever, the economy or something like that. Then the next person goes back to square one and here's the City and it's main street and the public policy you're trying to achieve, you know, risking another several years. So it was wasteful and better to go ahead and have it zoned the correct

way.

Q Do you believe this rezoning is consistent with the Comprehensive Plan?

A Absolutely, absolutely.

Q Well, the Comprehensive Plan document that has gotten the most attention is Defendant's Exhibit Number 7. Is that a document that is generally familiar to you?

A Yes, sir.

Q I understand that you rely on others to actually know every word of it, but is this something that is something that collects dust in your office or is this something that is actually used?

A It's used. And, in fact, in the move of City Hall I had my old worn 1976 Barton Ashman Plan that I continued to leave, and where it is I don't know. The Historic Preservation Plan is still in my office, so they're kept handy. They're all cumulative, as was mentioned earlier. They all kind of form one body of general guidance for the City.

Q I don't mean for you to cite chapter and verse but in general terms why do you believe that rezoning this property is consistent with the Comprehensive Plan as your City Council adopted it

in 1999 in this document?

A Well, you know, one of it was to continue the sustainable development and sustain the economy of the City and to further or to continue the progress of the restoration of our main street and to continue the growth and development of our economy which this most certainly does.

Q Do you believe that a building of this size is going to have any kind of detrimental impact on the surrounding properties?

A No, sir. I think the building will become a revered building. I think for Marion Square it's a most handsome building; for King Street the same. It fits in with our City, I believe, beautifully and will become a huge asset from an economic standpoint but also from an aesthetic urban design standpoint.

Q People said the same thing about Charleston Place: It's too big, it's too tall.

A They did. But it's -- it works. This works. You know, the thing is, again, Charleston is a real city. We're in a courthouse in the city where people are working and everything going on. It fits, and I know the community. I'm confident the community will come to revere it as they do other buildings.

MR. DOMIN: Mayor, I don't have anything further. Please answer any questions opposing counsel has.

CROSS EXAMINATION BY MR. WALKER:

THE COURT: Mr. Walker, your turn.

Q Mayor Riley, it's no secret that your office and City staff have been a big proponent of this all-purpose full-facility hotel since it was conceived; correct?

A Right.

Q Every step of the way you and the City staff have been supportive of the Applicant in the approval process?

A I don't know all the steps and everything, but we certainly support the project.

Q For instance, when a special exception was sought for the first time back in February 2006 you wrote a letter in support of the special exception that would allow the accomodation overlap zoning?

A Absolutely. Which was most consistent with the plan or any reasonable study of our main street.

Q Certainly. The use of a hotel was consistent with the plans; correct?

A Yes.

Q And you understand today we're not here

fighting about the use?

A Right.

Q We're here talking about height primarily?

A You are, but you're talking about use because to have a full-service hotel -- and I won't repeat the difference and advantages of it, but what we're fighting about is the right use and the maximally beneficial use for our community, which the 3X height district allows and which the other would not.

Q In other words, if I understand you correctly, increasing the 3X district and or the variance as long as it stands would allow this large full-scale full-service hotel?

A It would.

Q Your opinion is that's what's best for that location and best for the ecology of King Street in that vicinity?

A Yes, sir.

Q Is that fair to say?

A And the economy.

Q Is there another hotel site further north on King Street that Robert Clemmet's group has?

A Yes.

Q And is there a plan on the table for that

yet?

A Yes.

Q So that could also be another economic engine in the ecology; correct?

A Yes. And they are very important in relationship with each other because -- well.

Q Go ahead.

A Well, because there is a long, pretty substantial difference in distance from here to there and a whole lot of King Street and store fronts and empty teeth to renourish and restore, and so this full-service hotel, the Francis Marion at kind of one end of Upper King Street and then that full-service hotel at the other end of Upper King Street, very important in having those great nodes of activity at either end and eventually cause the success or reuniting of the street.

Q I want to go to some questions Mr. Domin was asking you near the end of your examination. You elaborated on two reasons, as I understand it, why you thought the rezoning was appropriate. One, and correct me if I'm wrong, you thought that it was just simpler to go ahead and change the zoning so that a variance would no longer be required for this project, to end, as you put it, the game playing or

delays.

A So that it would no longer be needed when the zoning, the 3X zoning was better for the property. It was a more, you know, more efficient because you, rather than get to it by going through a variance process, the right use and the right zoning for the property is 3X which then removes the variance requirement.

Q Well, 3X is a height standard, not a use standard; correct?

A That's correct.

Q All right. So once you've changed the zoning to 3X, if for some reason this project didn't proceed, the next -- and they had to sell the land -- the next person could put up a dormitory; couldn't they? Under the zoning with elevations that are allowed under 3X, subject to BAR review?

A They could. But in the ecosystem the full-service hotel, the land is more valuable for that use. You could put something else there but given the nature of everything, the highest and best use for the property would always be -- and the College wouldn't seek to buy some of the most important valuable land to build a dormitory. That just won't reasonably -- and I think in our study of

cities also you look at what might reasonably occur, and that wouldn't reasonably occur.

Q Here's my very limited question. That is, with the change to 3X zoning if the property changed hands it would be feasible -- not asking whether it's highest and best use in your estimation, but it would be feasible to build a dormitory with heights that are allowed for 3X over the entire parcel?

A No, I mean feasibility in the real world, feasibility means it would be economically feasible, and it wouldn't be economically feasible. That's not a place in this city that you would put a dormitory. The only reason the College was interested in a dormitory was because the hotel had gone bankrupt and it was for sale for $600,000 and, you know, nobody wanted it. People were afraid of investing there, but now no one is going to consider that a dormitory is a feasible land use of this site.

Q The Condon's building was converted to a dormitory; was it not?

A Well, rebuilt; yes. But that's very different than this location. The Condon building is not on Marion Square and I guess that was probably eight or nine years ago. I doubt that

would be even -- that would be feasible now but certainly not here. It's not a comparable site.

Q You would agree we're in uncertain economic times. We can't really say what's economically beneficial three or four years from now; correct?

A Well, I think that it will always be relative. Not only would any reasonable study or plan say that this is an important redevelopment opportunity but -- and that won't change. And I think you ride out tough economic times. You don't make a poor land use decision based on that.

Q Going back to the City support. The City supported the special exception. The City supported the first BAR presentation; did it not? For the conceptual approval?

A I'm certain they did. I wasn't there.

Q The City supported the special exception; did it not?

A We did.

Q The City supported the variance request?

A We did.

Q You yourself wrote a letter to Chairman Krawcheck in support of the variance; correct?

A I'm sure I did.

Q And other things that the City did included moving the crosswalk from the south side of Vanderhorst to the north side of John Street; correct?

A Yes.

Q And one of the reasons for doing that was in order to get a license for alcoholic beverages from the ABC Commission the pedestrian access cannot be within 300 feet of the facility; correct?

A That's right. But I don't know the crosswalk made sense. I used it this weekend. You have an unusual dog leg in your streets, so I think the crosswalk makes sense in the way that it is now. Makes sense that you would come across Hutson Street then come across King Street.

Q But certainly for years and years and years the crosswalk was south of Vanderhorst where it had been planned at one time and where it remained for a long time; correct?

A Well, you wouldn't -- that's not something you would do now. First of all, to have a crosswalk kind of mid block is a terrible thing, that's a dangerous thing. You wouldn't do that now. From a safety standpoint the side from the hotel bar, you would want to direct people across streets at

intersections and then this would be signalized, the Hutson-Vanderhorst-King Street would be signalized so it will be a safe way for pedestrians to get across. You encourage people to shoot across mid block and you're really inviting injury.

Q Was Ms. Cantwell the lawyer for the Applicant at the meeting you mentioned where you brought up the possibility of changing the zoning in order to eliminate the need for a variance?

A The meeting in my office?

Q Yes, sir.

A You know, I don't really recall that. I have -- yesterday I had thirteen meetings in my office. Friday, it's Monday. Someone said how many you got in there? Looks like a doctor's office. (Laughter)

But I really don't recall that. I don't recall that. But she could have been. My recollection really was in discussing it with the staff and just, you know, well, wait a minute, you know, the variance -- got this variance but why doesn't the 3X district make sense for the whole -- you know, why did we not do it to begin with? But she could have been there. I don't know.

Q This argument about 3X for the entire

site, before the removal of 3X north of Hutson Street obviously there were many properties along King Street that were split zoned with the portion of the lot adjacent to King Street being 3X?

A Yes.

Q So that was the rule rather than the exception before staff took the initiative in '05-'06 to change that; correct?

A Yes. That was the rule. That's commonly the rule, but here you've got a piece of property that is fronting on a public square. You can see that line and you've got, well, one's next to the other, you've got a front and back, but here you've got two fronts, so it just doesn't work here.

Q Was not asking you that. I was just asking you about the zoning status of these lots north of Hutson Street before the change in 2006 and there was split zoning with 3X along King Street; correct?

A Yes.

Q Now, one of the things that the new zoning did was it put the height in the middle of the block; did it not? I'll show you the zoning map after the 2006 change. This is Plaintiff's Exhibit 3. That shows that on either side of King Street

there is a 55/30 and that's the same on Meeting Street for a hundred feet, then the middle of the block is 80/30; is that correct?

A Yes.

Q So what this current zoning after 2006, September 2006, did is it moved the elevation to the middle of the block and reduced it on the street; correct?

A That's right.

Q That's a good design principle, is it not, to have a stepback before you go up in elevation?

A In certain circumstances it is.

Q Isn't that what happened at Charleston Place? Isn't that how the City solved a lot of the objections? They stepped back the upper floors? I don't know the exact floors. Something like six, seven, and eight?

A That was always the plan.

Q But it was always the plan to have it a hundred feet or more back from Market and King Street, Meeting Street?

A Whatever.

Q In this instance we aren't going a hundred feet back. We're just going about ten feet back, on the stepback? I'll show you a page from Plaintiff's

Exhibit 22 which shows the elevation. You can see that the stepback, here's King Street and the stepback is maybe ten feet or so?

A Yes.

Q That's not very much of a stepback; is it?

A I think it's an excellent design.

Q My question is, it's not much of a stepback?

A When you leave this afternoon go to the side of the Mills House on Queen Street, and walk down Queen Street where it rises all the way up. It's not much compared to -- but in this location with the Francis Marion caddy corner across the street and this part of our City and, you know, you don't make cities just with colored segments like that. There are --

Q You're talking about -- you don't make cities with zoning?

A In other words, you look at specific circumstances and properties with goals and requirements in mind. That is why this works and works beautifully there. So the stepback gives a strong, very strong cornice line. Sometimes that's done when you want to create a visual line, you just do it with an enhanced cornice. So, and you see

cities around the world where there are different techniques to have the eye look at something somewhat different and you'll focus on the first part, but I wouldn't call that dominimus in terms of the study of the architecture of cities.

Q Certainly in comparison to Charleston Place it is roughly maybe 10% of the stepback at Charleston Place; correct?

A It may be.

Q Approximately? In fact, the stepback at Charleston Place along King Street was to create the impression to somebody walking along King Street that that facade was only, whatever it is, four stories high along King Street, and they couldn't see the larger trunk of the building in the middle of the block; correct?

A Well, in some places you couldn't. But lots of places you can, too. It's not -- you don't hide buildings. You build buildings, you see buildings, so you see the full elevation of Charleston Place from all kind of perspectives in the City.

Q When we look at this elevation, and I think this is the elevation from Marion Square on Plaintiff's Exhibit 23. We're looking at the Old

Citadel, a rendition of the Old Citadel building that's now the Embassy Suites. We're looking at a rendition of the proposed hotel. When you look at these two buildings you would agree, would you not, that the taller building is the hotel?

A Yes.

Q Would you agree the dominant building is the hotel?

A No.

Q You would agree that up to the crenulation is approximately sixty feet. We can look at an elevation, a drawing that shows --

A Your question is dominant, which is a subjective thing and I think the symmetrical building, which is the Old Citadel, if you're standing on Marion Square, would probably pull your eye.

Q Certainly it substantially alters the skyline in that vicinity; does it not?

A I don't think so.

Q I am going to show you what is the east elevation from the exhibit that was submitted for the variance request, it's Number 22, and ask you if you will take a look at where the 55-foot elevation is shown on the proposed building. Do you see where

that is?

A Yes.

Q Now, that 55 feet -- and you can keep that in front of you -- comes in almost directly opposite the crenulation on the top of the Old Citadel; does it not?

A Yes.

Q So we're talking about going 50 feet above that to a 105; right?

A Yes.

Q To the top.

A To the top of the roof.

Q 50 feet is a substantial jump; is it not?

A I think it works and works beautifully there.

Q Mayor Riley, you've mentioned, in response to Mr. Domin's question, that a lot of these planning decisions are balancing decisions, economic aesthetics, historic preservation?

A Yes.

Q Money is not the sole driver; is it?

A No.

Q And money revenues to the City is not the sole driver?

A No, certainly not. But the success --

what drives it is the success of the City, beauty and the success, the restoration of its buildings, the life and civic realm that a main street presents and healthy main streets require energy. That's what King Street, to be successful, Upper King Street needs a full-service hotel that will give it the energy and the support that this will give it.

Q Mayor Riley, a full-service hotel does not guarantee that all the store fronts and office fronts on King Street will be filled; does it?

A You know, it wouldn't guarantee that all of them will be, although I think with this hotel and with the plans for the hotel and other plans that I think it most likely would be the case. But I guarantee you this, that if you don't put a full-service hotel there that there will be a lot less fully occupied, restored buildings on Upper King Street. Just as if you hadn't done Charleston Place. There may be a vacant store front or store on Charleston Place, Lower King Street now, but it's so interesting that a street that thirty years ago was almost dead, that the only apple store in South Carolina is on our King Street, and if you had not built the Charleston Place and if the same kind of arguments that you're making here in your questions

to me, Mr. Walker, had carried the day then, there wouldn't be any apple store on King Street or any Sax Fifth Avenue on King Street and I don't think there would be a Charleston Food and Wine Festival, and I don't think there would be a Spoleto Festival U.S.A. and there would be lots of buildings on King Street and in our city that wouldn't have been restored, and it requires the energy, it requires the uses that are responsive to the needs of the ecosystem.

Q Mayor Riley, I was not making the argument -- I'm a proponent of Charleston Place. I think it's done great things. I think the principles of Charleston Place could be used here as far as the building envelope. My point was that even --

A But you wouldn't have a full-service hotel on that site.

Q Where I was going was, that there are a number of vacancies on Lower King Street right now even with Charleston Place. I've got pictures of probably fifteen of them and that's primarily a factor, would you say, of the economy?

A It is but my response to your question was, Mr. Walker, that if Charleston Place had not

been built then you would have triple the number of vacancies or more. Probably more than that. So it's not the guarantee, but it gives the energy and gives the restorative capacity to do something. I mean, this is a national thing that we're seeking to do here in Charleston. There is no -- you take New York and Chicago and San Francisco aside and there is no downtown main street in America that has been restored like Charleston has and we're not finished yet. And this hotel and this use with its beautiful design is an important part of achieving that.

Q Have you tried to get a parking space by Basil Thai any weekday night, any weekend night after 6:30 p.m. on Upper King Street? Do you know how hard that is? How much is going on up there now?

A Yes, it's going good but just ride down there, ride up there, everybody rides up there, there are lots of vacancies and lots of empty spaces and --

Q It's nothing like those shock pictures of Market Street that were part of Michael Maher's presentation of Market Street in the 1980's when the Penny's building was torn down and all the other buildings are vacant. It's nothing like that; is

it?

A Nothing like that, but really this Saturday, you know, taking my best friend growing up and his wife, after the Food and Wine Festival we drove up to Cannon Street and then I came down to show him the new places, and things were going on on Upper King Street, but I was also reminded of the number of places that are closed and the gaps, the missing teeth. There's lots and lots and lots to do and to make it healthy is going the require a tremendous amount of energy and this -- without this use at this location it's not going to happen.

Q We can wrap this up in one question which is the one I just asked and that is that Upper King Street is not in the desperate shape that Market Street, Lower King Street was in before the arrival of Charleston Place?

A It's not in the desperate shape, no.

Q Thank you.

A Well, but it's got a long way to go and this is necessary to get it where we want and the community wants it to be.

CROSS EXAMINATION BY MS. CANTWELL:

Q Mayor Riley, as part of your renourishment of the ecosystem and particularly of King Street,

the City not only looks at locations very carefully but you've also, over the past decade if not longer, have put substantial amounts of money in the streetscape of King Street; have you not?

A Yes.

Q In fact, you started out from -- went from Charleston Place and headed north; didn't you?

A That's correct.

Q And you finally got it above Calhoun and now I guess it goes up to Line Street, the King Street streetscape?

A Up to Line.

Q And --

A Carolina, actually.

Q Carolina. And the crosswalk at Hutson Street was part of that project?

A Yes.

Q That predates this hotel; doesn't it?

A Yes.

Q I know, and I don't think anybody -- I certainly don't want to argue with you as far as the best use for this site. I couldn't agree more, and I really think that, perhaps, everybody is in agreement that a full-service hotel is the best use for this site for all the reasons you said earlier,

but let's put that use aside for the time being. And the split height district that used to apply to 404 King Street, where you had 105 then it dropped down to 55, that split district was going to create an undesirable building envelope regardless of what building was constructed there; wasn't it?

A Very undesirable. You would be -- to try to address that from a design standpoint would -- you would not -- it would be impossible to build a building of which Charleston would be proud.

Q And by extending a uniform height to the site, that encourages or would allow for the symmetry you look for; doesn't it?

A Yes, ma'am.

Q The fear that has been echoed that you would have 105 feet extending across the site, the BAR has got to ultimately sign off on what's built there; doesn't it?

A It does.

Q If the BAR doesn't find a design, by virtue of height scale or mass, appropriate, it won't get proved; will it?

A That's correct.

Q That's the safety net we've got?

A That's right.

MS. CANTWELL: I think I'm finished. Thank you.

THE COURT: Anything further?

MR. DOMIN: Real brief.

REDIRECT EXAMINATION BY MR. DOMIN:

Q Mayor, how long has this whole Library site been vacant and derelict; do you remember?

A I'm getting to the age where usually things are about five years older than I think or longer so -- but I would guess it's probably approaching a decade. Been a long time.

Q I guess the Dr. Phil question is, how is that working for you? In terms of the zoning on this site as it existed before this zoning change, in your opinion was it encouraging or discouraging the redevelopment of that property?

A It was discouraging it. And the number of people that have said, why don't you-all do something about that? Why -- it's just, what's going on? What's wrong with you people? You've got this -- I mean, what's going on?

MR. DOMIN: Nothing further.

THE COURT: Mr. Walker:

MR. WALKER: Nothing further.

EXAMINATION BY THE COURT:

THE COURT: Mr. Mayor, is this in a TIF district,

a Tax Increment Finance district?

THE WITNESS: Yes.

THE COURT: All that King Street area?

THE WITNESS: Yes, sir.

THE COURT: So there are plans for economic revitalization under way and that's been there for how long?

THE WITNESS: This TIF is maybe ten years old. It's the TIF, actually, that is, I think, goes down to Concord Street, to the waterfront down Calhoun Street, one block of King below this and then up to Spring-Cannon and actually down Spring-Cannon.

THE COURT: That's all considered that one?

THE WITNESS: Yes, sir.

THE COURT: I think that's all the questions I have. Okay. Thank you. All right. You may be excused or you can stick around. Whatever suits you.

THE WITNESS: I'm going to get out.

THE COURT: Anything further from the City?

MR. DOMIN: No further witnesses.

MS. CANTWELL: No further witnesses.

THE COURT: Anything in reply? Let me tell you, it's almost five o'clock. I was going to have you come back to argue the variance question on another day rather than take that up today. And I can tell you

that looking at my calender whatever I had tomorrow morning fell out, so if you would like to come back tomorrow I'll be glad to hear from you.

MS. CANTWELL: I have a hearing at noon but I'm available.

MR. PRITCHARD: I'm good until noon.

MR. WALKER: Anything I have I'll reschedule, Your Honor.

MR. DOMIN: I have a trial in Jasper but I'm willing to go forward without being here because I think it's important we get it here.

THE COURT: I can start tomorrow morning at 9:30.

(Discussion off the record.)

THE COURT: Do you intend to call witnesses in reply?

MR. WALKER: I don't think so.

THE COURT: As far as the evidence in the case the rezoning case?

MR. WALKER: Right.

MR. DOMIN: I'll make a motion for directed verdict and some of these guys want to make some as well.

THE COURT: Do you want to mark it eloquently stated and go from there?

MR. WALKER: Your Honor, we don't have a motion.

I think it comes down to your determination and I don't believe it's a matter of -- we believe that we've established our case.

THE COURT: Just to recapitulate where we were this morning with Professor Cook, seems the threshold question in the rezoning case is whether or not it's a spot zoning. If it's spot zoning you get to go past and look into the plans. If it's not spot zoning then you just don't go there. It's whether or not the City has exercised whatever discretion they've got. They've got a lot of discretion.

Let me read that to you. Talbot versus Myrtle Beach. This was cited in the case of Knowles. Courts cannot become city planners but can only correct injustices when they are clearly shown to result from a municipal action. It's a spot zoning --

MR. PRITCHARD: That's our point exactly.

MR. WALKER: I'll reverse myself. I think I have a duty to make a motion. That is, that the only reasonable inference from all the proof is that this City's action would constitute impermissable spot zoning under Knowles.

MR. PRITCHARD: We join.

THE COURT: As a directed verdict? Or that's your coup de gras?

MR. WALKER: That's it. That's the crescendo, that's the climax.

(Discussion off the record.)

THE COURT: Let's close up for today. If you can come back in the morning that would be great; 9:30.

(Court adjourns, 5:00 p.m.)

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

C E R T I F I C A T E

I, Bernadette A. Cali, Notary Public, do hereby certify that the within hearing was taken and transcribed by me; and that the foregoing pages are a true and accurate transcript of the within proceedings. I further certify that the persons were present as stated.

I further certify that I am not of counsel or kin to any of the parties to this action, nor am I interested in the result of the said action.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this March 16, 2009.

Bernadette A. Cali, CSR
Notary Public
My Commission Expires
April 27, 2010

Bernadette A. Cali, CSR
Master in Equity, 100 Broad Street
Charleston, South Carolina 29401
(843)958-5071

DEFENDANT'S EXHIBIT
1 END
1/12/09

Ratification Number 2007-147

AN ORDINANCE

9 15
10/5/07

AMENDING THE ZONING ORDINANCE OF THE CITY OF CHARLESTON TO REZONE 404 KING STREET (TMS #460-16-04-009) BY MOVING THE OLD CITY HEIGHT DISTRICT BOUNDARY SO THAT THIS PROPERTY IS ENTIRELY WITHIN THE "3X" OLD CITY HEIGHT DISTRICT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCILMEMBERS, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to move the Old City Height District boundary between the "3X" Old City Height District and the Old City Height District on the property described in Section 3 hereof so that the property is entirely within the "3X" Old City Height District.

Section 2. The property to be rezoned is described as follows:

404 King Street (TMS #460-16-04-009).

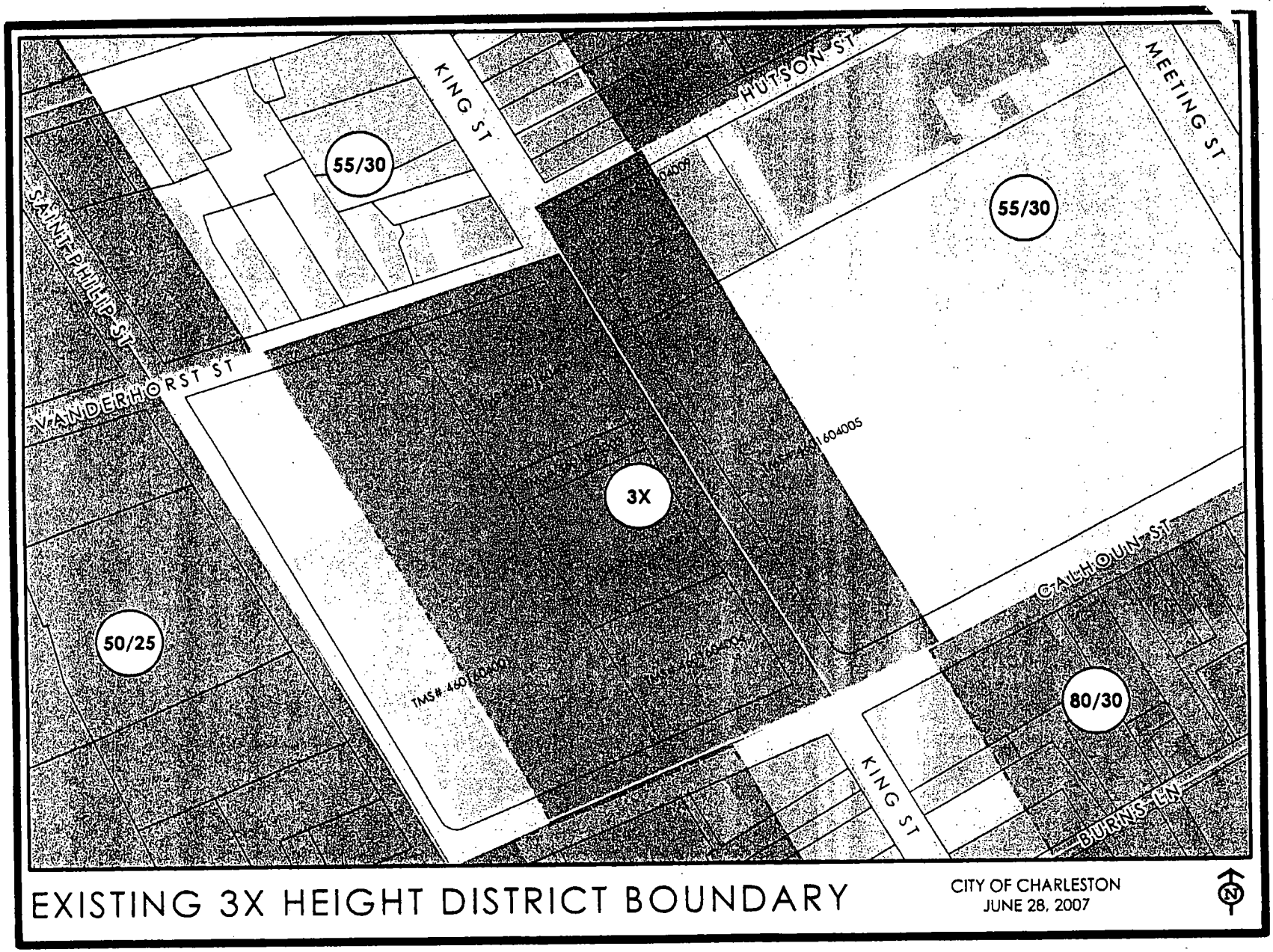
Section 3. This ordinance shall become effective upon ratification.

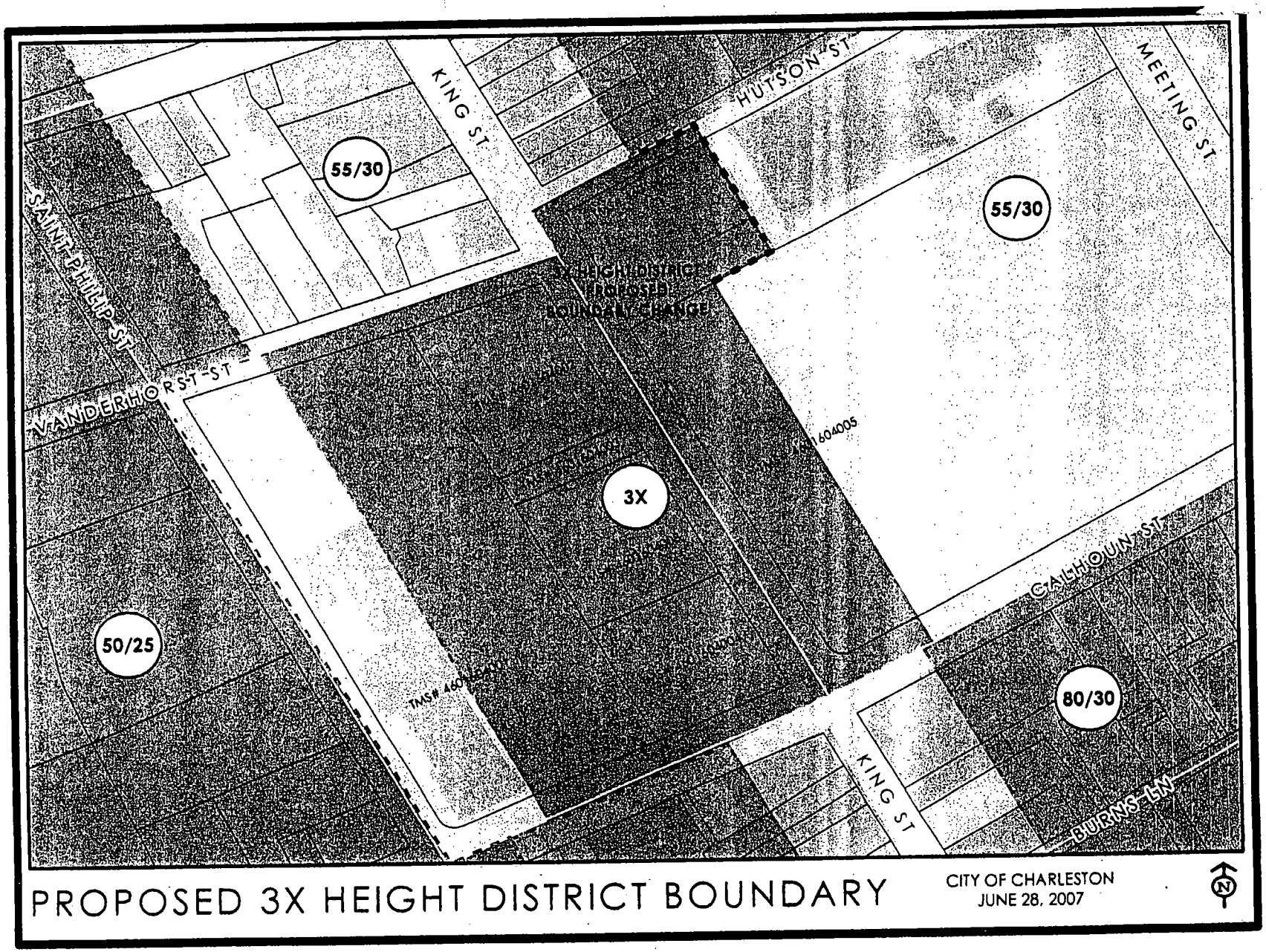
Ratified in City Council this 21st day of August in the Year of Our Lord, 2007, in the 232nd year of Independence of the United States of America.

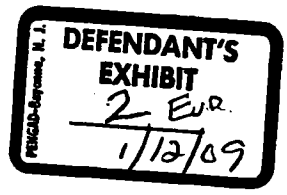
Joseph P. Riley, Jr.
Mayor

ATTEST: Tanya J. Noonan, Assistant
Vanessa Turner-Maybank
Clerk of Council

404King_heightdistrict


KING ST
HUTSON ST
MEETING ST
55/30
55/30
SAINT PHILIP ST
VANDERHORST ST
3X
50/25
80/30
CALHOUN ST
KING ST
BURNS LN
EXISTING 3X HEIGHT DISTRICT BOUNDARY
CITY OF CHARLESTON
JUNE 28, 2007


KING ST
HUTSON ST
MEETING ST
55/30
55/30
SAINT PHILIP ST
VANDERHORST ST
3X HEIGHT DISTRICT
PROPOSED
BOUNDARY CHANGE
TMS# 460-04-04-004
3X
50/25
CALHOUN ST
80/30
KING ST
BURNS LN
PROPOSED 3X HEIGHT DISTRICT BOUNDARY
CITY OF CHARLESTON
JUNE 28, 2007
N



COUNCIL CHAMBER

Regular meeting

June 19, 2007

The eighty-seventh meeting of the City Council of Charleston was held this date convening at 5:55 p.m. in City Hall.

A notice of this meeting and an agenda were mailed to the news media June 14, 2007 and appeared in The Post and Courier June 17, 2007 and is made available on the City's website.

PRESENT

The Honorable Joseph P. Riley, Jr., Mayor; Councilmembers Morinelli, Lewis, Mitchell, Gilliard, Gallant, Waring, Evans, Shirley, Bleecker, Wilson --- 11

Mayor Riley noted

The meeting was opened with the invocation by Councilmember Gallant.

Councilmember Gallant led City Council in the Pledge of Allegiance.

Mayor Riley stated we return to City Hall with heavy hearts. He stated this historic room has a very significant art collection, including a painting of the Charleston's Fire Department, which was the first in the country. He explained the painting is the actual likeness of the members of the first Fire Department, first municipal fire department in America. He remarked we return to this building with that marvelous portrait the day after we had the most tragic fire incident, arguably the most tragic event in Charleston's modern history, the loss of nine brave firefighters. Mayor Riley said they became heroic figures in the brave exercise of their duty and responsibility, just as the members of the Fire Department became historic figures in helping create America's first. He stated our citizens' hearts go out to every member of our Fire Department and especially to the families of those firefighters, who gave their lives serving our City and citizens.

He explained firefighters go in the opposite direction during a fire, because human instinct is to flee fire and smoke, but they go toward it to conquer it, to extinguish it and to make the building and neighborhoods safe for people. He commented the building last night not only had workers in it, but the building is adjacent to a neighborhood, next to a fire station, across the street from commercial dwellings and there is vegetation all around. He explained our firefighters, led by Chief Rusty Thomas, did an extraordinary job of getting that fire under control rapidly. He stated the nine firefighters, who lost their lives, were seeking to do this and make sure

no one was in the building. He stated it is instinct for firefighters and they crawl on their hands and knees in a room trying to find a person and bring them to safety. He remarked that it is their training and their approach to do so.

Mayor Riley explained they thought carefully about whether or not to cancel this meeting, but he felt that they were doing their hard duty, nothing in comparison to last night, he thought it was appropriate to hold this meeting. He said we do so very solemnly and with very heavy hearts.

Councilmember Gilliard thanked Mayor Riley for the leadership he has shown through these hard times. He stated he spent the night out there and first person he saw was Mayor Riley and when approached the Mayor he had the sense and knowledge of a leader and he just wanted to thank him for that. He thanked the firefighters, especially Chief Thomas, for all their great leadership. He explained it was Dr. King who once stated that "the true measure of a man is not where he stands in times of comfort and convenience but where he stands during the times of trials and tribulations." He stated Mayor Riley, Chief Thomas and the all of the firefighters last night showed us and the whole world the essence of the true measure of men.

Councilmember Lewis thanked Mayor Riley for his leadership and stated he always shows great concern for this community. He stated the Police Department and Fire Department so graciously put their lives on the line every day for the community and citizens. He thanked Councilmember Gallant, who is a volunteer Chaplin for the Police Department. He stated he deserved the Order of the Crescent because he gives himself in the time of need to stand with the people who need him. He said they will continue their prayers for the families of the nine firefighters.

Mayor Riley thanked Council and expressed his appreciation to Councilmember Gallant for his service. He explained they were in the emergency van getting the tragic news and Councilmember Gallant magically appeared on the scene. He said he saw Chief Thomas' appreciation and comfort for having Councilmember Gallant on the scene. He explained Councilmember Gallant was consoling the families and it is an amazing gift and for that we thank him.

Mayor Riley explained the Unveiling of Mayor Joseph P. Riley, Jr.'s Official Portrait would be deferred.

The next item on the agenda was public hearings called for by the following advertisement which appeared in The Post and Courier on June 3, 2007 and in The Chronicle on June 4, 2007:

INSERT PUBLIC HEARING NOTICE

The following is the report of the City Planning Commission regarding the public hearing matters:

INSERT PLANNING COMMISSION REPORT

First, Council considered a bill authorizing the creation of the Magnolia Improvement District; providing for the financing of improvements within the Magnolia Improvement District by assessment, issuance of bonds, or other revenues as herein described; providing fro the publishing of this ordinance immediately after its adoption; ordering the preparation of an assessment roll and the publishing of a Notice of Completion of such assessment roll; and other matters relating thereto. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

Councilmember Gilliard signed a Conflict of Interest Form.

On the motion of Councilmember Gallant, seconded by Councilmember Lewis, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE AUTHORIZING THE CREATION OF THE MAGNOLIA IMPROVEMENT DISTRICT; PROVIDING FOR THE FINANCING OF IMPROVEMENTS WITHIN THE MAGNOLIA IMPROVEMENT DISTRICT BY ASSESSMENT, ISSUANCE OF BONDS, OR OTHER REVENUES AS HEREIN DESCRIBED; PROVIDING FRO THE PUBLISHING OF THIS ORDINANCE IMMEDIATELY AFTER ITS ADOPTION; ORDERING THE PREPARATION OF AN ASSESSMENT ROLL AND THE PUBLISHING OF A NOTICE OF COMPLETION OF SUCH ASSESSMENT ROLL; AND OTHER MATTERS RELATING THERETO.

Next, Council considered a bill to rezone 3269 Maybank Highway and adjacent parcel (Johns Island) (approximately 2.33 acres) (TMS #279-00-00-203 & 204). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Evans, seconded by Councilmember Bleecker, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 3269 MAYBANK HIGHWAY AND ADJACENT PARCEL (JOHNS ISLAND) (APPROXIMATELY 2.33 ACRES) (TMS #279-00-00-203 & 204), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 25, 1992 (#1992-026), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION.

Next, Council considered a bill to rezone 414 Meeting Street (Peninsula) (0.36 acre) (TMS #459-09-01-031). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Gallant, seconded by Councilmember Bleecker, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 414 MEETING STREET (PENINSULA) (0.36 ACRE) (TMS #459-09-01-031), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED USE WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION.

Council then considered a bill to rezone property located at Piedmont Avenue and Simons Street (Wagener Terrace - Peninsula) (0.433 acre) (TMS #463-11-03-043). Josh Martin, Director of the Department of Planning, Preservation and Economic Development, explained there was one correction on this. He stated the SR-6 classification was what was applied for but SR-2 was what was agreed upon, so the bill would be changed to SR-2 classification. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

Councilmember Gallant explained they worked very hard on this for one year and was able to come to an agreement with the Wagner Terrace Neighborhood Association on the zoning SR-2 classification. He stated the President is here and is tweaking something with Mr. Gilliard, one of the developers, as will work it out. He said they have the support of the neighborhood to move forward. He thanked Council for allowing him one year to work this out.

There were no further questions or comments of Council.

Councilmember Gilliard signed a Conflict of Interest Form.

On the motion of Councilmember Gallant, seconded by Councilmember Bleecker, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED AT PIEDMONT AVENUE AND SIMONS STREET (WAGENER TERRACE - PENINSULA) (0.433 ACRE) (TMS #463-11-03-043), BE REZONED FROM CONSERVATION (C) CLASSIFICATION TO SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION.

Next, Council considered a bill to rezone 1721 Oak Point Road (James Island) (0.49 acre) (TMS #340-09-00-010). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Evans, seconded by Councilmember Bleecker, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1721 OAK POINT ROAD (JAMES ISLAND) (0.49 ACRE) (TMS #340-09-00-010), ANNEXED INTO THE CITY OF CHARLESTON JULY 15, 2005 (#2005-284), BE REZONED FROM SINGLE-

FAMILY RESIDENTIAL (SR-1) CLASSIFICATION TO GENERAL OFFICE (GO) CLASSIFICATION.

Council then considered a bill to zone property located on River Road (Johns Island) (4.4 acres) (TMS #345-00-00-023). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Bleecker, seconded by Councilmember Morinelli, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON RIVER ROAD (JOHNS ISLAND) (4.4 ACRES) (TMS #345-00-00-023), ANNEXED INTO THE CITY OF CHARLESTON APRIL 24, 2007 (#2007-089), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

Next, Council considered a bill to zone 3289 Maybank Highway (Johns Island) (3.21 acres) (TMS #279-00-00-202). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Bleecker, seconded by Councilmember Waring, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 3289 MAYBANK HIGHWAY (JOHNS ISLAND) (3.21 ACRES) (TMS #279-00-00-202), ANNEXED INTO THE CITY OF

CHARLESTON APRIL 10, 2007 (#2007-083), BE ZONED PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION.

Council then considered a bill to zone vacant property on Harbor View Road (James Island) (2.5 acres) (TMS #424-11-00-012). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Morinelli, seconded by Councilmember Gallant, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT VACANT PROPERTY ON HARBOR VIEW ROAD (JAMES ISLAND) (2.5 ACRES) (TMS #424-11-00-012), ANNEXED INTO THE CITY OF CHARLESTON JULY 15, 2005 (#2005-280), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

Council then considered a bill to amend the City of Charleston Zoning Ordinance by amending Article 4, Sign Regulations regarding prohibited and exempt signs and regulations regarding allowed signs in all zoning districts. Bill Turner, Planner for the Urban Design and Preservation Division, explained the current sign code dates back to the 1960's and the last major update was in 1987. He stated the primary goal in revamping this code was simplifying the ordinance, to make it more user friendly. He said most of the area within the Commercial Corridor Design Review Board (CCDRB) has authority to trump the ordinance, so this ordinance has been sort of ineffective since CCDRB went into effect. He explained they are trying to take the design guideline of what the Board allows and bring the code parallel to the Board. He noted this new code is base on CCDRB's policy statements. He stated they also wanted to put all businesses on an even footing, because the current code is set up where the signage is based on the square footage of a business or how far it is set back from the road. He said their new way of thinking is all businesses, no matter size or location, would be on even footing.

Mr. Turner explained another main goal was to reduce the visual clutter around the City. He stated currently banners, ribbons and temporary signs are allowed and contribute to the visual clutter around the City and they are proposing to reign that in. He explained this bill will allow some of these things in specific

instances. He said it will still allow banners for special events, but would get rid of them for commercial purposes. He also stated they want to be careful to allow exemptions for certain temporary signage. He noted it will still allow flags to be displayed. He stated numerous categories will be condensed into two categories, depending on the size of the development. Finally, he explained in the current code there are a lot of sections for each zoning district and they are now trying to combine it. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

Councilmember Shirley stated regulations are good and in looking through this he understands some of it. He asked if sandwich boards would be effective in plazas in West Ashley.

Mr. Turner stated in suburban areas they are allowed to have sandwich boards but that would take the place of permanent free-standing signs.

In response to a question from Councilmember Shirley, Mr. Turner explained window signs were permissible. Councilmember Shirley asked if this would affect yard sale signs. Mr. Turner replied they are not looking to change those signs.

There were no questions or comments of Council.

On the motion of Councilmember Morinelli, seconded by Councilmember Gallant, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE CITY OF CHARLESTON ZONING ORDINANCE BY AMENDING ARTICLE 4, SIGN REGULATIONS REGARDING PROHIBITED AND EXEMPT SIGNS AND REGULATIONS REGARDING ALLOWED SIGNS IN ALL ZONING DISTRICTS.

Next, Council considered a bill amending Chapter 54, of the Code of the City of Charleston (Zoning Ordinance) by amending the definition for Family Day Care Home and Group Day Care Home in Section 54-120 Definitions. Yvonne Fortenberry, Deputy Director of the Department of Planning, Preservation and Economic Development, explained this is a very simple ordinance amendment. She stated the current code allows a person to take care of up to six individuals and over six and up to thirteen is considered a family day care. She said in speaking to the Building Inspection Department, they realized they had a conflict between the building code requirements for day care and the zoning. She said once a facility gets above five children a totally different set of building code requirements come

into play. She explained they are changing their requirements to say up to five children so it is consistent with the building code requirements. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no further questions or comments of Council.

On the motion of Councilmember Morinelli, seconded by Councilmember Gallant, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE AMENDING CHAPTER 54, OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE DEFINITION FOR FAMILY DAY CARE HOME AND GROUP DAY CARE HOME IN SECTION 54-120 DEFINITIONS.

Next, Council considered the approval of the minutes from May 1, 2007 and May 29, 2007 Council meetings. The Mayor noted the minutes of May 29, 2007 would be deferred.

On the motion of Councilmember Bleecker, seconded by Councilmember Morinelli, Council voted to approve the minutes of the May 1, 2007 Council meeting as published.

The Citizen Participation Period followed. The following persons addressed City Council:

1. Pat Jones, representing Ansonborough Neighborhood Association, read a comment regarding the 3X zoning on Marion Square: "Thank you for this opportunity to speak in opposition to the rezoning of the proposed hotel site on Marion Square. If passed, this piece meal approach to zoning would negate any protection for the historic Citadel building and the district as a whole. Currently, this zoning issues is being argued in court and we feel the issue of the original zoning variance should be resolved first in court. Please vote against this zoning change to preserve our historic district character, its scale and its livability." She stated the President apologizes for not being here.

2. Alice Tellis said it is a sad day today because of the events of last night. She explained she feels funny coming in here to congratulate the Mayor on having such a wonderful architect, Joe Schmidt, renovate this building and Tom McGee, the contractor.

3. Debbie Scott, member of the Ansonborough Neighborhood Association, expressed her support of the comments made by Pat Jones on behalf of the Association's President regarding the proposed hotel on Marion Square.

4. Dwight Jones said they are doing a good job with the City but would like to know when they are going to finish the streetscape and finish the entire community.

5. Robert Gurley, Assistant Director of the Preservation Society of Charleston, expressed their opposition to the proposed amendment to the zoning. He explained at the July 18, 2006 meeting Mayor Riley called the 3X zoning archaic. He stated they agreed with the Mayor and were pleased that City Council voted to eliminate this zoning category. He stated they are dismayed that the City is now proposing to extend this same zoning category that the community and City Council agreed was obsolete and inappropriate. He said to approve such a proposal would be unwise and in direct contradiction to earlier decisions made by this Council.

Mr. Gurley explained they feel extending the 3X zoning category is a clear example of spot zoning. He remarked they do not see how this proposal to extend a zoning category that has been eliminated in much of the City and to do so for one piece of property can be viewed as anything other than spot zoning. He urged City Council to vote against this proposal. He stated they are not against a hotel at this site just the 3X zoning.

6. Warrick Jones, Ansonborough resident, stated the City should review Charleston County's approach to minority businesses because it has been very successful. He explained the County has adopted a ten percent participation target spread over procurement and contracts.

He stated he does not understand why the property on Marion Square needs to be rezoned.

7. Marc Knapp, West Ashley resident, stated listened to staff explain they advertise in the Post and Courier and another newsletter he had never heard of. He said they need to pass a resolution stating this City put out bids in two places, which go out all over the state, *The AGC Room* and *The Dodgers*.

Mr. Knapp said he is also concerned about the zoning and echoes everyone else's statements.

8. Adam White, 12 Carolina Street, explained in the context of citizens and their livelihoods, there is a greater problem at hand which is crime prevention. He expressed his feelings that there is a lack of crime prevention programs. He stated the City does not really address what the comprehensive plan is. He asked how are they connecting to his generation. He noted Baltimore, Richmond and Detroit, who have significant problems, have programs in place that are advertised and boasted

about. He said the City is great at preservation and urban design, but there is a very weak notion about how to address this crime prevention issue.

Mr. White explained there needs to be a comprehensive plan and an active involvement from the citizens. He commented he is a very passionate young man who cares about his community. He said it is a question of how the City is reaching out to the community and effectively making sure we have an effective coalition.

No one else expressed a desire to address Council. The Mayor declared the Citizen Participation period concluded.

Next, Council considered 2007 Boards and Commissions Appointments.

Councilmember Gallant asked who the City Council representatives were for the Central Business Revitalization District Commission. Sharon Brennan, Director of the Economic Innovation Division, explained Councilmembers Gallant and Evans were still the City Council representatives.

On the motion of Councilmember Evans, seconded by Councilmember Bleecker, Council voted to approve the appointments as proposed by Mayor Riley.

The following appointments were approved:

INSERT MEMO OF APPOINTMENTS

Next, City Council received the following report of the Committee on Traffic and Transportation:

INSERT TRAFFIC AND TRANSPORTATION REPORT
(An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Article XVI, to change the drawing of rickshaw tokens for operation from a monthly basis to a quarterly basis, to provide an expiration date for Certificates of Appropriateness, and to require rickshaws to utilize passenger restraints.

On the motion of Councilmember Morinelli, seconded by Councilmember Bleecker, Council adopted the report of the Committee on Traffic and Transportation including giving first reading on one (1) ordinance.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, ARTICLE XVI, TO CHANGE THE DRAWING OF RICKSHAW TOKENS FOR OPERATION FROM A MONTHLY

BASIS TO A QUARTERLY BASIS, TO PROVIDE AN EXPIRATION DATE FOR CERTIFICATES OF APPROPRIATENESS, AND TO REQUIRE RICKSHAWS TO UTILIZE PASSENGER RESTRAINTS.

Next, City Council received the following report of the Committee on Ways and Means:

INSERT

WAYS AND MEANS REPORT

(Charlotte Street Park: Contract Amendment #6 $65,109 *Stantec Consulting Services, Inc.* **Account #050972-52238**

(Lockwood Police Station Renovation: Approval of Project Budget and Construction Contract $993,400 *Stenstrom & Associates, Inc.* **Account #051109-52240**

(Trolley Barn: Approval of Project Budget and Stabilization Contract $172,392 *Huss, Inc.* **Account #051147-52240**

(Upper King Street Streetscape: Construction Contract Change Order #8 ($1,067,670.89) Credit *Gulf Stream Construction Company, Inc.* **Account #050535-52240**

(Byrnes Downs Drainage Improvement Project: Change Order #3 ($300,678.15) Credit *Chandler Construction Services, Inc.* **Account #050938-52240**

(Transfer Related to the Dissolution of the Police Relief and Pension Fund *(Contingent upon ratification of City Council Agenda Item #K16)*

(Housing and Community Development: Contract Amendment #2 $16,715 *Charleston Bank Consortium* **Account #470010-57140**

(2007 Street Vendor Franchise Ordinance *(Ordinance)*

(Easements for the East Bay Bike Path

1. South Carolina Ports Authority
2. South Carolina Public Railways

(Transfer Agreement with Albert Aiken for 2118 (Lot 4A) Amaker Street *(Ordinance)*

(Transfer Agreement with Episcopal Diocese CHDO in the amount of $41,355.23 for 30½ Nassau Street *(Ordinance)*

(Transfer Agreement with Episcopal Diocese CHDO in the amount of $24,701.38 for 32 Nassau Street *(Ordinance)*

(Transfer Agreement with Episcopal Diocese CHDO in the amount of $31,065.43 for 188½ Line Street *(Ordinance)*
(Transfer Agreement with Episcopal Diocese CHDO in the amount of $6,149.50 for 475 Race Street *(Ordinance)*
(Transfer Agreement with Episcopal Diocese CHDO in the amount of $41,977 for 2323 Birdie Garrett Street, 2311 Odessa Street, 2310 Peonie Street and 1903 Doscher Avenue *(Ordinance)*
(Lease Agreement for 1903 Savannah Highway $36,636 (2007) *The Alexander Company, LLC* **Account #101000-52510**
(Lease Agreement for 1579 Savannah Highway, Suite C $7,200 (2007) *1575 Savannah Highway, LLC* **Account #051126-52510**
(Annexations: *(2 Ordinances)*
1. 2830 Maybank Highway TMS #312-00-00-089 5.04 acres
~~2. Vacant parcels on Marginal Road TMS #307-05-00-012, 307-00-00-013 Portion of #307-00-00-001 9.64 acres~~
Deferred at Ways and Means
Addition to Report: Begin Negotiations with NBM for Dock Street Theatre (vote 6-5)

The Report from the Committee on Ways and Means included one (1) annexation petition. The following list of properties requested annexation into the City of Charleston:

1. Property known as 2830 Maybank Highway (5.04 acres) (TMS #312-00-00-089), Johns Island, Charleston County. The petition was signed by Barbara Stanley and Christopher Gadsden, St. Stephens Church of Johns Island.

Without objection, Council separated the vote on the Negotiations with NBM for Dock Street from the rest of the Ways and Means Report.

On the motion of Councilmember Bleecker, seconded by Councilmember Evans, Council voted to move forward with Negotiations with NBM for Dock Street.

The vote was not unanimous. Councilmembers Lewis, Mitchell, Gallant, Gilliard and Waring voted nay.

Councilmember Morinelli moved the adoption of the remaining report of the Committee on Ways and Means including seven (7) ordinances, the acceptance of

one (1) annexation petition, giving first reading to eight (8) bills. Councilmember Evans seconded the motion. The motion carried.

First reading was given to bills entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON A FRANCHISE AGREEMENT WITH ALL THAT'S GOOD, INC., MARIA JEANNE RAKES, AND LUCUS CHILLAK FOR CERTAIN DESIGNATED SPACES WITHIN THE CITY OF CHARLESTON FROM WHICH FOOD OR DRINK OR READING MATERIAL SOLD IN CONJUNCTION WITH THE SALE OF FOOD OR DRINK MAY BE SOLD FROM STATIONARY CARTS OR OTHER DEVICES.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT TRANSFER AGREEMENT BETWEEN THE CITY OF CHARLESTON AND ALBERT AIKEN FOR THE TRANSFER OF LOT 4A BEARING TMS #464-10-00-058 MORE COMMONLY KNOWN AS 2118 AMAKER STREET, FOR THE SUM OF $1.00, SAID PROPERTY BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, SAID TRANSFER AGREEMENT BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT TRANSFER AGREEMENT BETWEEN THE CITY OF CHARLESTON AND THE EPISCOPAL DIOCESE OF SOUTH CAROLINA COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FOR THE TRANSFER OF 30½ NASSAU STREET BEARING TMS #459-09-02-029 FOR THE SUM OF $41,355.23, SAID PROPERTY BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, SAID TRANSFER AGREEMENT BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT TRANSFER AGREEMENT BETWEEN THE CITY OF CHARLESTON AND THE EPISCOPAL DIOCESE OF SOUTH CAROLINA COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FOR THE TRANSFER OF 32 NASSAU STREET BEARING TMS #459-09-02-030 FOR THE SUM OF $24,701.38, SAID PROPERTY BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, SAID TRANSFER AGREEMENT BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT TRANSFER AGREEMENT BETWEEN THE CITY OF CHARLESTON AND THE EPISCOPAL DIOCESE OF SOUTH CAROLINA COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FOR THE TRANSFER OF 188½ LINE STREET BEARING TMS #460-07-04-140 FOR THE SUM OF $31,065.43, SAID PROPERTY BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, SAID TRANSFER AGREEMENT BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT TRANSFER AGREEMENT BETWEEN THE CITY OF CHARLESTON AND THE EPISCOPAL DIOCESE OF SOUTH CAROLINA COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FOR THE TRANSFER OF 475 RACE STREET BEARING TMS #460-07-02-108 FOR THE SUM OF $6,149.50, SAID PROPERTY BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, SAID TRANSFER AGREEMENT BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT TRANSFER AGREEMENT BETWEEN THE CITY OF CHARLESTON AND THE EPISCOPAL DIOCESE OF SOUTH CAROLINA COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FOR THE TRANSFER OF: (1) 2323 BIRDIE GARRETT STREET BEARING TMS #464-01-00-108 FOR THE SUM OF $27,000.00; (2) 2311 ODESSA STREET BEARING TMS #464-01-00-141 FOR THE SUM OF $500.00; (3) 2310 PEONIE STREET BEARING TMS #464-01-00-167 FOR THE SUM OF $500.00; AND (4) 1903 DOSCHER AVENUE BEARING TMS #464-01-00-088 FOR THE SUM OF $13,977 FOR A TOTAL SUM OF $41,977.00, SAID PROPERTIES BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, SAID TRANSFER AGREEMENT BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

The next matter before Council was nineteen (19) bills up for second reading. The Clerk noted that second reading of two (2) bills (Items K-1 through K-2 on the agenda) would be *deferred.*

The following bills were *deferred*:

1. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 1089 Fort Johnson Road *(James Island)* (4.5 acres) (TMS #428-06-00-022), annexed into the

City of Charleston July 15, 2005 (#2005-276), be zoned Single-Family Residential (SR-1) classification. ***(Deferred)***

2. An ordinance authorizing the Mayor to execute on behalf of the City the necessary documents to close and abandon a portion of C Street approximately 100 feet in length running generally in a northwesterly direction from the edge of TMS No. 463-16-04-051 to its terminus, said portion of C Street being located in the City and County of Charleston, State of South Carolina. ***(Deferred)***

Adelaide Andrews, Deputy Corporation Counsel, explained item K-4 would be amended to say Monarch Holding Company, LLC.

On the motion of Councilmember Gallant, seventeen (17) bills (Items K-3 through K-19 on the agenda) received second reading. They passed second reading on motion of Councilmember Mitchell and third reading on motion of Councilmember Bleecker. On further motion of Councilmember Evans, the rules were suspended and the bills were immediately ratified as:

2007-109 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN THIRD AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHARLESTON AND SMITH-MORRIS COMPANY, LLC, ASSIGNEE OF CIVITAS, LLC, TO ALLOW SMITH-MORRIS COMPANY, LLC A TIME EXTENSION IN WHICH TO COMPLETE THE PUBLIC IMPROVEMENTS IN PHASE I OF THE MORRIS SQUARE PROJECT, TO ALLOW SMITH-MORRIS COMPANY, LLC THE RIGHT TO PROCEED WITH PHASE II OF THE MORRIS SQUARE PROJECT UNDER CERTAIN CONDITIONS, TO COMPLETE PHASE II OF THE MORRIS SQUARE PROJECT NO LATER THAN SEPTEMBER 25, 2009 AND TO PAY THE CITY $21,618 IN CONSIDERATION FOR CERTAIN ENCROACHMENTS AT SIMONTON PARK LOCATED WITHIN PHASE I OF THE MORRIS SQUARE PROJECT, SAID THIRD AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN. (AS AMENDED)

2007-110 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON THE NECESSARY DOCUMENTS TO CLOSE AND ABANDON THAT SECTION OF DIVISION STREET APPROXIMATELY 40 FEET IN WIDTH, AND RUNNING 127.04 FEET IN LENGTH

ALONG ITS NORTHERN BOUNDARY AND RUNNING 121.61 FEET IN LENGTH ON ITS SOUTHERN BOUNDARY AND FRONTING ON MEETING STREET BETWEEN TMS PARCEL #464-10-00-034 OWNED BY MONARCH HOLDING COMPANY, LLC AND TMS PARCEL #464-10-00-035 OWNED BY MONARCH HOLDING COMPANY, LLC SAID SECTION OF DIVISION STREET BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, MORE FULLY SHOWN ON A PLAT SHOWING THE ABANDONMENT OF DIVISION STREET AND COMBINING IT TO PARCELS 34 & 35 PREPARED BY KEVIN M. SCHWACKE, SR. PLS, DATED JANUARY 5, 2007, MARKED AS EXHIBIT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN; AND UPON THE ABANDONMENT OF THAT SECTION OF DIVISION STREET AS SHOWN ON EXHIBIT A, AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON THE NECESSARY DOCUMENTS TO CONVEY SUCH ABANDONED RIGHT-OF-WAY TO MONARCH HOLDING COMPANY, LLC , THE ADJACENT PROPERTY OWNER. AS AMENDED

2007-111 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON BROWNSWOOD ROAD *(JOHNS ISLAND)* (1.61 ACRES) (TMS #312-00-00-178), ANNEXED INTO THE CITY OF CHARLESTON MARCH 27, 2007 (#2007-062), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

2007-112 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1707 SULGRAVE ROAD *(FOREST LAKES - WEST ASHLEY)* (0.33 ACRE) (TMS #354-03-00-094), ANNEXED INTO THE CITY OF CHARLESTON MARCH 27, 2007 (#2007-063), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

2007-113 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1705 SULGRAVE ROAD *(FOREST LAKES - WEST ASHLEY)* (0.40 ACRE) (TMS #354-03-00-102), ANNEXED INTO THE CITY OF CHARLESTON APRIL 10, 2007 (#2007-085), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

2007-114 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 28 AVONDALE AVENUE *(AVONDALE – WEST ASHLEY)* (0.35 ACRE) (TMS #418-14-00-019), ANNEXED INTO THE CITY OF CHARLESTON APRIL 10, 2007 (#2007-084), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

2007-115 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2227 WEEPOOLOW TRAIL *(ASHLEY HARBOR - WEST ASHLEY)* (0.27 ACRE) (TMS #353-12-00-018), ANNEXED INTO THE CITY OF CHARLESTON APRIL 10, 2007 (#2007-086), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

2007-116 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON FARM HILL ROAD (AKA FAMHILL ROAD) *(CAINHOY)* (7.18 ACRES) (TMS #269-00-00-027), ANNEXED INTO THE CITY OF CHARLESTON APRIL 10, 2007 (#2007-082), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

2007-117 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1695 OLD MILITARY ROAD, 1588 GRIMBALL ROAD EXT. AND VACANT PARCELS *(JAMES ISLAND)* (22.90 ACRES) (TMS #431-00-00-026, 431-01-00-003 & 024, 025 & 026), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 29, 2005 (#2005-353), BE ZONED SINGLE-FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT (SR-2 PUD) CLASSIFICATION.

2007-118 AN ORDINANCE AMENDING CHAPTER 54, OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING SECTION 54-327 TREE REMOVAL RESTRICTIONS TO ADD A NEW SUBSECTION "G" ESTABLISHING STANDARDS FOR THE REMOVAL OF TREES AND VEGETATION ASSOCIATED WITH LAND DEVELOPMENT.

2007-119 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO

AMEND REGULATIONS FOR COMMUNICATION TOWERS WITHIN THE CITY OF CHARLESTON.

2007-120 AN ORDINANCE TO RECOGNIZE THE USAGE OF ADDITIONAL FUNDS TO MEET ADDITIONAL APPROPRIATIONS AUTHORIZED BY ORDINANCE _____ FOR THE FISCAL YEAR ENDING DECEMBER 31, 2006.

2007-121 AN ORDINANCE TO MAKE ADDITIONAL APPROPRIATIONS TO MEET THE LIABILITIES OF THE CITY OF CHARLESTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2007.

2007-122 AN ORDINANCE TO AMEND CHAPTER 25, ARTICLE III, SECTIONS 25-46 THROUGH 25-65 OF THE CODE OF THE CITY OF CHARLESTON WHEREBY THE POLICE RELIEF AND PENSION FUND SHALL BE LIQUIDATED AND THE MONEY IN THE POLICE RELIEF AND PENSION FUND SHALL BE TRANSFERRED TO THE RESYSTEMIZATION FUND TO BE MANAGED BY THE DEPARTMENT OF BUDGET, FINANCE AND REVENUE COLLECTIONS IN THE SAME MANNER AS OTHER MONIES IN THE RESYSTEMIZATION FUND, TO ABOLISH THE POLICE RELIEF AND PENSION FUND COMMISSION AND TO DISCHARGE THE POLICE RELIEF AND PENSION FUND COMMISSION OF ALL FUTURE DUTIES AND OBLIGATIONS; AND TO PROVIDE THAT THERE SHALL BE NO FURTHER BENEFITS PAID FROM THE POLICE RELIEF AND PENSION FUND.

2007-123 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN AGREEMENT TO BUY AND SELL REAL ESTATE BETWEEN THE CITY OF CHARLESTON AND CRAIG PLAKETTA FOR THE SALE OF 26 KENNEDY STREET, IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, BEARING TMS #460-07-04-093, FOR THE SUM OF $221,152.00, SAID AGREEMENT TO BUY AND SELL REAL ESTATE BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

2007-124 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1707 JESSAMINE ROAD (0.23 ACRES) (TMS #351-12-00-034), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON

AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 7.

2007-125 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 108 MAGNOLIA ROAD (0.21 ACRES) (TMS #418-13-00-169), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 8.

Council then considered two bills up for first reading.

Next, Council considered a bill to add a provision which would make it a criminal offense to remove private property of another without first having obtained the consent of the owner including, but not limited to, shopping carts.

Ms. Andrews explained at the request of Councilmember Mitchell, they began to look at a way to address the removal of shopping carts, particularly in grocery stores where merchants were complaining. She stated the merchants said they had tried all measures possible, but the removal of shopping carts continued. She noted they had to buy new carts, which causes the price of groceries to increase. She explained they were able to find an ordinance to expand to include shopping carts.

Councilmember Mitchell explained many stores were complaining the shopping carts were being removed, but not returned. He stated the shopping carts range from two hundred dollars and upwards, so when carts are not returned they have to compensate for the loss, which means the prices are raised.

Mayor Riley thanked Councilmember Mitchell, the legal staff and Chief Mullen for this ordinance. He stated grocery stores provide competitively priced food so citizens who have to work extra hard to balance their budgets having competitively priced food in their neighborhood is important. He said the increased prices can threaten the viability of the store.

On the motion of Councilmember Mitchell, seconded by Councilmember Gallant, Council voted to give first reading to the subject bill.

Councilmember Lewis signed a conflict of interest form.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 21, SECTION 84 TO ADD A PROVISION WHICH WOULD MAKE IT A CRIMINAL OFFENSE TO REMOVE PRIVATE PROPERTY OF ANOTHER WITHOUT FIRST HAVING OBTAINED THE CONSENT OF THE OWNER INCLUDING, BUT NOT LIMITED TO, SHOPPING CARTS.

Next, Council considered a bill to rezone 404 King Street (TMS # 460-16-04-009) by moving the Old City Height District Boundary so that this property is entirely within the "3X" Old City Height District.

Mayor Riley explained Council has a report prepared by the Civic Design Center. He stated 404 King Street is the old library site and is a crucial redevelopment opportunity site on Marion Square and the upper King Street district. He said a 185 room hotel has been proposed for this site. He said 404 King Street is unique because it lies within two height districts, the 3X district and 55 foot district. He stated the proposed ordinance is to rezone the rear portion of the site to the 3X height district so that the entire property lies within the 3X height district.

Mayor Riley stated his past criticism of the 3X height district pertained to the broad application of it, in areas where it did not fit, but in this unusual site within the City because of the Frances Marion Hotel and the presence of the 3X district, this height best suits this particular site.

Continuing, he explained the Department of Planning, Preservation and Economic Development and the Civic Design Center conducted a study of the Marion Square area, which recommends the appropriateness of a taller building on this site. He said the hotel project received approval for maximum height of 105 feet, which fits within the 3X district. He stated it has received a variance from the Board of Zoning Appeals and design approval for the height from the Board of Architectural Review. He also commented these Boards, through a public process, have determined that this is a unique site and the height of this project is appropriate. He stated this amendment will codify those approvals.

Mayor Riley explained this proposal is constituent with establishing planning, economic development and urban design plans for the further transformation of King Street, just as The Charleston Place did for lower King Street. He stated the study very well amply illustrates this. He said this action is requested of City Council to give first reading and refer it to the Planning Commission for future review and public hearing.

Councilmember Shirley said there is no explanation in the handout. He asked what pictures or plans are they discussing because there are several in the handout.

Michael Maher, Director of the Civic Design Center, explained the first illustration shows the current split zoning on the site, and the other illustrations are the possible concepts with the entire site being zoned the 3X district.

Mayor Riley stated they could have arranged for the presentation, but thought the handout was almost as good and they were really sensitive to people's time tonight.

Councilmember Shirley asked if the first illustration would be taller than the others. Ms. Fortenberry replied it is taller on the King Street side.

Councilmember Lewis state it is in his district and he does not support this because it is too tall.

In response to a question from Councilmember Shirley, Mayor Riley explained with the current height they could put a taller building directly on King Street, with no setbacks, than what they would have if the entire site was under the 3X district.

Councilmember Shirley asked if they could defer this. Mayor Riley stated this will go to the Planning Commission for a public hearing and then come back to Council. He explained this project has had substantial public engagement. He expressed his belief there is no need to respectively defer this.

On the motion of Mayor Riley, seconded by Councilmember Bleecker, Council voted to give first reading to the subject bill and refer it to the Planning Commission.

First reading was given to a bill entitled:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHARLESTON TO REZONE 404 KING STREET (TMS # 460-16-04-009) BY MOVING THE OLD CITY HEIGHT DISTRICT BOUNDARY SO THAT THIS PROPERTY IS ENTIRELY WITHIN THE "3X" OLD CITY HEIGHT DISTRICT.

The vote was not unanimous. Councilmember Lewis voted nay.

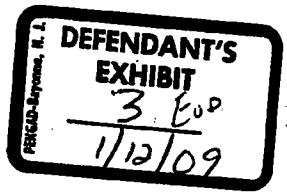
Mayor Riley noted the City has written the GSA seeking an offer for the ability to purchase the Federal Building on Meeting Street for the purposes of guiding its redevelopment in a manner that is most beneficial to the City and neighborhood. He explained the GSA is going to send the City an offer, which we have to respond to in fifteen days, which will mean we may have to call a special City Council meeting.

Councilmember Gilliard said that he has had a lot of residents call him about the Savannah Highway property and they cannot fathom seeing another business in that area. He commented with all due respect, he thinks it would be to the City's

advantage to acquire the property and erect a memorial park at that location opposed to another business. He said he knows that's jumping the gun, but that is something he wanted to put out there for the Council to consider.

There being no other business, the meeting was adjourned at 7:10 p.m.

Vanessa Turner-Maybank
Clerk of Council



COUNCIL CHAMBER

Regular meeting

August 21, 2007

The ninetieth meeting of the City Council of Charleston was held this date convening at 7:00 p.m. in City Hall.

A notice of this meeting and an agenda were mailed to the news media August 16, 2007 and appeared in The Post and Courier August 19, 2007 and is made available on the City's website.

PRESENT

The Honorable Joseph P. Riley, Jr., Mayor; Councilmembers Fishburne, Morinelli, Lewis, Mitchell, Gilliard, Gallant, Waring, Evans, Tinkler, Shirley, Bleecker, Wilson --- 13

The meeting was opened with the invocation by Councilmember Gallant.

Councilmember Gallant led City Council in the Pledge of Allegiance.

There were several Presentations and Recognitions.

Mayor Riley asked Mr. Thomas J. Wright, III to join him at the podium for a presentation. Mr. Wright explained The Isle of Wight County in Virginia recently adopted a resolution by the Board of Supervisors expressing its condolences to the Mayor and the families of the firefighters who tragically lost their lives in the line of duty. Mr. Wright presented the Resolution to Mayor Riley.

Mayor Riley asked Ms. Cindy Grosso, owner of Charleston School of Protocol, to join him at the podium. Ms. Grosso presented Mayor Riley with the City Lifetime Achievement Award for Most Mannerly City

Mayor Riley then asked Councilmember Gilliard to join him at the podium with Pastor Edwin Wright. Mayor Riley read, signed and presented a Proclamation (P2007-13), to Pastor Wright for his many accomplishments and services through out the City.

Mayor Riley asked Councilmember Wilson and Hugh Wilder to join him at the podium. Councilmember Wilson explained Mr. Wilder started at the College of Charleston in 1981. She said the reason we are here today, as accomplished as Mr. Wilder is in his profession, he is just as accomplished if not more so in the water. She explained Mr. Wilder has set 16 world records and is an outstanding advocate for the sport.

ASHLEY) (2.17 ACRES) (TMS #351-05-00-012), ANNEXED INTO THE CITY OF CHARLESTON MAY 1, 2007 (#2007-105), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

2007-152 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT BELGRADE COURT *(WEST ASHLEY)* (0.36 ACRE) (TMS #351-15-00-025 AND 026), ANNEXED INTO THE CITY OF CHARLESTON MAY 1, 2007 (#2007-106), BE ZONED BUSINESS PARK (BP) CLASSIFICATION.

2007-153 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1707 JESSAMINE ROAD *(WEST ASHLEY)* (0.23 ACRE) (TMS #351-12-00-034), ANNEXED INTO THE CITY OF CHARLESTON JUNE 19, 2007 (#2007-124), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION.

2007-154 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF SO THAT 108 MAGNOLIA ROAD *(WEST ASHLEY)* (0.21 ACRE) (TMS #418-13-00-169), ANNEXED INTO THE CITY OF CHARLESTON JUNE 19, 2007 (#2007-125), BE ZONED LIMITED BUSINESS (LB) CLASSIFICATION.

2007-155 AN ORDINANCE TO AMEND THE CITY OF CHARLESTON ZONING ORDINANCE BY ADDING AN ADDITIONAL STREET TO SECTION 54-268 A., THE COMMERCIAL CORRIDOR DESIGN REVIEW DISTRICT. **(AS AMENDED)**

2007-156 TO AMEND THE ZONING ORDINANCE BY AMENDING ARTICLE 2, PART 12 GATHERING PLACE DISTRICT, SECTION 54-280 STREET CLASSIFICATIONS AND DESIGN STANDARDS AND SECTION 54-283 URBAN DESIGN REQUIREMENTS.

2007-157 AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, ARTICLE XIII, SECTIONS 400 AND 402 TO CHANGE THE MAXIMUM STORAGE CHARGE PERMITTED FOR NONCONSENSUAL TOWS FROM SIX DOLLARS ($6.00) PER TWENTY-FOUR (24) HOUR DAY TO FIFTEEN DOLLARS ($15.00) PER TWENTY-FOUR HOUR DAY AFTER THE FIRST TWENTY-FOUR (24) HOURS, TO PERMIT A $10.00 CHARGE FOR EXPENSES INCURRED IF THE TOWING COMPANY NOTIFIES THE OWNER,

The following bill was *deferred*:

1. An ordinance authorizing the Mayor to execute on behalf of the City the necessary documents to close and abandon a portion of C Street approximately 100 feet in length running generally in a northwesterly direction from the edge of TMS No. 463-16-04-051 to its terminus, said portion of C Street being located in the City and County of Charleston, State of South Carolina. ***(Deferred)***

The Assistant Clerk noted items K-9, K-12 and K-13 were as amended.

On the motion of Councilmember Evans, twenty (20) bills (Items K-2 through K-21 on the agenda) received second reading. They passed second reading on motion of Councilmember Tinkler and third reading on motion of Councilmember Bleecker. On further motion of Councilmember Mitchell, the rules were suspended and the bills were immediately ratified as:

2007-148 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 96, 100 AND 102 PRESIDENT STREET AT CANNON STREET (CANNONBOROUGH/ELLIOTTBOROUGH - PENINSULA) (0.56 ACRE) (TMS #460-11-04-021 AND 460-11-04-023), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED USE - WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION.

2007-149 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 665 MEETING STREET – TROLLEY BARN (NORTH CENTRAL - PENINSULA) (2.63 ACRES) (TMS #463-16-02-039), BE REZONED SO AS TO BE INCLUDED IN THE LANDMARK OVERLAY (LMK) CLASSIFICATION.

2007-150 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 50 MORRIS STREET (RADCLIFFEBOROUGH - PENINSULA) (0.08 ACRE) (TMS #460-12-01-083), BE REZONED FROM LIMITED BUSINESS (LB) CLASSIFICATION TO DIVERSE RESIDENTIAL (DR-2F) CLASSIFICATION.

2007-151 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PARNELL LANE (WEST

First reading was given to bills entitled:

AN ORDINANCE TO MAKE ADDITIONAL APPROPRIATIONS TO MEET THE LIABILITIES OF THE CITY OF CHARLESTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2007.

AN ORDINANCE TO RECOGNIZE THE USAGE OF ADDITIONAL FUNDS TO MEET ADDITIONAL APPROPRIATIONS AUTHORIZED BY ORDINANCE _____ FOR THE FISCAL YEAR ENDING DECEMBER 31, 2007.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO A CERTAIN AGREEMENT BETWEEN THE CITY OF CHARLESTON AND THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL ("DHEC") FOR THE PURPOSE OF EXTENDING THE MEMORANDUM OF AGREEMENT ENTERED INTO BY THE CITY OF CHARLESTON AND DHEC TO UTILIZE THE GAILLARD AUDITORIUM FOR USE AS A DRUG DISTRIBUTION WAREHOUSE SITE OR A MASS PUBLIC DISPENSING SITE DURING A DECLARED STATE OF EMERGENCY FOR A PERIOD OF ONE YEAR PURSUANT TO PARAGRAPH III A OF THE AGREEMENT, SAID MEMORANDUM OF AGREEMENT BEING MARKED AS EXHIBIT A, ATTACHED HERETO, AND INCORPORATED BY REFERENCE HEREIN.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1715 SAVAGE ROAD (1.04 ACRES) (TMS #351-07-00-106), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 7.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 548 SAVANNAH HIGHWAY (0.24 ACRES) (TMS #421-03-00-171), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 8.

The vote was not unanimous. Councilmembers Lewis, Mitchell, Gilliard and Gallant voted nay on both items pertaining to the Dock Street Theatre Renovation. Councilmember Lewis also voted nay the items pertaining to Governor's Park North and City Hall Renovation.

The next matter before Council was twenty-one (21) bills up for second reading. The Assistant Clerk noted that second reading of one (1) bill (Items K-1 on the agenda) would be *deferred*.

(Berkeley County School District: School Resource Officer Agreement
(Seven Farms Apartments: Second Contract Amendment $236,304 *Humanities Foundation* **Account #470010-57060**
(The Shires Apartments: Contract Amendment $205,921 *Humanities Foundation* **Account #470010-57060**
(Memorandum of Agreement with Simpson Property Group for Department of Recreation programs at the Bridgeview Village Apartments
(Facility Lease Agreement with the Charleston County School District for the use of the City Gym
(Memorandum of Agreement Extension with SC Department of Health and Environmental Control for the use of the Gaillard Auditorium as a drug distribution warehouse site or mass public dispensing site during a declared state of emergency *(Ordinance)*
(Memorandum of Understanding with Charleston County for improvements to Harbor View Road
(First Amendment and Assignment of Agreement with Widespread Access, LLC for WiFi Services *(Ordinance)* **Pulled from Real Estate Agenda (deferred)**
(Annexations: *(2 Ordinances)*
1. 1715 Savage Road TMS #351-07-00-106 1.04 acres
2. 548 Savannah Highway TMS #421-03-00-171 0.24 acres
Mayor-Add-on-for school board

The Report from the Committee on Ways and Means included two (2) annexation petitions. The following list of properties requested annexation into the City of Charleston:

1. Property known as 1715 Savage Road (1.04 acres) (TMS #351-07-00-106), St. Andrews Parish, Charleston County. The petition was signed by Patricia S. Ancrum.

2. Property known as 548 Savannah Highway (0.24 acres) (TMS #421-03-00-171), St. Andrews Parish, Charleston County. The petition was signed by Pam deVito.

Councilmember Evans moved the adoption of the report of the Committee on Ways and Means including one (3) ordinances, the acceptance of two (2) annexation petitions, giving first reading to six (6) bills. Councilmember Bleecker seconded the motion. The motion carried.

(City Parking Garages: Phase II (2007) Repairs Contract $197,697 *Metro Waterproofing, Inc.* **Account #022015-52445**

(Dock Street Theatre Renovation: Approval of Project Budget and Construction Contract $15,553,366 *NBM Construction, Inc.* **Account #051126-52240 Councilmembers Lewis, Mitchell, Gilliard and Waring voted nay during Ways and Means – Councilmembers Lewis, Mitchell, Gilliard and Gallant voted nay during City Council.**

(Dock Street Theatre Renovation: Construction Change Order #1 ($716,455) Credit *NBM Construction, Inc.* **Account #051126-52240 Councilmembers Lewis, Mitchell, Gilliard and Waring voted nay during Ways and Means – Councilmembers Lewis, Mitchell, Gilliard and Gallant voted nay during City Council.**

(Governor's Park North: Master Plan Contract $78,515 *Seamon Whiteside and Associates* **Account #050854-52238 Lewis voted nay**

(City Hall Renovation: Construction Contract Change Order #22 $68,123.36 *NBM Construction, Inc.* **Account #050832-52440 Lewis voted nay**

(Lockwood Municipal Complex: Construction Change Order #13 $310,523.19 *Loveless Commercial Contracting, Inc.* **Account #050215-52240**

(National Pollutant Discharge Elimination System (NPDES): Phase II Amendment #3 $75,000 *Woolpert, Inc.* **Account #050310-52238**

(Year 2007 General Fund Expenditure Budget First Amendment *(Ordinance)*

(Year 2007 General Fund Revenue Budget First Amendment *(Ordinance)*

(Fire Department: Invoice for Memorial Service $61,900.61 *SC State Firefighter's Association* **Account #183000-52906 (City Emergency Fund)**

(Fire Department: Fund Transfer for Consultant Services $84,249 **Account #183000-52906 to 210000-52206**

(Traffic Signal Maintenance: Agreement Extension with SC Department of Transportation

(Traffic Signal Maintenance: Agreement with Town of Mount Pleasant

(Charleston County School District: School Resource Officer Agreement

been injured in a fire, so this really hits home. He stated he thinks all they are trying to do is put something together that says we want to help you make this better. He said he is upset because the Public Safety Committee has not met as many times as it should have, but we have learned from that.

Mayor Riley thanked Council and thanked Councilmember Fishburne for putting this on the agenda. He said obviously this is a matter of concern and felt responsibility of every person in this government and obviously members of Council. He said the responses made today and the responses made in the future will require their participation and involvement. He said they all will be working together on this he assured Council. He stated he wants Council's ideas, input, engagement, help and support. Mayor Riley explained he prepared a nine page report, which Council received tonight, to bring them up-to-date from the last one. He explained new information that he receives that can be released to the public, Council will receive it first.

Mayor Riley explained until the investigation is complete, which is being directed by the law enforcement agencies, the presentation at least the investigator's best information about where the fire started, how it might of started, how it spread and how it was fought it has to wait until that investigation is complete. He remarked no one has ever criticized an investigation for happening faster than it should have. He said he understands if there is some frustration about that because you need to know, you will know and you want to discuss, and as soon as that investigation is completed he will arrange a full briefing for all of Council. He expressed his belief that it is important that the Public Safety Committee be involved, but obviously all of Council. He said he thinks they will have a good amount of information before the September 11, 2007 City Council meeting, and he would like to set aside a section for the briefing on the fire and then he will continue sending Council reports. He noted all budgetary allocations need City Council approval, for example the Safety Officer.

Mayor Riley explained the Chief today issued an order for no more buster hoses. He said they are also looking at the hiring of six new firefighters. He stated Chief Thomas is an excellent fire chief and he fully supports the Chief unequivocally. He stated Chief Thomas is a fine person, he is a hard worker, dedicated, experienced Fire Chief. He said the Chief is working to implement changes. He said he wants Council to be engaged, he wants their ideas, direction and their support. He said he looks forward to working with all of them on this.

Next, City Council received the following report of the Committee on Ways and Means:

INSERT

WAYS AND MEANS REPORT
(A. C. Christopher City Gymnasium at Harmon Field: Professional Services Contract Amendment #1 $139,407 *Thomas & Denzinger Architects* **Account #051153-52238**

Councilmember Gallant said they need to get the Public Safety Committee and Council involved in issues of public safety. He said the Committee also needs to meet regularly. He stated they receive information too late. He noted he will be setting up a Public Safety Committee meeting.

Councilmember Shirley said he was not and will not speak to the press regarding any of his feelings because he has not been able to sort through all of the information. He noted everyone in the community has been touched by this. He stated people have very strong feelings about this. He stated he is in favor of anything that keeps them in the loop. Councilmember Shirley said he understands the concerns that Councilmember Fishburne has.

Councilmember Bleecker said she believes there is no one on Council who has not cried, thought and re-thought the what ifs, all the possibilities. She stated those answers, she believes, will come in various forms over time and through the investigation that needs to go on without her involvement. She noted she drives by the site almost every other day. She said Mayor Riley and everyone in the City responded to that tragedy in the most extraordinary and remarkable way and she believes it continues to be done. She explained as stated the recommendations are easy to implement and there is probably so much more that will have to be implemented and changes that will have to be made, but they do not know those answers yet. She commented Mayor Riley has kept Council informed about what has been going on. Councilmember Bleecker said it is appropriate for them to be involved in the litigation or investigation, and she does not think so at this stage.

Councilmember Gilliard discussed an incident that occurred while he was a union leader. He commended Mayor Riley for his leadership and his approach. He stated he was out there that night. He said he was drawn to the déjà vu factor. He stated they must watch how they approach this. He expressed his belief that the citizens are looking for unity from Council. He explained he knows what staff and Council are going through. He remarked timing in these types of situations is important.

Councilmember Gallant expressed his belief that no one wants to interfere with any investigation or litigation. He stated we have to be prepared so this does not happen again. He said when the citizens ask questions we need to be able to respond to them. He remarked we cannot go back and change what has happened, but they can do a whole lot to make sure it never happens again in the City of Charleston. He stated we need to become better, better at governing the City, better at taking care of the business at hand. He stated Mayor Riley is a great Mayor, but he cannot do it by himself and there is a whole group of people that will stand to cover Mayor Riley as his board of directors. He said so when we have to take the heat or someone wants to beat him up Council can say what is really going on, because we are a part of it, involved in it, we are in the loop.

Councilmember Gallant explained he speaks to his son every day before he puts on his North Charleston uniform and he could receive a phone call saying is son has

case. He stated there have been many other questions raised by the issues relating to the fire, Fire Department policies and procedures, personnel and human resource issues, building inspections and code enforcement issues.

Continuing, Councilmember Fishburne explained he asked that this item be placed on the agenda because he thinks now, after sixty days, is the time that Council needs to become involved in dealing directly with these issues and addressing them in a positive and productive way. He said he thinks everyone knows Council's primary duty is the public's safety, to protect the City and employees of the City. He said the Public Safety Committee is responsible for matters including fire service matters and Public Works and Utilities Committee is responsible for building inspections and code enforcement. He noted City Code Sections 216 and 217 give City Council broad powers and authority. He said he thinks clearly Council has the authority through the Standing Committees individually and if Council decided by special committee created by Council to become involved in the investigation and recommendations process. He stated one important factor here is even though there are several organizations looking into the fire, none of which are publicly elected bodies and none give the public an opportunity to ask questions and give input into the process.

Councilmember Fishburne explained all he is proposing is that Council become involved in addressing these issues, and work with the ongoing investigations and the Mayor, so Council is better prepared to analyze the investigative reports as they come available over the next few months. He said Council should be ready for a coordinated effort if the process does work and it is inclusive, thorough, open, transparent and fair. He stated he put this forward not because he wants to interfere, or that he thinks Council should interfere with any ongoing investigations or efforts. He said it is not to attack or criticize the Fire Department or its leadership or members of the Department or to attack or criticize the Mayor or staff, or it is not to diminish the hard work of staff in the ongoing investigation.

He said the eyes of the citizens of this City, the firefighting community, and the nation are on our City and they are going to look at the way the Mayor and Council deal with this situation. Councilmember Fishburne said he asked for this to be on the agenda to discuss it and asked Councilmember Gallant, Chairman of the Public Safety Committee to call a meeting of that Committee to at least start the process of Council being involved.

Councilmember Lewis said he agrees that City Council should be involved and following through with the recommendation efforts. He stated this is why they have a Public Safety Committee. He stated regarding the investigation, Council may not have the expertise on this sensitive matter. He said they ought to wait for what for the investigators and ATF reports to come out. He said they should be involved with the recommendations that were made on Saturday. He also stated it is very important to make these recommendations but also follow through.

modernize the Fire Department. He explained Automatic Mutual Aid and how on James Island, Johns Island and Daniel Island there is really a patchwork of Fire Departments not just the City's. He said currently they do not have a way for all the departments to work together and asked if that is something they could look at.

No one else expressed a desire to address Council. The Mayor declared the Citizen Participation period concluded.

Next, Council considered the Appointment of Kay Cross as Director of the Human Resources Department.

On the motion of Councilmember Evans, seconded by Councilmember Tinkler, Council voted to approve the Appointment of Kay Cross as Director of the Human Resources Department as recommended by Mayor Riley.

The following appointment was approved:

INSERT: APPOINTMENT MEMO

Next, Council considered a discussion on Councilmembers' role in addressing issues raised by the Sofa Super Store fire on June 18, 2007.

Councilmember Fishburne said he has spoken to several members of Council regarding his feelings and has spoken to Mayor Riley. He stated he thinks everyone can agree that the task force has done a great job so far. He noted the six areas of recommendations were: staffing, accountability, safety procedures, training, communications and equipment. He read the first two paragraphs of an article from *The Post and Courier*, dated Saturday, August 18, 2007, by Ron Menchaca:

The Charleston Fire Department has outmoded tactics and dated equipment that must undergo significant change in order to catch up with basic fire service standards followed throughout the country, a city-appointed panel said Friday.

The independent panel of firefighting experts brought in to study the department and its handling of the June 18 Sofa Super Store blaze recommended a sweeping list of changes that will fundamentally alter the way the city battles fires and immediately improve safety for firefighters.

Councilmember Fishburne stated those are two pretty powerful paragraphs and raise some questions. He asked if these recommendations came so quickly and are so standard, so self-evident why weren't they put into place by the Fire Department long ago. He also asked why they were not put into place by the Fire Department immediately following the fire. Thirdly, he asked how can we, as Council, the Mayor and the whole community, have thought that the Fire Department was one of the best lead, best trained, the most modern, best equipped Fire Department in the country when obviously according to the paper and the panel that does not appear to be the

GATES MASTER PLAN FOR A PORTION OF THAT PLANNED UNIT DEVELOPMENT LOCATED ON CHISOLM ROAD (APPROXIMATELY 95 ACRES) (TMS #283-00-00-032), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 15, 1998 (#1998-227).

Next, Council considered the approval of the minutes from May 29, 2007, June 19, 2007, July 17, 2007 and July 30, 2007 Council meetings. The Mayor noted the minutes of July 17, 2007 and July 30, 2007 would be deferred.

On the motion of Councilmember Bleecker, seconded by Councilmember Mitchell, Council voted to approve the minutes of the May 29, 2007 and June 19, 2007 Council meetings as published.

The Citizen Participation Period followed. The following persons addressed City Council:

1. Roger Yao, representing 106 firefighters and President of the Charleston Firefighters Organization, stated he commended Mayor Riley and City Council for getting the peer support team up and running. He stated it was a huge step for our recovery efforts, for the families as well as the firefighters. He said when the panel gave their initial results they saw morale sky rocket. He said everything they are suggesting are good things, but he noted a booklet was given to Chief Thomas, Mayor Riley and all of City Council in November 2002. He stated just about everything the panel is suggesting, the booklet suggested back in 2002.

Mr. Yao said they hope the City is committed to pushing everything forward. He noted the only thing they think the Assistant to the Chief and the Safety Officer were handled too quickly. He said the morale of the firefighters has gone down since that time. He noted all the firefighters should have a say in what changes the Fire Department needs to make. He recommended City Council and the Mayor work on at least assembling a safety committee and have at least two elected firefighters, engineers or captains, working with the Safety Officer to set policies in the Fire Department.

2. Alvin Green, West Ashley resident, said he wonders why there is such a large disparity between black on black murder than black on white or white on black murders. He wonders why there is such an atmosphere created in the City where the black youth feel like they can kill each other and not worry about being arrested or prosecuted. He wonders why there are black kids who walk the streets that are murderers. He asked if this was an unspoken disparity. He stated the schools kick out the young folks for no reason and once they are on the streets that is it. He said he thought they had a law in place because kids are walking the streets in the middle of the school day and not being challenged.

3. John Welton said he supports the firefighters and said they have done a great job. He expressed his gratitude for their service. He urged Council to continue to

Fortenberry explained in a continued effort to improve the Zoning Ordinance they have looked at the sections regarding the regulations for accessory buildings. She stated they have clarified the definitions, clarified that accessory buildings can be used for home occupation, modified the height limitations and also added a new section that sets some standards for small accessory buildings, like storage sheds. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Mitchell, seconded by Councilmember Tinkler, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE AMENDING CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON ZONING ORDINANCE BY AMENDING REGULATIONS FOR ACCESSORY BUILDINGS.

Council then considered a bill to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Grimball Gates Master Plan for a portion of that Planned Unit Development located on Chisolm Road (approximately 95 acres) (TMS #283-00-00-032), annexed into the City of Charleston December 15, 1998 (#1998-227). Ms. Fortenberry stated this was a minor amendment. She explained this allows a small piece of property to be used as a community dock and boat storage area. She noted the neighborhood was in support of this. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Mitchell, seconded by Councilmember Tinkler, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE GRIMBALL

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Bleecker, seconded by Councilmember Shirley, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO REPEAL THE RESTRICTIVE COVENANTS FOR PROPERTY LOCATED ON MAYBANK HIGHWAY (LOT 13A AND LOT 13B) (9.869 ACRES) (TMS #313-00-00-019 AND 238).

Next, Council considered a bill to zone 2830 Maybank Highway *(Johns Island)* (5.04 acres) (TMS #312-00-00-089). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Bleecker, seconded by Councilmember Tinkler, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2830 MAYBANK HIGHWAY *(JOHNS ISLAND)* (5.04 ACRES) (TMS #312-00-00-089), ANNEXED INTO THE CITY OF CHARLESTON JULY 17, 2007 (#2007-145), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION.

Council then considered a bill to amend the City of Charleston Zoning Ordinance by creating a new Overlay District for a portion of Savannah Highway and Magnolia Road to be known as the Avondale Commercial Village. Mayor Riley noted this bill would be deferred.

Next, Council considered a bill amending Chapter 54 of the Code of the City of Charleston Zoning Ordinance by amending regulations for accessory buildings. Ms.

On the motion of Councilmember Lewis, seconded by Councilmember Bleeck, City Council voted to adopt the City Planning Commission's recommendation and disapprove the subject bill.

Next, Council considered a bill to rezone 2728 Arlington Drive – Oakland Elementary School (Oakland - West Ashley) (25.7 acres) (TMS #310-12-00-001). Mr. Martin explained this request is to place this property under the School Overlay Zone, which provides extra protection for the neighborhoods. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Bleecker, seconded by Councilmember Tinkler, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2728 ARLINGTON DRIVE – OAKLAND ELEMENTARY SCHOOL (OAKLAND - WEST ASHLEY) (25.7 ACRES) (TMS #310-12-00-001), BE REZONED SO AS TO BE INCLUDED IN THE SCHOOL OVERLAY ZONE (S) CLASSIFICATION.

Next, Council considered a bill to zone property located on Magwood Road (West Ashley) (5.54 acres) (TMS #354-07-00-013). Mayor Riley noted this bill would be deferred.

Council then considered a bill to repeal the Restrictive Covenants for property located on Maybank Highway (Lot 13A and Lot 13B) (9.869 acres) (TMS #313-00-00-019 and 238). Ms. Fortenberry explained this was a minor correction and these restrictive covenants were adopted for these two properties in 1984 when one property was commercial and the adjacent properties were residential, so it called for buffers, limited access and site plan reviews. She stated now that the properties adjacent are commercial those restrictions no longer make any sense, and they already have site plan reviews as a normal process. She said they are just proposing those restrictions be totally deleted. Both staff and the Planning Commission recommended approval of the request.

DISTRICT BOUNDARY SO THAT THIS PROPERTY IS ENTIRELY WITHIN THE "3X" OLD CITY HEIGHT DISTRICT.

The vote for second and third reading was not unanimous. Councilmembers Shirley and Lewis voted nay.

Councilmembers Waring and Morinelli left after the vote.

Mayor Riley noted item E-2 on the agenda, a bill to rezone property located on Travis Lane off Clements Ferry Road (Cainhoy) (11.44 acres) (TMS #268-00-00-005 & 039), has been withdrawn.

Next, Council considered a bill to rezone property located on Fleming Road & Burgess Drive (James Island) (11.4 acres) (TMS #340-03-00-017 & 024). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Evans, seconded by Councilmember Tinkler, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON FLEMING ROAD & BURGESS DRIVE (JAMES ISLAND) (11.4 ACRES) (TMS #340-03-00-017 & 024), BE REZONED FROM DIVERSE RESIDENTIAL – ELDERLY HOUSING (DR-4) CLASSIFICATION TO SINGLE FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

Council then considered a bill to rezone 637 Yale Drive (Laurel Park - James Island) (0.34 acre) (TMS #424-09-00-185). Both staff and the Planning Commission recommended disapproval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

Councilmember Mitchell explained he has done a lot of research on this and has spoken to his neighborhood association. He said he passed this site on King Street every Sunday on his way to church. He stated this is a good design. He said he did research to find out this is not spot zoning. He said he wants to see something that will benefit the community. He called for the vote.

Councilmember Fishburne said he has supported this project in the past for the same reasons as the Mayor stated previously. He explained if you look back at the number of times the public has had a chance to speak on this since 2003, they have had the opportunity about eight times. He noted each time it has come through an approval and City Council gave it first reading.

Councilmember Lewis said this project has had a lot of public comment, preliminary approval and a variance granted. He stated he cannot figure out why they waited until the 15th hour to rezone the property, because it should have been done in the initial stages. He noted no one objected to the hotel being built. He said he thinks this will set a precedence and that it is spot zoning.

Councilmember Wilson explained height, mass and scale are very subjective criteria. She stated her first impression of this when it came up is that it is similar to other zonings they have approved. She said her initial gut reaction when it first came to Council was that this was an attractive and pleasing building. She stated it catches one's eye. She stated she has such respect for the Historic Charleston Foundation and the Preservation Society and she had met with them on this. She explained this is upper King Street's ticket to revitalization.

Councilmember Waring said they received the same kind of complaints some years ago when they ended the idea of revitalizing the sidewalks on King Street. He stated people love Charleston and this City is growing. He said they have a right to do what they think is best for the advancement if this City as it is true the citizens have a right to voice their opinions.

Mayor Riley said Charleston should never forget it is a real City and the anchors and pivots are important.

There were no further questions or comments of Council.

On the motion of Councilmember Mitchell, the subject bill received second reading. It passed second reading on motion of Councilmember Bleecker and third reading on motion of Councilmember Evans. On further motion of Councilmember Tinkler, the rules were suspended and the bills were immediately ratified as:

2007-147 AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHARLESTON TO REZONE 404 KING STREET (TMS #460-16-04-009) BY MOVING THE OLD CITY HEIGHT

He noted his vote is to support that group of people who have been great for the City. He said he respects their wishes.

Councilmember Bleecker said this is an important issue and an enormously important site. She stated she also came to this issue recently. She said she respects the people who oppose this immensely and listened to what they had to say very intently. She said she asked for minutes regarding this issue, which she read. She noted she visited the site and thought about the arguments on both sides. She explained what influences her to support this plan is that it is such an exceptional and extraordinary site and she agrees with Mayor Riley's statement about energy.

Continuing, Councilmember Bleecker said the energy on John Street does not extend up to King Street. She noted the businesses on King Street, in that area, are not making it and the small businesses are closing. She explained what great memories she has of the Francis Marion Hotel and how a full-service hotel will invite the people in. She said this would be the highest and best use for this site. She noted it has been approved by all the planning agencies. She said it is a beautiful design and she does not think this is spot zoning.

Councilmember Bleecker stated it is not correct to say only the developers will benefit because she believes the community will benefit so tremendously from this zoning and this use. She stated this fits into our plans, the revitalization of King Street and the preservation of Marion Square. She said this is the right thing to do.

Councilmember Evans said when the Historic Charleston Foundation and the Preservation Society oppose the City so strongly that they brought a lawsuit against the City then she thinks she wants to hear them out. She noted she did meet with them but she did not see the validity in some of what they said. She explained one thing she did think about was the size of the project, the height of the project.

Councilmember Evans said Charleston is changing, the skyline is changing. She stated everyone has to admit that Charleston under this leadership has done an extraordinary job of protecting the beauty and scale of this City. She said she believes in balance as the philosophy of running a City. She explained balance is something they have to continually strive for, it is balancing the needs of so many. She expressed her belief that the City has done a tremendous job in balancing the historic preservation with economic opportunity. She stated Councilmember Bleecker was correct that many of the businesses on upper King Street are small and holding on, so they need that help.

Continuing, Councilmember Evans said she believes the City has balanced this without compromising that scale. She stated when they listen to the Mayor talk about what is going to happen when this is completed you know he is right. She stated to add to it with local boys who have a great track record, building this project then her vote comes down on the side of the zoning change.

Councilmember Tinkler said he did not know anything about this until very recently. He stated after hearing from everyone he was very concerned about this. He said he perceives the experts of the City on architectural matters, BAR, BZA and City staff, have all made judgments that this particular design is appropriate for this site. He noted however there have been legal challenges and it is his perception this is why they are hearing this tonight. He expressed his belief that but for those existing legal challenges they would not be discussing this rezoning.

Mayor Riley explained it is the recognition that the error is having this site being split by zoning districts had created a need for a variance. He said if this entire site was zoned 3X, which is consistent with the property across the street, then the variance would not have been necessary and the lawsuits would not have been brought.

Councilmember Tinkler stated so the reason they are considering this rezoning is to strengthen the legal position of the City, the City having made a judgment that this particular design on this particular site is the right thing to do.

Mayor Riley said it is realizing that the legal questions are based on the fact that because this property had the height district line through 60% of it, that required a variance. He stated the study of this area created the obvious conclusion that this development with the 3X district would not require a variance.

Councilmember Tinkler stated he saw an article and picture in the newspaper that was esthetically pleasing to him, which is the design they see tonight. He stated he had asked why was that line drawn in the past, and Mayor Riley had responded to him that he was unclear why, which would mean most likely no one knew. He stated what the rezoning does is it takes the mass and redistributes it away from the street, which seems to make sense. He said he does understand what Mr. Brad Waring is saying as they are not being asked tonight to approve this plan, but being asked to approve a rezoning.

Mayor Riley explained that would have to be approved by the BAR.

Councilmember Tinkler stated as he understands it this current plan is a result of compromises which have taken place at various levels over a considerable amount of time. He said he thinks it is relevant we have local boys who intend to make this their legacy. He noted he has some reservations in voting in favor of a rezoning to create a possibility that there could be a big box built on this property, but considering all the circumstances, he likes the design and he thinks the rezoning is appropriate.

Councilmember Shirley said he lives out on Highway 61, so why should he care, but he cares for several reasons. He stated the neighborhood association supports this and he agrees with the Mayor that this would be a good place to gather and a good asset. He stated it is wonderful that the Historic Charleston Foundation and the Preservation Society came out to his aid out on Highway 61. He thanked them for that.

but a full-service hotel, we would use and have memories there, because they are part of the civic activity of the City. He said citizens would use it for wedding receptions, anniversaries, birthdays and get togethers because it is a civic part of the City. He said he thinks he and the staff feels that with Marion Square so beautifully restored, they should have a building that beautifully and civically engages the community and not just the visitors. Mayor Riley explained this upper King Street has a lot of vacant spaces, and it is coming along very well, but there are still lots of holes, as well as upper Meeting Street. He said we need to make sure there is energy, some appropriately styled scaled muscle to make sure upper King Street can be all it can be.

Mayor Riley said they speak about avoiding the preverbal t-shirt shops and those types of shops, but those often fill the vacuums when in a City there is not the energy and is not the muscle that is necessary. He stated this is why this use is so extremely important. He noted this hotel is a result of a compromise. He said a taller building on King Street was suggested, but a building with more rooms could have been sought. He stated one thing we have learned over the years, as well as developers who propose projects, do not start with something outrageous, but come with the right thing. He noted this is a result of many different compromises and a full-service hotel cannot be supported without a sufficient number of rooms, then it becomes something that really doesn't work there.

Mayor Riley stated this is not spot-zoning. He explained regarding his statement at a previous meeting that 3X Height District is archaic, 3X is archaic in the broad application. He stated it does not mean there are not certain strategic applications in the City where it makes the most sense, and obviously here where 60% of the site is already in the 3X Height District, not only does it make a lot of sense, it makes far more sense than the district being divided.

He said clearly this is not spot zoning, because spot zoning is bringing something completely unrelated to an area and zoning it. He noted the 3X district is across the street and is half of this site. He explained Council is being asked to really correct an error in having the site divided. He noted this is one site, very specific and adjacent to a 3X district. He explained he often had people ask why the City has not done anything with that building. He said it blocks the movement on King Street.

Continuing, Mayor Riley said this has received lots of public input and has gone through many boards and commissions, who approved this. He said citizens want this, they want this site to be changed from what it currently is. He stated this is not a skyscraper any more than The Mills House and The Charleston Place are skyscrapers. He explained the building is substantial in scale and respects the City's skyline. He noted it is a building with the right scale for this part of the City, it supports the right use for the Central Business District and respects the scale and the potential of Marion Square to be a great public square a civic place. He said we respectfully feel this rezoning is the right thing for this City, the right thing for this site and this proposed use would be extraordinarily beneficial in a host of ways.

college about to make a career decision and they will tell you they will not come back to Charleston. He noted a lot of it has to do with the progression of this City. He said the young people will tell you that Charleston is not progressive enough for them. He stated he would hope they could limit the 3X to this project of they are afraid it will run ramped. He said they have to ask what they want for Charleston, the skyline or progression for the young people to return to Charleston. He said he is for change, and change is for everyone.

Mayor Riley thanked everyone for coming and for their comments. He said it is unusual he would have a different idea, design or zoning issue than the Historic Charleston Foundation and the Preservation Society. He stated this is a great City for many reasons, one that every citizen takes very seriously the matter of the City's built environment. He noted height is an important design issue in our City. He said they were very proud to pass the City's comprehensive height ordinance, and carefully sought to analyze the issue of height around the City. He noted most of the City was unprotected in terms of height, so they worked very hard with the preservation organizations and the citizens of this City to seek to address it appropriately.

Continuing, he explained this is not setting any kind of precedence, it is site specific. He said this property is about 60% in the 3X Height District. He stated the wisest use, from a land use standpoint, is to have the entire site in the 3X Height District for the reasons outlined by Ms. Fortenberry and Mr. Maher. He reminded them of Charleston the BAR's authority over King Street, who has the power to regulate, upon other things, height, scale, mass and design. He stated bringing this completely in a 3X Height District, adjacent from a 3X Height District, with the controls of the BAR, is by far the soundest approach. He explained the height is not relative, but it is precise, but there are many other facets of the design and scale of the building and site in the City.

Mayor Riley stated The Mills House is not detrimental to the City and it is taller than the prospective structure. He explained it is seven stories on Meeting Street and no one has ever suggested the seven stories on Meeting Street or Queen Street is damaging to the historic district or to buildings on the national register. He noted the penthouse of The Mills House is substantially taller, and The Charleston Place is taller than this building by, he believes, thirteen feet. He said neither of those buildings mar the City's skyline, nor does it harm the scale of the City. But, he said, what they have here is in addition to the question of height, they have a part of the essence of the City, King Street. He explained now the study of the Central Business District indicated we had to make sure there was energy in the City in specific places, to replace the spots where lots of people used to live. He said what they have here is an important place in the Central Business District that needs energy. He noted Market and King Streets need energy, Marion Square and Calhoun Street needs energy. He commented they have here a very important public space that deserves to have a use that both respects it, energizes it, and civically engages the community.

Further, Mayor Riley explained the difference between an inn or a smaller hotel than this and a full-service hotel is that the residents do not use those smaller places,

6. Cynthia Jenkins, Executive Director of the Preservation Society, stated the Preservation Society rarely opposes the neighborhood associations. She said they work closely with the City and try to support the neighborhoods, but in this instance it is a fallacy to think that a building this tall in our historic district has anything to do with historic preservation. She expressed their concern that this change allows 3X zoning to be contiguous to a number of other properties, where it currently does not exist. She said the extension of zoning has to be contiguous and this will open up other properties on Hudson Street available for 3X zoning. She said they respectfully request that Council deny this request.

7. Marc Knapp, West Ashley resident, said Council needs to go on a boat and look at the skyline because it has changed. He asked if Council votes for this to attach the proposed design to the approval. He noted he is concerned it would turn into a box if they do not.

8. Tommy Thornhill, helped put together the City's historic plan years ago, stated they tried to eliminate all of the X districts when they were trying to write the ordinance. He said he thinks 3X zoning is wrong and to extend it would be a double wrong. He stated 105 feet is just a little big for Marion Square.

Mayor Riley asked those opposed to stand and be recognized. Twenty-four people stood in opposition.

No other member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

Councilmember Gilliard said when they talk about change there will be pros and cons. He stated he has concerns with Marion Square and some blight to that historic site. He said he thinks change in that area would be good. He noted Council wants change, but productive change. He said we want to be inclusive but they cannot please everyone. He also said he sees this as an opportunity to move forward in that area. He expressed his concern as an elected official would be economic impact, the jobs and the tax revenues that this hotel would bring. He explained he is an advocate for these hotels hiring high school and college students, making them productive citizens of our community.

Continuing, Councilmember Gilliard stated an opportunity they get to do this in any area, to bring in jobs, to have positive economic impact he is all for it. He said he thinks they have to be about change, change is hard to accept, but change is going to happen. He said the public does not know how Council is going to vote. He said Council has to do their jobs.

Councilmember Gallant said he had a chance to speak to both parties. He stated the Magnolia Project, which is in his district, went through an enormous amount of rezoning. He said he spoke to some young Charlestonians who are coming out of

and they were pleased Council decided to eliminate that zoning district. He said so they are dismayed that not only was this 3X left, but now there is a request to extend what is the community and this Council agreed was an obsolete zoning district that was inappropriate for this City. He asked Council to build upon their earlier decision and to eliminate the 3X and not to extend what everyone has agreed is an obsolete and inappropriate zoning category.

Continuing, Mr. Gurley explained the Preservation Society believes this is also spot zoning. He said this is being done for one property owner. He noted no one else is being benefited except the property owner and they believe that is the definition of spot zoning. He said they think spot zoning is bad policy, it should not be allowed; particularly to increase the boundaries of something everyone has considered an inappropriate zoning district for the City. He stated the Preservation Society supports a hotel but are opposed to the extension of the 3X Height District. He asked that this amendment not be approved.

3. Richard Simmons asked Council not to rezone 404 King Street, but more than that he asked Council to be stewards of Charleston's skyline. He said it is changing. He noted he spends a lot of time in Charleston Harbor. He said the ocean view of Charleston's skyline, which has been painted many times, many important pieces are blotted out because of tall buildings. He asked Council for their consideration and vigilance.

4. Brad Waring, Vice-Chair of the Historic Charleston Foundation, stated this is not about this hotel but about this request to change or spot-zone a particular piece of property. He noted this design has been approved, a variance has been granted. He said the process allows citizens to challenge a variance that has been granted on the basis if the variance was improperly granted. He said now in the middle of the process this rezoning comes up and looks like just to move the legal challenge out of the way. He asked what was the need to rezone this property because it has already been approved. He asked Council to take that into consideration.

5. Sam Applegate said if you were to drive I-26 toward Columbia or Charlotte you see these big high skyscrapers, which conjures up an impression in your mind. He stated the skyline of historic Charleston is altogether different. He said it is very unique, very special and it is Charleston's brand. He noted that brand is what Charleston is known for. He said looking at the character of the City, what it represents, this brand is economically very important to all of us. He suggested when looking at buildings in the City to be consistent and keep the brand intact, especially in the historic areas.

Mr. Applegate commented he is not opposed to a hotel, but they should observe the height limits in the City and if they do not it sets a poor precedence. He said he understands the Zoning Ordinance's purpose is to create a standard for the City that controls the various areas of the City, and if you need a special exception, variances are granted. He said you do not just come and undermine the whole law by permitting a single piece of property to be rezoned. He urged Council to look at this very carefully.

you look at the early presentation there is nothing of that design that is now permitted. He stated by simply changing and approving this amendment it will allow for a balanced building, a lovely building and one that has been thoughtfully designed. He said the change is necessary for any use on that property. He said he thinks that is the bottom line.

Mayor Riley asked those in favor to stand and be recognized. Nine people stood in favor.

The following persons spoke in opposition of the rezoning:

1. Kitty Robinson, representing the Historic Charleston Foundation, said they are here to speak about the mass of the project. She stated they think very strongly that this hotel is too big. She noted the news article stated the hotel is favored but the height is not and the rezoning would be bad precedence. She explained the reason why they feel this way is because of the position the hotel would take on historic Marion Square. She stated the mission of their organization is preserve and protect the architectural and historical integrity of the city.

Continuing, Ms. Robinson expressed their belief that the hotel site, the mass of it, compromises the historical integrity. She stated it is not good precedence and it sets the style for what may come north on King Street and surrounding Marion Square. She noted they believe the building would dwarf the Old Citadel building. She said they are very pleased to have been a part of the process for The Charleston Place. Ms. Robinson expressed they believe this project crosses that line.

Ms. Robinson commented the 3X Height District is unnecessary. She explained zoning should run with the land not for a particular entity. For sixty years, she stated they have felt they have been responsible members of the community and they are part of the reason Charleston looks the way it does and has such historic integrity. She asked Council to deny the proposed zoning.

2. Robert Gurley, Preservation Society, stated the Preservation Society is not opposed to a hotel, they think it is a good use, and appropriate for this site. He said they are however opposed to accomplishing a hotel by the extension of the 3X Height District. He said he thinks it is misleading to say tonight they are deciding between the two different designs. He noted the final design has already been approved through a variance. He said it is precarious that Council feels the need to rezone this tonight. He explained what 3X will accomplish will be a complete box, not an arm chair design.

Mr. Gurley stated the City not long ago, decided to the interior line should be 55/30 and the Preservation Society supported that because they felt the Old Citadel building and historic buildings needed protection. He stated if they extended the 3X boundary they are stripping away that protection. He said they do not see any reason to change it now. He also noted the 3X Height District is an obsolete zoning district and in September 2006, Mayor Riley called archaic. He said they agreed with the Mayor

and they need this regency design. She noted they need this to be an important building for this square. She urged Council to approve this rezoning.

4. Frances Cantwell, representing the developers, stated the developers have done some fine work throughout the City for many years. She explained this was an important site, as well as a sensitive site and many times while developing downtown the focus is on the design which is important, but what is unusual for this site is the use and how important that is because of the location. She stated there are many types of buildings that could go on this site but if it was anything but what is being proposed the community would be getting the short end of the stick. She noted the proposed full-service hotel would have restaurants, shops and gathering places to celebrate birthdays and anniversaries. Ms. Cantwell said the people of the community will take a stake in that building and enjoy it with its surroundings. She stated it would be a shame to have a use on that site that does not invite the public in.

Continuing, she explained not only do they have to accommodate a good use but they need to accommodate a good design and they are asking tonight of changing what she considers a very awkward arbitrary line that runs through the middle of the site, which really does inhibit a good sharp design without having to go through a myriad of variances as well as a myriad of lawsuit challenges. Ms. Cantwell explained they are asking to give them a zoning district which will enable the developers to design a good building and with a use that the entire public will enjoy. She noted the height that is being asked for is no different from what is across the street and all the way up the block to Calhoun Street.

Ms. Cantwell explained taking the 3X across the site enables this developer to give this community a real gem to all to enjoy forever. She encouraged Council to support this. She said she knows there has been a lot of discussion regarding this, and there should be, nothing in the City worthwhile gets done without a lot of public discourse, exchange of ideas and friendly disagreement. She stated there is room for disagreement, but at the same time if they want to get the full advantage of the use, a use that attracts the public, that brings them in, embraces them, respectfully they have to be given the space to do this.

Ms. Cantwell remarked they are currently in litigation over this. She noted they have received approval from the BAR, BZA and the Planning Commission, which have all approved this. She said she is not afraid of lawsuits and she would rather face the challenges now, get them behind her rather than have it drag out over the years to come. She expressed her belief this rezoning complies with the plans this City has adopted, complies with the preservation goals, economic development goals and with the law. Respectfully, she urged Council to support this rezoning so that this project can get under way sooner rather than later and they can all enjoy this.

5. Charlie Moore, Real Estate Firm, stated no matter what you think of the use or design they are here to discuss the amendment. He said what it comes down to is to look at what the existing situation suggests is appropriate for that site. He noted as

1. Evangeline Rainsford, President of the Neighborhood Association, explained this process began in October 2003 when concerned citizens from her neighborhood teamed together with the Committee to Save the City. She stated they formulized an architectural presentation, which was a huge success. She said their goal was to make sure that the City, City Council and Mayor Riley knew how important that area of the City was, the heart of the City, Marion Square. She said she is here because they still have the question before them tonight. She stated the site has presented many challenges and she believes the developers have done a wonderful job.

Continuing, she explained the developers have been involved in a step-in with the neighborhood Association, which is very critical for the success of any project. She believes this is an opportunity that cannot be lost in the City of Charleston. She urged, on behalf of her neighborhood, Council approve this tonight.

2. Patterson Smith, property owner at 426 King Street, said he has previously served as the Chairman of the Upper King Street Revitalization Committee, and has worked very closely with City staff to try to make something of upper King Street. He said he is long and deep in King Street. He noted he has worked in the real estate business and it has been conventional wisdom for many years that there really is nothing anyone wanted to experience, visit, and participate in that was worthwhile north of Calhoun Street. He said this has offended him. He urged this project to be considered positively by City Council. He expressed his belief that it is the right project, the right design, and the right use for a site that sorely needs to be brought back into the economic mainstream of the community.

Mr. Smith said he is proud, as a native Charlestonian, that they have native Charlestonians who are doing this project. He expressed his belief that this is the right team. He said he thinks it is going to be terrific and looks forward to the existence of this project. He said he is proud that they are at a point today to positively consider this project.

3. Elizabeth Farley Clark, 107 King Street and representing the Committee to Save the City, urged Council to support the proposed bill. She explained this approval enables the building to be constructed on the square of elegant regency design, an anchor building for this most significant site. She said this site will shortly be the apex, center of the City and will open up the part of upper King Street the way the Charleston Place revamped lower King Street. She noted this project is several million dollars over budget and the developers, both locals boys, are willing to make an investment in the City, and a significant one, because they know it is the right things to do for the site and Charleston. She stated everyone should welcome them with open arms and give them a huge amount of gratitude for their commitment to this project.

Further, Ms. Clark stated they do not need this building shortened, or lessened it statue or otherwise compromised. She said they need a balanced building of presence

Mr. Maher stated with the property having two height districts it creates a zoning envelope, which makes it more challenging by way of making development on this site live up to and advance previous studies of the King Street Corridor, along with the downtown plan. He said the proposed rezoning is recognition that the site has some very unique characteristics. He noted it is a site that is essentially bounded by the public realm on four sides. He said in the overall zoning for this area are lower heights along King Street, lower heights along Meeting Street and typically what they are trying to do is mitigate the height of development toward the center of the blocks, so that there is a development along the streets that are compatible with the historic fabric. Mr. Maher explained the rezoning proposal would be permit for the mass of the building to be shifted away for the King Street edge. He stated in order to provide stepped biometrics, which would provide mitigation of that height along King Street, so that the height of the building, that cornice line of 55 feet, would be more compatible with both the Old Citadel property, the frontage on Marion Square, as well as the frontage on King Street. He said this is an attempt to make a massing that is more compatible with the overall goals volumetrically in that area.

Continuing, Mr. Maher explained as Ms. Fortenberry had stated previously, this project has gone through BAR for height scale and mass. He said certainly with these rezoning questions, especially the diverse views of what people are calling contradictory goals the City might have to be brought together. He stated growth and preservation are often easily considered contradictory, but they think it is more appropriate to look at way at which these diversion goals can be accomplished. He said the goal is to develop proposals and develop responses whereby they can both advance redevelopment and advance preservation, character and quality of the City's urban environment. He explained developments and redevelopments have to be compatible with both of those goals, revitalization and preservation, economic development and civic enhancement, quality of business investment and quality of urban living. He said these are not incompatible, but they need reinforcing goals. He stated the City has a substantial and significant track record in addressing these kinds of challenges with creative planning and preservation efforts. He expressed their belief that those efforts have always worked to accomplish that balance. Mr. Maher said this proposed rezoning is their efforts to create that balance in achieving these goals for this particular site.

Ms. Fortenberry said they do believe this meets with the City's plans and is formalizing what has been approved for this project. She noted Council gave it first reading and referred it to the Planning Commission, who recommended approval. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. He explained they would allow twenty minutes for each side.

The following persons spoke in favor of the rezoning:

Continuing, Ms. Fortenberry explained in this area the 3X Height District extends from Hudson Street down to Calhoun Street, about 100 feet east of King Street and 300 to 400 feet west of King Street along Vanderhorst Street. She noted there was a small area south of Calhoun Street and an area in the upper Lockwood Boulevard area that are still zoned within the 3X Height District. She reminded Council about a year or two ago they made changes to this King/Meeting Street corridor and rezoned some of the 3X to the 80/30 District. She said they consciously did not change this particular area because this is an area that already has some tall buildings, Francis Marion Hotel, St. Matthew's Church as well as some new dormitories that would exceed the 80/30 Height District.

Ms. Fortenberry explained the proposal would extend this particular piece of property 74 feet to the east so that the entire property would lie within the 3X Height District. She stated this is a fairly small change but will put this piece of property into one height district instead of being split as it is currently. She noted the back 1/3 of the property has a 55 foot height district, while the rest is under the 3X Height District. She noted this makes for some interesting designs if it was not changed.

She stated they see this as a key development site in the City, a real lynch pin between Lower King Street and Upper King Street, being located on Marion Square. Ms. Fortenberry said they see this as a critical property and similar to The Charleston Place, where the development of this property has the potential to transform the upper portion of King Street. Ms. Fortenberry noted they have had really great redevelopment project in that area, new shops, stores and restaurants, but they still have vacant property and undeveloped property, particularly in this King Street and Hudson Street area. She said they really feel like this redevelopment site is critical and crucial to connecting the two areas of King Street together.

In addition, she explained the economic benefit will be very significant to the City and help the economic development in this area. She said basically the difference between a regular hotel and full-service hotel is tremendous. She said they are estimating at least one million dollars in economic benefits a year to the City.

Ms. Fortenberry explained the City's plans that have addressed the Marion Square and really recognizes this as a critical piece of the puzzle and shows that there should be dense development on this site. She stated the project has already gone through numerous review processes in the City. She said it has received a conceptual approval from the Board of Architectural Review and has received a variance from the Board of Zoning Appeals so that the project could be built to create a more pleasing architectural design. She noted this proposal reflects what those Boards have acknowledged and approved, and just codifying those approvals.

Michael Maher explained they want to make sure any zoning proposal is consistent with established City plans, comprehensive plans, and plans that have been adopted by City Council. He stated they want to ensure that the City has, in order to advance those redevelopment, revitalization goals for downtown.

He said he knows the city, the departments, and how to get an answer to any question or complaint. He stated Brian's style is his own and this makes his service personalized and genuine and he is always willing to help departments with the process and this is the ultimate customer service.

Mayor Riley asked Councilmember Wilson to join him at the podium. He read, signed and presented the Proclamation (P2007-15). He congratulated Councilmember Wilson on her latest accomplishment in her swimming career.

Councilmember Wilson stated it was a very cold swim, but she got to swim with dolphins, a seal and a sea lion. She said it just shows how beautiful our oceans are. Mayor Riley said they are so proud of her and she is an inspiration to everyone.

Mayor Riley asked Teresa Weldon to join him at the podium. He stated Teresa served as a Council Secretary in the Clerk of Council Department for the past ten years. He read, signed and presented the Proclamation (P2007-16). Mayor Riley said we are losing Teresa to Indiana and we are going to miss her.

Mayor Riley noted the reason Vanessa Turner-Maybank is not here is because he dad is very sick and she has been caring for him.

The next item on the agenda was public hearings called for by the following advertisement which appeared in The Post and Courier on August 5, 2007 and in The Chronicle on August 6, 2007:

INSERT PUBLIC HEARING NOTICE

The following is the report of the City Planning Commission regarding the public hearing matters:

INSERT PLANNING COMMISSION REPORT

First, Council considered a bill amending the Zoning Ordinance of the City of Charleston to rezone 404 King Street (TMS #460-16-04-009) by moving the Old City Height District Boundary so that this property is entirely within the "3X" Old City Height District.

Yvonne Fortenberry, Deputy Director of the Department of Planning, Preservation and Economic Innovation, explained the proposal is to rezone a portion of 404 King Street to be included in the 3X Height District. She stated between John and Calhoun Street there are several different height districts that are part of the Old City Height District Overlay, which was adopted in the late 1970's and has been amended in the past few years. She said the 3X Height District is one district that allows buildings to be as high as the property of the proposed building is three times the distance from the center line of the public right-of-way. She noted this 3X Height District is in limited areas of the City.

Mayor Riley read, signed and presented a Proclamation (P2007-14), to Hugh Wilder.

Mayor Riley asked Ebony Fields and her family to join him at the podium. He explained Ebony was recently named the South Carolina winner of the Arthur Ashe Essay Contest and as a part of her award she and her mother will travel all expenses paid to New York for the US Open Tennis Tournament on August 24th. He stated this program is sponsored by the National Junior Tennis League and the United States Tennis Association.

Mayor Riley explained Ebony is 13 years old and is a rising eighth grader at Charleston Catholic School. He said Ebony is the daughter of Robert and Sheila Fields and lives at 113 Cooper Street in Charleston. He said Ebony recently won the consolation division of the Girls 14 and under in the Charleston Junior Hardcourt Tournament. He noted her sister Tara won the Girls 10 and under division. He explained Ebony has been a Courting Kids Youth Tennis Program participant for the last seven years and has been in the Charleston Tennis Center Junior Program for the last two years. He stated The City of Charleston's Courting Kids Tennis Program has produced the state winner of the Arthur Ashe Essay Contest for 4 of the last 5 years. He congratulated, Ebony, and stated we are all so proud of you and your accomplishments.

Ebony read her winning essay to Council.

Mayor Riley stated it is his pleasure to introduce the CSI Blue Quarterly Customer Service Award winners for the period of May 2007 to July 2007. He stated our first winner is Officer Stephen Shokes from the Police Department. He stated Officer Shokes nomination states that he provided excellent customer service to visitors to our city who had parked erroneously in a tow zone and their vehicle was subsequently towed. Officer Shokes was more than willing to assist the visitors and proceeded to assist them with gathering paperwork to have their vehicle released. He said Because of the wonderful efforts of Officer Shokes, these visitors had positive things to say about the hospitality shown to them during their stay in Charleston.

Mayor Riley stated our second winner is Mike Dinunzio, an Engineering Technician in the Engineering Division of the Public Service Department. He explained Mike's nomination states that he consistently demonstrates the many aspects of the City's Service Expectations and his supervisor has received numerous phone calls and customer service comment cards citing his willingness to help citizens. He stated Mike always takes the opportunity to seize the moment and to ensure that our customers have a positive experience with the Engineering Division.

Mayor Riley explained our final winner is Brian Sheehan, the City's Ombudsman and works in the Division of Process Service and Improvement. He stated Brian's nomination states that he is consistently demonstrating each of the service expectations and his demeanor with co-workers and the public is always respectful and considerate.

AND TO REQUIRE THAT ALL BUSINESSES PERFORMING NONCONSENSUAL TOWS DISPLAY SIGNAGE PROVIDED BY THE CITY WHICH OUTLINES THE MAXIMUM FEES PERMITTED AND THE METHODS OF PAYMENT ACCEPTED.

2007-158 AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 7, SECTION 173 TO CHANGE THE WORD DRAIN TO STORMWATER FACILITY TO COINCIDE WITH THE NEW STORMWATER ORDINANCE; TO AMEND CHAPTER 27, TO REPEAL SAID CHAPTER AND TO REPLACE IT WITH A NEW CHAPTER 27 TO PROVIDE FOR NEW REGULATIONS GOVERNING STORMWATER MANAGEMENT; AND TO REORGANIZE CURRENT REGULATIONS GOVERNING STORMWATER MANAGEMENT AFFECTED BY THESE NEW REGULATIONS AS REQUIRED BY LAW. **(AS AMENDED)**

2007-159 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT PURCHASE AGREEMENT FOR CONCORD PARK SITE BETWEEN THE CITY OF CHARLESTON AND EAST WEST CUMBERLAND PARK ASSOCIATES, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY FOR THE PURCHASE AND DEVELOPMENT OF A PORTION OF CONCORD PARK CONTAINING 3.48 ACRES FOR THE SUM OF $16,000,000.00, SAID PROPERTY BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, SAID PURCHASE AGREEMENT BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN. **(AS AMENDED)**

2007-160 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1903 SAVANNAH HIGHWAY (0.41 ACRES) (TMS #350-05-00-055), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11.

2007-161 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2090 MARSHLAND DRIVE (0.83 ACRES) (TMS #355-09-00-054), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON

A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 2.

2007-162 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1808 2ND AVENUE (0.20 ACRES) (TMS #350-05-00-001), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 7.

2007-163 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS VACANT PARCEL ON BONANZA ROAD (0.45 ACRES) (TMS #307-00-00-092), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 2.

2007-164 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1904 SAVANNAH HIGHWAY (0.41 ACRES) (TMS #350-05-00-036), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 7.

2007-165 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 9 FOREST CREEK COURT (0.33 ACRES) (TMS #358-07-00-031), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 10.

2007-166 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS A PORTION OF A VACANT PARCEL ON ARDWICK ROAD (3.33 ACRES) (TMS #345-00-00-023), JOHNS ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11.

2007-167 AN ORDINANCE TO AMEND ORDINANCE #2007-016 TO CORRECT A SCRIVENER'S ERROR THEREIN BY CHANGING THE CITY COUNCIL DISTRICT NUMBER FROM DISTRICT 7 TO DISTRICT 10 IN THE TITLE AND SECTION OF SAID ORDINANCE AND IN THE ANNEXATION PROFILE ATTACHED THERETO.

Next, Council considered a bill to amend Ordinance #2006-431 to correct a scrivener's error therein by deleting Ordinance Number 2005-449 and replacing it with Ordinance Number 2005-448 in the Title and Section 1 of said Ordinance.

On the motion of Councilmember Evans, seconded by Councilmember Tinkler, Council voted to giver first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND ORDINANCE #2006-431 TO CORRECT A SCRIVENER'S ERROR THEREIN BY DELETING ORDINANCE NUMBER 2005-449 AND REPLACING IT WITH ORDINANCE NUMBER 2005-448 IN THE TITLE AND SECTION 1 OF SAID ORDINANCE.

Then, Council considered a bill to amend Ordinance #2000-179, which adopted the Century V Comprehensive Master Plan, to incorporate new Urban Growth Boundary Policies and Procedures therein. Mr. Martin stated they already follow the Charleston County Urban Growth Boundary, but it is not spelled out under policies and procedures. He said he would like to send this to the Planning Commission and get their thoughts and then bring it back to Council.

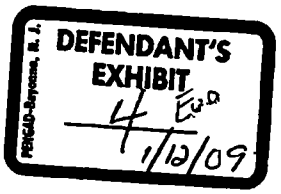
On the motion of Councilmember Bleecker, seconded by Councilmember Tinkler, Council voted to giver first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND ORDINANCE #2000-179, WHICH ADOPTED THE CENTURY V COMPREHENSIVE MASTER PLAN, TO INCORPORATE NEW URBAN GROWTH BOUNDARY POLICIES AND PROCEDURES THEREIN.

There being no other business, the meeting was adjourned at 9:47 p.m.

Vanessa Turner-Maybank
Clerk of Council



PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, August 21, 2007 beginning at 5:00 p.m. at City Hall, 80 Broad Street, on the request that the Zoning Ordinance of the City of Charleston be changed in the following respects:

REZONINGS

1. To rezone a portion of 404 King Street (*Peninsula*) (approximately 0.26 acre) (a portion of TMS# 460-16-04-009) by moving the Old City Height District Boundary to include the entire property in the "3X" Height District.
2. To rezone property located on Travis Lane off Clements Ferry Road (*Cainhoy*) (11.44 acres) (TMS# 268-00-00-005 & 039) from Single Family Residential (SR-1) classification to General Business (GB) classification. **The Planning Commission recommends disapproval.**
3. To rezone property located on Fleming Road & Burgess Drive (*James Island*) (11.4 acres) (TMS# 340-03-00-017 & 024) Diverse Residential – Elderly Housing (DR-4) classification to Single Family Residential (SR-1) classification.
4. To rezone 637 Yale Drive (*Laurel Park - James Island*) (0.34 acre) (TMS# 424-09-00-185) from Single Family Residential (SR-1) classification to Residential Office (RO) classification. **The Planning Commission recommends disapproval.**
5. To rezone 2728 Arlington Drive – Oakland Elementary School (*Oakland - West Ashley*) (25.7 acres) (TMS# 310-12-00-001) to include the property in the School Overlay (S) classification.
6. To rezone property located on Magwood Road (*West Ashley*) (5.54 acres) (TMS# 354-07-00-013) from General Office (GO) classification to Limited Business (LB) classification.
7. To rezone Lot 13A and Lot 13B Maybank Highway (*Johns Island*) (9.869 acres) (TMS# 313-00-00-238 & 019) to amend the Restrictive Covenants for the property.

ZONING

To zone the following property annexed into the City of Charleston July 17, 2007:

1. 2830 Maybank Highway (*Johns Island*) (5.04 acres) (TMS# 312-00-00-089) GB (General Business).

ORDINANCE AMENDMENTS

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by creating a new Overlay District for a portion of Savannah Highway and Magnolia Road to be known as the Avondale Commercial Village.

2. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending regulations pertaining to accessory buildings.

3. To amend the PUD (Planned Unit Development) for Chisolm Road (*Grimball Gates PUD – Johns Island*) (approximately 95 acres) (TMS# 283-00-00-032).

VANESSA TURNER-MAYBANK
Clerk of Council

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL interpretation, or other accommodation please contact Denise Griffith at (843) 724-3730 or mail to griffithd@ci.charleston.sc.us three days prior to the meeting.

Please insert as a Display Ad in the Post Courier on Sunday, August 5, 2007. Charge account C-163580. **Blanket PO# P062378.**

Please insert in the Chronicle as a Display Ad on Wednesday, August 8, 2007. **Call Number 706478.**

CITY OF CHARLESTON
PLANNING COMMISSION MEETING RESULTS

MEETING OF JULY 18, 2007

A meeting of the City of Charleston Planning Commission was held at **5:00 p.m., on Wednesday, July 18, 2007** in the Meeting Room, Third Floor at 75 Calhoun Street (Charleston County School District Building). The following items were considered:

PRESENTATION

1. **Johns Island Community Plan** - Christopher Morgan, Director Planning Division - Department of Planning, Preservation & Economic Innovation

A BRIEF UPDATE WAS GIVEN ON THE STATUS OF THE PLAN

REZONINGS

1. **404 King St (Peninsula) a portion of TMS# 460-16-04-009** - approximately 0.26 acre. Request rezoning a portion of the property by moving the Old City Height District Boundary to include the entire property in the "3X" Height District. The property is zoned General Business (GB).

RECOMMEND APPROVAL

2. **Travis Lane off Clements Ferry Road (Cainhoy) TMS# 268-00-00-005 & 039** - 11.44 acres. Request rezoning from Single Family Residential (SR-1) to General Business (GB).

RECOMMEND DISAPPROVAL

3. **Fleming Road & Burgess Drive (James Island) TMS# 340-03-00-017 & 024** - 11.4 acres. Request rezoning from Diverse Residential - Elderly Housing (DR-4) to Single Family Residential (SR-1).

RECOMMEND APPROVAL

4. **637 Yale Drive (Laurel Park - James Island) TMS# 424-09-00-185** - 0.34 acre. Request rezoning from Single Family Residential (SR-1) to Residential Office (RO).

RECOMMEND DISAPPROVAL

5. **2728 Arlington Drive - Oakland Elementary School (Oakland - West Ashley) TMS# 310-12-00-001** - 25.7 acres. Request to include the property in the School Overlay (S). Zoned Single-Family Residential (SR-1).

RECOMMEND APPROVAL

6. **Magwood Road (West Ashley) TMS# 354-07-00-013** - 5.54 acres. Request rezoning from General Office (GO) to Limited Business (LB).

RECOMMEND APPROVAL

7. **Lot 13A and Lot 13B Maybank Highway (Johns Island) TMS# 313-00-00-238 & 019** - 9.869 acres. Request to amend the Restrictive Covenants for the property. Zoned General Business (GB).

RECOMMEND APPROVAL

SUBDIVISIONS

CONCEPT PLANS

1. **1989 River Road (The Retreat at Seven Oaks - Johns Island) TMS# 345-00-00-113 & 115** - 59.710 acres. Request Concept Plan approval for 162 lots. Zoned Single-Family Residential (SR-1) and Residential Office (RO).

DEFERRED BY APPLICANT

2. **Parsonage Road and Cedar Avenue (Church Creek Landing - West Ashley) TMS# 355-07-00-003 & 004** - 10.77 acres. Request Concept Plan approval for 42 lots. Zoned Planned Unit Development (PUD).

ACTION: APPROVED

3. **1560 Brownswood Road (Sea Island Farms - Johns Island) TMS# 280-00-00-172** - 9.66 acres. Request Concept Plan approval for 29 lots. Zoned Single-Family Residential (SR-1).

DEFERRED BY APPLICANT

ZONINGS

1. **2830 Maybank Highway (Johns Island) TMS# 312-00-00-089** - 5.04 acres. Request zoning of GB (General Business). This property was zoned CC (Community Commercial) in Charleston County.

RECOMMEND APPROVAL

2. **Vacant Parcels on Marginal Road (West Ashley) TMS# 307-05-00-012, 013 & a portion of 307-00-00-001** - 9.64 acres. Request zoning of GB (General Business). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

DEFERRED BY STAFF

ORDINANCE AMENDMENTS

1. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by creating a new Overlay District for a portion of Savannah Highway and Magnolia Road to be known as the Avondale Commercial Village.**

RECOMMEND APPROVAL

2. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by amending regulations pertaining to accessory buildings.**

RECOMMEND APPROVAL

3. **Chisolm Road (Grimball Gates PUD – Johns Island) TMS# 283-00-00-032** – Approximately 95 acres. Request an amendment to the PUD (Planned Unit Development) for this property.

> **RECOMMEND APPROVAL WITH THE CONDITION TO ADD THE FOLLOWING STATEMENT TO THE AMENDED PUD MASTER PLAN:**
>
> "The community dock and boat storage area shall be restricted to the size and location shown on the attached revised PUD master plan and the perimeter of the highland area of the boat storage area shall remain vegetated with native grasses, shrubs, and trees pursuant to a general landscape plan approved by the City of Charleston Zoning Division."

REPORT OF THE SUBDIVISION REVIEW COMMITTEE – DEVELOPMENT PLANS & FINAL PLATS

Presentation of SRC results for information.

PRELIMINARY & FINAL PLATS

1. ***Pinefield Road (Cainhoy) TMS# 2710001180*** – *1.202 acres. Request preliminary plat approval of 2 lots. Zoned RR-1.*
2. ***Parsonage Road (Parsonage Point Apartments - West Ashley) TMS# 3550700001*** – *7.491 acres. Request preliminary and final plat approval of two lots. Zoned DR-1.*
3. ***48 Barre Street (Harleston Village - Peninsula) TMS# 4570204017*** – *0.376 acre. Request preliminary and final plat approval of two lots. Zoned SR-2.*
4. ***1179 Sam Rittenberg Blvd (West Ashley) TMS# 4150000042*** – *1.085 acres. Request preliminary and final plat approval of three lots. Zoned GB.*
5. ***Parkdale Drive (Parkdale - West Ashley) TMS# 3101100040-*** *0.328 acre. Request preliminary and final plat approval of four lots. Zoned STR.*
6. ***Seven Farms Drive (Daniel Island Parcel L, Block A) TMS# 2750000181 & 182*** – *28.42 acres. Request final plat approval of four lots. Zoned DI-BP.*
7. ***Fortune Road (James Island) TMS# 3341500069*** - *2.71acres. Request final plat approval of two lots. Zoned RR-1.*
8. ***River Road & Brownswood Road (Swygert's Landing Phase1- Johns Island) TMS#3120000050*** – *Road construction plans for 201 acres, 103 lots; zoned C/ND-1. 56*
9. ***Humphrey Court and 13, 15 & 17 Porters Court (Cannonborough/Elliottborough - Peninsula) TMS# 4600801139, 140 & 205*** – *0.28 acres. Request final plat approval for five lots. Zoned DR-2F.*
10. ***Sugarberry Lane (off Murraywood Road) (The Gardens at Whitney Lake - Johns Island) TMS# 3120000329*** – *0.37 acre. Request final plat approval for four lots. Zoned DR-6/ND.*
11. ***River Green Place (Daniel Island Parcel F , Block A)TMS# 2721302021*** - *1.52 acres. Request final plat approval for three lots. Zoned DI-R.*
12. ***St. Johns Woods Pkwy (The Villages Phase IV – Johns Island) TMS# 2790000143*** - *13.839. Request final plat approval for 40 lots. Zoned SR-1-.*

ROAD CONSTRUCTION DRAWINGS

13. ***Maybank Hwy (The Cottages – Johns Island) TMS# 3120000091*** – *13.13 acres. Request approval of road construction drawings. 66 lots. Zoned PUD. First submittal.*
14. ***Brownswood Road (Lakeside Retreat – Johns Island) TMS# 2790000225, 2790000249 & 2790000405*** – *32.85 acres. Request approval of road construction drawings. 90 lots. Zoned SR-1. First submittal.*
15. ***Humphrey Court (Cannonborough/Elliottborough - Peninsula) TMS# 4600801139, 140 & 205*** - *Road construction plans for 0.28 acres, five lots; zoned DR-2F.*
16. ***Riverland Drive & Bradham Road (Terrabrook - James Island) TMS# 3410000049*** - *Road construction plans for 20.90 acres, 58 lots; zoned SR-1 and SR-2.*
17. ***Brownswood Road (Retreat at Hidden Oaks - Johns Island) TMS# 2790000066*** -- *Road construction plans for 26.82 acres, 58 lots; zoned SR-1.*
18. ***River Road & Brownswood Road (Swygert's Landing Phases 2, 3 & 4 - Johns Island) TMS#3120000050*** - *Road construction plans for 201 acres, 103 lots; zoned C/ND-1.*

E1

Ratification
Number_____

AN ORDINANCE

AMENDING THE ZONING ORDINANCE OF THE CITY OF CHARLESTON TO REZONE 404 KING STREET (TMS #460-16-04-009) BY MOVING THE OLD CITY HEIGHT DISTRICT BOUNDARY SO THAT THIS PROPERTY IS ENTIRELY WITHIN THE "3X" OLD CITY HEIGHT DISTRICT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCILMEMBERS, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to move the Old City Height District boundary between the "3X" Old City Height District and the Old City Height District on the property described in Section 3 hereof so that the property is entirely within the "3X" Old City Height District.

Section 2. The property to be rezoned is described as follows:

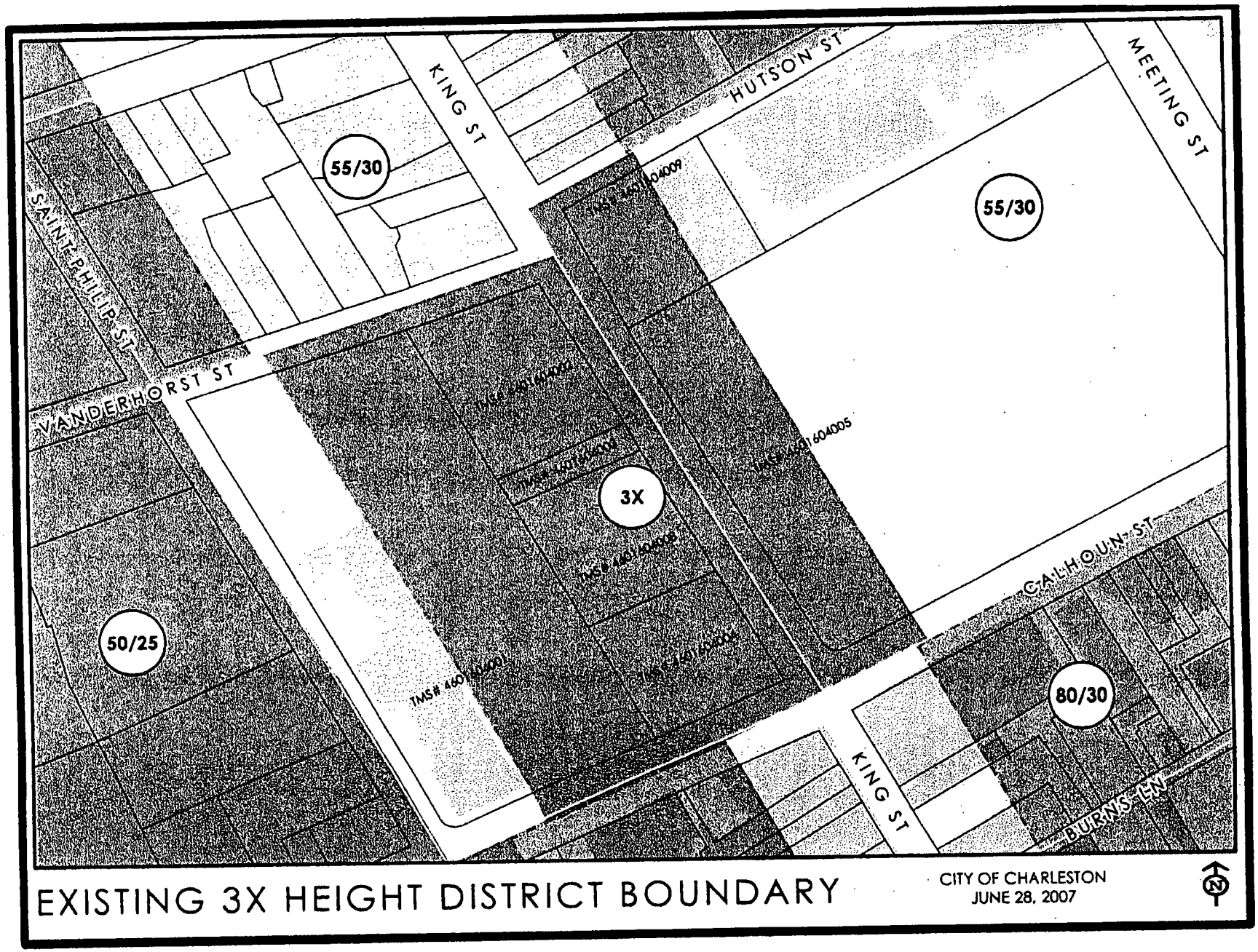
404 King Street (TMS #460-16-04-009).

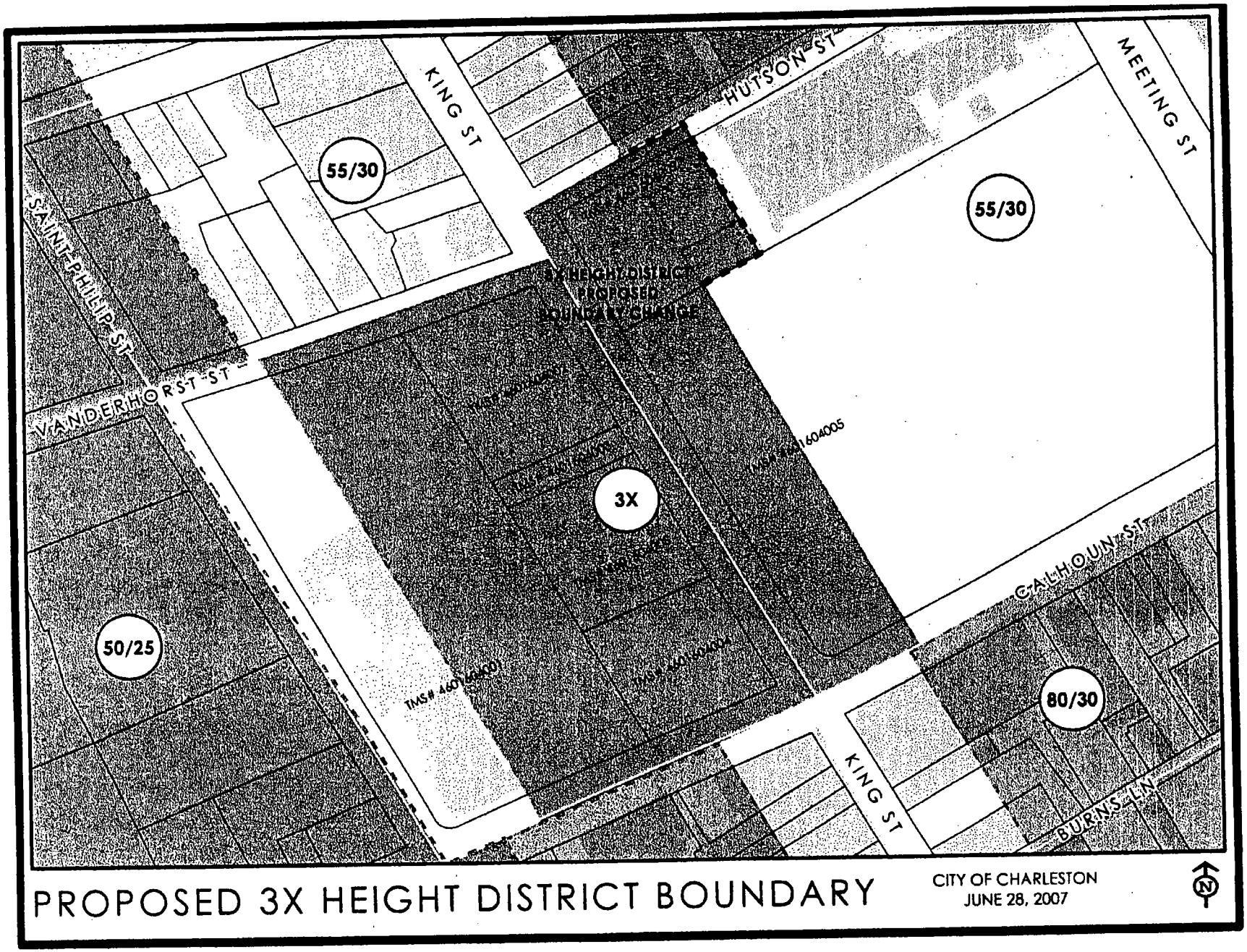
Section 3. This ordinance shall become effective upon ratification.

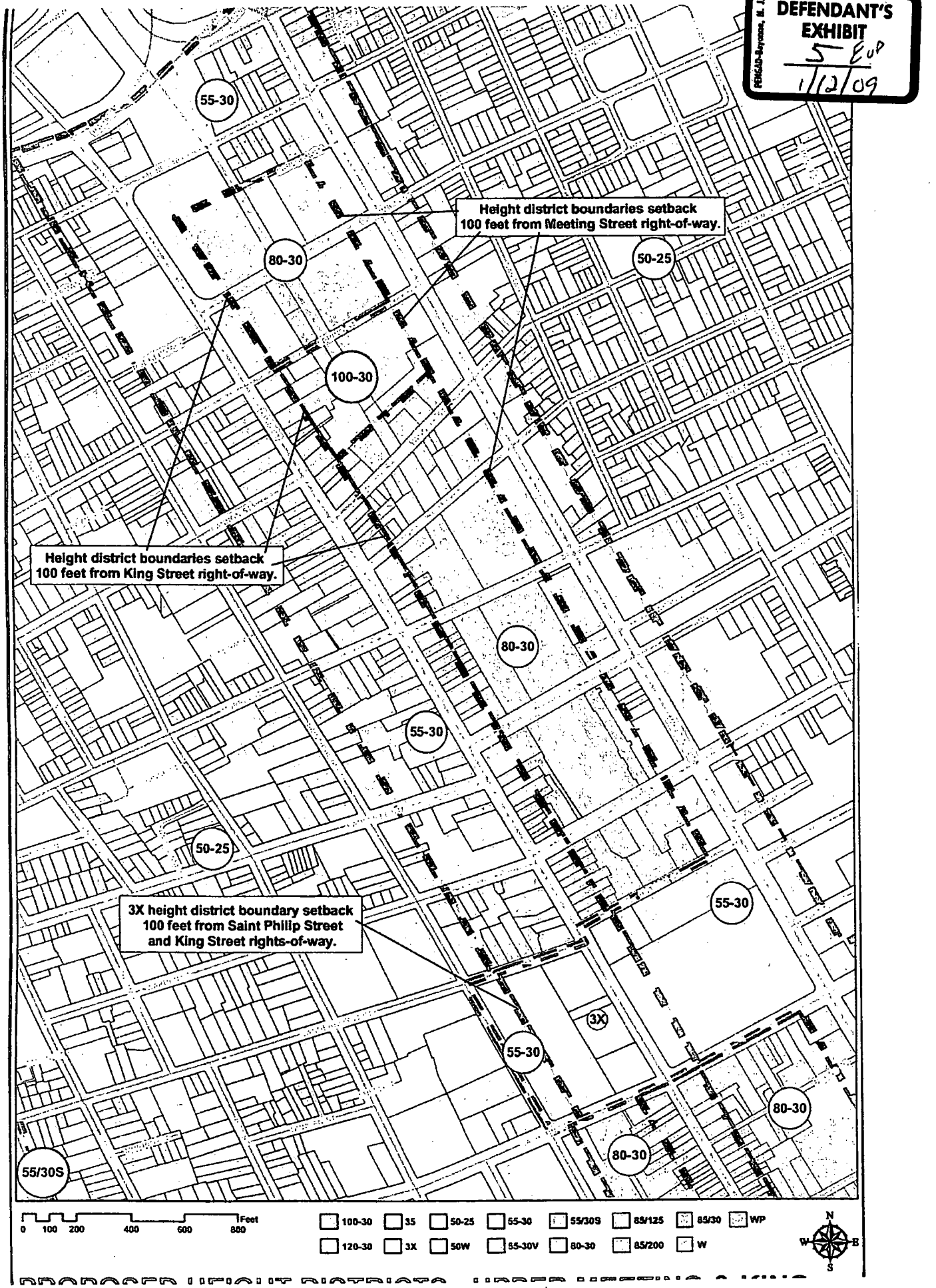
Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2007, in the 232nd year of Independence of the United States of America.

_____
Joseph P. Riley, Jr.
Mayor

ATTEST: _____
Vanessa Turner-Maybank
Clerk of Council


KING ST
HUTSON ST
MEETING ST
55/30
55/30
SAINT PHILIP ST
VANDERHORST ST
TMS# 460160400
TMS# 460160400
TMS# 460160400
3X
TMS# 460160400
TMS# 460160400
CALHOUN ST
50/25
80/30
KING ST
BURNS LN
EXISTING 3X HEIGHT DISTRICT BOUNDARY
CITY OF CHARLESTON
JUNE 28, 2007

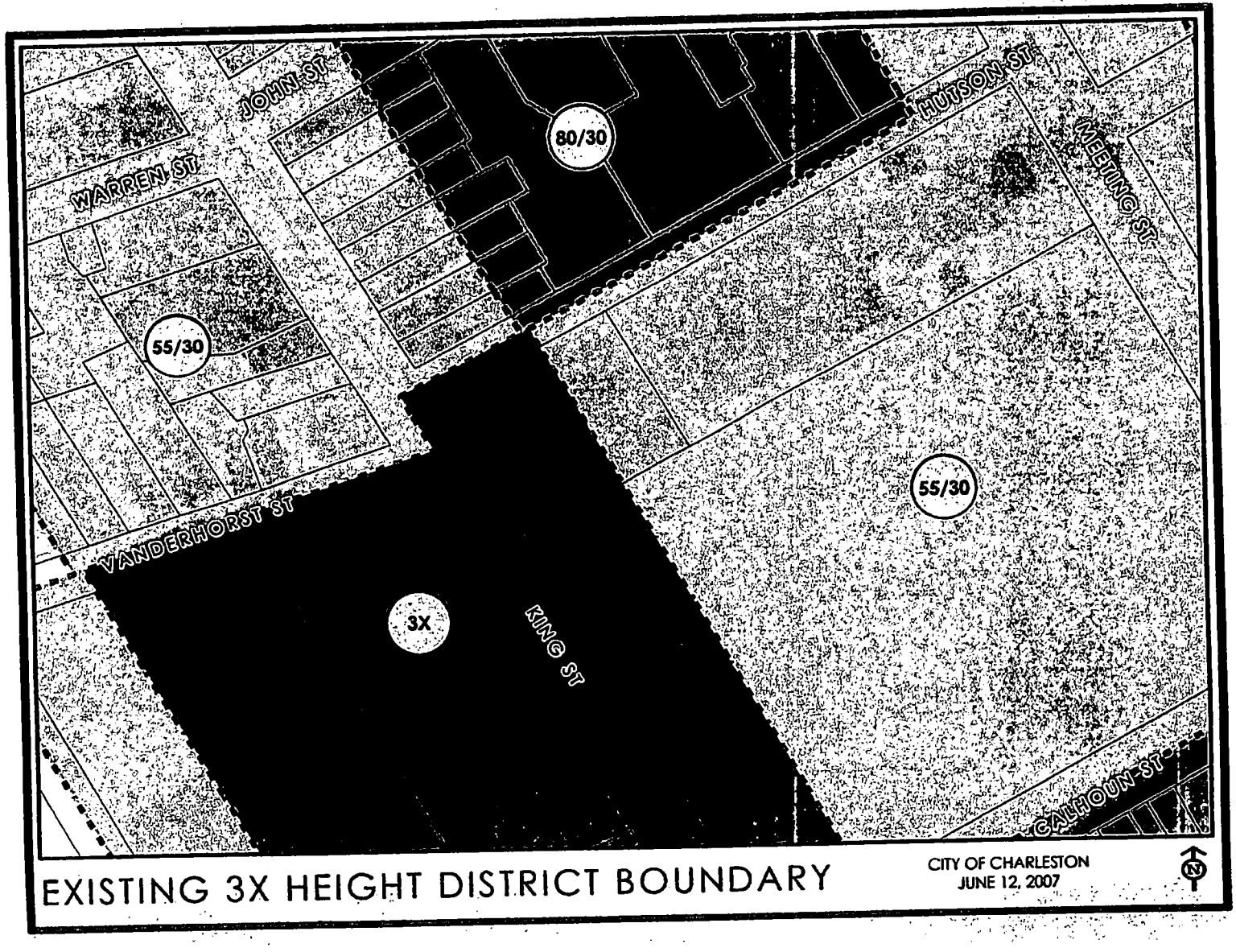

KING ST
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3X HEIGHT DISTRICT
PROPOSED
BOUNDARY CHANGE
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TMS# 460604005
TMS# 460604005
3X
CALHOUN ST
50/25
TMS# 460604001
80/30
KING ST
BURNS LN
PROPOSED 3X HEIGHT DISTRICT BOUNDARY
CITY OF CHARLESTON
JUNE 28, 2007


DEFENDANT'S EXHIBIT
5 EUP
1/12/09
55-30
80-30
50-25
100-30
Height district boundaries setback 100 feet from Meeting Street right-of-way.
Height district boundaries setback 100 feet from King Street right-of-way.
80-30
55-30
50-25
3X height district boundary setback 100 feet from Saint Philip Street and King Street rights-of-way.
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3X
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80-30
80-30
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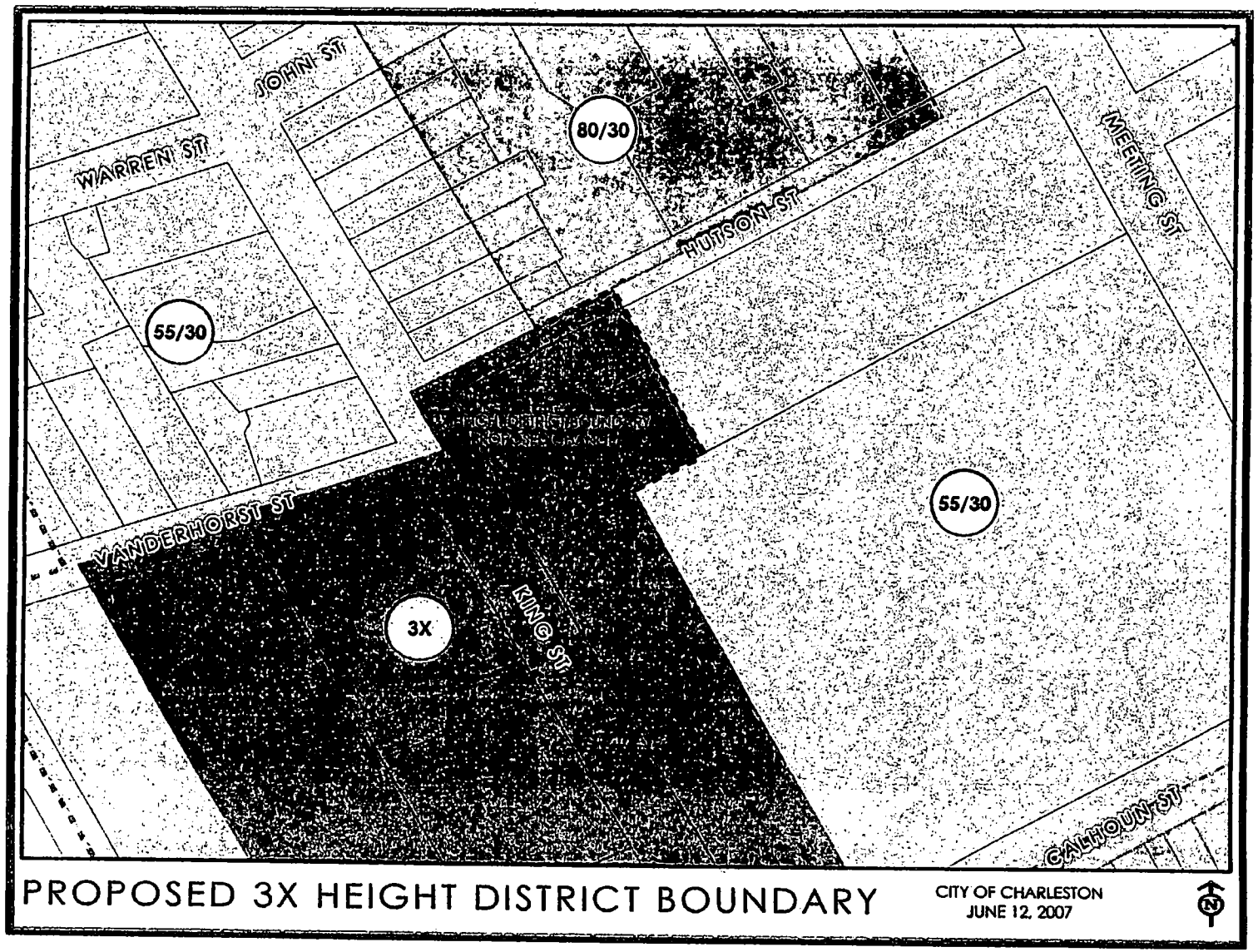
DEFENDANT'S
EXHIBIT
6

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CONDITA A.D.
1670
CIVITATIS REGIMINE DONATA A.D. 1783

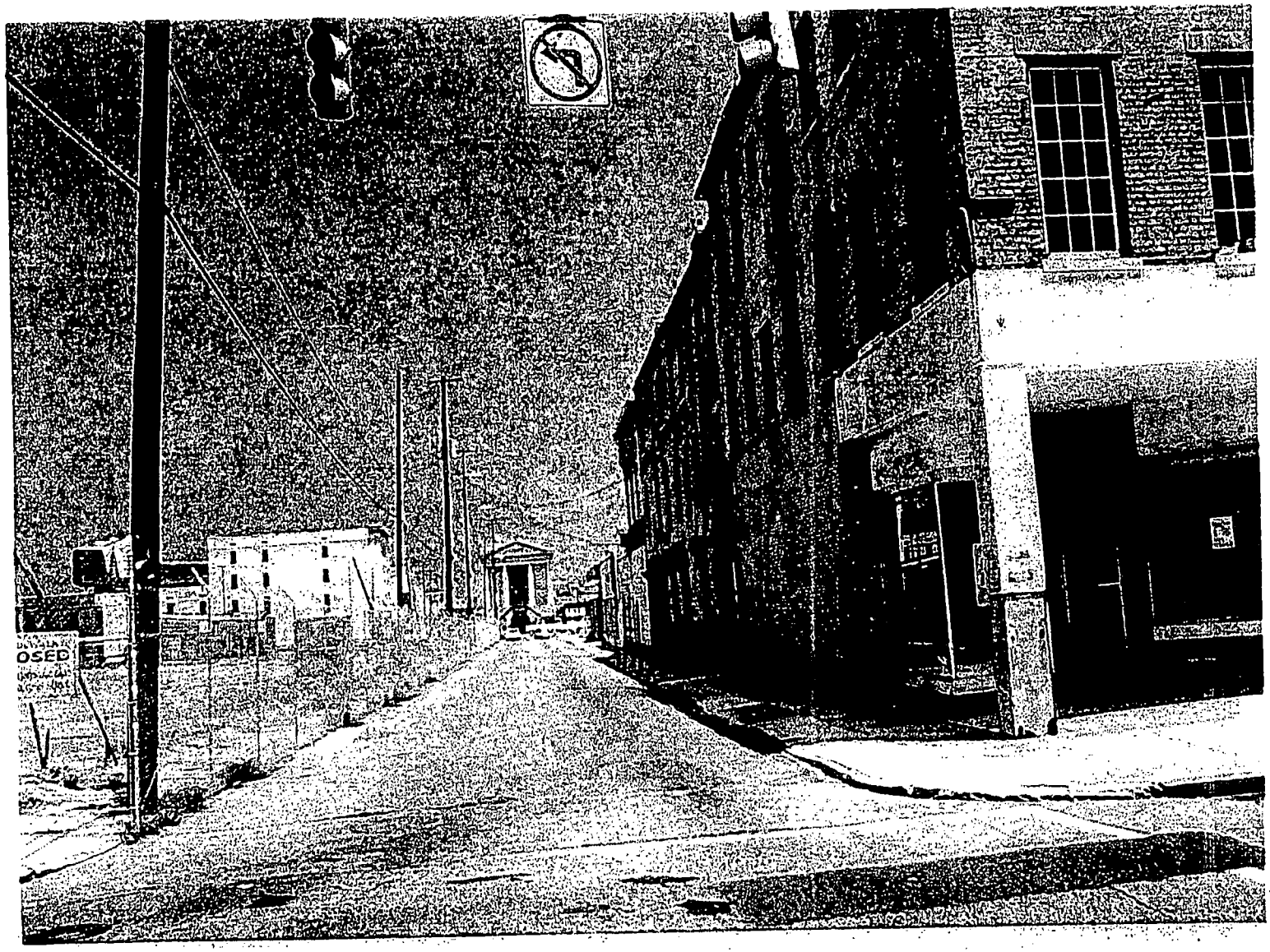
concept economics urban design re-zoning



concept economics urban design re-zoning



concept economics urban design re-zoning



concept economics urban design re-zoning



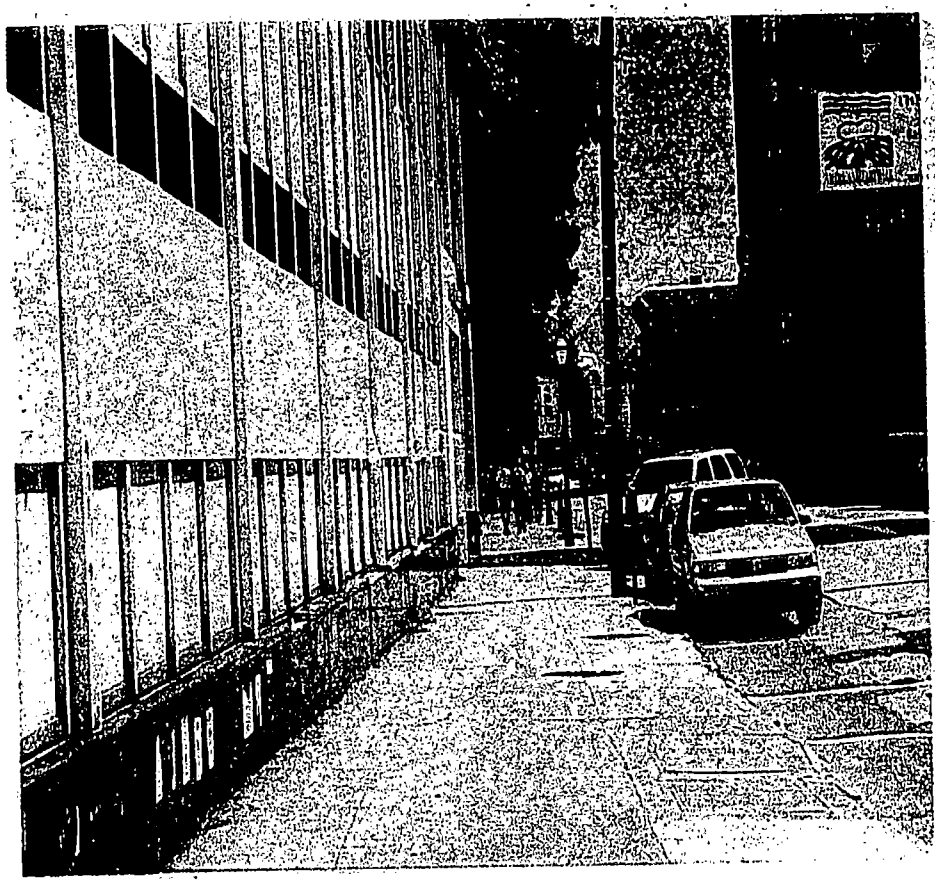
concept economics urban design re-zoning

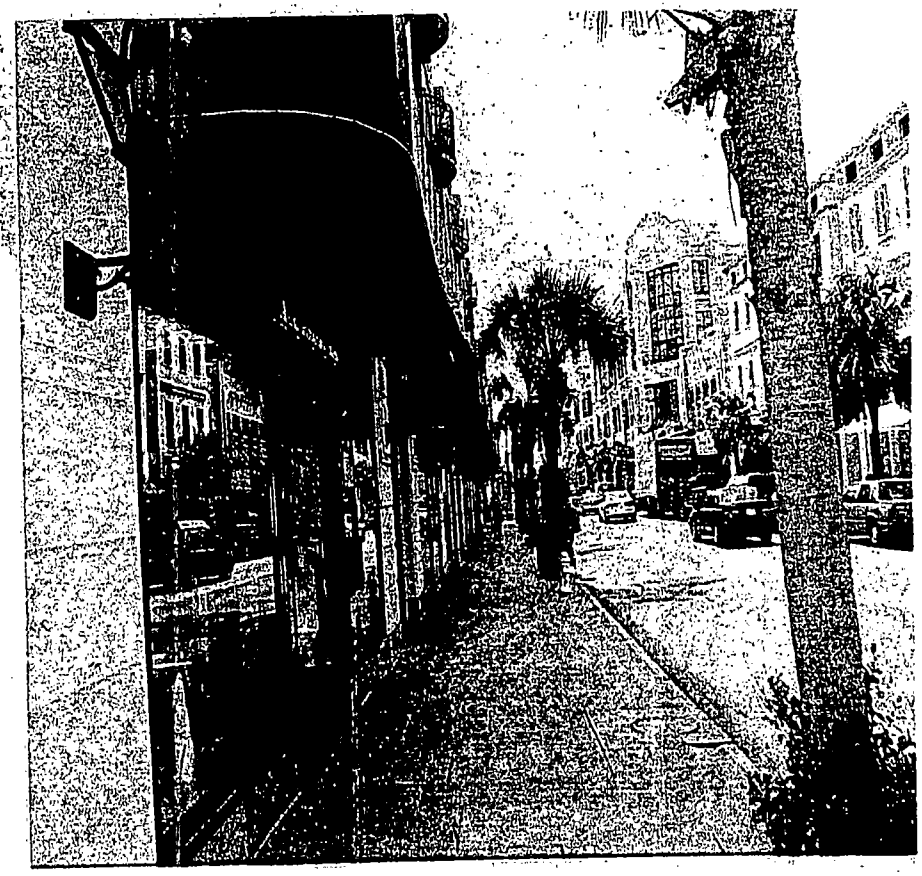


concept economics urban design re-zoning



concept economics urban design re-zoning





concept economics urban design re-zoning

404 King Street Height Overlay Boundary Amendment

- The Charleston Place Effect: **The economic transformation of King Street was unquestionably and remarkably effected by the Charleston Place redevelopment.**

- Helping the Transformation of Upper King Street: **While the completion of the streetscaping has visually transformed Upper King Street, the economic landscape is still mixed: there are currently over 20 vacant buildings or parcels within three blocks of Marion Square. Compare this number with the low number of vacancies in the same proximity of Charleston Place.**

- Positive Economic Impact of a Full Service Hotel: **A new hotel with a full service component will bring a significant economic benefit to the community and the immediate area. It will also provide amenities useful to the community.**

- Continuity with City's Comprehensive Plans: **The proposal is consistent with established city planning, economic development and urban design documents**

- Board of Zoning Appeals and B.A.R. Approvals: **Previous findings and discussions by the appropriate citizen boards have supported the concept and height proposals for 404 King Street. The unique character of the site warrants special consideration of the zoning parameters that govern the site.**

concept economics urban design re-zoning

404 King Street Economic Benefits

The proposed hotel at 404 King St. will provide an anticipated increase in City revenues (taxes & fees) of $961,000 in the first year, and over $15 million in increased revenues over the next 20 years.

- Property Tax Revenues: **The hotel will increase property tax revenues by $247,000 per year.**
- Accommodations Tax Revenues: **A new full service hotel will generate Accommodations Tax revenue of almost $260,000 per year.**
- Hospitality Tax Revenues: **An increase of approximately $200,000 per year.**
- Business License Revenues: **Fees will total approximately $38,500 per year.**
- Building Permit Fees: **As a $70 million dollar project, a new full service hotel will generate $211,000 in Building Permit and Review fees for the City**
- Jobs Provided: **A new full service hotel will provide up to 155 new jobs.**
- "Full Service Hotel" Benefits: **The size of the hotel provides the feasibility for new community resources, including meeting spaces and a restaurant, as well as additional resources to attract business-oriented visitors to the city.**

909

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404 King Street Height Overlay Boundary Amendment

- King Street Studies: **Previous studies of King Street have consistently identified the old library site as a crucial redevelopment anchor of Marion Square and the entire Upper King district.**

- Downtown Plan: **Marion Square was identified as a "high-intensity mixed-use area" and the old library site was noted as a "significant development opportunity."**

- King Street Corridor Commercial Market Analysis: **The study by the Gibbs Planning Group identified that a hotel-conference center in this location will "help link the Upper King and Middle King business areas." Furthermore, the study indicated that the redevelopment of the site "could create a sense of place and a sense of having arrived somewhere when shoppers venture north of Calhoun Street"**

- Marion Square Studies: **Whether it be individual site studies around Marion Square, or the citizen-initiated Rally 'Round the Square, the old library site is consistently recognized to be one of the most important redevelopment opportunities on the square. A new building here should make a significant architectural contribution to the definition of the and quality of the square.**

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404 King Street Height Overlay Boundary Amendment

- Site gained zoning approval for a 185-room hotel in 2004: **The site has already been identified and approved by the Board of Zoning Appeals for a 185-room hotel, affirming the appropriateness for this scale of hotel on this site.**

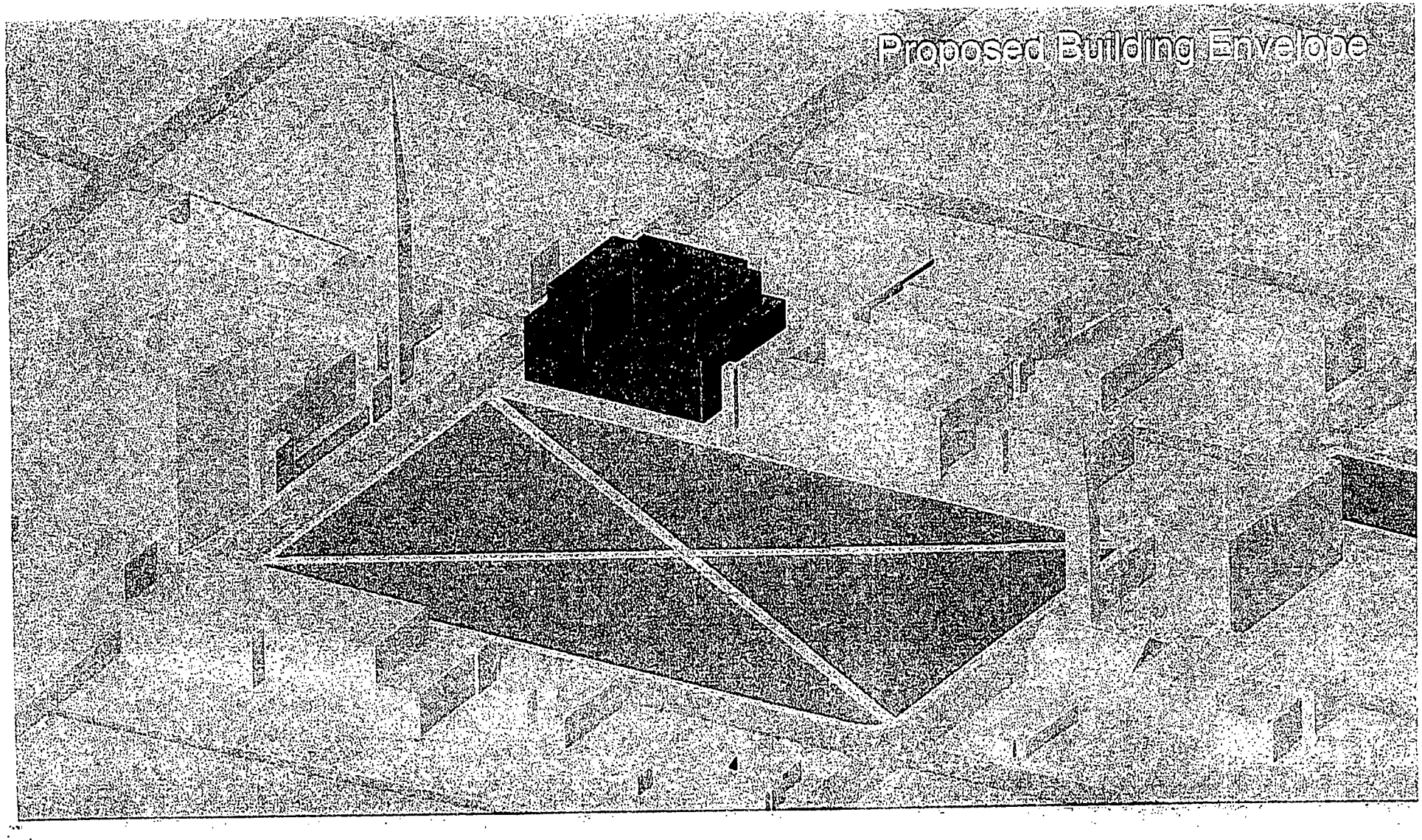
- 404 King Street has Unique Site Characteristics: **The site is unique in that it has virtually full exposure on all four sides, with three sides facing public streets, and the fourth facing on a pedestrian passage.**

- Current Zoning Forces a Less Desirable Solution: **The split height zoning on the site forces greater mass towards King Street and the St. Matthews Church steeple. The distribution of the mass can be improved through this change to the height overlay boundary, while still keeping the overall mass roughly equivalent to what is currently allowed on the site.**

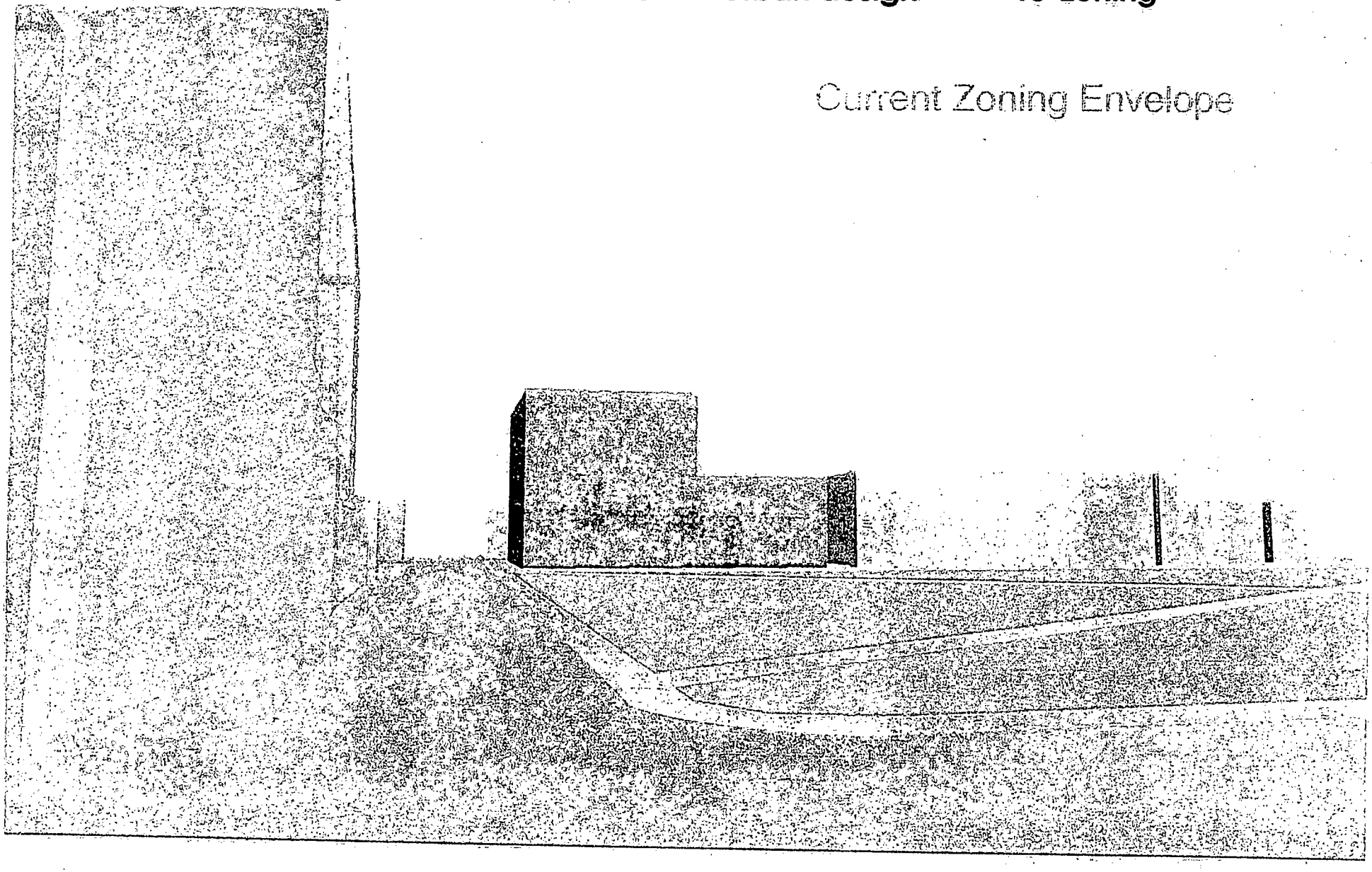
- Re-Zoning will Enable a Better Volumetric Solution: **The shift of the height boundary allows a re-distribution of mass to better relate the building solution to the existing context of the Citadel building and St. Matthews Church.**

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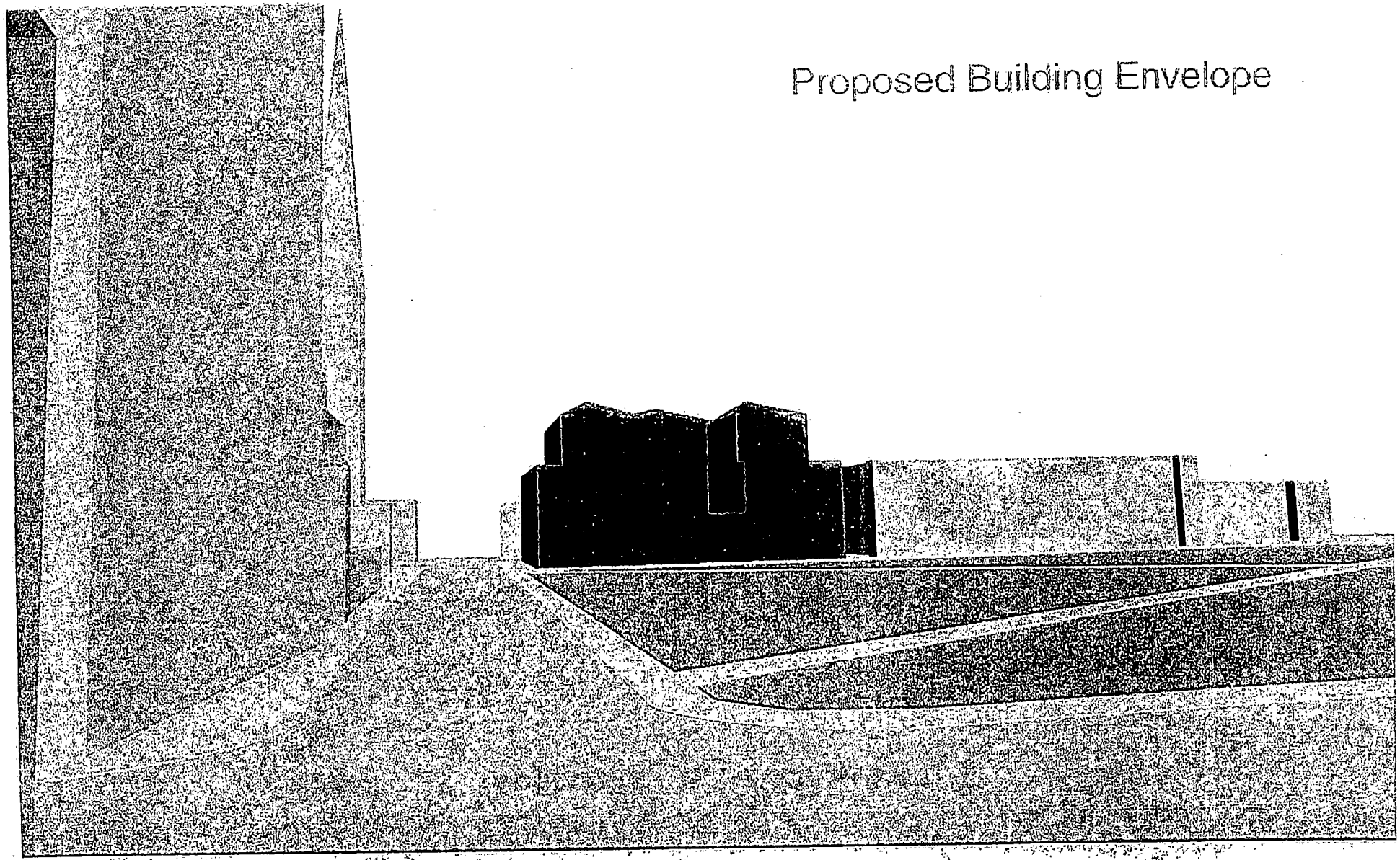
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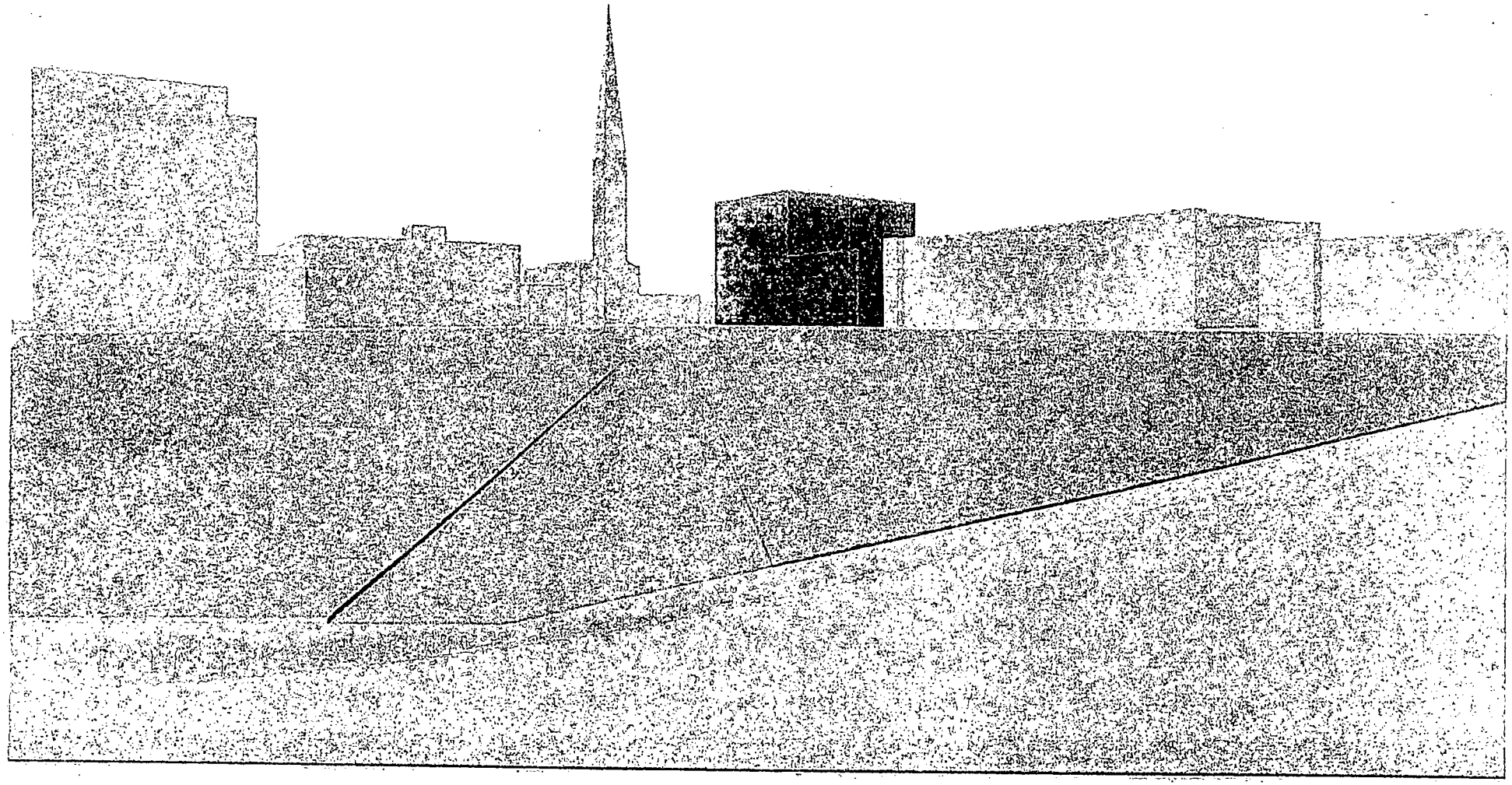


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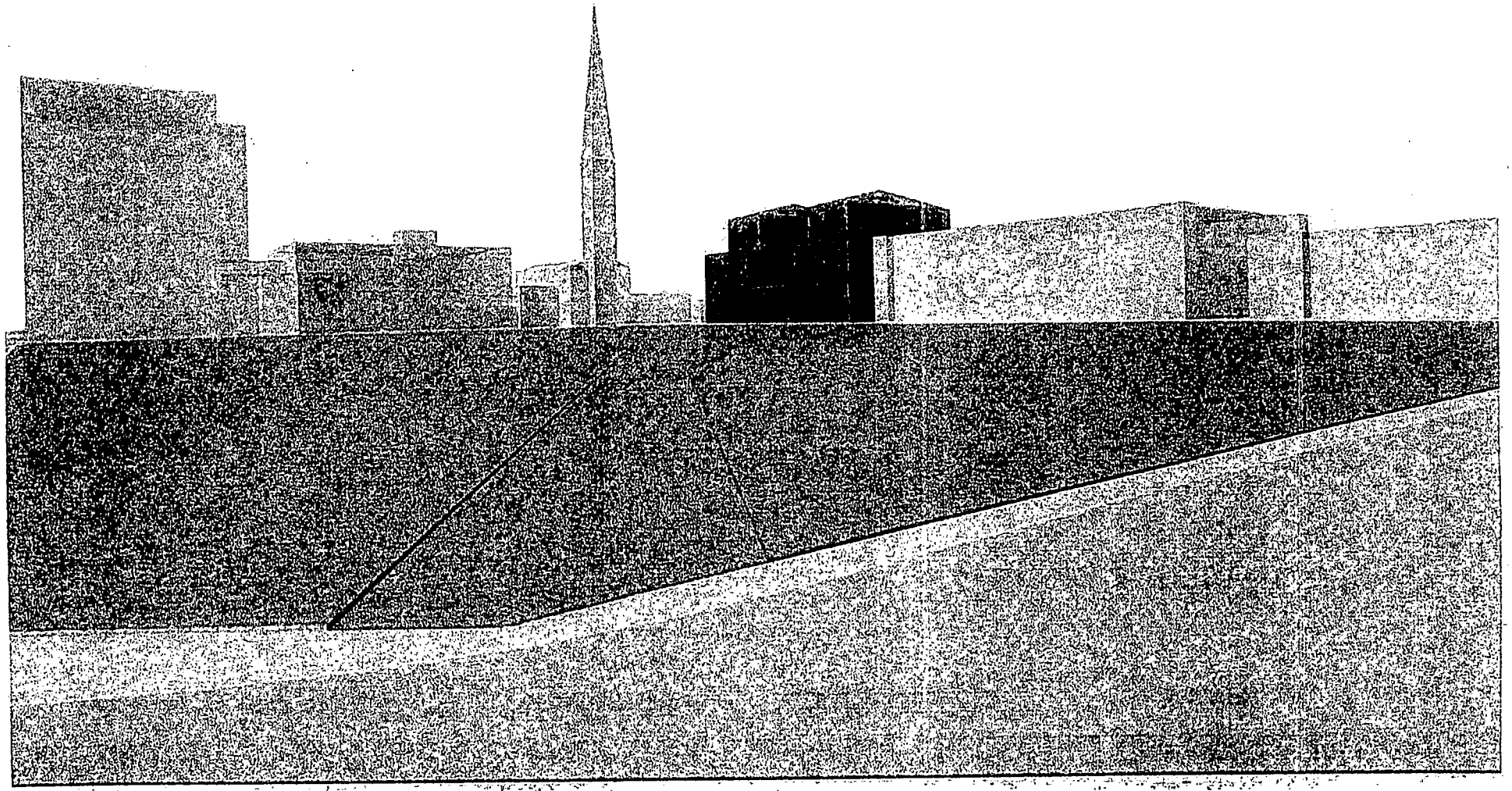
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Current Zoning Envelope

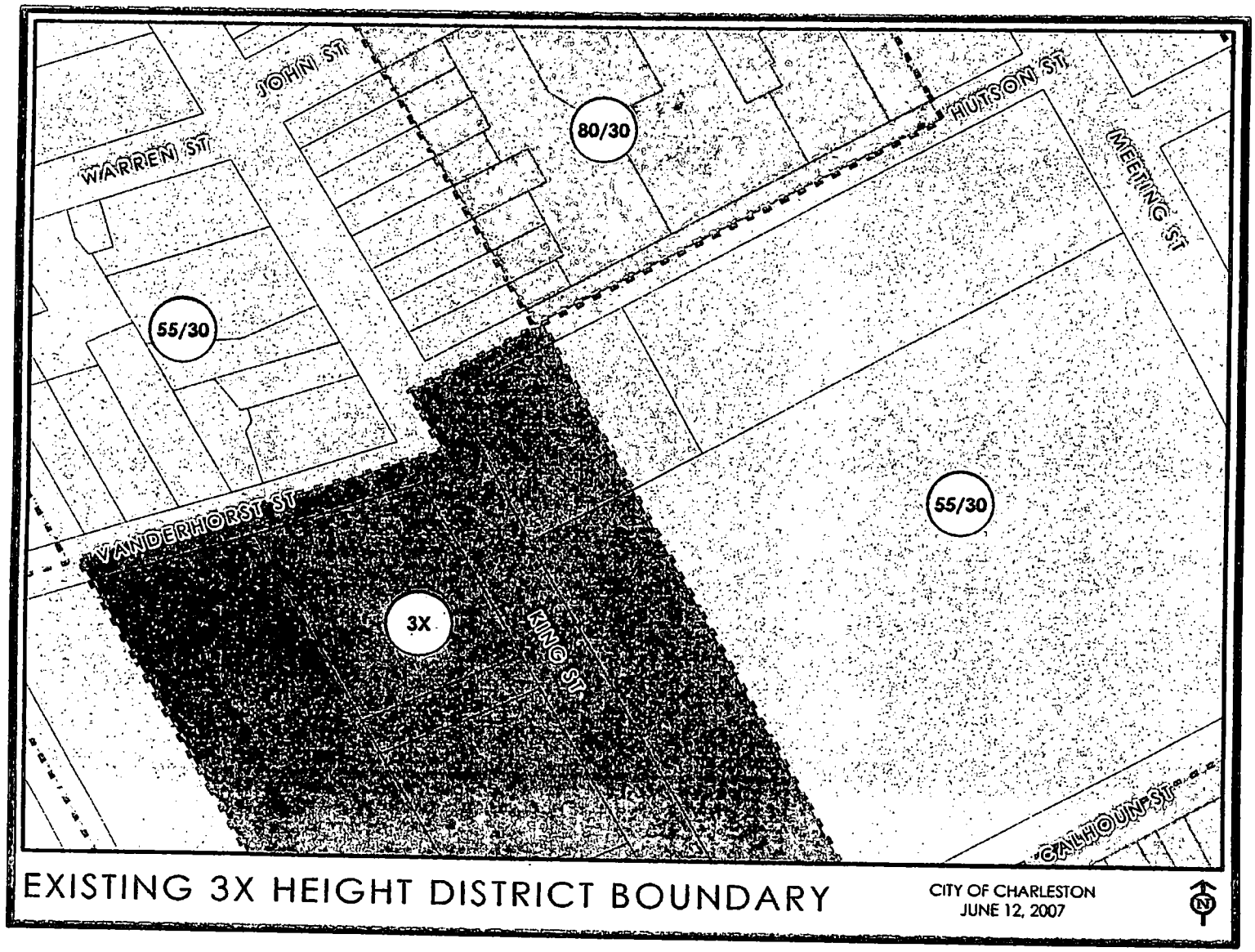


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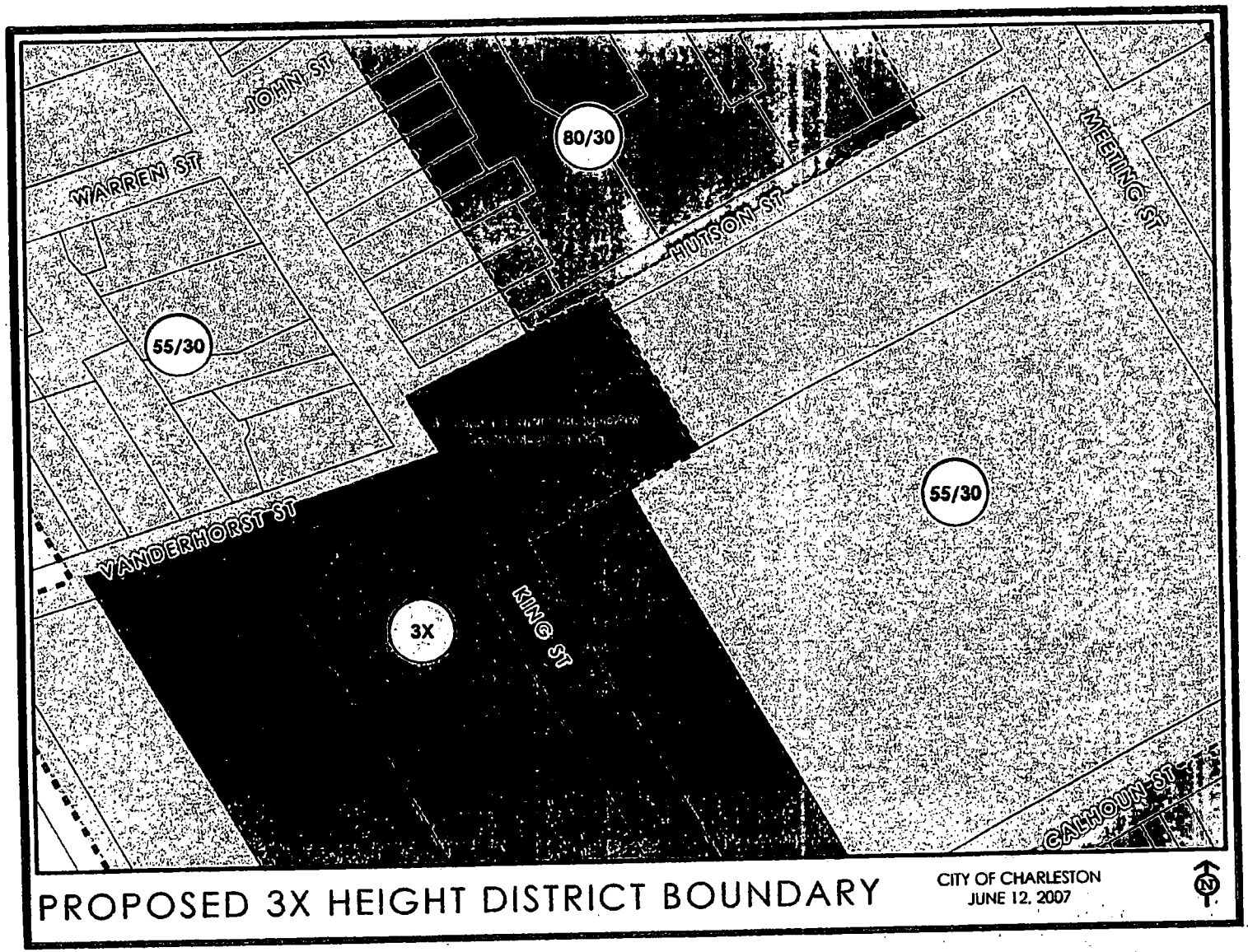
Proposed Building Envelope



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404 King Street Economic Benefits

- The proposal for a "full service" hotel at 404 King Street provides an anticipated City revenue impact in the first year of $961,000.
- Over the first three years, that could be as much as $2.46 million in additional City revenue (taxes and fees).
- Over the next 20 years, the City could anticipate an economic benefit of over $15 million in increased City revenues (taxes and fees)
- Redevelopment of 404 King into a full service hotel will provide an estimated one-time economic impact of $108 million to the region, and an estimated ongoing annual economic impact of $20.2 million to the region. There will also be financial benefits to the Gateway TIF District revenues.

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CIVIBUS REGIMINE DONATA A.D. 1783

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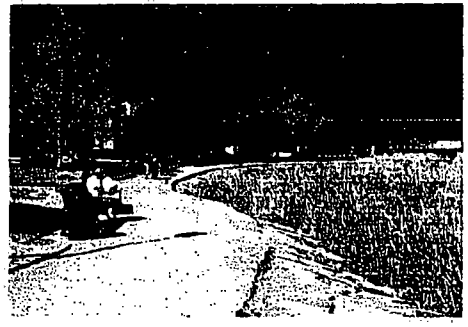
The Charleston Downtown Plan

Achieving balance through strategic growth

including:
Real estate and economic development







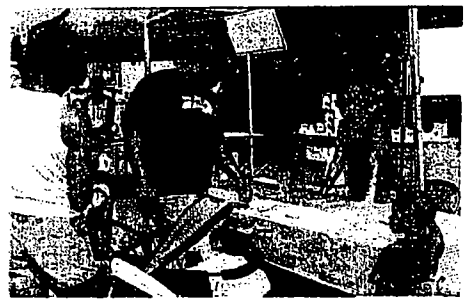
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Executive summary

Protecting and enhancing the quality of life was a key theme heard from local residents, retailers, developers, landowners, and institutions.







Approach:

Charleston is recognized as one of North America's most vibrant, livable cities. In recent years, the city has experienced an economic resurgence that has enhanced the prosperity of many downtown residents. Charleston's lower peninsula – the downtown – is now at a critical juncture. Success has also brought tensions and conflict, between residents, visitors, students and businesses. Creation of a Downtown Plan provides the opportunity to pause and reflect on future directions. The preservation of quality of life in the face of increasing pressures for growth is of paramount importance.

Charleston faces a challenging decision. On one hand, there is a strong sense by some citizens that there should be no further growth: there are already too many cars, too many people, too many visitors, too many students. On the other hand, many citizens believe that the quality of life could be improved by adding new jobs and by ensuring that housing is affordable for a wider range of incomes. Many people also believe that some parts of the lower peninsula could benefit from reinvestment. According to the former viewpoint, growth should be limited. According to the latter, there may be benefits from some growth. How can these viewpoints be reconciled?

In fact, this debate is not between preservation and growth. They can both occur. Charleston is now "on the map." Its uniqueness and quality of life ensure that it will continue to be in demand as a place to live, a place to work and a place to visit. Pressures for growth will continue. Growth is a positive attribute for any city that must continue to evolve in order to thrive economically, socially and culturally. **The key issue becomes one of managing the change and directing the growth for the betterment of downtown residents and businesses.**

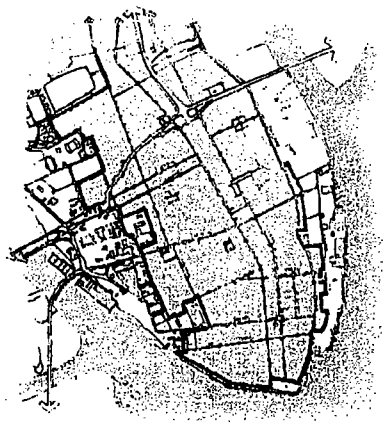
Strategic growth management provides an opportunity to deflect growth pressure from where it causes the most friction to areas where it can bring the most benefits. The Downtown Plan provides guidance in that respect by identifying areas that can accommodate new development and those areas that should be protected. In some parts of downtown, particularly south of Calhoun Street, a smaller amount of development should be accommodated. North of Calhoun Street, there is room to accommodate a greater degree of growth that could be beneficial to all members of the downtown community.

The Downtown Plan recommends a balanced and coordinated strategy for the next twenty years. The key is to transcend the boundaries of individual issues and neighborhoods to deal with the downtown holistically. The downtown's limited supply of available land is extremely precious – the citizens of Charleston must work together to ensure a positive future for the downtown and to preserve its quality of life. **The premise underpinning the Downtown Plan is that appropriately directed, new growth can enhance the social, economic and community amenities for existing and future residents.**

Principles:

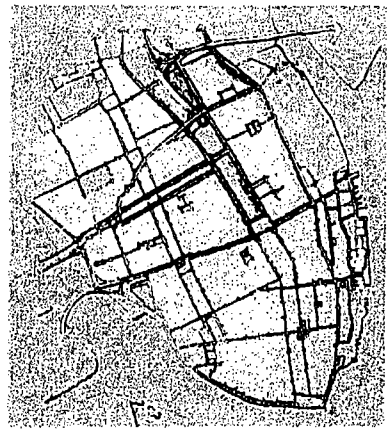
The Downtown Plan is based upon nine principles:

- nurture inclusive, vibrant neighborhoods,
- pursue economic diversity,
- foster sustainability,
- reinforce the existing urban structure,
- respect the grain, scale and mix of the peninsula's urban fabric,
- ensure architectural integrity,
- encourage a balanced network for movement,
- use growth strategically,
- maintain downtown as the regional center of culture and commerce.



Charleston's urban fabric

The densest city fabric is found in the downtown's central area along the King and Meeting Street spine and in many of the neighborhoods. There is now an opportunity to reclaim the water's edge, much of which is occupied by waning industrial port uses, surface parking and less dense city fabric.



Directing growth

There are ways to accommodate growth that will protect established neighborhoods while strengthening the lower peninsula's structure.

Stable area

Transition area

Redevelopment area

Accommodating Growth

Continued economic prosperity is essential to downtown's quality of life. As the metropolitan area continues to grow outside of the downtown area, the risk is that new development will be enticed to suburban locations to downtown's detriment. Prosperity is best maintained by ensuring that downtown remains the cultural, commercial, and residential heart of the region. Retaining this role requires that downtown continue to accommodate a full range of uses: housing, office, retail, cultural facilities, and accommodations. Where should this growth be accommodated?

Downtown has areas that can be characterized as stable, in transition, and redevelopable. These stable areas are mostly comprised of residential neighborhoods, places that should remain largely as they are in form and use. Little growth or change in use or form is anticipated or proposed in these areas.

The *transitional areas* are places where the city fabric still exists but has been eroded by surface parking lots and demolition. New development needs to be inserted onto the available parcels to reinforce their existing character. The transitional areas generally include the traditional retail and residential corridors in downtown: Upper King and Meeting Streets; Spring and Cannon Streets; Calhoun Street; Morrison Drive; and, the area occupied by the existing Cooper River Bridge.

The *redevelopment areas* are characterized by large tracts of vacant or underutilized land available for virtually total redevelopment. A network of streets and blocks and an appropriate built form needs to be established. Two major redevelopment areas exist: Cooper River waterfront including East Bay Street, and portions of the Ashley River waterfront including the area immediately north of the Crosstown along the Ashley River, and the medical complex.

With the exception of Union Pier, *transitional areas* and *redevelopment areas* are generally found north of Calhoun Street and are anticipated to absorb the majority of downtown growth.

Achieving Balance:

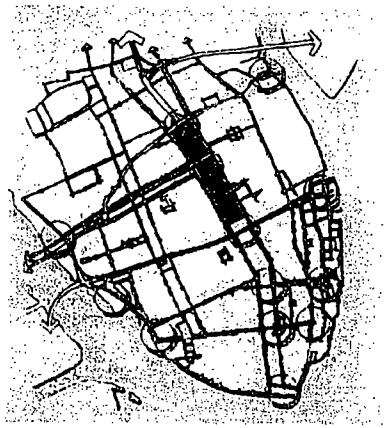
Charleston has completed an extraordinary body of work addressing specific issues that impact quality of life: tourism, students, cars and parking, housing, and visitor accommodation. An opportunity exists to work across the boundaries of previous studies, to address shared issues and develop common solutions.

As new housing, office, retail, and hotels are developed, five strategies should be pursued to ensure that *balance is maintained* and that *growth contributes to downtown* in a way that will improve the quality of life:

- improve neighborhood and community amenities,
- increase the affordability of housing in downtown,
- develop mechanisms to share growth's impact,
- reduce the reliance on cars.
- mitigate the financial impacts of growth.

Urban Structure:

Growth needs to be further directed to strengthen Charleston's urban structure. Historically, growth occurred along the Cooper River waterfront, followed by King and Meeting Streets – the principal north-south parallel spines on higher ground. Wetlands were filled in to create wharves and other port-related activities. King and Meeting Streets were reinforced by the rail line and by a set of perpendicular spines: Spring and Broad Streets, and Calhoun and Market Streets. Relative inactivity in the latter part of the 19th and early part of the 20th centuries left the historic city largely intact.



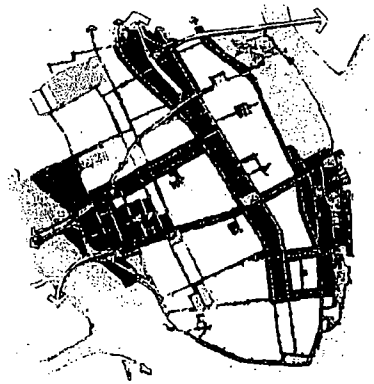
Existing and proposed nodes and corridors

The lower peninsula's urban structure will be preserved and enhanced.

Stable corridors and nodes.

Corridors/ nodes for intensification.

Node



Proposed land use

The distribution of uses largely does and will continue to relate directly to the lower peninsula's urban structure.

Stable industrial

Low intensity neighborhood

High-intensity, mixed-use

Medium-intensity, mixed-use

Major open space

The majority of downtown possesses characteristics that are universally sought after – a mix of uses, intimacy, pedestrian quality and a sense of place. Each of these qualities serve as a model of urbanism.

However, in the post WW II era, Charleston has experienced the same forces impacting many American cities: mainly competing suburban communities, and the popularity of the car and the necessity to accommodate it. In areas where the city fabric is less consistent, its integrity is challenged by building forms that are more suburban in form and therefore do not fit well within the urban context.

There are four strategies for molding new development to reinforce this desirable city structure:

- reinforce the key intersections and corridors
- create new activity areas on both riverfronts
- support the existing neighborhoods
- enhance the public realm.

Land Use:

The land use strategy is intended to be highly transit-supportive by placing greater amounts of employment (workers), tourism (visitors) and housing (residents) within proximity to existing and potential transit corridors. The future land use recommendations also reinforces the urban structure.

Little change is anticipated in the predominantly residential areas occupying the majority of downtown, designated low-intensity neighborhood. The corridors *(transitional areas)* and the *redevelopment* areas are designated medium- and high-intensity mixed-use and are expected to accommodate a broad range of land uses. Focal points indicate key locations where particular consideration to urban design or architectural elements is intended to create landmarks.

Built Form:

The city's character can be reinforced by ensuring the integrity of each new building. Buildings that fit into the historic city fabric have a number of specific characteristics. While there are exceptions, structures are relatively small in scale. Heights are relatively low. Active uses such as living, retail or office space are located at grade level or just above. Buildings have minimal setbacks. Parking is generally incorporated on street or in small driveways. In short, the city is comprised of buildings that occupy much of the lot, frame the streets and parks, and remain at a relatively consistent, low height. The effect is an intimate, pedestrian scale and unique environment.

A number of issues have arisen that significantly impact the design and feel of new development. Recommendations aim to extend the character of the historic city into new development:

- new development should express the fine grain and small-scale of the city,
- design and construction strategies should focus on preserving vitality at-grade where possible, while respecting FEMA flood plain regulations that generally prohibit active uses from being located at street level,
- on-site parking requirements should be reduced to encourage active uses at grade,
- density restrictions on residential buildings should be reduced along transit corridors in order to allow for the type of density appropriate for downtown development,
- the excellent heritage preservation efforts in downtown should be extended to apply to the lands north of Line Street which will soon be under pressure to develop.

Implementation:

The implementation strategy ensures that downtown's evolution embodies the Plan's principles and achieves its physical, economic and social objectives.

A vision for the lower peninsula

The Charleston Downtown Plan

part 1.	Achieving balance through strategic growth	1
part 2.	Real estate and economic development	93
appendix.	Population data	123

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Adopted November 23, 1999

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The Charleston Downtown Plan

Achieving balance through strategic growth

926

Adopted November 23, 1999

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List of drawings

part 1. Achieving balance through strategic growth

3. The vision	The corridors, or spines, of the peninsula are reinforced	7
	A vision for the lower peninsula	8
4. Why Manage growth?	Proposed distribution of growth	20
5. Achieving balance	Existing cultural facilities	28
6. The urban structure	Existing and proposed nodes and corridors	41
	Existing extent of the historic city fabric	43
	Proposed extension of the city fabric to the water's edge	43
	Existing neighborhoods	45
	Existing regional access routes	45
	Drainage improvements	47
	Existing and proposed major open spaces	49
7. Directing development: The land use strategy	Directing growth	52
	Proposed changes to the visitor accommodation study	54
	Proposed land use	56
8. Built form	Existing heights	63
	Proposed heights	63
	Proposed changes in height	64
	FEMA flood zones	66
9. Case studies	Cooper River waterfront	72
	Cooper River waterfront - near term development	73
	Union pier master plan	76
	Upper King / Meeting corridor	79
	Marion Square	80
	East side neighborhood - removal of the existing Cooper River Bridge	81
	Ashley River waterfront	83
	The hospital district	85

Table of contents

part 1. Achieving balance through strategic growth

Executive summary i

1. Introduction and overview

1. Introduction 1
2. The principles 5
3. The vision 7

2. Managing growth and achieving balance

4. Why manage growth? 13
4.1 Introduction
4.2 What new uses does Charleston want to accommodate?
4.3 How much growth should be accommodated?

5. Achieving balance 21
5.1 Introduction
5.2 Increase housing supply and affordability
5.3 Improve neighborhood amenities and facilities
5.4 Develop mechanisms to share the impacts of growth
5.5 Reduce the reliance on cars
5.6 Mitigate the financial impacts of living in a successful downtown

3. Directing growth to reinforce the city's character

6. Urban structure 39
6.1 Introduction
6.2 Nodes and corridors
6.3 The waterfront
6.4 Neighborhoods
6.5 The public realm: streets, parks, trails and open spaces

7. Directing development 51
7.1 Introduction
7.2 Where can growth be accommodated?
7.3 The Land Use Strategy
7.4 The Land Use Plan

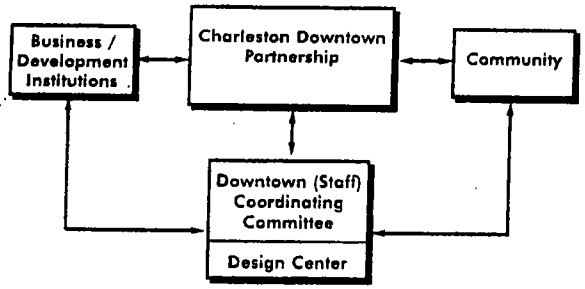
8. Built form 59
8.1 Introduction
8.2 Architectural integrity
8.3 Grain and scale of development
8.4 Height
8.5 Flood plain regulations: Federal Emergency Management Act (FEMA)
8.6 Parking
8.7 Density
8.8 Heritage preservation

9. Case studies 71
9.1 The Cooper River waterfront
9.2 Upper King / Meeting corridor
9.3 The Ashley River waterfront

4. Next steps

10. Implementation 89

Proposed organizational structure



The Charleston Downtown Partnership would include representatives from resident and business interests who would work with senior city staff and the newly created design center to implement key downtown initiatives.

The implementation strategy is grounded in Charleston's strong culture of collaboration and consensus building, bringing key sectors of the community together to work to downtown's benefit. The essential elements of the strategy are:

- consensus around the vision: by the community, including city government, residents, developers, landowners, retailers and institutions,
- an effective organizational structure: The Downtown Plan has stressed a comprehensive, collaborative approach to managing the lower peninsula's future. Three opportunities are proposed to link interests and issues together:
  - a Charleston Downtown Partnership to ensure collaboration between the city, the private sector and the community,
  - a Design Center, as currently being contemplated by the city, to assist the community in developing and implementing an urban design vision,
  - a Downtown (Staff) Co-ordinating Committee to formulate strategy, design initiatives and review proposals,
  - a program of tasks including special area plans, design review of specific development proposals, review of capital spending priorities, and community outreach programs, preparation of a housing master plan, and, a cultural facilities master plan,
  - pursuit of additional funding opportunities from other levels of government and private foundations,
  - continued community outreach through education, participation in downtown partnership and working committees.

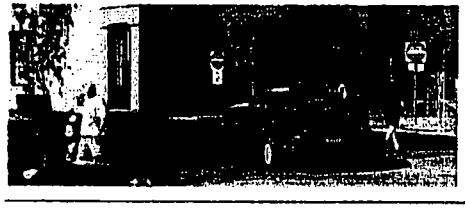
These fundamental elements can be readily put into place, ensuring that the process of managing the peninsula's evolution for the betterment of its residents and business people begins today.

Introduction and overview

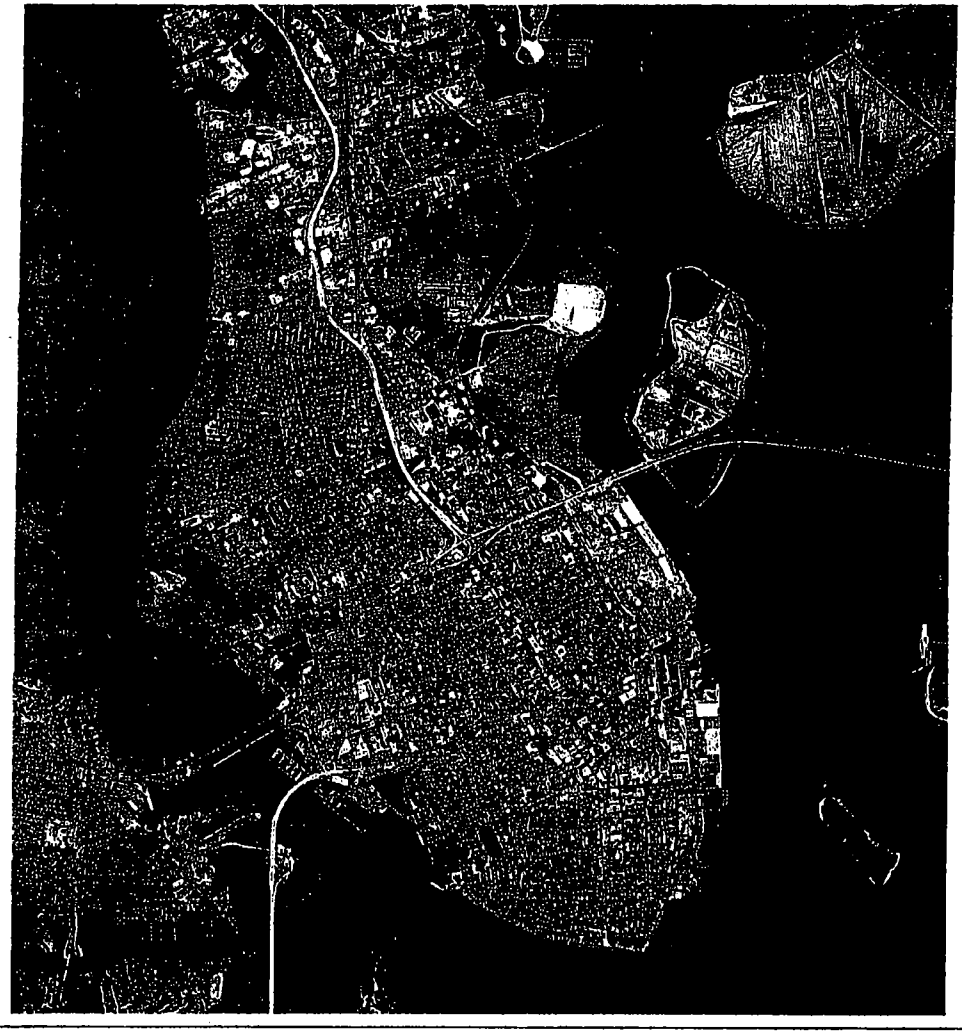
Introduction

Charleston is recognized as one of North America's most vibrant, livable cities. The agreeable climate, historic buildings, the exceptional gardens and public spaces, combined with its warm hospitality and cultural activities create an unparalleled setting for residents and visitors. In recent years, the city has had an economic resurgence that has enhanced the prosperity of many downtown residents.

However, success has also brought tensions and conflict between competing interests - residents, visitors, students and businesses. At the leading edge of city management, Charleston has established many successful initiatives to deal with tourism, student, and parking issues. However, as the activities of downtown's many inhabitants and visitors increasingly overlap, there is the perception that the quality of life and the experience of downtown is potentially compromised.



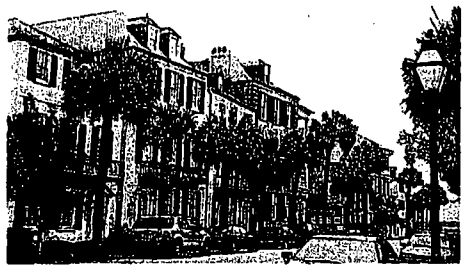
Success has brought tensions as more and more people and cars compete for the restricted amount of space, particularly that below Calhoun Street.



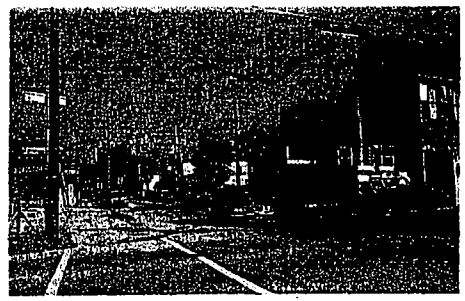


The study focuses on the *downtown or lower peninsula*, the area below Fishburne Street and the Crosstown Expressway. However, the entire peninsula and city region was considered in assessing conditions and developing recommendations.

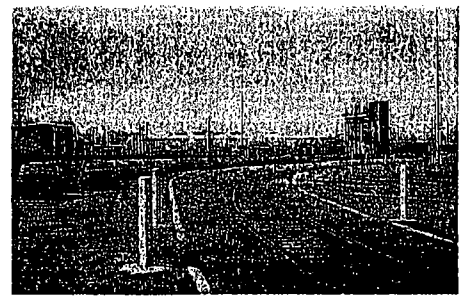
The Downtown Plan is built upon an understanding that the lower peninsula comprises three distinct types of areas:



stable,



in transition and...



redevelopment areas.

The lower peninsula – the downtown – is now at a critical juncture. Creation of a downtown plan provides opportunity for citizens of Charleston to pause and reflect on future directions for this central portion of the city. *The preservation of quality of life in the face of increasing pressures for growth is of paramount importance in this deliberation.*

In fact, the debate is not between preservation and growth. They can both occur. Charleston is now "on the map." Its uniqueness and quality of life ensure that it will continue to be in demand as a place to live, a place to work and a place to visit. Growth pressures will continue, a positive attribute for any city to thrive economically, socially and culturally. The key issue becomes one of *managing* the demand and directing the growth.

Strategic growth management provides an opportunity to deflect growth pressure from where it causes the most friction to areas where it can bring the most benefits. The Downtown Plan provides guidance by identifying areas that can accommodate new development and those areas that should be protected. **By directing growth, the Plan seeks to reinforce downtown's primacy as a cultural, economic, and administrative center, to foster a viable, healthy city fabric throughout the downtown, and to strengthen the vitality of downtown neighborhoods.**

The Downtown Plan recommends a balanced and coordinated strategy over the next twenty years. The key is in a collaborative approach that transcends the boundaries of individual issues and neighborhoods to address the downtown holistically. The downtown's limited supply of available land is extremely precious. Charlestonians must work together to ensure a positive future for the downtown and to preserve its quality of life.

Approach

The Downtown Plan establishes parameters to guide future development, anticipating both private sector investment and public investment in infrastructure. The plan does not make rigid recommendations for specific uses and buildings. Rather than being a regulatory document, it aims to provide an interpretative framework within which individual decisions can be made, allowing for flexibility and creativity. Similarly, the plans and drawings show intent and overall objectives rather than hard and fast requirements.

The Plan sets out a vision rooted in an understanding of the historic role played by the downtown in the economic, cultural and social life of the region and of the opportunities to strengthen that role. Key to the vision is an understanding of the existing physical fabric of the city, and in particular, those elements that have successfully defined Charleston.

The lower peninsula comprises three distinct types of areas: areas that are physically intact and relatively *stable*, such as the residential neighborhoods that are not suitable for major change; areas that are in *transition* with some opportunities for infill and redevelopment, such as the Spring/Cannon or Calhoun corridors; *and major redevelopment areas* where significant opportunities exist to accommodate new growth, the Cooper River waterfront being the largest of these areas. This characterization underpins the vision for the future.

The Downtown Plan is a living, flexible document that can be readily operationalized and used as a basis for targeting initiatives and responding to proposals. Its implementation builds upon existing city resources, involving the collaborative efforts of all sectors of the community and the creation of new forums. It addresses holistically the economic, social, and physical opportunities and challenges that present themselves in Charleston's downtown core.

The Downtown Plan focuses on the area of the peninsula south of the Septima Clark Expressway, the Crosstown and Fishburne Street. This area was selected because of its



Waterfront Park is a nationally acclaimed city initiative that builds upon and extends Charleston's Battery walk. It gives local and regional residents new access to the water. New housing and institutional development will soon complement it's western edge.



The demands of Twentieth Century transportation are accommodated in this parking structure facing historic Marion Square. Its retail design reinforces the character of King Street while its location reinforces the street's role as a major transportation corridor.

more urban character. However, the issues and opportunities extend well beyond the Crosstown. When neighborhoods, commercial activities and institutions lie in such close proximity, their existences are very much intertwined.

Ultimately the Downtown Plan will form part of the update to *Charleston 2000*, the city's Comprehensive Plan, due to be completed in 1999. It is informed by the wealth of excellent work undertaken by the City of Charleston over the last decade, including the 1989 *Calhoun Street Corridor Study*, 1994 *Tourism Management Plan* and the 1998 *Update*, 1995 *Town and Gown Technical Report*, the 1995 *CHATS (Charleston Area Transportation Study) Long Range Public Transportation Plan*, and the 1995 *Charleston Bikeway and Pedestrian Plan*, the 1998 *Spring and Cannon Corridor Plan*, and the 1998 *Visitor Accommodation Study*. It also provides input into the ongoing *Downtown Parking and Traffic Study* that is due to be completed in late 1999 which will update the 1982 *Traffic and Parking Study*. Strategies and policies from these plans are still in place except where the downtown plan proposes an alternate approach.

The Downtown Plan is divided into four sections:

The Vision describes a goal for downtown Charleston that builds on its historic armature and sets out the principles that underpin it.



Managing Growth and Achieving Balance outlines the kind of growth that should be accommodated. It also draws out common themes and solutions from the many excellent existing initiatives that aim to achieve balance between competing demands as growth occurs.

Directing Growth to Reinforce the City's Character analyzes the urban structure and opportunities to preserve and reinforce it, while strategically directing growth to key portions of the lower peninsula. It also examines challenges to be faced in ensuring the architectural integrity of future development. Case studies provide an in-depth analysis of areas where change is anticipated, based on the principles underpinning the plan's vision.

Next Steps outlines the broad strategies for implementing the Downtown Plan. The goal is to put in place an appropriate operational structure to implement a comprehensive approach to managing community development issues.

Sponsored by the City of Charleston Department of Planning and Urban Development, the Downtown Plan was produced by a multi-disciplinary team that included key members of the client group. The team was led by Urban Strategies Inc. (USI), urban designers and planners. Development Strategies Inc. (DSI) was responsible for the economic and market analysis, the findings of which are incorporated into Part I and contained in their entirety in Part 2. SBF Design of Charleston provided architectural expertise and invaluable local insight.

The team also included representatives from the City of Charleston Department of Planning and Urban

Development as well as an Advisory Committee that included local residents, retailers, developers, landowners, and institutions to insure that individual voices and interests were heard. Both the City representatives and the Advisory Committee provided important input and feedback throughout the study process.

The Plan was initiated by meeting with every neighborhood and several business organizations to hear concerns and ideas for Downtown Charleston's future. Further opportunities to learn about the plan and offer ideas were provided at the Farmers' Market and through Open Houses held at the County Library. Children, our future leaders, were given special introductions to the plan and their voices heard through the Summer Recreation Program. In total, approximately 1,500 people attended meetings to voice their ideas and hopes for their community.

The principles

Management of new development should aim to balance economic growth and diversity with quality of life within the downtown.

Quality of life is a priority.

Working with the advisory committee, the community and the client group, consensus emerged that the lower peninsula's continued evolution should be guided by the following nine principles:

Nurture inclusive, vibrant neighborhoods

Charleston's neighborhoods – unique, charming, and intimate – are the cornerstones of downtown's success as a place to live and visit. However, quality of life is increasingly challenged by the burgeoning tourist industry, the rapid growth of educational institutions, and rapid increases in housing prices, among other things. Above Calhoun Street, neighborhoods are facing displacement. Quality of life is a priority: neighborhoods must be preserved, nurtured and inclusive. A greater diversity of accommodation is required to retain existing residents and attract new individuals and families from a range of income levels, ages, and cultural backgrounds.

Pursue economic diversity

Charleston's economy rebounded strongly after the 1996 closure of the Navy Base. The lower peninsula economy now relies heavily upon the service industry and tourism. Greater economic diversity should be pursued to provide residents with wider employment opportunities and to attract new residents to the downtown. In addition, greater diversity will assist the economy in adapting to market cycles and remaining strong.

Maintain downtown as the regional center of culture and commerce

As Charleston emerges in the next millennium, it should pursue new economic opportunities – headquarter offices, high-technology industries and cultural activities – to solidify its position as the regional focus of culture and commerce. Retaining its central position within the region is a key element in ensuring that downtown remains a viable community where people can live, work, and enjoy a diversity of leisure opportunities.

Foster sustainability

Growth – tourism and institutional – brought economic riches to the peninsula and sponsored new community and cultural resources. However, growth has consequences. The lower peninsula needs to be thought of in the context of sustainability; management of new development should aim to balance economic growth and diversity with quality of life within the downtown.

Reinforce the existing urban structure

The lower peninsula was defined historically by a central north-south spine – King and Meeting Streets – and several secondary retail corridors. These corridors form a framework that supports downtown's low-rise residential neighborhoods. Although weakened in places through demolition and neglect, this armature is a valid underlying structure. Growth should be directed to vacant lands along the retail corridors in order to strengthen them. An opportunity exists to weave the lands above the waterfront into the downtown structure.

Respect the grain, scale and mix of the peninsula

Downtown Charleston is distinguished by a fine grain of streets, buildings and spaces. The structures, civic spaces, lanes, gardens and the mix of uses are finely woven together into an intricate and appealing whole. The grain is one of downtown's defining characteristics and should be preserved. In the next wave of development, there may be strong pressure to accommodate larger scale construction – commercial, residential, institutional, and tourism related – to respond to emerging corporate needs and economies of scale. To the greatest extent possible, new development should be disciplined and broken down into a pattern of

streets, blocks, buildings and open spaces that achieves a grain that complements the existing city.

Ensure architectural integrity

Much of downtown's atmosphere and appeal derives from a stock of sophisticated and urbane historic structures – residential, commercial, institutional and industrial – that frame and define an intimate and inviting pedestrian environment. Without superficially mimicking this building stock, its urban character still has much to teach us. Extending this quality and character into newly emerging areas is challenging. Increased dependence upon the car, combined with FEMA flood plain regulations, invites the use of the grade level for parking. Flood plain requirements also prohibit active uses at street level in some areas. The zoning ordinance makes it difficult to build dense, urban structures that are compatible with the historic downtown. These and other related issues need to be addressed to ensure integrity in new architecture comparable to that achieved historically.

Encourage a balanced network for movement

Since WWII, a world-wide trend has seen cars take priority over all other forms of transportation. The lower peninsula is now grappling with the legacy of this trend: how to move the cars that congest the downtown and where to park them. The issue is all the more acute in the most historic areas where narrow, intimate streets are particularly stressed. With new investment planned on the peninsula, a booming economy that will likely attract further investment, and a growing number of visitors, Charleston needs to offset these pressures and find solutions that are based on a range of alternative forms of transportation: public transit, walking, bicycling, water-borne transit, and cars.

Use growth strategically

Growth should be directed to the areas where it will do the most good. Economic prosperity has made a relatively recent return to the lower peninsula, bringing with it new responsibilities and opportunities for all parties. As one of the hottest residential markets in the United States and one of the most desirable visitor destinations, downtown Charleston is well-positioned to have high expectations for what will or should be developed. It should be considered a privilege to develop in downtown Charleston, one that comes with a responsibility to give back to the community and to ensure the highest quality development in terms of design, materials and response to context.

3. The vision



Broad Street is a stable commercial and residential corridor. The Exchange building is the focal point which marks the street's eastern end.

Like heritage cities around the world, downtown Charleston must continue to evolve and change. In the future, downtown Charleston is envisioned as a highly livable community, home to a diverse population, offering a range of employment and leisure opportunities. New uses will be selectively targeted to benefit the downtown.

To preserve the vibrant quality of life, the Downtown Plan recommends building intelligently on the historic armature - strengthening the historic spine of the King and Meeting Corridor and approaching the waterfront in key areas without infringing upon neighborhoods. The strategy is three-pronged: infill development in the neighborhoods, repair and redevelop the transition areas weakened through demolition or neglect, redevelop newly available lands.

Vitality at grade level will be preserved in the newly emerging areas by extending the qualities and character that distinguish the historic city and by creatively implementing the FEMA flood plain guidelines. Balance in the community will be achieved by developing strategies that work across the boundaries of previous studies to address housing affordability, enhanced community amenities, mitigation of the financial impacts of growth, and enhanced public transit.

The vision for the physical form of the lower peninsula will support:

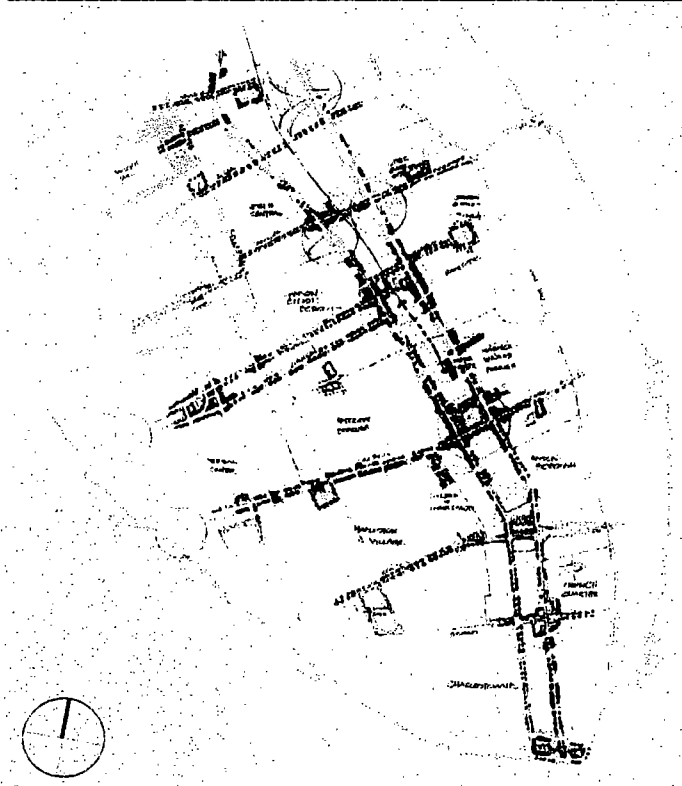
Corridors and nodes: Gaps along the corridors will be redeveloped with low- to mid-rise, dense structures and supported by transit. Retail corridors will be reinforced as downtown's shopping streets.

The King and Meeting Corridor will retain its role as downtown's main shopping street and will accommodate new retail, housing, office and accommodations. The Calhoun Corridor will be intensified from the Ashley River to the Cooper River. Spring and Cannon Streets, more densely developed, will retain their respective commercial and residential roles.

West of King Street, Broad Street is envisioned as primarily residential. Reuse of existing structures east of King Street will create the opportunity for shops and businesses, such as art galleries, coffee shops and small offices, which are compatible with adjacent housing.

Nodes of higher intensity public activity are envisioned where the east-west corridors meet King and Meeting Streets and the Cooper and Ashley River waterfronts. These nodes, or focal points, which might include public art, well-defined civic spaces, parks and squares framed by buildings, will create points of interest throughout the downtown.

The corridors, or spines, of the peninsula are reinforced



Gaps along the corridors will be redeveloped with low- to mid-rise, dense structures and supported by transit. Retail corridors will be confirmed as downtown's shopping streets.

A vision for the lower peninsula

Transition areas

Redevelopment areas

Stable corridors

Stable neighborhoods

The historic spine of the peninsula, the Upper King/ Meeting corridor will be strengthened with improved transit and infill development.

Cross peninsula trails will connect to Riverwalks.

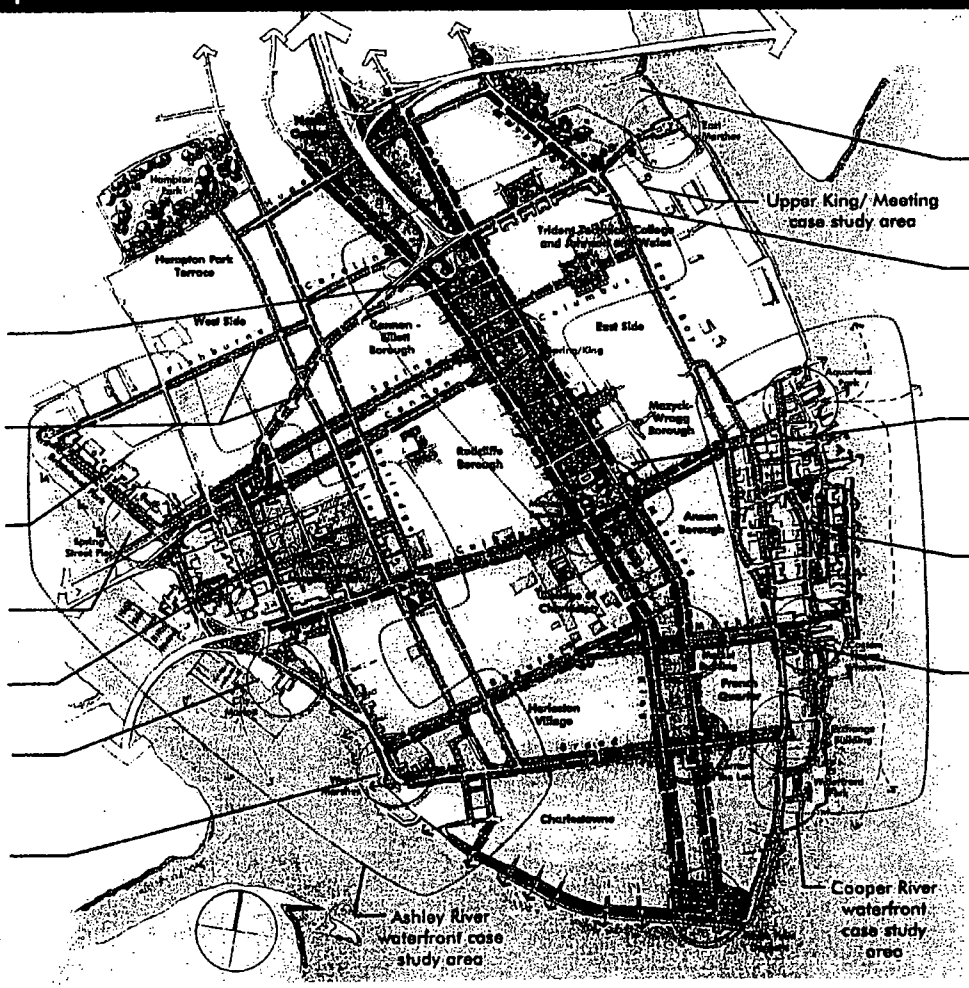
Upper Lockwood will contain new employment uses such as corporate head quarters and high tech research and development.

Brittlebank Park will be extended south.

MUSC plans to expand its facilities.

Public access to the Ashley River will be improved.

Lower Lockwood contains infill housing opportunities as well as the chance to considerably enhance the public space at the water's edge.



The Marshes could become an ecological park or fishing pier.

The removal of the Cooper River Bridge will create the opportunity to knit the East Side neighborhood together with new housing.

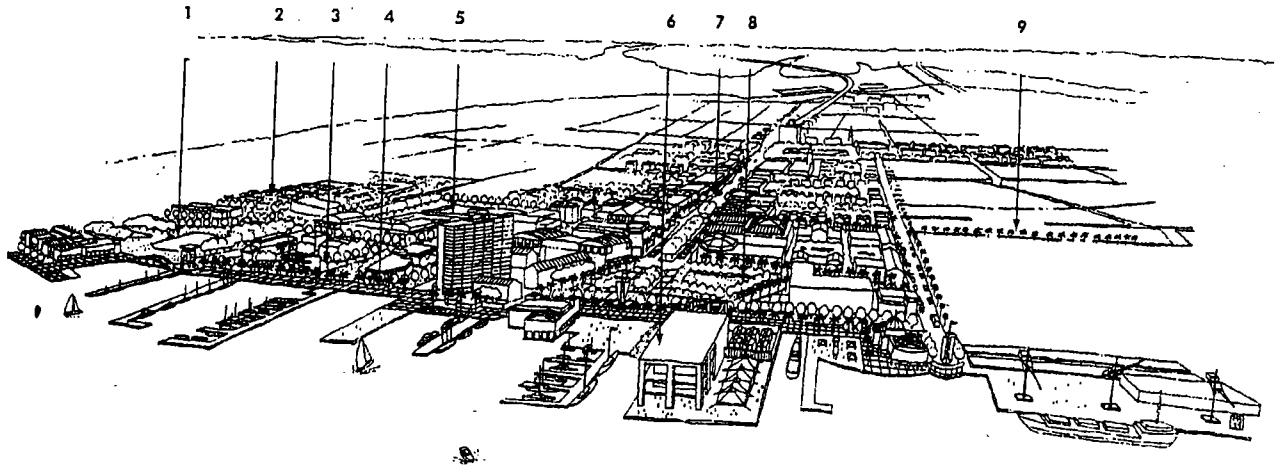
The Federal Building site, one of the most prominent on the peninsula, could accommodate a major new public use and housing.

Upper Concord neighborhood and Union Pier will mostly contain new housing and office employment opportunities with significant new open spaces.

Diverse, resident-oriented growth is encouraged on Market Street.

Corridors below Calhoun Street will remain stable.

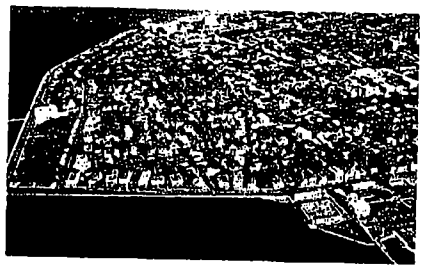
Growth will be directed away from all of the city's neighborhoods.



The eastern end of the Calhoun corridor is emerging as an important new public place, accommodating the new Aquarium park. The extension of the Riverwalk along the water's edge completes the ensemble of amenities and infrastructure. The Upper Concord neighborhood grows around the twin foci of Concord Park and the playing fields. All of the new development is low scale, in keeping with the existing city fabric.

1. Concord Park in Union Pier
2. Upper Concord neighborhood
3. Maritime Center
4. Riverwalk
5. Playing fields
6. Aquarium
7. Calhoun corridor
8. Aquarium lawn
9. Trail extension north

The Calhoun Street Corridor, Aquarium Park and Riverwalk



The peninsula's neighborhoods, such as Charlestowne (above in 1982 aerial), will be protected from the negative impacts of growth.

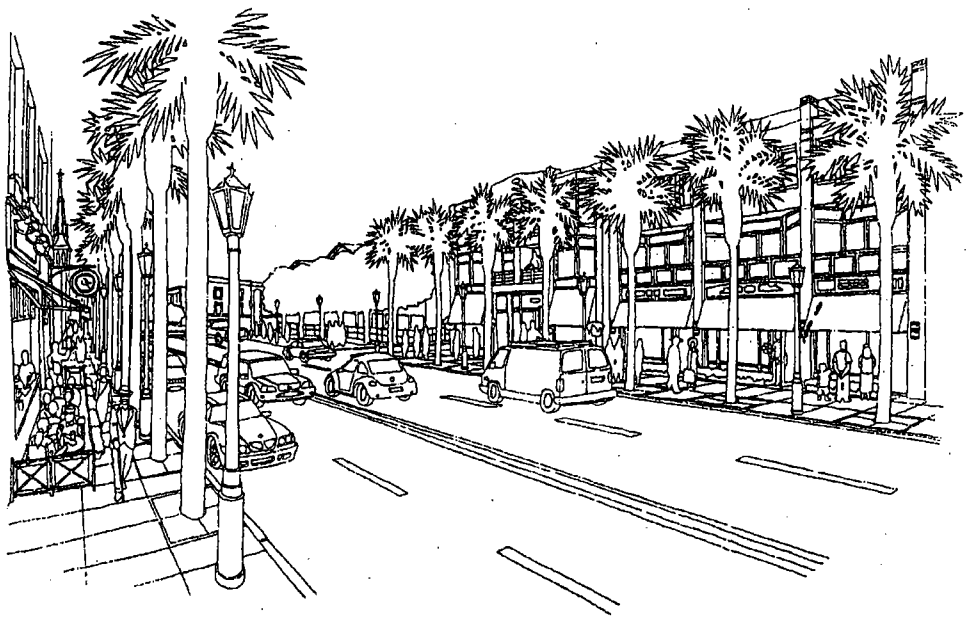
Residential neighborhoods: Downtown is envisioned as a place for families, singles and elderly to live. One of the answers to the rising housing costs is to increase supply. Housing in all income ranges will be created by building compatible housing on vacant and underutilized sites throughout the neighborhoods.

Moderately priced housing will be created in dense, mixed-use projects along the downtown corridors: King and Meeting Streets, Cannon Street and Calhoun Street are all appropriate areas. Singles, young couples, the elderly, and lower-income earners will find attractive housing and a range of unit sizes in three- to four-story apartments. Retail uses at grade will animate the streets and allow many day-to-day needs to be met within walking distance.

Affordable housing is envisioned as part of each new development, preventing its concentration in any one area and ensuring a diverse population throughout the downtown. Assisted by a number of creative programs, the African-American community is envisioned as having a higher rate of home ownership, a key component in addressing displacement.

Employment opportunities: Opportunities for new employment are envisioned throughout the lower peninsula to diversify the job opportunities and help to attract young professionals and families. Expansion of the MUSC and new office development along the Cooper River are envisioned as two key foci. High-tech spin-off facilities will have the opportunity to locate where they can benefit from the MUSC expansion. Small offices in the historic city will provide opportunities for executives and independent entrepreneurs. Greater diversity will make the local economy less susceptible to economic cycles.

Transit: A greater reliance upon public transit, cycling and walking will reduce the impact of cars on the downtown.



Upper Meeting Street looking south



Transit, such as the trolley pictured, was a key ingredient in the creation of King Street as an important retail spine. Improved transit will help it remain so today.



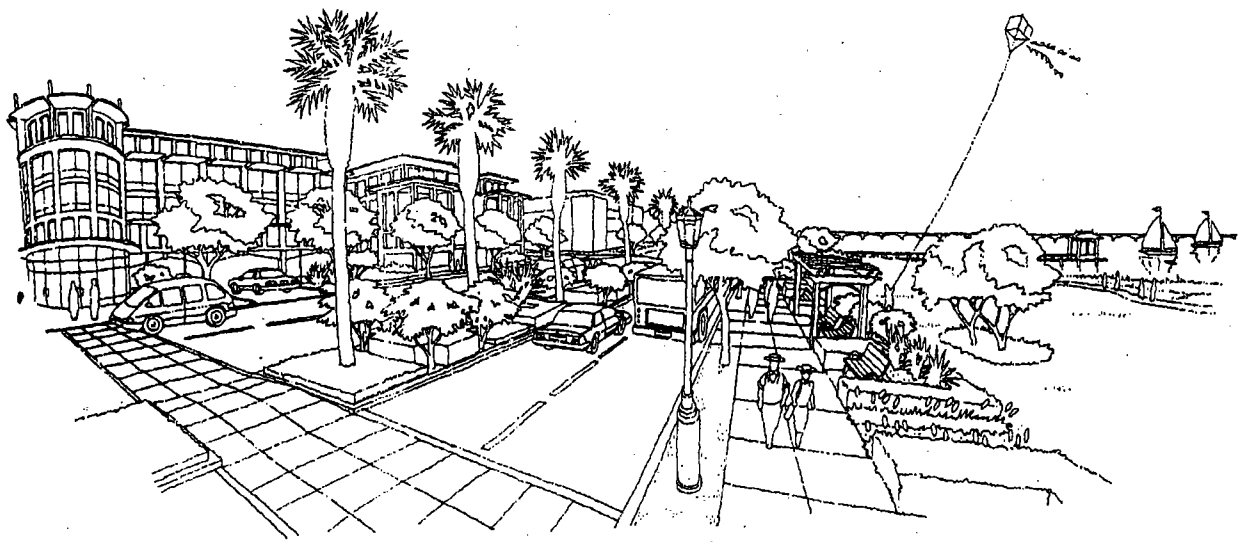
There are many opportunities on Upper Meeting Street for infill development and an enhanced public realm.

More residents, commuters, and visitors will use alternative modes of transportation, reducing demand for parking on downtown streets. Shared parking structures will free up grade level for animated uses, ensuring street level vitality. A water taxi will transport residents and visitors between downtown, West Ashley, Mount Pleasant and Daniel Island, bringing greater activity to the waterfront. Visitors will be dispersed throughout the lower peninsula spreading their economic regenerative effect.

Quality architecture: In the future, Charlestonians will continue to demand high quality architecture throughout the lower peninsula. While not strictly historic in style, new development will be architecturally compatible. The fine grain of the historic city – its scale, mix of uses, pattern of streets and blocks, intimate courtyards and gardens – will be reflected in new development, extending downtown's unique atmosphere northward. In addition, the commitment to maintaining modest heights will be continued.

Parks: Parks and open spaces will be woven throughout downtown, creating neighborhood hubs and opportunities for social activity. Some existing parks will be improved, such as DeReef Park and portions of Hampstead Square. New parks will be at the east end of the Calhoun Corridor and in the Union Pier development. The Waterfront Park will continue to serve as a standard of design excellence for new open spaces throughout the lower peninsula.

The waterfront: The waterfront will be an integral part of the city fabric, becoming more visible and accessible as the waterfront trail encircles downtown, forming a loop as it follows the path of the Crosstown.



Lockwood Boulevard will be the new western face of the peninsula. Office and high-tech research uses, among other uses, will be accommodated in urban buildings overlooking an enlarged Brittlebank Park.

Upper Lockwood Boulevard and Brittlebank Park looking south

The Ashley and Cooper riverfronts are envisioned as two different kinds of exciting waterfront destinations. The Cooper River waterfront will be brought to life by the new activities at the end of the Calhoun Corridor including the Union Pier development, containing cultural attractions and mixed-use neighborhoods that offer housing, offices, two playing fields and two waterfront parks. The hard edge to this deep river will provide an excellent vantage point for viewing ocean liners, sea birds and marine life.

The marshes of the smaller and shallower Ashley River will be traversed by boardwalks and observation points, running north above the Ashley River Bridge and meeting up with Brittlebank Park.

Partnerships: Through collaboration and partnerships – between the downtown community, the city, the visitor industry, institutions and developers – balance will be maintained and the community will be improved.

This is a vision of a prosperous, inclusive and livable downtown Charleston. The lower peninsula will be, first and foremost, a place to live, a neighborhood, a community. It will offer diverse employment opportunities, high quality architecture and open spaces. With renewed commitment to public transit, the use of cars will be diminished, helping to retain downtown's high quality of life. Visitors will be welcomed from around the world. Partnerships and collaboration will restore balance.

Managing growth and achieving balance

4. Why manage growth?

Growth is encouraged in corridors above Calhoun Street and on industrial lands. Strategically directed growth will stimulate investment, restoration and employment opportunities in these areas, while relieving pressure for development in the stable areas below Calhoun Street.



Meeting Street, above Calhoun Street, needs reinvestment.



Congestion at Meeting and Market Streets needs to be relieved.

The premise underpinning the downtown plan is that carefully directed and managed growth will improve the downtown's quality of life by diversifying the range of amenities it has to offer, strengthening its resident base and expanding employment opportunities.

4.1 Introduction

Charleston faces a series of challenging decisions. On one hand, there is a keen sense by some that there should be no further growth: there are already too many cars, too many people, too many visitors, too many students. On the other hand, many believe that the quality of life could be improved by adding new jobs and ensuring that housing is affordable for a wider range of incomes. Moreover, many believe that some parts of the lower peninsula could benefit from reinvestment. According to the former viewpoint, growth should be limited. According to the later, there may be benefits from some growth. How can these viewpoints be reconciled?

In fact both are valid. In some parts of downtown, namely south of Calhoun Street, limited growth should be accommodated. North of Calhoun Street, there is room to accommodate growth that could be beneficial to all members of the downtown community. *The premise underpinning the downtown plan is that carefully directed and managed growth will improve the downtown's quality of life by diversifying the range of amenities it has to offer, strengthening its resident base and expanding employment opportunities.*

Strategically managing and directing growth will ensure that Charleston's current attributes will sustain future economic cycles and be preserved for generations to come.

The key to the downtown plan's success is in embracing growth: the right kind, the right mix and in the right locations. New development should be identified, targeted, and directed to locations where balance can be maintained and synergies maximized. The market analysis prepared by Development Strategies, which is the foundation for this Downtown Plan, finds development potential in each of the economic sectors. The question is: What new uses would most benefit downtown Charleston?

4.2 What new uses does Charleston want to accommodate?

Continued economic prosperity is essential to downtown's quality of life. As the metropolitan area continues to grow outside of the downtown area, the risk is that new development will be enticed to suburban locations to downtown's detriment. Prosperity is best maintained by ensuring that downtown remains the cultural, commercial and residential heart of the region. Retaining this role requires that downtown continue to accommodate a full range of uses: housing, office, retail, cultural facilities and accommodations. How can adding each of these uses enhance the downtown quality of life?

Housing: Additional housing will allow downtown Charleston to more vigorously recoup the population lost since the 1960s, improve the tax base and potentially reduce the number of people commuting daily into downtown. It also provides the opportunity to create more moderately priced housing to help retain a balanced community, both economically and demographically.

A review of demographic trends indicates that for more than thirty years, the peninsula experienced a significant drop in population. Between 1960 and 1990, the down-



Affordable housing needs to be a priority.

town population declined by about half to approximately 23,000, the number of households declined from 13,345 to 8,965 and the number of married couples with children declined from 3,955 to 918.

The peninsula's population shows significant polarization. It contains some of the wealthiest and poorest neighborhoods in the region.

In 1990, 35% of downtown households had income lower than the federally designated poverty level. Those households were concentrated in significant portions of Cannonborough - Elliottborough, the East Side, Radcliffeborough, the West Side and Wraggborough.

Several of these tracts also contain some of the highest concentrations of African Americans in the city. However, downtown is gradually losing its ethnic diversity. The African-American population has decreased by about 4,000 - 6,000 residents each census decade since 1960. Whereas previously, the majority of area residents were African-American, today there are almost as many Caucasians as African-Americans in the study area.

At the same time, there has been renewed interest in residential real estate on the lower peninsula and in fact city statistics indicate a recapture of approximately 300 people since the 1990 Census. This is due in part to an increasing number of students at College of Charleston, but also due to the city's growing attractiveness as a place to live. Many households with personal wealth have been drawn to Charleston for the amenities and lifestyle. Often these are retired persons. Others use a home in historic Charleston as a seasonal or vacation residence.

This phenomenon has led to dramatically rising property values, largely in the oldest and best preserved sections of the lower peninsula, but increasingly throughout the peninsula. The median value of homes sold in downtown south of the Crosstown Expressway increased by 67 percent between 1990 and 1998, by far the most rapid rate of increase – and the highest values – of any other submarket in the Trident region.

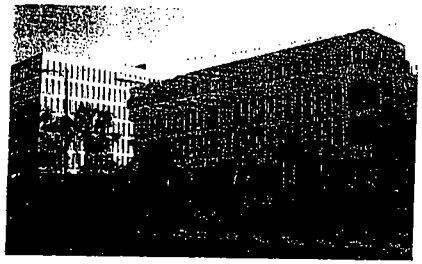
These new residents, combined with growth in tourism, have yielded significant economic gains for the community (jobs, expenditures, and wealth) and fiscal benefits to the city, state, and other taxing authorities. At the same time, the rise in property values has also brought with it significant increases in property taxes, causing severe impacts for homeowners committed to remaining in their homes.

The creation of new housing opportunities and increasing supply is one strategy to moderate the impact of these economic forces. The market analysis concludes that there will be strong demand for housing (between 1800 and 4500 units) over the next 20 years - capturing at least part of this demand to increase supply can in itself have the salutary effect of lowering prices or at least moderating price increases.

Encouraging the production of alternative housing opportunities for low- to moderate-income households and for elderly residents will also increase opportunities for people to remain within the community. For example, with the assistance of Low Income Housing Tax Credits, rental housing can be constructed that includes assisted and market rate rental housing in the same development, under common management.

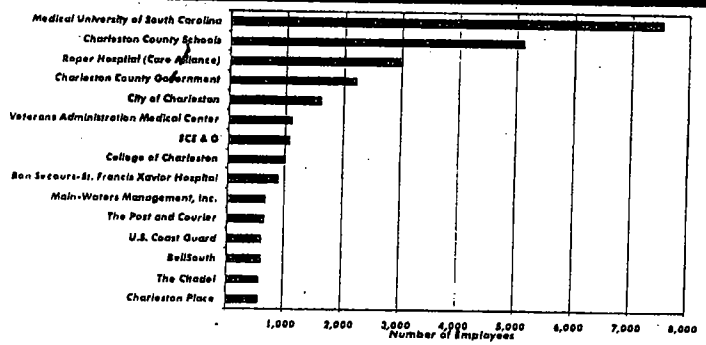
The key is to ensure that a range of housing options continue to be available on the peninsula to ensure that downtown remains a place where a diverse population can visit, work and live at every stage in the life cycle.

Employment: Charleston needs to selectively target new employment opportunities that will diversify the market and attract skilled young professionals to the downtown. Diverse employment opportunities enhance prosperity and the overall quality of life. Jobs with higher paying salaries and advancement opportunities should be encouraged.



The Medical University of South Carolina is the largest employer in the city.

Fifteen largest employers in the city of Charleston



Source: Metro Chamber of Commerce, Major Employers Directory 1997

Without selectively attracting new development, this kind of diversity and prosperity cannot be achieved.

The principal means to achieve a more diverse and sustainable economic base for downtown Charleston is to maintain and expand its position as a center of office employment. The reason for this is simple. The largest and strongest growth in the region's economy is services, the broad category employment that includes business services, professional services such as accounting, law, engineering and architecture, hospitality, health care, entertainment and dining, and domestic services. This category of employment grew in the metro area from about 45,000 jobs in 1990 to 65,000 in 1998, a 45% increase. Health services, restaurants, business services and the hotel sector are projected to lead job growth through to 2,000.

Downtown Charleston has had exceptional success in reinventing itself economically. For most of this century, the economy relied heavily upon the Naval Base, which closed in 1996, cutting 22,000 jobs from the region. The downtown economy rebounded remarkably well and has since, like the region, relied heavily on the service sector.

The dramatic growth of Roper Hospital, the Medical University of South Carolina, with its health care delivery institutions and medical school, and the College of Charleston has led to further economic prosperity and diversity in the lower peninsula as well as the region. In addition to bringing students, patients, and visitors, these quality institutions have brought stature to the community and a range of jobs for residents that spans the spectrum of requisite skills and resulting household incomes. Of particular note is that, despite the perception that the Charleston economy is heavily based on tourism, the largest tourist-based employer in the city is the Charleston Place Hotel – but it is only the 15th largest employer in the city.

At the same time, many employees and faculty of these employers have chosen to live in the historic neighborhoods, thereby contributing to their restoration and value. This economic gain has led to growth of the city's labor force and a remarkably low city-wide unemployment rate, just 3.1 percent in 1998. Such a low rate suggests that there are unfilled jobs and that further in-migration can be expected as Charleston's many amenities combine with a strong job market to attract newcomers.

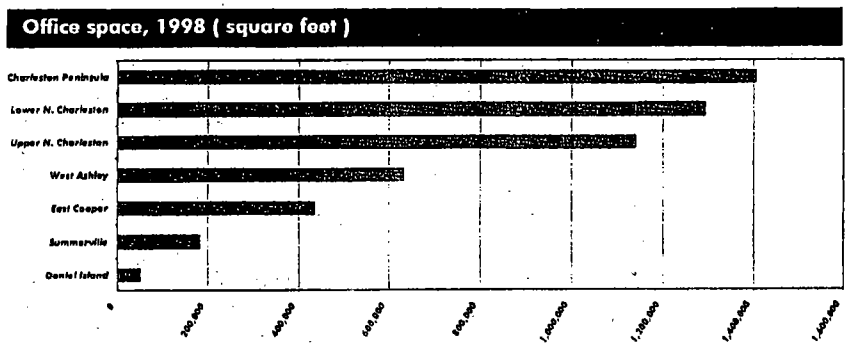
The market analysis identified the potential for some 14,000 to 22,000 new jobs within the next twenty years in downtown Charleston. The opportunity now is to encourage, and then retain within downtown, further spinoff businesses. In particular, businesses that will capitalize on the unique technologies and services emerging from the research base of the Medical University, as well as diverse supporting businesses should be encouraged. Such spinoff businesses will help create a greater diversity of higher-paying employment opportunities to attract and retain young families in the region. Attracting skilled workers is also key to attracting better jobs.

The key employment categories to be encouraged include: business services ranging from low intensity graphic arts and printing to computer consulting and software design; professional services ranging from attorneys, accountants, engineers, and architects, to consultants of all varieties; communications and other information technology firms; headquarters, branch and operations offices of diverse businesses and institutions; high technology firms, although certain ones may require specialized facilities that incorporate laboratories within office-type structures; and leased facilities for federal, state, county and city government agencies.

Office uses: To meet some of the employment goals, Charleston's downtown is the ideal place to attract corporate headquarter offices, high technology and more Class A office space. Developing an office core area will help facilitate these goals.



The principal opportunity for developing the City's employment base is to maintain and expand its position as an office center.



Source: Charleston Metro Chamber of Commerce

Approximately half to two-thirds of the 20,000 new jobs created in the service sector since 1990 occupy office type space, creating demand for as much as 2 to 2.5 million square feet of office space throughout the region. Finance, insurance and real estate (FIRE) jobs, typically has about 85 percent office occupancy and is heavily represented in the downtown now.

There is clearly the opportunity for the city to selectively target, capture, and create a critical mass of activity of primary office functions, establish synergies and help downtown to remain the regional focus. Growth in the office sector will also help to retain vitality in the wide range of uses that are supported by office jobs: restaurants, clothing shops, cafes, copy shops, etc.

Given downtown's historic qualities and scale, the high rise office towers seen in Greenville or Charlotte are appropriately absent in downtown Charleston. Still, the peninsula dominates the region's inventory of Class A office space and headquarters employment. The city has aggressively sought to maintain this position by recruiting and making available incentives to encourage major firms such as Bell South and financial institutions such as Nations Bank, now Bank of America, and the federal courts to come to or stay in downtown.

Downtown has much to offer the office-based employer and its employees. Like most downtowns, it is the one place in the region where face-to-face contact between businesses and between business and government can be achieved quickly and conveniently. A variety of lunch places and shopping destinations are within walking distance at lunch hour. It further offers the opportunity to walk to work from an adjacent historic neighborhood.

The recent decision of a major law firm to depart the downtown for a signature building in a planned business park across the Cooper River, however, should be considered an important wake up call. While it is understood that there were special circumstances that drove this particular location decision, it focuses attention on the need to plan for expansion of office development opportunities on the peninsula if higher-paying jobs are to be attracted to the downtown area. Failure to do so could lead to a rapid erosion of downtown as a place of employment for the region's growing service sector.

With low vacancy rates and few sites readily available to build new office space, it is very difficult for a business to expand or relocate to the lower peninsula. Further, there is no single area recognized and marketed as the office core of downtown where such expansion is welcomed and facilitated by the city and the corporate community. The city needs to be proactive in attracting the office sector. The economic analysis indicates significant potential in this domain – between 1,500,000 to 2,900,000 square feet, depending on how aggressively the city pursues new development.

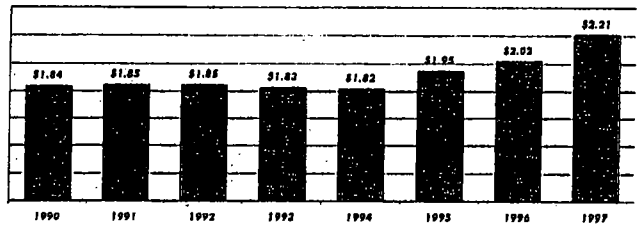
The economic analysis section details a number of recommendations to assist in securing and expanding downtown's position as the dominant office center within the region. These include: compiling and maintaining an inventory of sites appropriate for development of office facilities; creating a high technology business incubator with a focus on medical and bio-technologies associated with and convenient to the Medical University and College of Charleston; supporting a "world trade center" for the Charleston region; and, within those areas targeted for office growth, creating a pool of shared or public parking that will diminish the need for on-site parking. Chapter 7, Land Use Strategy, identifies the areas where new office development can most appropriately be accommodated.

Retail uses: Providing for a broader range of retail will ensure that peninsula residents can fulfill their shopping needs in proximity to their homes, keeping shopping dollars in downtown and reducing the need for automobile-oriented shopping excursions.



More retail along the Upper King / Meeting Street Corridor will provide shopping opportunities in proximity to resident's homes, reducing the need for automobile oriented shopping excursions.

Annual retail sales in the city of Charleston (in billions)



Source: City of Charleston Department of Budget, Finance and Revenue Collections

The retail market has remained strong due, in large part, to successful city initiatives and tourism. Tourism in turn is fueled by the historic preservation efforts sponsored by the City of Charleston and individual Charlestonians. Sales accelerated in the latter part of the 1990s, growing at a rate of 3.2% between 1991 and 1994 and 6.2% between 1994 and 1997. Per capita retail sales in 1998 were roughly double the national average. This pace of increase does not go unnoticed by national and international retailing companies who diligently seek robust and expanding markets.

Part of the success of Charleston's "new" downtown has been the attraction of national retail stores to locate on its "main street". Charleston joined many cities across the country in its almost total departure of resident-oriented comparison goods shopping establishments from downtown to the greener pastures of suburban malls. Prior to that, the King Street shopping district had, in fact, been anchored by several national chain stores, including Penney, Belk, Sears, Lerners, Grants, Woolworth, and Kress. Only with the development of Charleston Place a decade ago did this trend begin to reverse. More recently, the success of these urban pioneers has led to such stores as Ann Taylor, the GAP, Banana Republic, Foot Locker and Saks Fifth Avenue locating on King Street, north and south of Market Street.

This pattern disturbs some downtown patrons, both residents and business owners. It has meant tough competition from firms with national procurement and marketing systems, competitors run by transient managers rather than local business persons deeply committed to the community, higher land values and rents, and demanding customers. In the process, however, it has expanded the customer base and increased the cumulative attraction of downtown as a regional and visitor shopping destination.

As a result, downtown has retained and strengthened its position as the region's fashion shopping district, thus far preventing the emergence of a competing suburban version of a fashion mall. At the same time, local entrepreneurs have dominated the business growth linked to dining, entertainment, and casual tourist shopping, especially in and surrounding the market.

A review of the market power of downtown residents and of the existing retail facilities catering to convenience goods (food, drug store items, hardware, and home improvement), certain hard goods (furniture, appliances), and lower priced shopper goods, suggests an opportunity for further retail business growth downtown, aimed at serving existing and future residents.

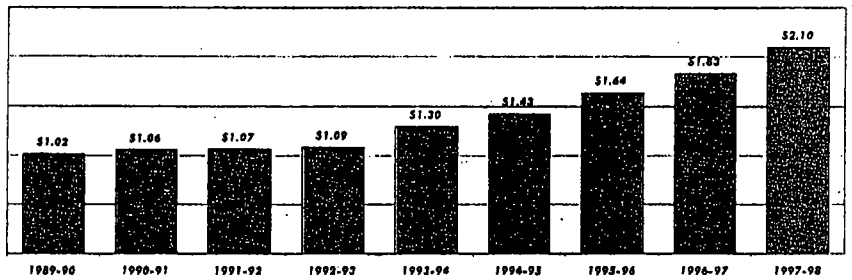
Of the estimated demand for an additional 500,000 – 700,000 square feet of retail over the next twenty years, the market analysis recommends that a significant proportion (350,000 square feet) should be targeted for resident-oriented retail establishments. The goal is to discourage residents from shopping in the suburbs and paying relatively high prices for the currently limited selection of these kinds of shopping opportunities in downtown. Local businesses should be encouraged to meet this need.

The Downtown Plan identifies appropriate sites for the location of regionally competitive "main line" retail shopping facilities to serve peninsula residents with medium-priced general merchandise, furniture and apparel goods. The market analysis suggests that these stores be concentrated, perhaps in a "main street" setting of 100,000 to 400,000 square feet, with conveniently located parking, in order to most effectively create the attributes and convenience of a medium-sized shopping center while meeting local historic district requirements. Special efforts should be made to attract locally-owned stores to the center.

These retail uses should be readily accessible to the Crosstown Expressway in order to capture patronage from across the Ashley and Cooper Rivers as well as people living and working to the north and south of the Crosstown. The Upper King and Meeting Corridor on both the north

South Carolina accommodations tax revenues from Charleston ($ millions)

Source: South Carolina Department of Revenue



and south sides of the Crosstown provides an ideal opportunity for new resident-oriented, clustered retail establishments. These types of retail centers allow the shopper to take care of multiple trips at one time, thereby decreasing automobile trips.

Hotels: Within the Charleston region, especially in downtown, an aggressive approach to economic development led to a dramatic increase in tourism and in marketing the preserved historic environment to the nation and the world. At the same time, the region's reputation grew as a vacation haven for those who seek waterfront resorts as well as the ambience of the old town and its many quality restaurants, shops, and historic attractions.

Economic success in this regard is vividly illustrated by state tax revenues from overnight accommodations in the City of Charleston. While relatively flat for the first four years of the decade, these revenues have increased 70 percent in the last five years. While Charleston has long been an attractive vacation and tourism area, recent trends show the city has a dramatically improved drawing power.

The *Visitor Accommodations Study*, completed in 1998, provides a comprehensive overview and analysis of visitor accommodations in the City of Charleston. The study revealed that there is significant growth projected in hotels in the county, however, it is overwhelmingly outside of the city. The total number of hotel rooms in Charleston County increased 97% between 1982 and 1997, to 10,767. On the peninsula, the number of rooms increased in the same time period by 85%, from 1,835 to 3,390. South of Calhoun, the number of rooms more than doubled, increasing from 808 to 1,728. An additional 2,468 rooms are planned, 540 of which are in the city. Of these, only 155 are proposed south of Calhoun. The market analysis projects that potential demand on the lower peninsula ranges between 800 and 1,700 hotels rooms over the next twenty years (40 - 85 rooms annually), depending on how aggressively opportunities are pursued.

Residents have expressed considerable concern about the potential impacts of more hotel development in downtown. In that regard, the *Visitor Accommodation Study* noted that the city does not have control over quantity, quality or characteristics of hotels *outside* the downtown core. However, that growth can impact the peninsula without providing economic benefits. Accommodating some hotels has advantages.

In particular, providing opportunities for visitors to stay on the peninsula could decrease the volume of cars coming into downtown and foster a pedestrian-oriented, transit-supportive tourism strategy. Adding new hotels will allow downtown to benefit financially from the investment and increased property taxes. Visitors will also support local retail and other businesses, provide vitality and activity on city streets.

Accommodating more hotels must be part of a broader strategy of selectively dispersing tourism, including hotels, generally north of Calhoun Street and away from the waterfront, which should remain primarily public in nature. With this in mind, the Downtown Plan identifies appropriate locations, such as the Upper King and Meeting Corridor, and the new Crosstown Gateway, where tourism-related facilities can strengthen the urban fabric and create the vitality which arises from a diversity of uses.

More generally, however, the economic analysis clearly recommends that the focus of the city's economic development activities shift from tourism to higher paying, more skilled, office-oriented employment uses, building on Charleston's success while creating a more diverse economy.

Proposed distribution of growth *in transition and redevelopment areas*

Within the transitional and redevelopment areas, it is estimated that 100 acres of vacant or underutilized land exists that could accommodate the targeted growth scenario over a twenty year horizon.

Six areas comprise those 100 acres. The potential allocation of this growth is depicted in the pie charts. New parks are planned and depicted in Section 6.

Ideally, growth should be distributed to strengthen the Crosstown Gateway as a mixed use employment area and much of the Cooper River waterfront as a mixed-use but predominantly residential neighborhood.

Much of the retail growth should occur in the Upper King / Meeting corridor.

The Cooper River Bridge area and Lower Lockwood will contain infill housing.

Hotels, with the exception of two in the Cooper River redevelopment area, will be north of Calhoun Street.

* New institutional / office growth will occur in the hospital district, associated with the MUSC. This growth is in addition to that which could be accommodated on the 100 acres of vacant or underutilized lands.

Total growth targets

	0 - 10 years		10 - 20 years		Total		Target
	Low	High	Low	High	Low	High	
Employment (jobs)	6,300	9,900	7,700	12,100	14,000	22,000	14,000
Population (people)	1,800	4,500	2,200	5,500	4,000	10,000	4,000
Housing (units)	900	2,000	900	2,500	1,800	4,500	1,800
Office (sq.ft.)	675,000	1,740,000	225,000	1,160,000	1,500,000	2,900,000	2,500,000
Retail (sq.ft.)	325,000	490,000	175,000	210,000	500,000	700,000	500,000
Hotel (rooms)	600	1,300	200	400	800	1,700	800

4.3 How much growth should be accommodated?

The rationale for accommodating growth and the range of market potential for each sector is set out in Section 4.2. The range, which is based on regional economic projections, provides a framework for determining economic development and land use policies. The low end represents levels of development that will be attained through sheer market forces, with little or no initiative on the city's part. The high end represents levels that can be attained with a more proactive economic development strategy in each of the sectors.

The critical issue is: How much of the growth *can* or *should* be accommodated? What are the potential constraints to development? Where should growth be directed?

On the first point, land capacity is *not* a constraint to growth. Within the *transitional* and *redevelopment areas*, it is estimated that there are more than 100 acres of vacant or underutilized land that could accommodate new development. (Approximately 50% of this land lies within Union Pier which the South Carolina State Port Authority owns and will decide the appropriate time for redevelopment.) This is approximately double the land area required to accommodate the high growth scenario over a twenty year horizon. Significant development potential also is in the area immediately north of the study area boundaries, which is equally appropriate for revitalization. New parks are planned and are in addition to the 100 acres of growth area.

A potential constraint to growth is the community's sense that the impacts of development are not yet being adequately managed. The city has undertaken many excellent initiatives, in the domains of tourism and institutional growth, that should be continued and monitored. Chapter 5, Achieving Balance recommends additional strategies to augment existing initiatives. The premise underpinning the Downtown Plan is that the impacts of development are manageable.

A second potential constraint is the lack, to date, of a coordinated strategy to manage the traffic associated with new development. Preliminary analysis by the transportation consultants undertaking the *Downtown Traffic and Parking Study* indicates that traffic capacity is not unlimited. Without a significant change in current travel patterns, the proposed MUSC expansion and the full potential of the redevelopment areas – the Crosstown Gateway and the Cooper River waterfront – may not be realizable.

Ongoing monitoring is required. As well, transportation demand management strategies should be immediately implemented, including car pooling, flexible work hours, maximum parking requirements for new development, and a land use strategy that maximizes potential transit riding.

Appropriate development targets

Because of these constraints, the Downtown Plan recommends the lower end of the market potential: 4,000 more people, 14,000 more jobs, 1,800 more houses, 500,000 square feet of additional retail space and 800 additional hotel rooms over the next 10 to 20 years. The exception is the office sector where a more ambitious economic development strategy should be adopted to diversify employment opportunities. A target of 2,500,000 square feet of new office space is appropriate.

Accommodating growth in downtown within the ranges identified above has the potential to improve the quality of life. The challenge will be to reap the benefits for the downtown, without the community incurring impacts. Strategies to manage these impacts and restore balance for the residential community are outlined in the following chapter. The appropriate distribution and land use policies to guide implementation of new development are contained in the subsequent chapters.

5. Achieving balance

5.1 Introduction

The previous chapter presented a strategy to ensure continued prosperity and a high quality of life. Before considering – in chapters 6 and 7 – where growth should be directed, this chapter identifies strategies for maintaining balance and preserving downtown quality of life as growth occurs.

Charleston is at the forefront of cities dealing with growth-related quality of life issues, forming the basis of its reputation for progressive leadership, a committed community, and cutting edge initiatives. *The Tourism Management Plan*, the *CHATS (Charleston Area Transportation Study) Long Range Public Transportation Plan*, the *Town and Gown Technical Report*, the *Parks Plan* and the many housing programs are each excellent initiatives. Thus far, while successfully addressing the issue at hand, each study was independent.

Building on existing initiatives, there is now an opportunity to work across the boundaries of previous studies, address shared issues and develop far-reaching, common solutions. As more housing, office, retail and hotels are targeted, five broad strategies should be pursued to ensure that *balance is maintained* and to ensure that *growth contributes to downtown* in a way that will improve the quality of life. The five strategies are to:

- increase housing supply and affordability in downtown,
- improve neighborhood and community amenities,
- develop mechanisms to share the impact of growth,
- reduce the reliance on cars,
- mitigate the financial impacts of growth.

Cumulatively, these strategies aim to ensure and preserve the quality of life for residents and downtown as a viable community.

5.2 Increase housing supply and affordability

A strong sentiment exists that rapidly increasing housing prices are marginalizing the existing community in downtown Charleston. Housing is purchased as vacation homes, diminishing the sense of continuity and commitment among neighbors and neighborhoods. Young families and professionals are finding it difficult to afford housing, resulting in a skewed population profile. Increased housing prices result in higher property taxes, which burden long-time residents of the peninsula and exacerbate gentrification pressures in existing neighborhoods.

The City of Charleston is doing an excellent job through a number of initiatives to provide housing for a wide range of people, particularly for persons with lower-incomes. The Downtown Plan aims to increase housing affordability in downtown by increasing the supply and diversity of housing available for homeownership and rental purposes. There are excellent examples of new larger scale rental developments in a number of older cities (such as Quality Hill in Kansas City or Westminster Place in St. Louis, among many others) that could provide models for the lower peninsula.

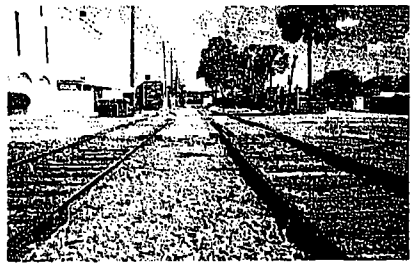
30% Monthly income available for housing

	1999 Income
Moderate	$ 1,808.00
Low	$ 864.00
Very low	$ 540.00

Source: City of Charleston Department of Housing and Community Development



The narrow streets and compact nature of the peninsula make bicycles an ideal form of transportation.



The existing rail corridor right-of-way should be preserved in anticipation of a commuter rail network between downtown and Summerville.

In order to prevent isolation of various income levels into any one part of the downtown, the Downtown Plan also seeks to increase the mix of housing types throughout the downtown. The overall objective is to ensure that the lower peninsula can accommodate and house the full spectrum of population and income groups, in order to maintain the downtown as an authentic and diverse community - a place where "real" people can live.

The Downtown Plan addresses housing generally. Upon completion of the Downtown Plan, a separate Housing Master Plan should be completed to explore additional mechanisms and programs for providing and financing housing at all income levels, but particularly for lower income earners. Housing is a complex and highly specialized issue that needs to be examined in detail.

The following goals and objectives broadly address housing issues:

Goal: Increase the supply of affordable housing.

Explore innovative mechanisms for financing affordable housing.

Charleston should continue to explore innovative mechanisms for financing affordable housing, including some of the options identified previously in Charleston 2000. These strategies seek to facilitate and encourage the creation of affordable housing by the private sector, through combinations of incentives and/or affordable housing requirements.

For example, Charleston has established an affordable housing trust fund to support affordable housing programs. Contributions are being made from the City capital budget as well as from cash-in-lieu contributions from linkage or housing agreements.

In addition, small increases in density could be allowed as an incentive to provide affordable housing. Special tax policies or districts could be created in which local property tax or state income tax could be abated as an incentive for developers to provide affordable housing. Finally, development charges, application fees, and other charges could be waived in order to reduce the cost of constructing affordable housing.

Incorporate affordable housing into market rate housing projects.

Each new housing development over a certain size (for example 20 units) should incorporate a certain percentage, perhaps 20%, of affordable housing. If required through zoning regulations, affordable housing can be created throughout downtown. The goal is to ensure that a full range of income levels can live in each neighborhood. Studies show that the value of market rate units located near subsidized housing units is not negatively impacted. In fact, neighbors often cannot tell which units are market rate and which are subsidized.

Affordable housing could be provided through the Department of Housing and Community Development and the Housing Authority among others, as is the current practice, or as intrinsically affordable (smaller) units by private developers. Affordable units will provide housing options for households with fewer people, students, young couples, and the elderly - potentially freeing up existing larger housing units for larger families.

As part of a multi-pronged strategy, the Housing Authority might consider the development of projects that include some market housing (potentially at subsidized prices). Such programs have been tried successfully in other American cities such as Milwaukee, where new market housing on city property has helped create a diversity of income levels and



190 St. Philip Street is a good example of neighborhood infill apartments.



494 King Street is a medium intensity, mixed-use commercial building. Similar uses are recommended for the Calhoun corridor. Apartments on upper floors could house students or other appropriate populations.

The changing senior citizen population (65+)

	1980	1990	% change
Tri-County	29,694	43,470	46
Downtown	5,895	3,442	42
Total	34,589	46,912	44

revitalized an existing residential neighborhood. The proceeds of market rate sales are designated for construction of new affordable housing. Collaboration with market rate housing developers may help facilitate such development.

Consider revising standards to facilitate affordable housing.

Density standards, site standards and the extraordinary costs of maintaining an historic property are a few of the factors that discourage the creation of affordable housing. Renewed collaboration between the housing providers, the Board of Architectural Review (BAR), Board of Zoning Appeals (BOZA) and the preservation community should focus on a set of alternative standards for affordable housing projects. For example, the East Side Design Guidelines endorse the substitution of v-crimp metal roofing as a replacement for a standing seam metal roof. The template must ensure that neighborhood fabric and architectural integrity is maintained. The zoning ordinance should be studied and revised to support continued affordable housing efforts.

Dedicate city resources for creating affordable housing.

The proceeds from the sale of city properties, such as those in the vicinity of the Maritime Center, could be put toward the construction of affordable housing throughout the lower peninsula. In particular, areas subject to gentrification could be targeted to assist residents to stay in their neighborhoods.

Goal: Increase the rate of homeownership for low-income residents

Vigorously pursue existing programs to create affordable housing and increase the rate of home ownership.

Charleston has numerous programs and initiatives aimed at increasing the supply of housing for low and moderate income families and for increasing their rate of home ownership. These programs focus on providing low-interest mortgages, loans to rehabilitate existing structures, developing and managing an affordable housing stock, and fostering partnerships with financial institutions and churches. The City of Charleston, the Housing Authority, federal and state governments and several non-profit agencies are all involved in and sponsor these programs. These programs should be continued and bolstered through additional government and/or private funding initiatives.

Goal: Create more mid-priced housing

Create more rental housing.

Rental housing is an attractive housing option for many people. It is appropriate for individuals who do not want or cannot afford to own a home, providing a flexible and often lower cost form of housing. Some people simply prefer rental housing as a lifestyle choice. A well-planned rental development with effective management can successfully contain a mixture of both market rate and assisted, affordable units, helping to diversify the housing stock.

Encourage mixed use development, smaller units, and higher density buildings.

Smaller units that are incorporated into mixed use or higher density projects are inherently more affordable, by virtue of economies of scale, and reduced per unit land price. Smaller units are appropriate for segments of the population such as students, young professionals or empty-nesters who are at a point in their life with more minimal housing requirements.

The zoning ordinance could allow that in some instances, the creation of smaller units be deemed as fulfillment of the affordable housing requirement, so long as steps are concurrently being undertaken to ensure that an appropriate number of family-oriented affordable housing opportunities are being created. Higher intensity is proposed in several strategic locations (described in Chapter 7), however it must be developed in low- to mid-rise forms to be compatible with the existing city.

Over the next twenty years, residential development should be targeted throughout downtown.

Twenty year residential targets

	number of units
King / Meeting	400
Crosstown Gateway	200
Cooper River	715
Corridors	368
Lockwood	100
Total	1,800



Downtown needs to offer amenities and a quality of life that are competitive with surrounding suburban communities.

Create more housing for seniors downtown.

Although senior populations are increasing nationally and regionally, the senior population in downtown decreased 42% between 1980 and 1990. Reasons for this trend are numerous, including: cost of housing, the perception of safety, difficulty in finding housing on one floor without stairs, and the fact that there are only two targeted senior housing developments downtown. To the greatest extent possible, seniors should be mixed in with all age groups to assist them to remain vital, active and integrated with the community. Smaller, ground floor units or units accessible by elevator are appropriate. Where housing specifically geared towards seniors is required, affordable housing funds should be dedicated to this purpose. Appropriate sites should be identified throughout the downtown.

Goal: Ensure the long term housing supply

Identify and preserve sites for new housing.

Identifying sites for new housing units will ease tension between supply and demand, help contain the rapid escalation of housing prices, and help downtown retain its ability to house a broad spectrum of income and age groups. Such sites are recommended in Chapter 7.

Goal: Establish housing targets

To ensure that housing is not eclipsed by commercial development, minimum residential targets should be developed. Targets might be introduced on an area-wide basis, especially for areas where significant development is anticipated, notably the redevelopment and transition areas.

Housing targets can be achieved in a number of ways. The City can simply monitor the residential/commercial balance in target areas and only intercede if the situation warrants it. If the current interest in new residential development persists, free market forces may lead to the development of additional housing.

If more assertive action is required, the zoning ordinance can address the issues in a number of ways: individual sites can be required through zoning regulations to provide a minimum residential development. As regular assessments of this twenty year plan are undertaken, the levels of current and desired housing development can be reassessed. Appropriate rezonings can be recommended at that time.

5.3 Improve neighborhood amenities and facilities

To retain the existing population, attract new families and recapture lost population, downtown needs to offer amenities and a quality of life that are competitive with surrounding suburban communities. Schools, cultural facilities, parks and open spaces, institutional boundaries, and enforcement of zoning ordinances are all critical to ensuring the quality of life for residents in the neighborhoods. The following goals and objectives address these issues:

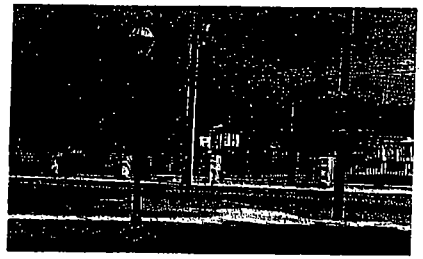
Goal: Improve the public schools

Strengthen the public school system.

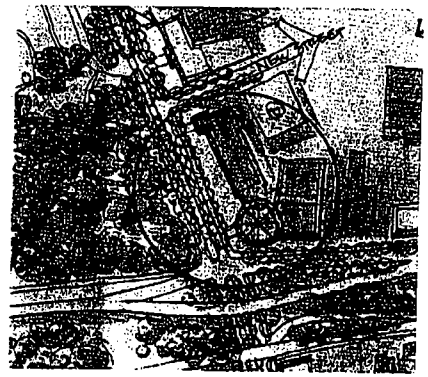
Public schools form a fundamental part of the community and are an intrinsic and crucial element in retaining downtown's existing population and attracting young families back to the downtown. Good public schools can also leave a family more income for housing. The quality of public education is a key element in attracting new businesses to downtown Charleston. Schools also perform a vital function in the neighborhoods, acting as centers of community activity beyond education.



Public schools form a fundamental part of the community and are an intrinsic element in retaining downtown's existing population and attracting young families back to the downtown.



The four open spaces at the intersection of Columbus and America Streets are at the heart of the East Side neighborhood. They are also the front door to a city school, the Trident Technical College, and Johnson and Wales University. New investment in the open spaces would strengthen the neighborhood and these institutions.



The design and siting of new development on Lockwood Boulevard above Spring Street should address the proposed open space across the street.

Issues of education are largely beyond the scope of the Downtown Plan. However, it is clear that the public school system should be strengthened through enhancement of curriculum and renovation of existing physical facilities. The school system needs adequate funding, safe and healthy facilities. The construction of a new building for the Burke High School is an important step in improving education facilities. The Chisholm Street school remains an appropriate site for a number of uses, including an elementary or middle school. The opportunity exists to physically augment this site with the land associated with the adjacent Armory property.

The success of the Buist Academy is indicative of the magnet school potential to keep students within the public school system. New magnet schools could be created provided they are developed for peninsula students. The potential location of a downtown upper level school of the arts would also be an asset to downtown.

Continue initiatives aimed at involving the community.

Mentoring programs, involving the community and local residents, are an important means for improving public school quality and should be pursued. Other programs that involve the community to improve schools should be explored. For example, the resources of the neighborhoods, churches and schools could be organized for community workdays, fix-up projects, and reading to children. Community workdays should focus around adults and children working together.

Position schools as the neighborhood hub.

Schools should be the hub of the neighborhood. Open after hours, they can accommodate after school programs, child care, clinics, and adult education. The family resources center could potentially offer services such as adult literacy, employment and computer training.

The public transit system should support schools as the neighborhood hub. Special passes should exist for children, youth and families. Transit hours should allow for after-school programs.

Goal: Improve open spaces

Update the parks master plan.

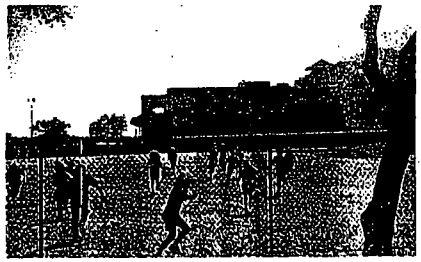
Parks and open spaces are an important element in making downtown an attractive and comfortable place to live. The parks master plan needs to be updated to assess all the existing parks and opportunities for new parks. Given the limited space available, all available park space in the downtown is precious. Maximum advantage must be taken of every opportunity.

The parks plan should identify opportunities for passive and active open spaces that meet the broad community needs (as identified ideally through resident surveys) and are closely connected with the neighborhoods. Active parks should include opportunities for small children (tot lots, playgrounds) as well as for older children (sports fields, baseball diamonds and indoor swimming pools). The plan could identify opportunities for creating parks with themes: bird watching, horticulture, environmental interpretive center or trail, playing fields, etc. The Plan should evaluate indoor recreational opportunities such as bowling and skating. Both large and small parks are desirable.

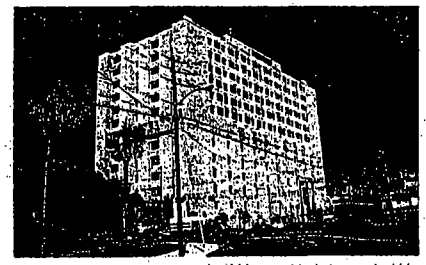
With this in mind, the parks plan should aim to achieve a number of specific objectives including:

- *Identification of opportunities for new parks.*

Opportunities for new parks, particularly active ones, should be identified within the downtown. New parks might form part of major new developments. They might also be created from existing vacant sites. Small parks can be just as effective and useful as large parks. For example, small parks along King Street could provide respite for shoppers and sightseers. The land by Bits of Lace, just south of Market Street, is an ideal opportunity for such an urban pocket park. Small commercial pocket parks have a long tradition in many urban areas. Paley Park in New York City is an excellent example.



Schools and open spaces for children play an important role in neighborhood life. Opportunities for joint use between recreational facilities and educational facilities should be maximized.



New institutional development should be sensitively inserted within established growth boundaries.



Ongoing monitoring is essential in terms of parking enforcement, student behavior, and student occupancy.

- *Improvement to existing parks.*

Emphasis must be placed on improving existing park facilities. Diverse child-friendly equipment and programs should be provided. For example, some water fountains and park benches need to be lower. In some cases landscapes need rejuvenation. Multi-purpose buildings should be built or renovated in selected peninsula parks.

Parks also need to be made safer and cleaner. Physical improvements that can enhance safety and amenity in parks include improved view corridors from adjacent streets, lighting, and landscaping treatment. Dereef Park is a case in point. The park, recently constructed, lacks visual access from the street and is located in close proximity to an unappealing hotel, making the park uninviting to local residents.

Improvements in landscaping to create more direct sight lines, lighting, and equipment could all help to create a safer environment. Reconfiguration of the park and adjacent lands, as well as additional points of access, would also help to make it feel safer. For example, the purchase of the land on the south side of Morris Street, the former Simonton School site, for use as a park could help to bring more people into the area and make Dereef Park more desirable. Purchase of the site on the north side of Morris Street, currently owned by the Brooks Motel, would diminish the sense of isolation and help to improve the sense of safety.

- *Creation of a recreation complex.*

Perhaps one of the most difficult elements to create in the downtown, given the limited space, is a large recreational complex to provide adequate active open space. Accommodating a large recreation or district level park within the intricate fabric of downtown is not likely, nor even desirable from a physical perspective. A more realistic strategy is to develop several small recreational facilities in close proximity to create, in total, a recreational complex.

Two recreation complexes exist downtown but need to be better integrated. On the West Side, the Arthur Christopher Gym, Herbert Hassel Pool, Harmon Field and Jack Adams Tennis Center serve as a complex. On the East Side, the Julian Devine Recreation Center, Martin Pool and Park and the future Marshes East Park can serve as another complex. These facilities should be evaluated to determine what can be improved to create a complex. For example, looking to better connect these facilities was suggested by summer recreation program children who need to cross the City Gym to the Herbert Hassel Pool.

- *Maximize the potential for joint use between recreational / educational facilities.*

Given the limited space available on the peninsula, the potential to create a school and recreation area should be a key criteria in selecting new school and open space sites.

For example, a relocated Burke High School provides the opportunity to create quality education accessible to local residents while improving community open space facilities. One proposal is to undertake a land exchange with the city and build the new school on a portion of Harmon Park, relinquishing the existing school site to recreation purposes upon completion of the new school. Focusing on highly visible sites, the District 20 Steering Committee has identified several other possible sites.

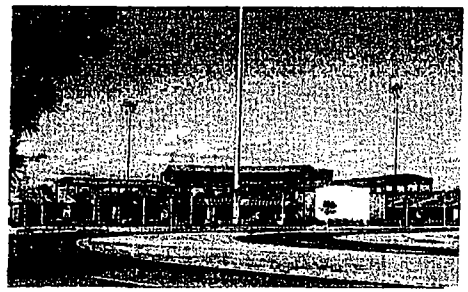
Goal: Continue cooperative efforts to enhance institutional - neighborhood relations

Reiterate and adhere to institutional boundaries.

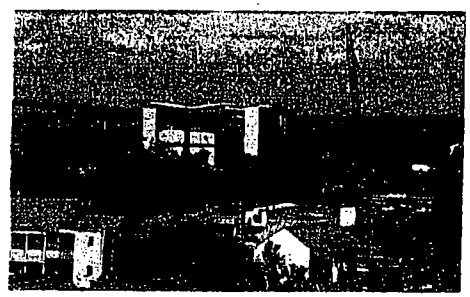
The issues related to institutional boundaries and intrusion into neighborhoods are amongst the most contentious. Both the College of Charleston and the MUSC have established growth boundaries, which must be adhered to and enforced in order to provide certainty and to lessen conflict between institutions and residents.

Undertake a multi-institutional master plan exercise.

Given the limited space available in downtown, it is important to make the most efficient use of all resources. The MUSC is in the midst of completing a plan to accommodate its proposed expansion. The College of Charleston is about to begin such an exercise. However, there is little coordina-



Joseph P. Riley Jr. Park



The SC Aquarium (under construction)

Joseph P. Riley Jr. Park and the SC Aquarium are two major new amenities that add to the collective wealth of the city without adding to the pressures in the lower peninsula. The College of Charleston Arena, if developed as proposed, will have a similar effect.

tion between the various institutions and therefore little opportunity for sharing of resources and facilities.

A coordinated planning exercise should be undertaken to make the most efficient use of neighborhood resources, including shared parking, as suggested in the *Town and Gown Technical Report*, housing, recreational, and educational facilities. It will also provide the basis for continued collaboration with the City, the Town and Gown Committee, and area residents. All of the institutions - College of Charleston, MUSC, Trident Technical College, and Johnson and Wales - should be involved in this exercise.

Johnson and Wales University may potentially relocate outside downtown. Should this occur, an opportunity exists to accommodate Trident Technical College in the city.

However, Johnson and Wales' location on the peninsula provides at least two important benefits. First, the University is an important employer. Second, the downtown location permits students to walk, bike or use transit to commute from home, to school and to work. The city should work with Johnson and Wales to find a campus on the lower peninsula that is suitable to both the University and surrounding community.

Continue efforts with landlords and students.

The quality of student housing greatly impacts the quality of life for local residents. The city and institutions should work collaboratively with absentee property owners and landlords to ensure the maintenance of the rental housing stock in downtown. The intent is to ensure safe, comfortable and affordable housing and encourage rehabilitation through loans, grants, and code enforcement.

Landlords should be held more accountable. The Downtown Plan recommends that the City explore the feasibility of occupancy permits, renewable every year. Infractions to noise ordinances or the housing code could be registered against such permits. Upon renewal, permits could be withheld from landlords until infractions are remedied. Alternatively, the College of Charleston could implement a housing contract to be signed by all students and landlords as a condition of enrollment. Alternatively, the College of Charleston could implement a housing contract to be signed by all students and landlords as a condition of enrollment.

Ongoing neighborhood and education programs should aim to teach students to be good neighbors. Students should also be encouraged to participate in the Town and Gown Committee.

Goal: Bolster enforcement of City ordinances

Ensure enforcement of ordinances.

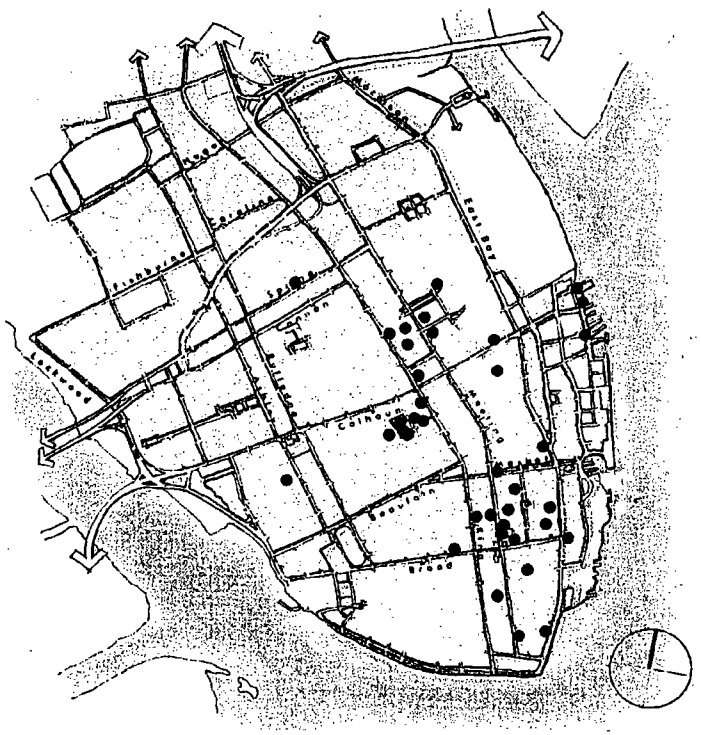
The enforcement of existing ordinances will make the neighborhoods more comfortable to live in. Both the *Town and Gown Technical Report* and the *Tourism Management Study* recommended a number of ordinances to improve residents' lives. The ordinances, related to students and their behavior, are enforced by city police and the College of Charleston. The collaborative effort at managing impacts has had positive results. For example, in the period since the first *Tourism Management Plan*, bus tour activity in downtown has declined, while walking tours have increased.

Ongoing monitoring is essential - in terms of parking enforcement, trash pick-up, student behavior, student occupancy, and sanitation - to ensure that improvements continue and new issues are addressed. In particular, 24 hour parking enforcement should be introduced in conjunction with the extension of residential parking permits through out the day and night.

Improvement requires *enhanced* commitment from the city to enforce existing ordinances and / or the development of new ones as required. The convening of a Tourism Forum every year is a positive move in this direction. The proposal to limit bar hours to 2:00 am in areas adjacent to residential neighborhood should be explored and evaluated. Ultimately, the city must be responsible for coordinating efforts related to enhancing the enforcement of the variety of ordinances that enhance the livability of Charleston's neighborhoods.

Existing cultural facilities

A comprehensive plan for the fine and performing arts should be prepared.



● cultural facility locations
(historic and cultural sites, museums, libraries and entertainment centers)

Goal: Raise the profile of arts and cultural resources

Recent efforts have been made to invest more of the community's renewed collective wealth in the creation of major new public amenities and cultural facilities. Most notable are the new riverfront park and Union Pier, the aquarium under construction, the refurbishment of Marion Square now underway, and Joseph P. Riley Jr. Park.

The public investments will enhance the quality of life of Charleston residents and offer alternative attractions to visitors. New facilities will take some pressure off the older neighborhoods and business areas of the lower peninsula.

The decision to locate the region's major convention and exhibition facilities in North Charleston was especially beneficial in that it helps further spread the benefits brought by visitors and diverts further impact from the lower peninsula.

A College of Charleston arena, if developed as proposed, will have a similar effect. In addition to facilities geared towards visitors, arts and culture can be better integrated into the Charleston community as an accessible part of every day life for residents.

The following goals and objectives address arts and culture for residents and visitors:

Ensure access to the arts and cultural resources for all residents and visitors.

Ongoing initiatives should be pursued to diversify and support the arts and cultural industry. Affordable places for artists and arts technicians to live and work need to be developed. The study of the arts and culture, including that of regional artists, should be incorporated into the core curriculum of all school grades and programs. Relationships and cooperation with public and private entities who can encourage the study and appreciation of arts and culture should be fostered.

Local artists should continue to be used as educational resources in such programs as Storefront School for the Arts, which provides arts education to under-served children in elementary and middle school. In addition, access to arts and cultural activities can be provided through the City Arts for Kids program which distributes unsold tickets to arts and educational events and identifies opportunities for seating at dress rehearsals. Opportunities for lower entrance fees to cultural and educational attractions should be explored for groups and families of limited means.
A public art policy on new development and construction that includes public funding should be implemented. Conceivably, this might be 1% of the value of development, and could be used by developers in the commission of a distinct piece of artwork, or the potential integration of special features into the architectural design of the development in addition to the requirement of good architecture.

Over two hundred cities across the United States have created a public art policy in which 1% of the development budget for public construction projects is dedicated to the creation of a piece of art or the integration of special features into the architectural design of the development. Cities such as Philadelphia, Pennsylvania, Portland, Oregon, Seattle, Washington, and Charlotte, North Carolina could be used as resources for designing a public art policy that will address Charleston's needs.

Create a comprehensive plan for the fine and performing arts.

A Master Plan for the fine and performing arts needs to be created to evaluate existing facilities and plan for new facilities. The Plan would make careful assessment of the needs of the arts community in the context of the broader community to establish budgets for continual maintenance of existing arts venues and construction of new facilities. The Plan should address the needs of the Symphony, Spoleto USA, and other smaller arts organizations. It should also aim to co-ordinate artisans efforts for the greater good of arts programs in Charleston. Opportunities for new locations should be identified.

This study should include evaluations and recommendations for venues including, but not limited to:

- Memminger Auditorium,
- Gaillard Auditorium,
- Garden Theater,
- Charleston Symphony Hall,
- an outdoor amphitheater,
- Art Gallery - (City Parcel A Property),
- the provision of workspace for artists and artisans,
- a cultural center for arts education for children and adults.

Student housing provided by institution

	Number of students	Student housing units	Projected Number of Students
College of Charleston	11,665	2,080	11,665
Johnson and Wales	1,450	470	1,900
Medical University of SC	2,866*	0	2,866
Trident Technical College	2,000	0	2,000

* Includes residents

This table shows that a large number of students must find accommodation within the neighborhoods. The institutions should bear more responsibility for housing students.

5.4 Develop mechanisms to share the impacts of growth

The extraordinary growth in the institutions and tourism industry has brought considerable prosperity to Charleston. Notwithstanding the benefits, which are experienced by the broader community, specific neighborhoods feel that they support and have accommodated a disproportionate share of the impacts. For example, residents in the historic district feel that much of the tourism industry is grounded in their individual efforts in restoring historic homes. Similarly, residents near the institutions bear more than their fair share of the burden in accommodating students and their lifestyles.

Charleston has identified numerous individual strategies for addressing growth and its impact. With the strong economy, there is now an additional opportunity to require the proponents of growth to contribute to the betterment of downtown. Institutional, residential, commercial and tourism related growth should all be required to make a contribution proportionate to the amount of growth proposed. Depending upon the proposal, contributions might be made to shared parking, housing, transit, or parkland. Contributions might be made in-kind or in the form of cash payments. The following goals and objectives address these opportunities:

Goal: Require new development to contribute to betterment of downtown

Establish linkage programs.

The strong economy currently enjoyed by downtown brings with it the opportunity to extend some responsibility for housing development to the private sector, particularly affordable housing, in recognition of the impact of growth on the existing limited supply of housing. Linkage would provide a mechanism to house workers in low paying jobs who would otherwise have difficulty in finding accommodation within the downtown. Downtown housing would be of great benefit to such workers who could take advantage of opportunities such as the ability to walk to work.

Linkage has been implemented in many jurisdictions and could be achieved in a number of ways. For example, commercial development could contribute funds-in-lieu of housing, to be used by the Department of Housing and Community Development to further their objectives. Alternatively, as previously outlined, a certain percentage of units within an otherwise market rate development, for example 20%, could be affordable. Units could be affordable, as defined by the City of Charleston, or inherently cheaper by virtue of being smaller. Toronto and Boston have both tried forms of linkage programs that could be useful prototypes for Charleston.

Require institutions to contribute to student housing.

Educational institutions have been relying on the larger community to accommodate their student population. The universities must become more proactive in shouldering the responsibility for student housing.

As identified in the *Town and Gown Technical Report*, institutions should be involved in the construction of new residential facilities, on or near campus. Housing could be in rental or dormitory form.

Acknowledging that universities are not in the housing business, there may be opportunities for joint ventures with the city and / or private developers, who would be assured tenants through university housing services.

Student housing could appropriately be located in the corridors: Upper King and Meeting, Calhoun, and the west end of Spring and Cannon. In particular, the north east and north west corners of Coming and Calhoun Streets are appropriate, particularly for College of Charleston students. Student housing in these areas could be used as strategic "chess pieces" to spark the revitalization of these corridors. Housing might be found in new development, conversion of existing buildings, or leasing of existing residential space.

The planned expansion of the MUSC is an excellent opportu-

nity to initiate institutional involvement in building student accommodations, particularly along the western end of the Spring and Cannon Corridor and the Calhoun Corridor.

Require parkland contributions.

New development, which brings new residents or new employees to the city, must accept part of the responsibility for maintaining existing parks and open spaces, which are important public amenities and an intrinsic part of Charleston's heritage.

The 1992 *Draft Parks Plan* recommended a park land dedication. A parkland dedication or fees in lieu should be required of downtown development and redevelopment.

Such a fee would require state enabling legislation or alternatively could be acquired through an impact fee. Differential rates should be established for commercial and residential development. Residential development could be levied a higher fee than commercial development, in recognition of the greater use of recreation facilities by residents.

The payment in-lieu should be earmarked for the lower peninsula to ensure that it benefits the population in the redevelopment area. Monies could be used for the refurbishment of existing open spaces or the creation of new open spaces.

Use visitor taxes and fees to improve downtown.

There are monies that are earned from visitors, namely the restaurant tax and the tourism fee dollars. There is an opportunity to use these dollars to contribute to the betterment of downtown. Specifically, a percentage of the tourism fee dollars could be dedicated to visible, active enforcement, while a percentage of restaurant tax dollars could be dedicated toward downtown resources, such as public washrooms, and sidewalk improvements, etc.

A great deal of the peninsula's resources, both land and money, are dedicated to the private automobile.

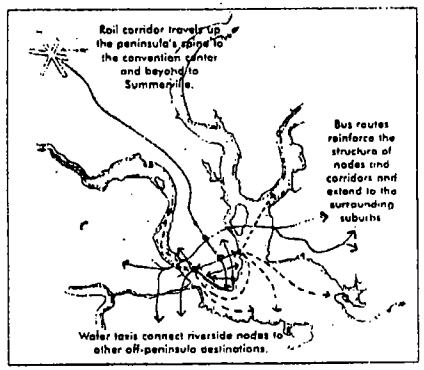
5.5 Reduce the reliance on cars

Reliance upon the private automobile, at the expense of public transit, walking and bicycling, is perhaps the biggest threat to the future sustainability of downtown, its neighborhoods and commercial areas. While these problems are endemic to successful cities around the world, it is particularly so in heritage cities, such as Charleston, where the narrow streets and intimate spaces were not designed to accommodate heavy vehicular traffic.

The demand for parking - a by-product of the reliance on cars - impacts the quality of life. Local streets are congested, making it difficult for residents to park. Valuable land is dedicated to surface parking lots. The quality of the pedestrian environment is diminished by the number of surface parking lots and buildings that locate parking on the ground floor, rather than active uses such as retail stores or restaurants.

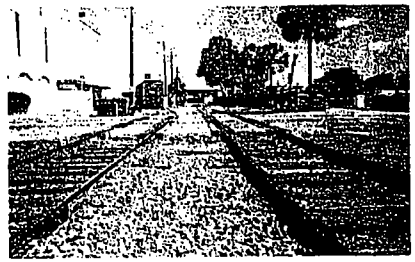
The Downtown Plan does not seek to address transportation and parking issues in great detail, but draws upon, and is informed by, the preliminary findings of the *Downtown Parking and Traffic Study* which is being com-

Conceptual regional transit network.





The narrow streets and compact nature of the peninsula make bicycles an ideal form of transportation.



The existing rail corridor right-of-way should be preserved in anticipation of a commuter rail network between downtown and Summerville.

pleted concurrently and independently by the Department of Traffic and Transportation. The Parking and Traffic study consultants have provided insight into levels of development which can be accommodated as well as concordance on measures to ensure current traffic conditions are eased and the quality of life is maintained.

It is critical that the city adopt a more proactive approach to managing transportation. The number of cars driving and parking in downtown must be reduced to support the strategic growth recommended by this plan in Chapter 4. Preliminary conclusions of the Downtown Parking and Traffic Study indicate that new development may lead to road network capacity constraints in parts of the downtown if the choice of transportation mode remains the same.

Transit services are essential for those persons with low incomes and for seniors. With improved service, transit can also be the transportation method of choice for all households and effectively boost their income by eliminating the need to maintain or own a car.

Affordable, reliable and frequent transit needs to be provided for those living in downtown to commute to employment centers out of the downtown, as well as for those people wishing to commute into downtown on a daily basis from the outlying city and suburbs.

An opportunity and an imperative exists to increase the use of other forms of transportation, in particular public transit, bicycling and walking. Numerous studies – the 1982 *Peninsula Traffic and Parking Study*, the 1995 *Charleston Area Transportation Study (CHATS) Long Range Public Transportation Plan*, and the 1995 *Bicycle and Pedestrian Master Plan* – have laid the ground work. Now is the time to enhance their implementation.

Many strategies are available to increase transit use. Land use policies are one of the most powerful factors in promoting public transit. Greater intensity development can be planned along transit corridors. Rights-of-way can be secured to accommodate light rail. Transit route coverage can be increased in growth areas. Pedestrian and bicycle movements can be facilitated. There are also a host of transportation demand strategies, such as designating high-occupancy vehicles (HOV) lanes, creating park-and-ride facilities, flexible work hours, and telecommuting. The following goals and objectives address these opportunities:

Goal: Support public transit, bicycling and walking

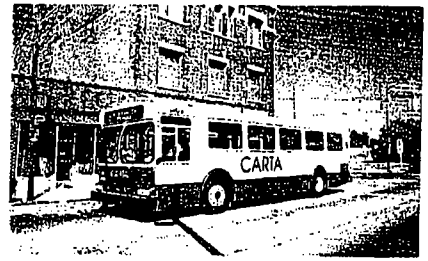
Ensure transit-supportive development along the major corridors.

There are a number of major corridors where transit routes are likely to play an important role in the future. At the city scale, the commuter rail line proposed to run from the Summerville area to downtown Charleston is a major corridor. Within the lower peninsula, the corridors include King and Meeting Streets, Spring and Cannon Streets, and Calhoun Street. To make transit viable, a critical mass of people in close proximity is needed. Higher-intensity commercial and/or residential development should therefore be encouraged along the corridors to ensure transit viability.

Plan new infrastructure to accommodate alternate modes of transportation.

To ensure that transit can play an important role in the future, all new infrastructure, including the Cooper River Bridge, should be designed to accommodate a diversity of modes of transportation, including light commuter rail, high-occupancy vehicle (HOV) lanes, transit, pedestrians, and bicycles.





Opportunities to integrate DASH and CARTA fares, marketing and design should be explored with the aim of enhancing transit usage and making the system less "touristy".

Facilitate commuter rail.

A well-serviced commuter rail network running from Summerville, to the convention center in North Charleston, to downtown could make a significant contribution to reducing the number of people travelling by car into downtown. Even though the light rail line is a long term initiative, planning should begin now in order to implement it within the twenty year time frame of this plan.

The city has a great resource in the existing rail right-of-way which runs between Summerville and downtown. It is critical that this right-of-way be preserved and reclaimed where necessary to facilitate implementation of a transit facility. The City and the Charleston Area Regional Transportation Authority (CARTA) have already initiated research into appropriate commuter rail technology, focusing on the FUTREX INC technology which can operate elevated or at grade.

It is highly recommended that the transit facility be at grade and not elevated, at least within the peninsula. An at-grade system would be more easily integrated and contrast less sharply with the historic fabric of Charleston. Using an at-grade system, stations can be in closer proximity, making transit more accessible and effective, along a more extensive corridor. Finally, an at-grade service better reinforces a sense of liveliness at street level.

Alternatively, more conventional technologies might be explored that could, for example, be run on the rail line that already runs down the peninsula. In Toronto, a conventional train provides effective, comfortable and highly-utilized commuter service to downtown from outlying areas. The service is always filled to capacity and any additions to routes or service are immediately put to maximum use. A conventional train may be an alternative to investigate.

Encourage residents, students, and commuters to use public transit.

One of the keys to reducing the number of people driving in downtown is to entice them to use transit. CARTA is looking at ways to enhance ridership through increased frequency of stops, reliability of its schedule, and marketing. The DASH system already runs throughout downtown as a visitor service. Its small scale is more neighborhood friendly and it is logical to promote broader use of this system.

The DASH system should be used by visitors and the community – residents, workers and students. Currently, the system is configured to provide attractive service to visitors. Because of the DASH buses' trolley image, the service is not appealing to residents who live and work in downtown on a day-to-day basis. Through a combination of marketing and design, the DASH system should be made less tourist-oriented and therefore more inviting to all. Changes in signage to be more in keeping with the existing public transit system could help to make the DASH system feel more authentic. A number of modifications are planned and have already been made to make the DASH system more inviting to all.

CARTA can and should play a major role in planning and collaborating with city and institutional planning staff in providing new services and facilities geared toward increasing ridership. As well, CARTA could be the agency that coordinates other efforts to reduce the number of drivers into downtown, such as car-pooling, water-taxis, and van-pooling. The integration of CARTA and DASH fares would enhance the use of transit. Monthly passes for commuters, at a somewhat reduced rate, and free passes for tourists might similarly enhance transit usage.

The Visitors Reception and Transportation Center (VRTC) already functions as an inter-modal transit facility. Strengthening of that function should be an objective of new CARTA and city initiatives. The opportunity also exists to introduce water taxis running between downtown Charleston, Daniel Island, Mount Pleasant, and West Ashley for use by residents, visitors, and commuters alike.

Given their large numbers, getting students out of their cars and onto public transit is also a major initiative that can be undertaken to improve life in the neighborhoods. The students of all institutions need to be considered: The College



Increasing traffic capacity in some areas of the peninsula will only lead to more congestion in other areas. The road capacity in many parts of downtown is already limited and alternatives to the private automobile should be pursued.

of Charleston, MUSC, Trident Technical College and Johnson and Wales.
The College of Charleston has initiated transit passes and sold approximately 800 in fall 1998. To encourage even greater use of transit by students, an option might be to include the cost of a transit card as part of each student's tuition costs. Options could also be explored for limiting the use of cars by some students, such as freshmen at the College of Charleston. As more student housing is provided, the need for students to drive will decrease.

Off-site parking and shared shuttle buses for all institutions should also be pursued. The city wide *Comprehensive Plan* should identify sites for park-and-ride lots outside the downtown area. Adding bike racks to buses would also help to encourage student use of public transit.

Create an integrated bikeway and pedestrian path system.

Promoting walking and greater use of bicycles is also an important element in reducing the number of cars travelling into and within downtown. Safe pedestrian connections should be made throughout the downtown. The design of all new parks should consider opportunities for safe pedestrian routes during the day and night. The *Charleston County Bikeway Plan* contains a conceptual bike path system for the whole area.

Detailed routings need to be developed and accommodated in each proposed development along the path. As well, detailed plans should be developed to connect the downtown loop into the regional trail system in Mount Pleasant and West Ashley. Existing bike routes must be reassessed to determine whether they are still valid or if additions or reroutings should occur. Park and ride lots should be developed along the new system to encourage biking onto downtown.

Visitors wishing to park and bicycle in the downtown should be encouraged to use shared parking structures in the gateway areas, in particular in the Upper King and Meeting Street Corridor.

Encourage traffic management techniques that reduce the number of cars travelling at peak times.

Traffic management techniques, such as flex time, car-pooling, transit passes, telecommuting, and park and ride programs should be implemented to reduce the number of cars travelling at peak times. Developers who implement techniques could have their parking requirements reduced.

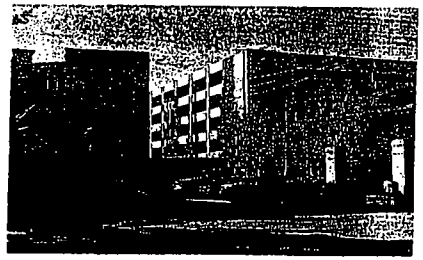
Monitor road capacity and require alternate transportation strategies for new development.

The traffic consultants undertaking the Downtown Traffic and Parking Study have conducted preliminary analysis of the road capacity, using existing development figures and projected growth scenarios. They conclude the roadway network in the vicinity of the proposed development appears to be adequate to handle the existing traffic and some of the future development but that monitoring of certain road segments, as yet to be finalized, should be implemented to assess volumes and associated capacity.

To ensure ongoing capacity within the road system, traffic capacity should be regularly monitored and that information utilized in the reassessment of this twenty year plan. Careful study is needed of the numbers of people using alternate transportation and the private vehicle. The impact of downtown residential and commercial developments on the traffic system must also be evaluated on an ongoing basis.

New development should be encouraged (and in high volume areas required) to identify strategies to reduce impacts on the roadway network. Detailed traffic impact assessments should be completed prior to the adoption of plans.

Particular consideration must be given to the proposed MUSC expansion and the implementation of the Union Pier Plan. Under current travel patterns, the existing transportation network may not have the capacity to accommodate the anticipated level of development. The traffic consultants suggest that the traffic impact for the Union Pier Terminal Concept Plan area and the MUSC expansion be reviewed in light of the potential capacity constraints. Given limited traffic capacity, the incorporation of flex times, telecommuting and



A comprehensive strategy is required to reduce the amount of surface parking in downtown. A strategy of shared parking in off-site structures should underpin such an initiative and be implemented simultaneously with a reduction in on-site parking requirements.



Charleston has been very successful in creating contextual, appropriately scaled parking structures. These structures should be used around the clock. They should have retail at grade if FEMA regulations permit.

improved transit usage may be needed to achieve desired development.

Reduce the amount and impact of downtown parking using a comprehensive strategy.

With the number of people driving and living in downtown, there is a significant amount of parking required. Because parking is both expensive to provide and occupies valuable development parcels, it is important to make the most efficient use of existing and future parking facilities. Because parking at grade reduces the vitality of the street and because a large number of parking spaces encourages people to drive into downtown, it is also important to keep parking spaces to a minimum.

The following strategies are aimed to address the amount, location and use of parking.

- *Create a shared pool of parking structures.* Rather than requiring each development to accommodate parking on-site, a shared pool of parking should be created, likely in the form of parking structures. These structures would be owned by the city and run by the private parking operator. The shared parking strategy continues and accelerates city efforts over the past three decades. The specific location of additional shared parking structures will be identified by the ongoing Downtown Traffic and Parking Study.

The parking structures, strategically located throughout the lower peninsula, accommodate commercial, residential and visitor overflow. During the day, they are occupied by office workers, shoppers, and visitors and at night are made available to residents and to staff and patrons at downtown bars, restaurants and other late night venues.

A strategy of shared parking should be continued simultaneously with a reduction in on-site parking requirements.

- *Introduce cash-in-lieu payments.* On-site parking requirements should be reduced to encourage vitality at-grade. In conjunction with reduced on-site parking requirements, developers should be required to provide a cash-in-lieu payment (proportionate to the scale of development) that will be dedicated to the creation of shared parking structures, transit, and/or pedestrian realm improvements. Developers could contribute cash payments to a city authority or CARTA, who would be responsible for distributing fees to ensure improvements and investments as deemed appropriate.

- *Modify the parking permit system.* The parking permit system needs to be modified to alleviate pressure in residential neighborhoods. Currently, as requested by residents in some parts of downtown, residential parking permits apply during the day only. As a result, it is often difficult to find parking on residential streets after hours when the permits no longer are in effect.

The Ansonborough Neighborhood has created 24 hour residential parking permits, ensuring accessibility to parking throughout the day and night. Parking officers are available to ensure enforcement through the night. This policy should be extended throughout the lower peninsula, where desired, and a cadre of enforcement officers hired. The number of parking permits handed out by the city should be proportionate to the curb space available in each area.

Commercial parking permits should also be created in conjunction with the creation of 24 hour residential permits. Commercial passes would be made available to workers in the commercial districts - for example, restaurants and bar staff - to take pressure off residential streets at night. Permits would offer parking at a reduced fee in the pool of shared parking structures in close proximity in evening hours.

- Modify the parking fee structure. The city should complete a pricing strategy evaluating strategies to encourage parking in garages. These amendments to the parking fees would encourage the efficient use of the parking structures and would take pressure off residential streets.

A comprehensive strategy is required. For example, parking tickets for on-street violations should be priced to encourage the use of parking structures. The cost of parking in structures at off-peak times should be modified to encourage their use. One idea that was recently instituted is the modification

of fees to encourage downtown and regional residents as well as night time workers to use parking structures at night that are used by office workers during the day. Any new garages at the north end of the King and Meeting Corridor, as well the new garages proposed by MUSC, are excellent pilot projects for this type of fee structure.

5.6 Mitigate the financial impacts of living in a successful downtown

Rising property values and associated taxes are part of the mixed blessing resulting from the economic achievements of downtown Charleston. In a free market society, rising values and taxes are largely accepted as the consequences of growth except when the impacts are particularly harsh and sustained. Proposition 13 in California in the early 1980s and its offspring in states across the nation characterized a taxpayer backlash to high growth with exploding property values and property taxes at that time.

Residents at all income levels are financially stressed in the current climate of Charleston's lower peninsula. The causes are threefold. Property values increase due to the enhanced desirability of the historic area as a place to live and own homes. Property taxes increase due to regular property value reassessment. Finally, the cost of restoring and maintaining historic properties is extraordinary. Residents are in a dilemma. For many, the only way to benefit from their now enhanced property value is to move away. Others are forced to divide homes into rental units which further exacerbates parking conditions on residential streets.

The question in Charleston is: Do the current circumstances merit any attempt to reverse or halt the economic forces that underlie increases in demand for historic housing or tourism? Even if there were such a desire, is it really possible to effect such a reversal and at what price in unintended consequences? The answer to this question is one to be forged in the forum of local government and public policy setting. The plan will not attempt a single answer.

However, the following strategies afford a possible means of achieving some moderation and shifting of impacts of these economic forces in order to assist residents to stay within their community:

Assist residents by managing the increase in housing prices and property taxes.

Establish a mechanism to mitigate the financial impacts on residents.

The Tourism Management Plan recommended that a committee be established to examine the cost-to-benefit equation of tourism and ways to reduce the financial burden on the downtown homeowner. The Downtown Plan fully supports the creation of such a committee.

Measures that might be explored include: increasing loans and grants for preservation of historic homes, implementing historic tax credits for residential purposes, and phasing in property tax increases over a number of years with special measures for senior citizens or persons on fixed incomes. The implications of increased housing prices and associated property taxes for homeowners are being addressed at the State Legislature. Options that spread the impacts across the city and away from neighborhoods experiencing the highest increases are being considered.

Likewise, alternative sources of revenue should be devised to reduce reliance on property taxes in local government funding. Sources could include additional sales taxes, especially those targeting tourism and entertainment, and a regional earnings tax. In order that such a tax not be a deterrent to business in the downtown or the peninsula, it would be best applied on a regional or multi-county basis.

Goal: Accord special consideration for areas where residents are vulnerable to displacement.

The minority population of the peninsula has dropped rather precipitously for the past two decades. The reasons are complex, although two factors are likely most important. The first reason is the attraction of a more suburban lifestyle and schools, either further north on the peninsula or in the city's suburbs. The second is the economic push from higher property values and taxes. Some see this "push" as an opportunity to exchange older, often deteriorating homes for newer property further north. Others view this as "gentrification," or displacement, which has more negative connotations.

This trend has slowly crept northward, impacting virtually all of the peninsula. Most recently Cannonborough / Elliottborough has experienced dramatic increases in property value and numerous changes in ownership. The East Side neighborhood is just beginning to experience the impact; the West Side has not yet felt its effect. Efforts are needed to enable people to choose to remain in their neighborhoods.

Attention has recently focused on this trend due to the College of Charleston's proposal to build a new arena, privately sponsored conference center, and commercial development along the Upper King and Meeting Corridor. Concern has been expressed that the development bring gainful employment opportunities in addition to service jobs, that neighborhood retail uses remain affordable to existing residents, and that housing prices do not increase through the influx of students and other more affluent residents. In other words, citizens want to be assured that the normal impacts of gentrification are mitigated.

Partnership with the community is essential and, in fact, initiatives to that effect have begun. The *Black Business Development Think Tank* was formed to stimulate ideas on how the East Side and adjacent neighborhoods could best benefit from the proposed arena. The College and the arena developer have also been in discussion with residents since announcement of the proposal. Efforts are also required to ensure that housing opportunities remain affordable and available to existing residents. Similarly, efforts are also needed to ensure that small local business opportunities can remain affordable and available.

A number of avenues can be explored. In this case, opportunities include: the sharing of new facilities between the College and the community, provision of recreation, after school care, or mentoring between students and residents, and funding for new or rehabilitated housing. In order to further the exploration of this displacement issue in general, a Working Committee should be established that includes institutions, the business community, residents, and city officials. The objective is to ensure that educational and private objectives also achieve neighborhood objectives.

Individual homeowners play a role in the declining minority population. A coordinated effort to not sell their homes and businesses will dilute the impact of gentrification, allowing the community to continue to have a stake in the downtown. Ideas for bolstering life in downtown include educating homeowners regarding alternative uses for their property, such as adding units or a neighborhood-oriented store where permitted. Another idea is voluntary rent control, where participating landlords are given tax breaks.

From a physical perspective, there is an opportunity to reinforce neighborhoods. For example on the East Side, the relocation of the Cooper River Bridge provides an opportunity to build new housing and expand community facilities on the newly vacant land. Strategic development of housing and facilities will extend the neighborhood fabric north, thereby restoring the linkage between former communities.

Finally, the north end of downtown is an excellent opportunity to implement zoning ordinance revisions that facilitate new and rehabilitated affordable housing. A concerted, collaborative effort is required of the community, the city, and affordable housing providers to bring policy recommendations to fruition where they have previously fallen short. Clearly, a multi-dimensional, concerted strategy is needed to buffer vulnerable communities from dislocation and dispersal.

Retain and encourage minority businesses.

There may be some departure of minority-owned businesses from the lower peninsula, particularly those catering to the African-American community. This loss of diversity is regrettable as it diminishes the richness and authenticity of historic Charleston. Strategies exist to moderate or offset these forces and encourage minority business development

For example, the city's current efforts to counsel minority businesses should be continued and intensified. Minority hiring is encouraged. Also, certain preferences could be given in procurement of supplies and services. Larger businesses could also be encouraged to do the same. Small minority businesses could also be exempted from parking, park land and affordable housing ordinances.

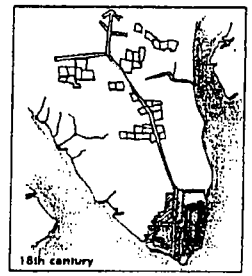
A minority business "round table" organization should be created to facilitate communication between business owners and aspiring entrepreneurs. The focus should be on minorities serving the minority community and minority businesses competing across racial lines. Minority businesses should be encouraged to take advantage of growth that will occur over the next twenty years.

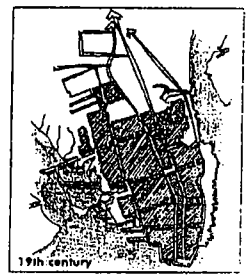
The City's Minority Business Enterprise Office is starting a Minority Business Venture Capital fund. While this fund would assist in business start-ups, its primary focus should be on assisting established, small firms in obtaining equity capital to expand and capitalize on market opportunities. The fund should be run independently of politics with underwriting policies that result in a return on invested capital that is commensurate with the risk incurred.

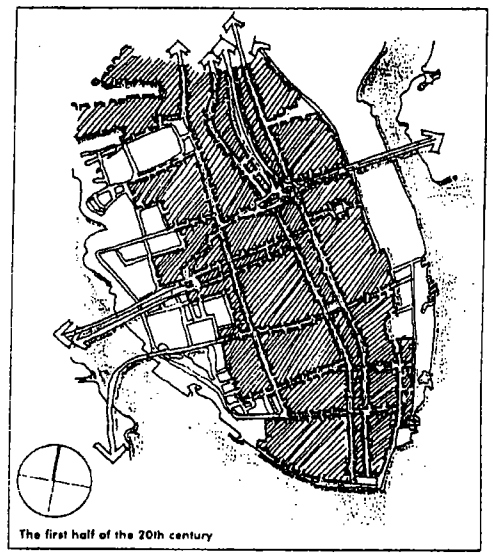
Directing growth to reinforce the city's character

6.The urban structure









Before WWII growth occurred along a series of parallel and perpendicular spines between which neighborhoods grew. The most intense urban fabric continues to follow the King and Meeting Corridor. The waterfront is less intensely developed.

6.1 Introduction

Where should growth be directed? Where does it make sense within the context of the existing city? Growth needs to be directed to reinforce the city structure, the broad shape of the city's built fabric. Charleston's physical evolution has provided a strong foundation on which to build.

Charleston emerged from its early form as a walled, port town on the Cooper River. Growth occurred along the Cooper River waterfront, followed by King and Meeting Streets - parallel spines on higher ground. Wetlands were filled in to create wharves and other port-related activities. The principal north-south routes were reinforced by the rail line and by a set of perpendicular spines: Spring Street, Broad Street, Calhoun Street and Market Street.

Within this structure, a series of neighborhoods emerged: Ansonborough, Cannonborough, Elliottborough, Charlestowne, Mazyck-Wraggborough, Harleston Village, and the East Side. Due to a series of man-made and natural disasters, there was relative inactivity in terms of development in the latter part of the 19th and early part of the 20th centuries. The historic city was left largely intact.

Institutions took root: the Navy, the South Carolina State Ports Authority, the Medical University of South Carolina, the College of Charleston, Trident Technical College, and Johnson and Wales. Particular parts of the city fabric developed specialized vocations. For example, the intersection of Meeting and Broad is known as the "four corners of law." The Cooper River waterfront, changing its role, is gradually evolving from a working port to a recreational and leisure amenity.

The majority of downtown possesses characteristics that are universally sought after – high-quality architecture, intimacy, a mix of uses, pedestrian quality, a sense of place – and now serve as a model of urbanism.

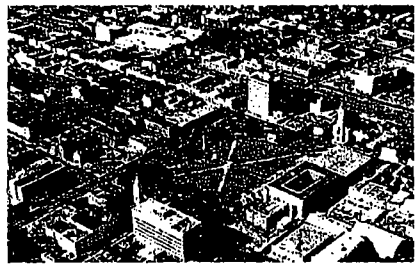
In the post WW II era, Charleston has been pressured by the same forces impacting many American cities, mainly the car and competing suburban communities. In areas where the city fabric is less consistent, its integrity is challenged by building forms that are more car-oriented and suburban in form and therefore do not fit well within their context. For example, the Ashley River waterfront, historically characterized by lowlands and marshes that were difficult to develop, was later developed with roads and buildings that are car-oriented and suburban in form.

There are four strategic ways to add new layers to reinforce the city structure:

- reinforce the nodes and corridors,
- create new areas on both riverfronts that extend the city fabric,
- support the existing neighborhoods with compatible infill development,
- enhance the public realm.



The King Street corridor supports most of downtown's retail.



Marion Square is the node at the intersection of the King, Meeting and Calhoun Corridors.

6.2 Nodes and corridors

Downtown Charleston is defined by an armature of north-south and east-west corridors. The corridors support most of downtown's retailing and are the key to accommodating new growth without impacting neighborhoods. In some places, the corridors are weakened through demolition or surface parking lots. New development at greater intensity can reinforce and redefine these areas. Charleston's waterfront serves as another type of corridor. There are now opportunities to branch out and create new places along both rivers. The following goals and objectives address these opportunities:

Goal: Reinforce the corridors and nodes.

Fill in the gaps with compatible development and increase the density.

Corridors of intensified development are key to a viable transit system and to accommodating more housing and employment at a safe distance from residential neighborhoods.

One of the single largest opportunities in downtown Charleston is to fill in and intensify the underutilized areas of the main corridors. Within the context of an urban downtown, underutilized sites are either vacant, occupied by surface parking lots, only partially developed, or dilapidated. Virtually all of the underutilized sites are north of Calhoun Street.

The greatest density should be developed along Upper King and Meeting Streets – the central spine – that has large gaps in proximity to the Crosstown. Lower density is appropriate along the secondary corridors: Calhoun, Spring, and Cannon and East Bay.

In intensifying the corridors, the challenge is selectivity: target those uses that will most contribute to the city and ensure that new development will be compatible with the existing urban form. Generally, intensification should occur without any increase in height rather through more efficient use of the lots, creating dense, low-rise structures.

Mark the crossroads and the water's edge.

Where the corridors meet the water and where the east-west corridors meet the north-south corridors there are opportunities to create focal points. Focal points are places of intense public activity and life, where the public realm invites people to use the streets and the parks. Along both rivers, focal points will intensify the public experience of the water. Focal points can be created within the heart of the city, punctuating the urban environment.

Each focal point will have a unique treatment, depending upon its context. A focal point might be created by a gesture as subtle as a sculpture. It might be more elaborate: intensification of development, a civic presence, concentration of retail and / or housing, landscaping, or a strong architectural feature. The goal is the creation of a destination, a place where the public is comfortable to linger. Some focal points already exist at the water's edge: White Point Gardens and the City Marina for example.

Along the Ashley River waterfront, new focal points should be created at the following termini:

- Spring Street at the Spring Street Pier
- Broad Street at Lockwood Drive

Along the Cooper River waterfront, focal points should be created at the termini of:

- the old Cooper River Bridge at East Marshes
- Calhoun Street at Aquarium Park
- Market Street at the proposed Custom House Wharves

Existing and proposed nodes and corridors

Downtown Charleston is defined by an armature of north-south and east-west corridors. The corridors support most of downtown's retailing and are the key to accommodating new growth without impacting neighborhoods.

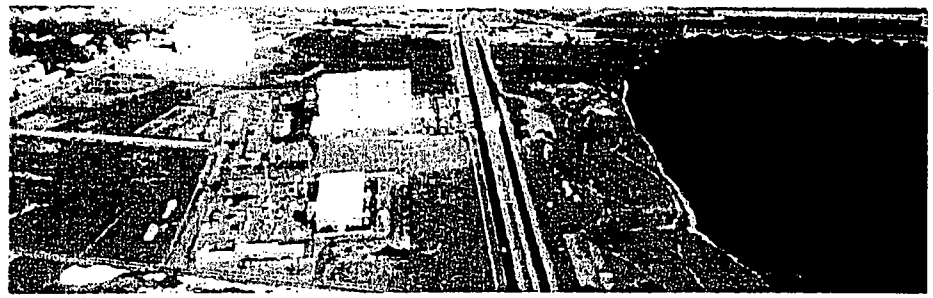
The new SC Aquarium will be the park's landmark.

A new node is being created where Calhoun Street meets the Cooper River. It will be a place of intense public activity and life. A new open space will be framed by commercial and institutional buildings. A transit connection should be made to the new docks.

Corridors/ nodes for intensification.

Stable corridors and nodes.

Node



There is a great deal of underutilized land along the peninsula's edges. The land to the east of Lockwood Boulevard could be developed in a manner much more in keeping with the historic city fabric, creating a new western city face that overlooks the water.

The intersection of the main north-south and east-west corridors within the city are also appropriate locations for focal points. New focal points could be created. Others already exist but could be studied and reinforced through landscape or streetscape treatments. Opportunities for reinforcing focal points should be initiated as new developments and initiatives come forward.

The following intersections should be considered:

- King and Spring Streets,
- King and Calhoun Streets at Marion Square,
- Meeting and Broad Streets, the "four corners of law",
- Meeting and Market Streets at the Market Building.

6.3 The waterfront

Downtown is entirely surrounded by the Ashley and Cooper Rivers. Continuous access to the water is really only possible at the tip of the peninsula – between the Waterfront Park and the US Coast Guard Station along Lockwood Boulevard, Murray Boulevard and East Battery. An opportunity now exists to create new places along the waterfront, making the river's edge a much greater amenity, more accessible and raising its profile within the downtown. The following goals and objectives address these opportunities:

Goal: Reclaim vacant lands along the waterfront.

Extend the city fabric.

The most developed part of downtown runs down the center spine while the lands along both sides of the peninsula lie largely underdeveloped. The opportunity exists to extend development out to both river edges.

Along the Cooper River waterfront new development can reinforce the emerging Upper Concord Street Neighborhood on the riverfront and provide new cultural and educational venues north of Calhoun Street. The implementation of the Union Pier Terminal Concept Plan is a strong gesture in this regard.

Along the Ashley River waterfront, there is an opportunity to use infill development along the east side of Lockwood, both north and south of the Crosstown, to create a western face to the city that looks out over the water and repositions this edge as a "front door" to the peninsula.

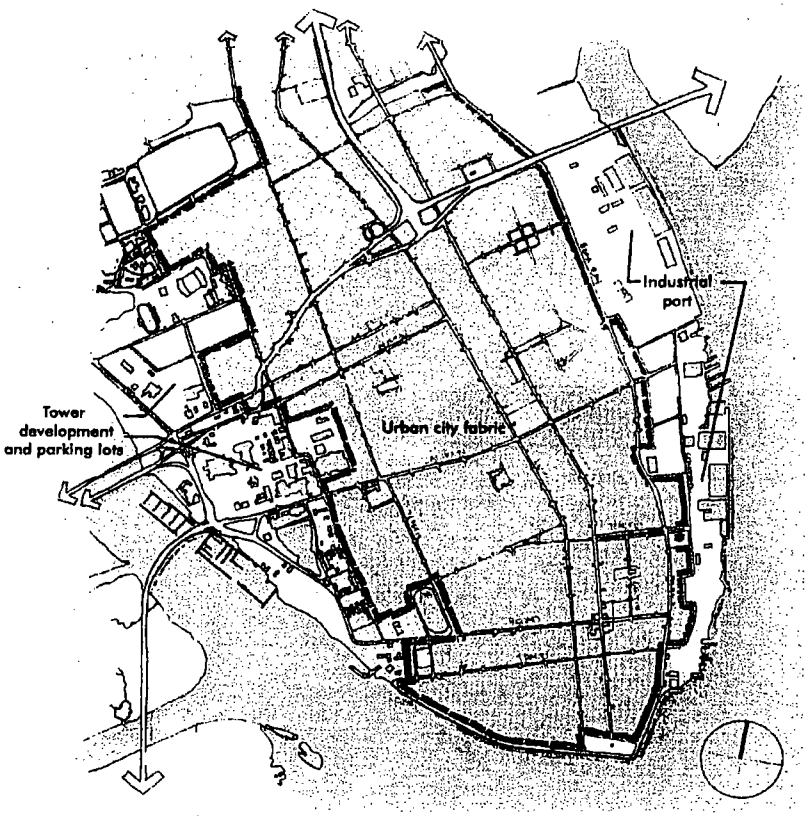
Extend the streets and blocks.

Downtown Charleston's fine street and block pattern is one of its defining features. Set on two intersecting grids, narrow streets criss-cross the peninsula, forming an intricate web of small and often irregular blocks resulting in a highly interesting and explorable environment. It creates a multiplicity of routes, a comfortable pedestrian environment, and small scale buildings.

Historically, neither the Cooper River waterfront nor the Ashley River waterfront were easily accessible by road. The Port uses along the Cooper River had only one or two major access points to large parcels of land that edged the river.

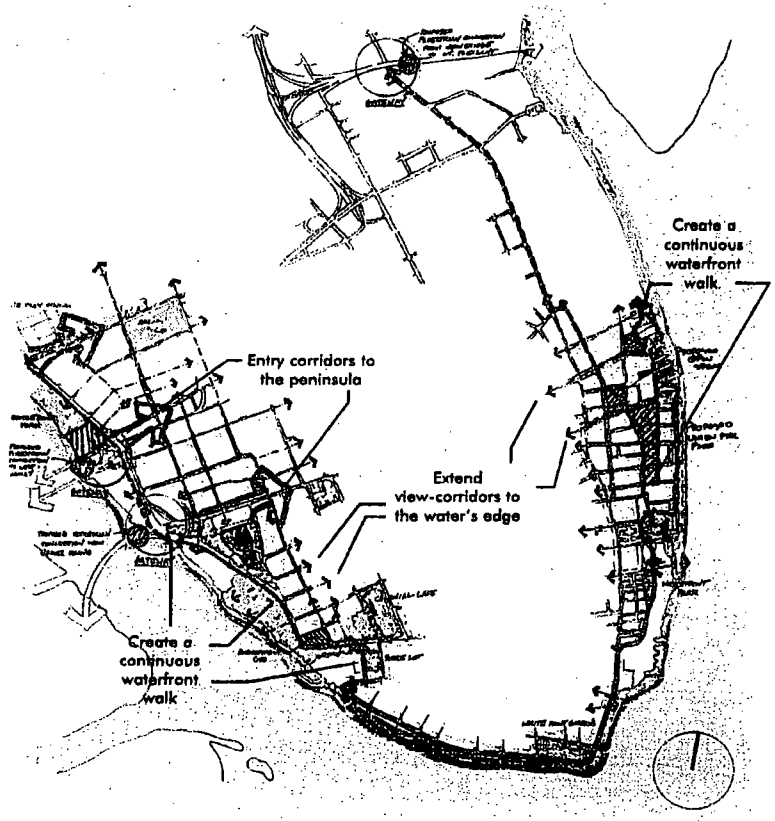
Along the Ashley River waterfront, first the marshes and now Lockwood Boulevard and the medical complex, create the perception that the river is inaccessible.

Existing extent of the urban fabric

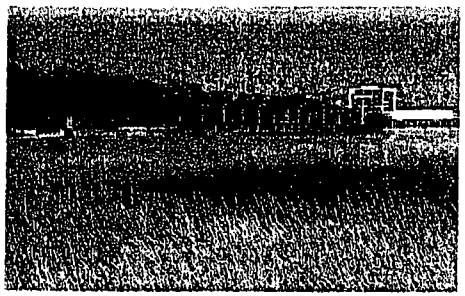


Much of the land at the rivers' edges is developed as industrial port or surface parking lots. This pattern of development is out of character with the densest urban fabric of the peninsula and isolates the city from the water's edge.

Proposed extension of the city fabric to the water's edge



As port uses relocate and the hospital district intensifies, there is an opportunity to extend the city's fine grain of streets and blocks to the water's edge and to create new housing, employment opportunities and open spaces.



Waterfront Park is one of the places on the peninsula where the water is easily accessible to the public.



Existing view corridors to the water should be preserved. In the redevelopment areas, existing streets and view corridors should be extended to the water or open space's edge.

Charleston's streets and blocks could be extended to make more of the water's edge accessible. New development along the Cooper River waterfront should be structured around a network of streets and blocks that facilitates connections and views to the water, as proposed in the Union Pier Terminal Concept Plan. Development should reflect the scale and qualities of the unique street and block network found in the historic downtown to the greatest extent possible and therefore large blocks are strongly discouraged.

Along the Ashley River waterfront the lands are already developed with "hospital district" uses. The MUSC is planning a major expansion of its educational and institutional facilities. New structures should be sited to frame an inviting public realm and to form view corridors to the water. Wherever possible, streets should be extended or new streets added to improve connections between the hospital district and the surrounding areas, including the waterfront. As a rule, existing streets should not be closed.

6.4 Neighborhoods

The neighborhoods – gracious and intimate – define downtown Charleston. Having evolved from the former boroughs, each neighborhood is defined by a unique sense of place to which residents feel strongly attached. Signature streets and open spaces grace many of the neighborhoods, providing a distinct focal point for community and social activities.

The friendly character is formed in large part by the scale. Buildings from all eras blend together seamlessly, showing great respect for the traditional grain and scale of the city. Low-rise houses, with piazzas running along one side, represent the modification of the single house originally developed in Barbados. The housing stock is at once coherent and consistent, unique and charming. Even the College of Charleston, despite its expansion, has worked with and retained the scale of the adjacent neighborhoods. The following goals and objectives address the neighborhood issues:

Goal: Support the neighborhoods.

Fill in vacant sites with development that respects the neighborhood form.

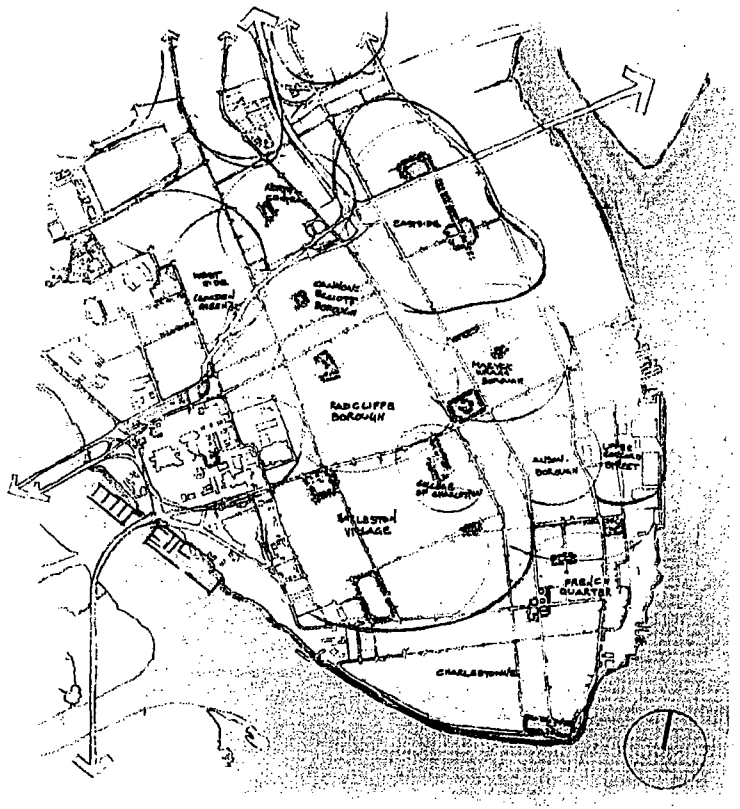
Throughout the downtown, there are vacant sites poised for compatible infill development to ensure the continuity of the neighborhood fabric. Most of these sites are concentrated north of Calhoun Street. New infill development should respect the existing neighborhood scale and form. With the exception of Union Pier, there are only a few vacant sites south of Calhoun Street.

Increase the mix of uses.

The downtown incorporates a broad mix of uses. Retail corridors, such as King and Meeting Streets, border the edge of most of the neighborhoods. The French Quarter, together with Harleston Village, embrace a wide diversity of uses and represent perhaps the most mixed neighborhoods.

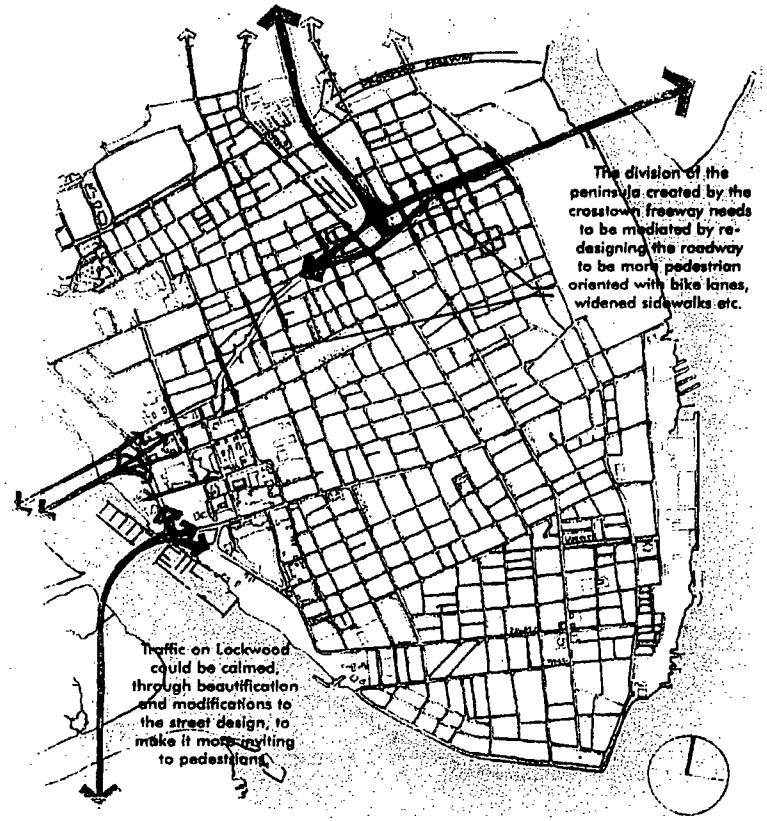
Over time, residential neighborhoods have become increasingly homogeneous regarding use. For example, corner stores, which once dotted the neighborhoods, are no longer permitted under the zoning ordinance. As a result, corner storefronts lie vacant. Certain neighborhood boundaries are drawn to not include King and Meeting Streets.

Existing neighborhoods



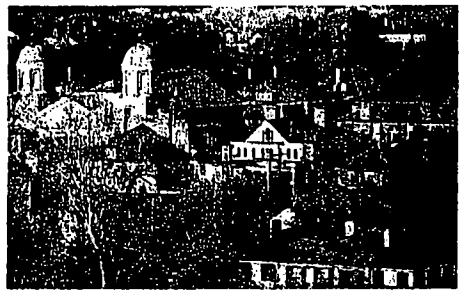
Charleston is made up of a collection of neighborhoods.

Existing regional access routes



Regional access routes create barriers within neighborhoods and to the water's edge.

All of Charleston's neighborhoods need to be supported, but not all in the same way:



Stable neighborhoods need protection from inordinate pressures for growth.



Neighborhood edges in **transition** provide opportunities to attract reinvestment for infill development.



Neighborhoods in **redevelopment** areas need to be carefully designed to reflect the quality and scale of existing neighborhoods.

A careful mix of residential and neighborhood-oriented commercial uses will increase vitality and help to keep downtown as a viable, livable community. A greater mix also allows residents to meet some of their day-to-day needs within walking distance of their homes, reducing dependence on cars.

Residential neighborhoods should stay primarily residential, but should allow for some other compatible uses. Neighborhood-oriented retail uses could be introduced into vacant corner stores where appropriate and viable. Neighborhood boundaries should be configured to embrace the retail corridors. Harleston Village Neighborhood should be redefined to include the west side of King Street. The Ansonborough Neighborhood and the French Quarter should be redefined to include the east side of King Street.

Reduce the barrier effect of regional access routes.

There are several regional access routes that find their way into the downtown. Their wide rights-of-way and high speeds mark an abrupt departure from the character of the roads south of Calhoun. As a result, they disrupt the continuity of the neighborhoods through which they run and make the lands along their edges difficult to develop.

For example, the Crosstown Expressway divides the peninsula into north and south portions. Similarly, Lockwood Drive functions much like an on/off ramp to the Ashley River Bridge, separating the waterfront from downtown.

By redesigning these streets, where possible, to feel and look more urban, with slower traffic and more inviting pedestrian environments, adjacent lands will be more developable, encouraging repair of neighborhood fabric and a greater sense of continuity.

"Taming" streets has already been identified within the Charleston community as an important goal. The Spring-Cannon Corridor Study recommends traffic calming measures along the Crosstown and Spring and Cannon Streets. It recommends that the Crosstown be redesigned as an avenue to create a more comfortable pedestrian environment and to make traffic function in a more urban fashion. These initiatives will help to reconnect the Cannonborough / Elliottborough Neighborhood with the West Side and North Central Neighborhoods north of the Crosstown. Many other streets within downtown Charleston could benefit from traffic calming.

Similarly, provided that it can retain its role as a major arterial, there may be an opportunity to calm traffic along Lockwood Drive, creating more of a waterfront boulevard that invites pedestrians to the water's edge. Landscape improvements, in particular, would help to create a more comfortable pedestrian environment and a more aesthetically pleasing environment for drivers.

Improve drainage.

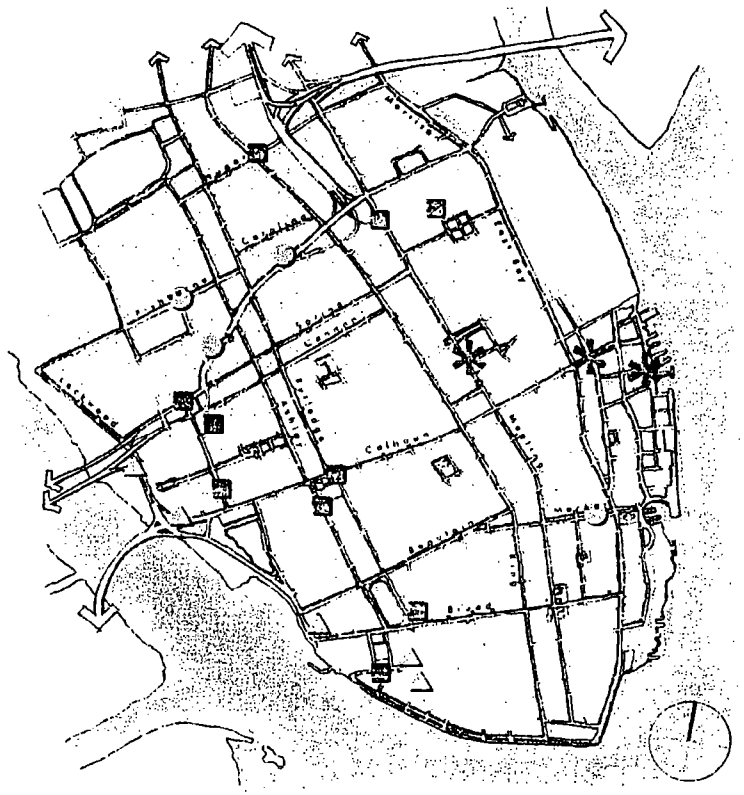
Drainage needs to be improved downtown. Because of downtown's vicinity to sea level and the amount of filled land within the study area, drainage is a challenge. Flooding can occur based on intense rainfall events, extreme high tides or a combination of the two.

The *1984 Master Drainage and Floodplain Management Plan 1985-2005* identified and prioritized drainage improvements needed for the entire city. Numerous improvements were recommended. Within the entire peninsula, the estimate for the cost of making these improvements was $76,000 in 1984 dollars.

The city has focused on making these improvements, starting with the highest ranking of the top priority projects. Progress is being made on a number of priority areas. However, the inordinate costs for design, permitting and construction will control the rate at which new projects can be undertaken.

Development decisions should be made with specific consideration to the prevention of flooding damage and the effect of frequent minor nuisance flooding. Consultation with the city regarding the status of these drainage improvements and their relationship on a proposed development is highly recommended. Special design considerations or postponing development may be warranted.

Drainage improvements



Drainage needs to be considered as new developments are proposed.

to be completed in 1999

Improvements made

design and improvements needed

design under way

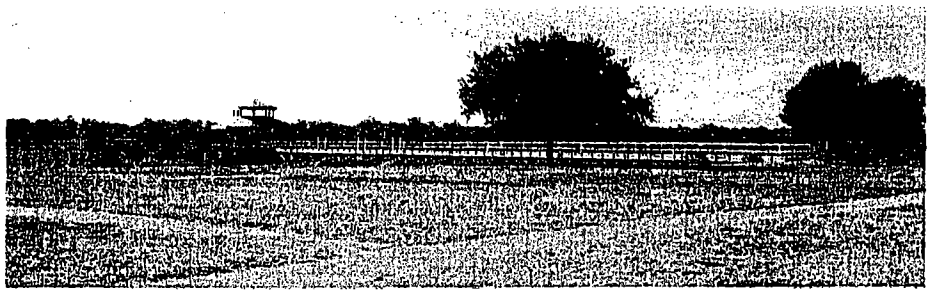
6.5 The public realm: streets, parks, trails and open spaces

Nurtured by generations of civic leaders, residents, merchants and entrepreneurs, downtown Charleston has an outstanding public realm. Narrow streets, intimate courtyards, squares, and exquisite gardens add to downtown's quality of life. Marion Square, White Point Gardens, Colonial Lake, Hampton Park, and Brittlebank Park just north of the Crosstown (Septima Clark Expressway) are extraordinary resources. The magnificent Waterfront Park is the latest addition to downtown's legacy and a catalyst for new development. The following goals and objectives address opportunities related to the public realm:

Goal: Enhance the public realm.

Create pedestrian-oriented streets.

Streets are vital elements of the public realm. The quality, intimacy and comfortable walking environment of the streets in the historic city play an important role in positioning downtown as an exceptional place to live and visit. Landscaping,



Brittlebank Park and the other existing open spaces on the peninsula are precious resources.



Reinvestment in Marion Square, which includes this proposed fountain, will help to attract private investment to the Calhoun and Upper King/ Meeting corridors.

high-quality street furniture, lighting, underground wiring, paving, and slow moving traffic all contribute to the atmosphere. Low-rise buildings that abut the right-of-way create an intimate and human-scale environment.

Further north, particularly north of Calhoun, many of the streets do not display the same qualities. With an emphasis on accommodating cars, less intensive landscaping and buildings that are set further back from the street edge, the pedestrian environment lacks much of the charm found in the lower historic city.

To the greatest extent possible, the character and quality of the streets south of Calhoun Street should be extended to the areas north of Calhoun Street that will be repaired and redeveloped in the next wave of investment. Particular emphasis should be given to the main walking and transit routes, especially the corridors: King and Meeting, East Bay, Spring and Connon, and Calhoun. The planting of street trees throughout the downtown, and particularly north of Calhoun Street, could be a significant contribution to a high-quality walking environment.

Create new open spaces.

There are a number of opportunities for creating new parks and open spaces throughout the downtown, providing active and passive amenities for downtown's residents and visitors. Parks, both new and existing, provide opportunities for incorporating public art – creating the opportunity for reflection or a celebration of an intersection. New open space possibilities include those that have been previously proposed, but not yet implemented, as well as those that are newly proposed by the Downtown Plan.

Parks and open spaces previously proposed include:

- Spring Street Pier (contained in the Spring / Cannon Plan)
- Charlotte Street Park (the preliminary plan is complete)
- Aquarium Park at the end of the Calhoun Corridor (currently under construction)
- the play fields along Concord Street in the Upper Concord Street Neighborhood (under construction)
- the expansion of DeReef Park in Radcliffeborough
- Concord Park, Bennett Square, Wharf Place, restoration of the Custom House Wharves, and River Place in the Upper Concord Street Neighborhood (part of the Union Pier Terminal Concept Plan)

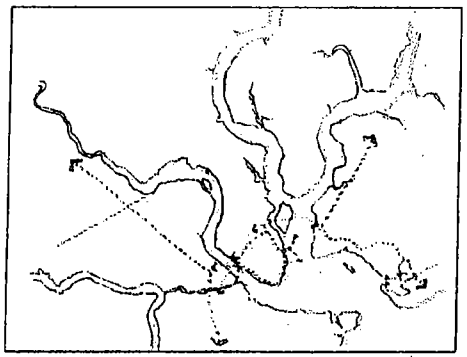
New opportunities for park spaces that should be pursued:

- some of the lands vacated by the relocation of the Cooper River Bridge in the East Side (long-term plans include a pier and boat ramp in the vicinity of the old Cooper River Bridge),
- the open space focus at the west end of Doughty Street,
- two newly configured open spaces in the Spring and Cannon Corridor,
- the marshlands east of Morrison Drive above the existing Cooper River Bridge and west of Lockwood Drive below the City Marina. Given that these marshes are protected by the State, the greatest opportunities lie in the creation of boardwalks, overlooks, and interpretive centers. In order to access the marshes east of Morrison Drive, a means to cross the rail line accessing the Columbus Terminal needs to be developed,
- the extension of Brittlebank Park south to Spring Street along the Ashley River waterfront. (Vested rights on some of this property may result in development occurring, potentially residential. This would be appropriate. However, any development in this area must be in accordance with this Downtown Plan and should, in particular, allow for public access to the waterfront, connect to Brittlebank Park and create a strong edge along Lockwood Boulevard.)

Improve existing open spaces.

Many squares and parks throughout downtown should be given renewed importance and enhanced roles. Located along the prominent King and Meeting Street spine, Marion Square is one of the premier open spaces on the

Trails on the peninsula need to connect to a regional network.



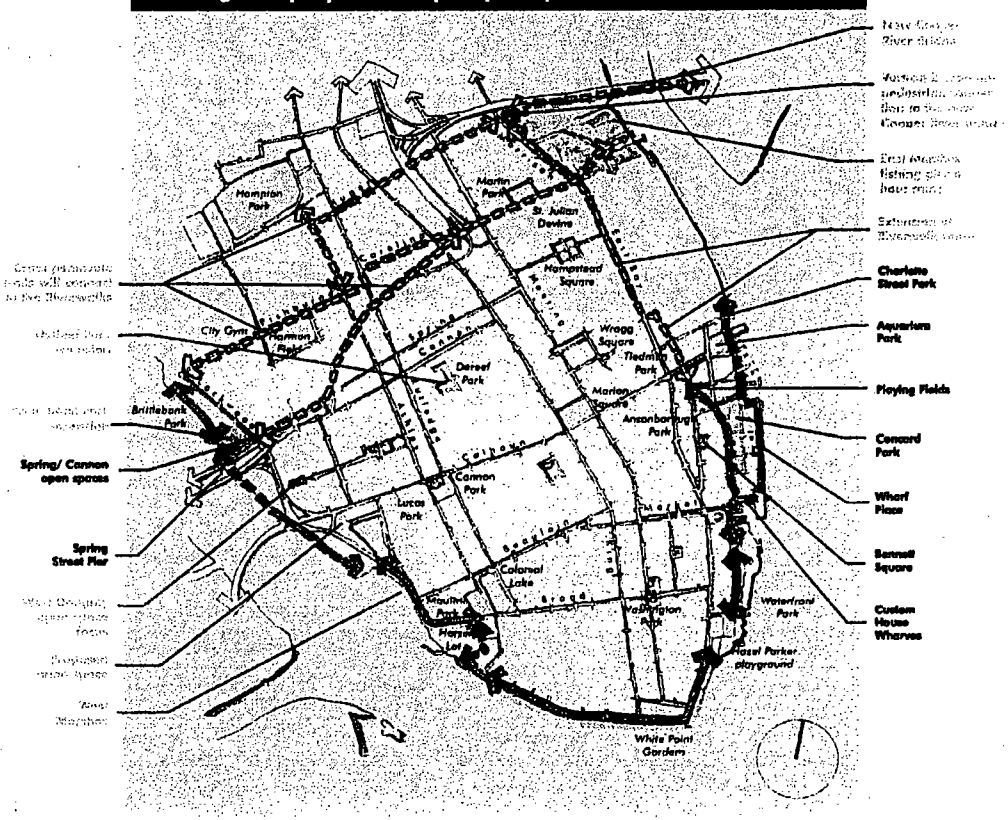
peninsula. A master plan for the park, prepared by Michael VanValkenburgh and now being implemented through tax increment financing, will take maximum advantage of this important civic space, while providing a focal point for public activities. Sites around the edges of this park will soon be among the most desirable in downtown.

Another important opportunity exists in the East Side Neighborhood at Hampstead Square. A magnificent park focal point could be created here for the East Side Neighborhood. DeReef Park, which currently feels unsafe and is therefore underutilized, could be enhanced through landscaping, lighting, improved maintenance, and being better knitted into the city to make users feel more safe.

Neighborhood parks that should be improved include:

- DeReef Park in Radcliffeborough,
- Colonial Lake and Moultrie Park in Harleston Village. (Improvements to Moultrie Park are planned to be completed soon),
- White Point Gardens and the Horse Lot in Charlestowne (Improvements are currently planned for the Horse Lot),
- Tiedeman Park and Wragg Square in Mazyck-Wraggborough,
- Hampstead Square,
- Harmon Field and Brittlebank Park in the West Side

Existing and proposed major open spaces



Existing waterfront trails.

Previously proposed waterfront trails.

Newly proposed waterfront trails.

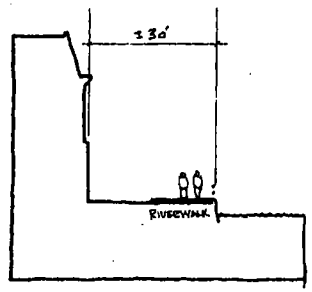
Major open spaces:

Bold black text indicates previously proposed open space

Light black text indicates existing open space and streets



Portions of the waterfront trail/riverwalk are being created in the Upper Concord neighborhood. Every effort should be made to ensure it is a continuous public edge that can accommodate recreation opportunities for both residents and visitors.



To create the riverwalk, a 30 foot right-of-way along the water's edge should be reserved. This will ensure adequate space for planting, vendors, seating and privacy within adjacent buildings.

(plans are currently being prepared for Harmon Field),

- Martin Park immediately north of the existing Cooper River Bridge.

Continue the waterfront trail.

The waterfront trail plays a large role in linking downtown together and providing access to the water. The emerging waterfront trail is utilized by joggers and walkers from early in the morning to late at night. Currently, it runs down East Bay, along the water at the south end, and along Lockwood Drive in the west. As outlined in Charleston 2000, the trail should be continued directly along the Cooper River and Ashley River waterfronts.

The waterfront trail should reflect the distinct character of each river. Along the Cooper River waterfront, the hard edge of the existing port uses are appropriate and should be continued. Along the softer edge of the Ashley River waterfront, a nature trail / wetland boardwalk would be more appropriate. Recent and future trail improvements along the Ashley River are currently being funded by the Intermodal Surface Transportation Efficiency Act (ISTEA), the city and county.

All efforts should be made to develop a 30 foot wide right-of-way to accommodate the trail as it follows the lower peninsula perimeter. Although in many places this cannot be accommodated, it should be maintained as a goal and achieved wherever possible. A wider right-of-way will allow for seating, vendors, public art, monuments and other elements that will enhance the experience of the trail.
A wider right-of-way will also allow opportunities to create space for bicycles and roller-blades. Currently, the city ordinance prohibits bicycles and roller-blades on sidewalks. However, given the desire to reduce the number of people driving into the downtown, every opportunity should be taken to increase the use of alternate modes of transportation, such as cycling.

With a wider right-of-way the option exists to incorporate two separate trails, one that is used by pedestrians and the other that is used by cyclists and roller-bladers. A wider, single trail could be divided and shared. As an important recreational amenity, a more substantial trail will also help to divert visitor activity away from the downtown.

In addition to the route outlined in Charleston 2000 the trail should follow the path of the Crosstown, or other appropriate routes in this vicinity, connecting the Ashley and Cooper River waterfronts to create a continuous recreational loop. The waterfront trail should also link up with regional trails. Creating a connected loop will enhance the trail's role as a recreational amenity and as a reliable and comfortable means of commuting.

Directing development: The land use strategy

7.1 Introduction

Chapter 4 discussed the potential for new development in all economic sectors. Chapter 6 identified opportunities for reinforcing the urban structure. Now it remains to join economic development with urban structure to develop a land use strategy. Where exactly should targeted development be accommodated? How much development should be encouraged? How can opportunities for developing and reinforcing the urban structures be translated into a land use strategy? How should the city target specific new uses?

7.2 Where can growth be accommodated?

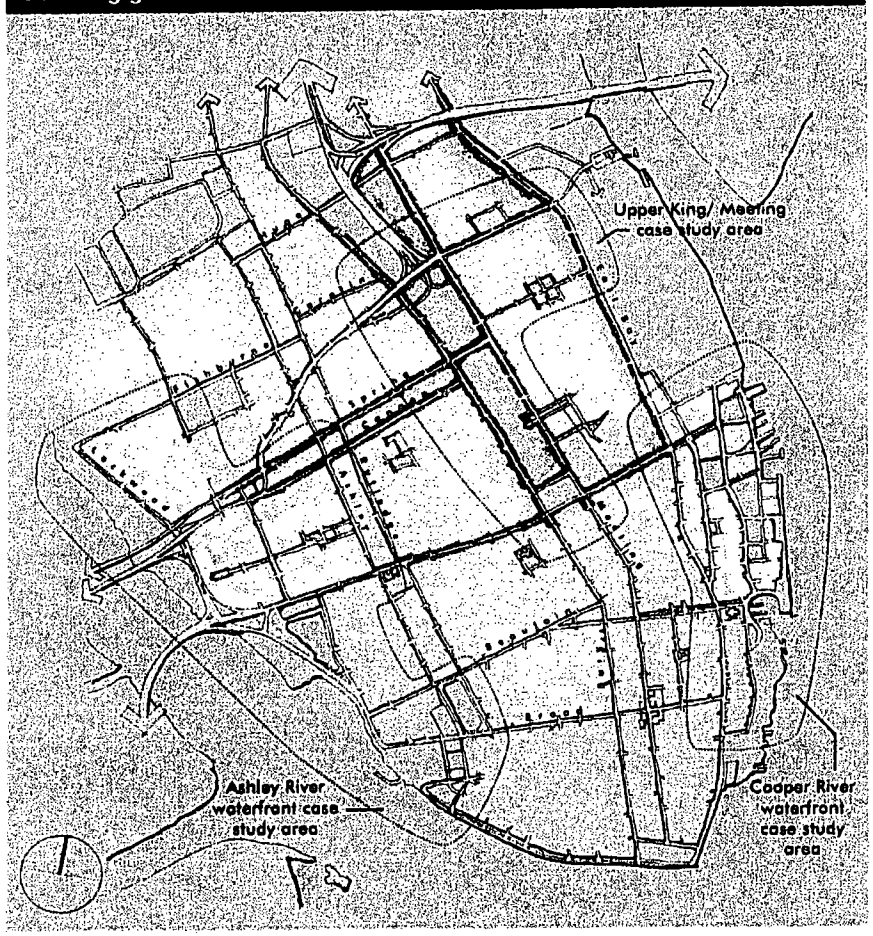
Within the broad urban structure, downtown Charleston currently has areas that are *stable, in transition,* and *suitable for larger scale redevelopment.* The stable areas are mostly comprised of residential neighborhoods, treasured communities that should remain largely as they are in form and use. Little change or growth is anticipated or proposed in this area.

With the exception of the Union Pier area, *transitional areas* and *redevelopment areas* are generally found north of Calhoun Street and are anticipated to absorb virtually all of the growth. The *transitional areas* contain gaps in the urban fabric, either where demolition has occurred or where a site is underutilized. These gaps provide opportunities for new development. In these places, the network of streets and blocks remain intact and it is a matter of allowing new developments to be sensitively inserted onto the available parcels to reinforce the existing character.

The *transitional* areas generally include the traditional retail and residential corridors in downtown: Upper King and Meeting Street; Spring and Cannon Street; Calhoun Street; East Bay Street, and the site of the existing Cooper River Bridge, soon to be relocated. Some of these corridors – such as Spring Street, Cannon Street, and Calhoun Street – have already been targeted for new development, others – such as the Upper King and Meeting Corridor – have been the subject of ongoing revitalization efforts. Still others, such as the Cooper River Bridge and Morrison Drive have only recently emerged as potential available sites for revitalization.

In the *redevelopment areas,* large tracts of vacant land are available for comprehensive redevelopment. In these areas, it is a question of integrating new development within the overall urban structure, through the establishment of a network of streets and blocks and appropriate built form. There are two major redevelopment areas: the Cooper River waterfront, including the Union Pier area; and the Crosstown Gateway including the medical complex. The acreage available in these areas can accommodate significant reinvestment and growth.

Directing growth



Stable area

Transition area

Redevelopment area

Most growth will occur in the transition and redevelopment areas. The corridors, in particular, can accommodate development without impacting the neighborhoods.

Chapter 9 presents a detailed discussion of the case study areas: The Cooper River waterfront, the Upper King / Meeting Corridor, and the Ashley River waterfront.

7.3 The Land Use Strategy

The development targets and urban structural analysis provide a framework upon which to build a land use strategy. The strategy is flexible, allowing for an appropriate mix of land uses that can evolve within established parameters, while guiding Charleston's evolution over the time frame of this Plan and beyond.

The land use strategy implements and supports the existing and recommended urban structure – it identifies and preserves *low intensity neighborhoods* and identifies the range and intensity of land uses to be accommodated in the *transitional* and *redevelopment areas*. It provides for the extension of residential neighborhood fabric to the Cooper River waterfront and the establishment of multi-purpose corridors and focal points linked together through an enhanced public realm.

The land use strategy is based upon the following broad directions that aim to further the Downtown Plan's social, economic and physical objectives:

Distribution of growth in transitional and redevelopment areas (sq.ft.) 1999 - 2019

	Hotel	Retail	Office	Residential
Upper King / Meeting	540,000	200,000	150,000	400,000
Crosstown Gateway	180,000	100,000	400,000	200,000
Cooper River	200,000	200,000	600,000	715,000
Corridors: Spring / Cannon, Calhoun		63,200	200,000	368,800
Lower Lockwood				100,000
Total	920,000	563,200	1,350,000	1,783,800

Distribute housing throughout the lower peninsula

Housing should be accorded priority in development, particularly in the Union Pier area and along the various corridors, where higher intensity townhouse or apartment forms can be sensitively inserted, broadening the range of housing types available in the study area. Infill development in existing stable residential neighborhoods must be sensitive to the existing city fabric.

Locate office uses in close proximity to related uses, including other offices

Office uses should cluster, creating a synergistic, mixed-use environment. Particular emphasis is placed on the Crosstown Gateway as an opportunity for high-tech uses or related office uses in proximity to the medical complex.

Other appropriate locations for office development include: Upper King and Meeting Streets, and Calhoun Street between the new aquarium on the east and the medical center on the west.

Similarly, the Union Pier Terminal area can also accommodate new, flexible office layouts. As discussed in Chapter 9, transportation constraints suggest that there should be more residential space and less commercial office and retail space than currently planned in Union Pier.

Broad Street and the Market area are appropriate for small office uses, specifically business people requiring smaller amounts of space that can function effectively in older buildings.

Add new retail along the corridors

Retail uses should be directed to the corridors - the traditional location for shopping in downtown Charleston. In particular, King Street is the shopping "center" for downtown residents and visitors. However, additional retail uses should be directed toward the Upper King and Meeting Corridor.

In the redevelopment areas, retail should also be permitted to provide a full diversity of uses. For example, East Bay Street is envisioned in the Union Pier Terminal Concept Plan as an appropriate location for neighborhood retail uses. Retail uses should not be of a magnitude to detract from the primacy of the King/Meeting corridor. A small amount of retail development is proposed as infill to serve new neighborhoods, especially in the historic neighborhood corner stores.

As mentioned above, in view of transportation constraints, the commercial office and retail emphasis in the Union Pier Terminal Concept Plan should be reduced to ensure capacity for higher priority residential development.

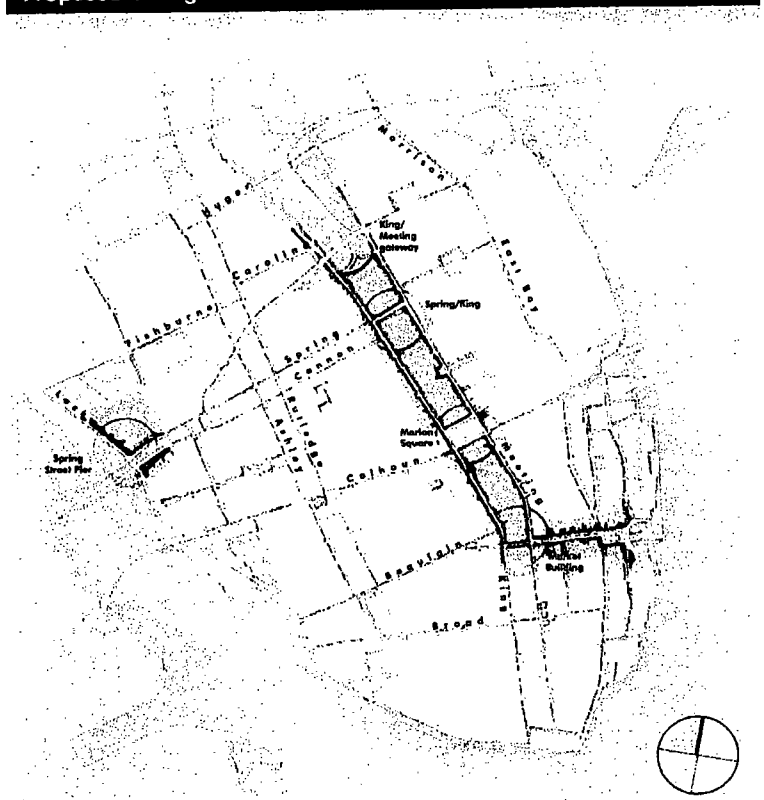
Direct hotels generally north of Calhoun Street

Building on the *Visitor Accommodation Study*, the Downtown Plan's strategy is to encourage hotels away from the heart of downtown to locations where they might act as catalysts to revitalization. The strategy also aims to keep hotels away from the waterfront in order to maintain and enhance meaningful public water access.

New hotels, totalling a maximum of 800 rooms over the next twenty years, are proposed to be concentrated north of Calhoun Street in the transitional and redevelopment areas: Upper King and Meeting Street and the Crosstown Gateway. Hotels are also proposed in the focal points along the eastern edge of downtown, one in Union Pier as recommended in the *Union Pier Terminal Concept Plan* and one fronting onto Calhoun Street.

The Downtown Plan endorses the *Visitor Accommodation Study*. However, it recommends some minor amendments to the Accommodation Zone to take maximum advantage of key opportunities. These modifications maintain the

Proposed changes to the visitor accommodation study



The Downtown Plan endorses the Visitor Accommodation Study. However, it recommends some minor amendments to the accommodation zone to take maximum advantage of key opportunities.

Existing visitor accommodation zone

Proposed extension of visitor accommodation zone

Proposed removal from visitor accommodation zone

Accommodation Study's spirit and integrity but seek to capitalize on recommended transit improvements and support the city's urban structure.

Three general areas are recommended for inclusion. The Upper King and Meeting Corridor contains large tracts of underutilized lands that will have increased prominence with the relocation of the Crosstown. The proximity of this area to the commuter rail line proposed to link downtown with the conference center and Summerville strongly supports proposed transit recommendations and will help to reduce the number of visitors driving into downtown.

The lands on the east side of a portion of Meeting Street, lying north of Charlotte Street, were recommended to be removed from the Accommodation Zone by the *Visitor Accommodation Study*. The Downtown Plan recommends that these lands be reconsidered for hotels, given their proximity to transit and the intensification recommended along the King and Meeting Corridor. However, since these sites back onto residential neighborhoods, permission for hotels should be evaluated on a case-by-case basis after giving thorough consideration to the criteria outlined in the zoning ordinance.

Other areas that should be included in the Accommodation Zone are the focal points along the Cooper River water-

front. The Calhoun Corridor is emerging as a mixed-use area with an emphasis on cultural attractions and facilities. The Calhoun Corridor is also a major east-west spine and is appropriate for transit. One hotel along this corridor of approximately 100 rooms would be appropriate and would help to reduce the number of cars impacting this area.

A hotel of approximately 200 rooms was proposed and approved as part of Phase 1 of the Union Pier Plan at the terminus of Market Street. This area was excluded from the Accommodations Study in order to receive further study as part of the Downtown Plan. According to the *Union Pier Terminal Concept Plan*, Market Street will be extended east to the waterfront where the Customs House Wharves will be renovated, forming a focal point and place of intense public activity along the waterfront. The Downtown Plan therefore recommends that this area be included within the Visitor Accommodation Zone for one hotel, adding to the diversity of uses.

The Ashley River waterfront north of the Crosstown is appropriate for hotels as identified in the *Visitor Accommodation Study*. The Downtown Plan proposes to expand the area north where large tracts of vacant land are far removed from residential neighborhoods. As well, the Downtown Plan identifies this portion of the Ashley River waterfront as a focal point, given its proximity to the future restoration of the Spring Street Pier that will concentrate public activity along the water's edge. It is also a gateway area to the peninsula and is easily accessible from the Crosstown. A hotel in this area should not be directly along the water's edge.

To further the Downtown Plan's goal of naturalizing the Ashley River waterfront to the greatest extent possible, a hotel on the City Marina site is not recommended for inclusion in the zone at this time.

7.4 The Land Use Plan

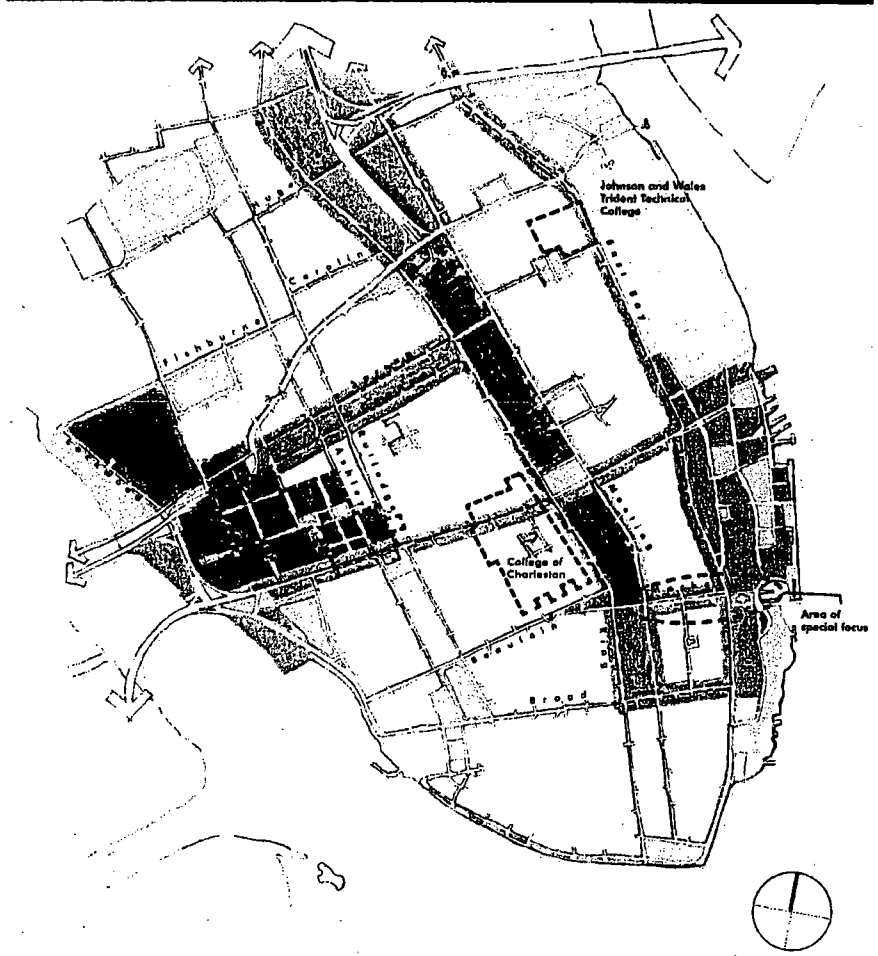
The land use plan provides further direction for accommodating growth by creating two major land use categories: **low intensity neighborhood;** and **mixed-use areas.** Subcategories (low, medium and high density) provide further direction.

Low intensity neighborhoods cover large parts of downtown and little change is anticipated. The mixed-use designation is applied to the corridors (the *transitional areas*) and the *redevelopment areas* that are recommended to accommodate a broad range of land uses. Focal points occur at important crossroads where particular consideration to urban design or architectural elements create landmarks.

The land use strategy is intended to be highly transit-supportive by placing greater amounts of employment (workers), tourism (visitors) and housing (residents) within proximity to existing and potential transit corridors. To support this goal, a diversity of land uses are proposed within nodes and corridors at greater intensities than the adjacent residential neighborhoods.

687

Proposed land use



The land use plan disperses tourism related activities to appropriate areas, generally north of Calhoun Street. The intent is reduce the density of visitors south of Calhoun Street and spread the associated economic benefits throughout the lower peninsula.

The creation of land use categories and associated policy directions provides the framework for future land use decisions in the downtown and facilitates achievement of the Plan's underlying principles and vision.

Goal: Create a supporting land use strategy

Designate neighborhoods as "low intensity neighborhood."

Neighborhoods, primarily residential, are to be low intensity. These areas should have a predominance of house form structures whose ongoing restoration is encouraged. Although these neighborhoods are not anticipated to undergo significant change, infill development that is sensitive to the existing character is required. Neighborhoods should also include a mix of compatible uses such as parks, recreation facilities, schools, places of worship, libraries, community centers, and compatible small-scale commercial uses. The intent is to allow residents to meet day-to-day needs



Gross building area = 1000 sq.ft.
Site area = 1000 sq.ft.
F.A.R. = 1.0

Floor area ratio (FAR)

Floor Area Ratio (FAR) is a way of describing density. Using this method, the total development permitted is established based on the area of the lot. For example, development might be permitted up to three times the area of the lot, an FAR of 3. Accordingly, if a lot were 2 acres in size (87,125 square feet), total development permitted would be approximately 261,377 square feet (3 x 87,125).

The advantage to this approach is that it focuses attention on the issues that are most important- the height, the density and the building envelope- rather than the number of units which can be built per acre. It facilitates the creation of smaller units, which can fit within the same envelope as a fewer number of large units.

within easy walking distance of their homes, while preserving an important historic neighborhood character.

Restrict expansion of institutions within low intensity neighborhoods.

Several major institutions are situated within or adjacent to stable residential neighborhoods: the MUSC, the College of Charleston, Trident Technical College, and Johnson and Wales. Defined boundaries should be adhered to in order to prevent encroachment into the neighborhoods.

The College of Charleston is interwoven with the surrounding neighborhood. Adhering to boundaries and the permitted uses within them, will help to alleviate tensions that tend to arise with site specific expansions. In the heart of the compus, the full range of college-related uses should be permitted. However, where the College meets neighborhoods, more careful consideration of permitted uses is needed to ensure compatibility and reduce conflict. For example, the College owns structures along the west side of Coming Street. These structures are appropriate for housing and administrative uses but should not be used for more fraternities or sororities.

Although the boundaries of the MUSC are more clear, they must be enforced and the transition to adjacent neighborhoods made more smoothly. New development associated with the MUSC should aim to create a transition in scale with low-rise adjacent neighborhoods.

The Trident Technical College should remain within its existing boundaries, the block bounded by Columbus, Drake, Blake and America Streets so as not to further impact the East Side neighborhood.

The Johnson and Wales compus is one which may undergo change should the school relocate. Given that this school is situated within one building, boundaries are not as pressing an issue, with the exception of parking. Parking should not be permitted to encroach into the surrounding neighborhood.

Designate the corridors and redevelopment areas as mixed-use.

Most of the corridors and redevelopment areas in downtown are designated mixed-use. They are intended to accommodate shopping, business and professional services, as well as high-density housing.

Distinction is made between low, medium and high density areas. High intensity is envisioned as accommodating densities in the range of 3.0-3.5 FAR; *medium*, 2.5-3.0 FAR; and *low*, 1.5-2.5 FAR. Generally, this intensification is proposed to occur *without any increases in height* through more efficient use of each lot. The recommendations are intended to provide broad direction for subsequent implementation through zoning ordinance review.

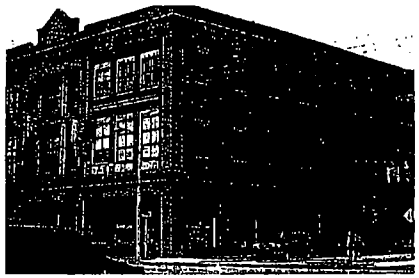
Assign high-intensity, mixed-use to the Upper King / Meeting Corridor and the Crosstown Gateway

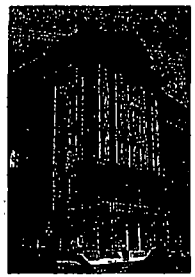
A mix of residential, commercial, hotel and entertainment uses should be incorporated along the King / Meeting Corridor, and the Crosstown Gateway.

The King and Meeting Corridor, incorporating a mix of uses, functions as the premier downtown shopping district, a role that the Plan confirms and reinforces. A full range of uses is anticipated: additional retail, hotel, office, entertainment, cultural, and residential development. Retail use should be required, or at minimum strongly encouraged, at grade level - particularly since transit services are proposed to be enhanced along this corridor, via frequency of stops, reliability and marketing. Higher density is recommended to derive maximum benefit, particularly along the upper King and Meeting Corridor.

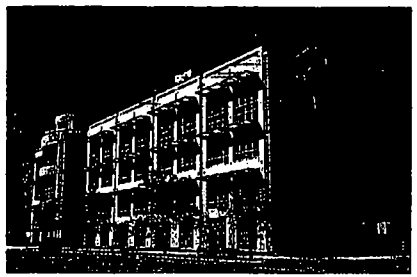
The Crosstown Gateway is recommended for commercial emphasis, as a potential location for modern office, medical and hotel development. Retail uses that are ancillary to the office and hotel development are also envisioned. Residential uses are permitted but anticipated as secondary for the foreseeable future. The Crosstown Gateway is designated the highest intensity in the downtown, reflecting its distance from the historic city, the large sites available, and the proximity to the Crosstown Expressway.

Charleston contains a wealth of buildings that could serve as prototypes for new development.





Warren Place is a good example of appropriate infill in the Upper King/ Meeting corridor.



This urban office building would be appropriate on Upper Lockwood.

Assign medium-intensity, mixed-use to the Cooper River waterfront, the Cooper River Bridge area, Cannon Street, Spring Street, Calhoun Street, Lower King and Meeting Streets, Lower East Bay.

The intent is to develop a mix of uses along the Cooper River Waterfront and the secondary corridors at medium intensity.

Along the Cooper River waterfront, the intent is to complement proposed office, institutional, entertainment, and hotel activities. Development should reflect the quality and character of existing neighborhoods at medium intensity. The Union Pier Terminal Concept Plan should include more housing than is currently proposed, while still providing opportunities for commercial uses.

Cannon Street and the existing Cooper River Bridge area are intended to facilitate low and mid-rise permanent residential development that is appropriate for a corridor and harmonizes with adjacent residential neighborhoods. Hotels should not be permitted in these areas.

Both Calhoun and Spring Streets should have greater commercial emphasis and are excellent venues for a wide variety of professional offices, smaller scale institutions, retail, entertainment or cultural uses. In general, hotels should not be permitted. Retail uses should be encouraged at-grade in new development. Residential development is also encouraged.

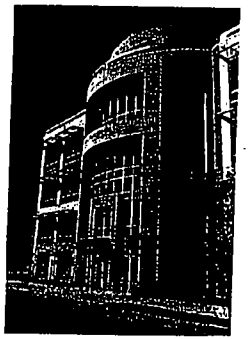
Development along Lower King and Meeting Streets and Lower East Bay should complement the existing uses along these corridors and in the Market area. Residential development should be encouraged. Compatibility with adjacent residential areas is important when considering any change of use.

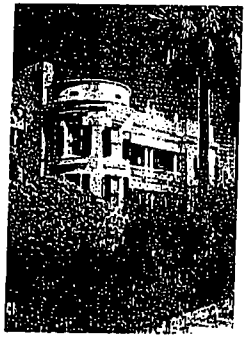
The Market Area is delineated as an *Area of Special Focus* in order to recognize the impacts suffered by residents in this area due to burgeoning visitor-related commercial uses. In order to restore balance, the city should give as much priority as possible to non-commercial, non-tourism related new development in this area. A streamlined approval process or positive consideration of ordinance variances would help to achieve this goal. A strategy of dispersal of tourism-related activities throughout the downtown area should, over time, dissipate the impacts currently experienced, such as pedestrian and vehicular congestion.

Create focal points.

Focal points should be created at each crossroad in the downtown to create a series of landmark locations. Nodes should be defined by a public space or presence: a park, square, pier, civic or community use, cultural facilities, or water taxi depot. They could also be defined through architectural detail, public art, or a variation in height. Particular consideration to urban design or architectural elements should strengthen these areas as "landmarks".

8.Built form





Both new and old architecture display the same qualities in terms of massing and form. This has, in part, given the city its cohesive, harmonious character.

8.1 Introduction

For centuries, development in historic downtown Charleston blended seamlessly, creating a coherent, compact city fabric that today embraces many neighborhoods, retail corridors and a vibrant market area. It is this city fabric that now underlies downtown's unique atmosphere and desirability. The city's character can be reinforced by ensuring the integrity of each new building.

Buildings that fit into the historic city fabric have a number of specific characteristics. While there are exceptions, structures are relatively small in scale. Heights are relatively low. Residential buildings are typically 2 – 3 stories while commercial buildings are typically 3 – 5 stories. Active uses such as living, retail or office space are located at grade level or just above. Buildings have minimal setbacks. Parking is generally incorporated on the street or in small driveways. In short, the city is comprised of buildings that occupy much of the lot, frame the streets and parks, and that are at a relatively consistent, low height. The effect is an intimate, pedestrian scale and unique environment.

Recently, issues have arisen that significantly impact the design and feel of new development. Market forces and flood plain regulations create pressures for large scale structures and greater height. Flood plain regulations generally restrict active uses from being located at street level in certain areas. On-site parking requirements, in combination with flood plain regulations, invite inhospitable parking solutions. As well, the full extent of the excellent heritage preservation efforts in downtown are yet to be applied north of Line Street, an area that will soon be under pressure to develop.

Each of these issues needs to be addressed to ensure architectural integrity and to ensure that new developments blend with the historic city.

8.2 Architectural integrity

Charleston's lower peninsula is renowned for architectural quality - both old and new. South of Calhoun Street, new development is often blended with the old with great success. North of Calhoun Street, where existing city fabric is weakened through demolition and surface parking lots, the context provides fewer guidelines, and continuity is harder to achieve.

The lower peninsula is a prestigious destination for visitors and highly sought-after by potential residents. The city should continue to negotiate high quality design. Economic imperative should not be used as a rationale for building less than the highest quality. In particular, the city and community need to ensure quality development above Calhoun Street.

Developing in downtown is a privilege that comes with high expectations and responsibilities that should be clearly understood and articulated. Development should respond to its context and be considerate of the historic core. It does not have to duplicate historic styles. Creative architectural solutions that fit within Charleston's historic character should build on existing typologies and reflect the period during which they were designed.

The grain and scale of city streets, open spaces, blocks, lots sizes, buildings and the pattern of use reveals an intimate, human scale.



Almost every kind of use can be found in the French Quarter neighborhood. Sometimes all on one block, as refected in this 1998 land-use map.



Longitude Lane is one of Charleston's narrowest streets, and amongst the city's most charming.



Buildings are at a human scale. In other words, they seem to embrace the pedestrian without overwhelming them.

Goal: Ensure architectural quality

Hold design competitions for important civic buildings.

Public buildings should be exemplary and warrant a design competition to ensure highest quality and greatest creativity.

Design buildings to frame the public realm.

Part of what makes a high-quality building is the manner in which it contributes to its surrounding context. Following a longstanding tradition in downtown Charleston, buildings should frame the public realm - streets, parks and open spaces. Entrances should be sited to open onto the street, reinforcing the vitality and primacy of the street. Each street in Charleston has a different character and buildings should define the public space of a street in a way that is consistent with its character.

Submit each development proposal to the city with context drawings.

Part of the design review process for new development should include an analysis of the surrounding context, including: local topographic features, significant trees and vegetation, existing and proposed built context, the relationship to major pedestrian and vehicular routes, the relationship to open spaces and parks, and the relationship to any area plans. This type of analysis will help to ensure that the buildings fit within the natural and built context and that vehicular and pedestrian flow to and from the building is well-handled. This analysis will also ensure that new structures appropriately frame the public realm.

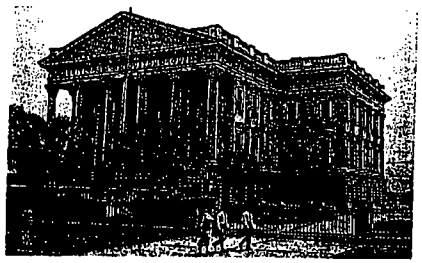
8.3 Grain and scale of development

The old city is characterized by fine grain and generally small-scale development. Buildings, the mix of uses, open spaces - parks, courtyards and gardens - are all finely interwoven, creating a richly textured city fabric. To the greatest extent possible, the grain should be preserved and reflected in newly emerging areas .

New development, subject to today's economic reality, often needs to be constructed at a larger scale, whether it be more height or a larger building footprint. However, it is difficult to integrate large-scale development within downtown while retaining the city's unique sense of place.

As much as possible, Charleston needs to seek out the unique, specialty operators that will build at a smaller scale, catering specifically to the downtown as a distinct location. Hotels, for example, can be built at a smaller scale, as can residential buildings.

There are cases where this type of development is not practical or desirable. Downtown needs to accommodate new commercial space to ensure a greater number and diversity



The Customs House is an example of an outstanding building with a special urban function. It marks the historic port entrance to the market and the city.



These houses on the other hand are good context buildings. They create an attractive and coherent street edge, but no one building is over emphasized.

Urban Grain is the pattern of the arrangement and size of buildings and their plots in a settlement; and the degree to which an area's pattern of street-blocks and street junctions is respectively small and frequent, or large and infrequent.

In Charleston there exists a very fine urban grain, which should be maintained and extended to the redevelopment areas.

of employment opportunities. With the option to locate in competing suburban locations, potential commercial tenants demand larger, more efficient floorplates. Commercial uses also tend to congregate and encourage synergies.

Where these larger elements - commercial or residential - are incorporated into the downtown, they need to conform to urban rules. Strategies need to be employed to integrate large commercial structures into the city fabric without resorting to a business park format that would represent a significant departure from Charleston's existing character.

Goal: Build in keeping with the downtown grain and scale

Ensure a diversity of architectural expression.

In areas where there is significant redevelopment or new development, there should be a diversity of architectural expression within each street or block. The addition of new commercial space to downtown or the planned expansion of the MUSC are both examples where there is opportunity to ensure diversity and creativity as large amounts of new development are added. Buildings should not be strictly historic in style but should reflect their context, purpose and the time during which they were designed.

Ensure a diversity of building types.

Buildings can and should play a diversity of roles. Within the overall city fabric, some buildings should be background buildings - structures that will create an attractive and coherent street edge but that do not stand out as extraordinary.

Some buildings have a special role within a block or street and should stand out more - they could mark an open space, a special corner or they might be on axis with an important or attractive view corridor.

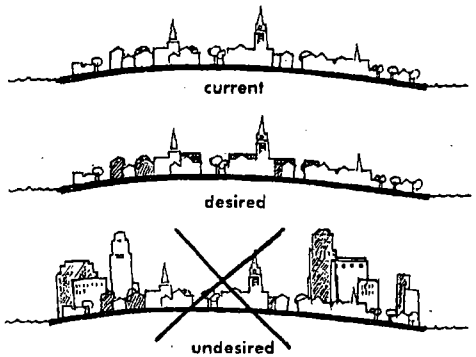
There is also room for buildings that are truly outstanding objects. Places of worship, public structures, certain locations adjacent to the waterfront or important parks all warrant exceptional treatment and design. Downtown Charleston should contain all of these types of buildings.

In large development areas, a diversity of design talent should be encouraged.

Employing different architects and designers will assist in ensuring diversity. The Union Pier proposal or the MUSC expansion are important opportunities to retain top architects. In dividing the lands into developable parcels, there is an opportunity to create some outstanding structures that are attractive and inviting additions to the city's built form.

Ensure the vitality of grade level.

The treatment of the grade level, through the incorporation of active uses or the addition of windows and entrances, can create the perception of vitality and of a small-scale and finer mix. Multiple dwelling units should be designed so that each unit has a seperate porch or stoop. Single entry buildings should clearly address the street with generous canopies, awnings and open lobbies. All ground floor uses should address the street with generous fenestration and multiple entries. Art should be incorporated into the finishes of buildings, including the downspouts, signage, grillwork, and tile work.



New development should be in keeping with the City's current skyline. The downtown plan recommends that the height regime be modified to clearly reflect the desired development.

8.4 Height

Charleston's skyline is characterized by lower buildings along the water edges with higher built spines along King, Meeting and Calhoun Streets. Towers and spires punctuate the horizon, signaling important buildings, the termination of vistas and accentuating subtle shifts in the street pattern. This overall height envelope is supported by the existing height regime - greater restrictions apply along the edges of downtown and higher heights are permitted along the central spines - and should be preserved.

Generally, Charleston has accommodated growth without increasing height: horizontal rather than vertical intensification. There are plenty of medium density buildings in Charleston that preserve a low profile on the horizon: the new Gateway Center and School District building, the Nation's Bank Building (soon to be Bank of America) and 134 Meeting Street are a few examples. Notwithstanding, much new development in Charleston comes with pressures to increase height, particularly along the waterfront. The few tall buildings that dot the city's skyline have been a contentious source of discussion.

The Downtown Plan identifies ample room to accommodate new development in a more intense form that is in keeping with the scale and character of the existing context. To take advantage of these opportunities, the Downtown Plan recommends that the height regime be modified to more clearly reflect the desired development.

Heights in the downtown are currently defined by ten different height categories:

- **35:** 35' maximum.
- **50/25:** 50' maximum, 25'minimum
- **55/30:** 55' maximum height, 30-foot minimum
- **100/30:** 100' maximum height, 30-foot minimum
- **120/30:** 120' maximum height, 30-foot minimum
- **50W:** 50' maximum, 25'setback from high water mark.
- **M:** Maximum height determined by setbacks from street. The 25-foot minimum building setback is out of character with Charleston's tight street frontages.
- **W:** Maximum height equal to building setback from street. A building setback by 100 could be 100 feet high.
- **WP:** 60-foot maximum height, except when closer than 50'from a building rated in the Historic Architecture Inventory as group 1 or 2.
- **3X:** Maximum height to be three times the dimension from the center of the street right-of-way to the face of the building face, 30-foot minimum height. A building in the 3X zone on Meeting Street (66' wide) could theoretically be 99' high. If it was built set back from the right of way it could be even higher.

Some of these categories respect existing building heights and should be retained. Others are redundant due to changes in land uses. In those areas where the height limits are based on the lot size or setback (the 3X and W zone), the heights are potentially too high to be compatible with the existing city fabric and may be inappropriate. To reinforce the skyline, the overly permissive categories in the height regime should be replaced with a more directed and site sensitive approach. The Downtown Plan also proposes to simplify and consolidate the large number of zones.

The result of these modifications is that heights in the King/Meeting Corridors and the hospital complex area will become more restricted with graduated transitions in scale to the surrounding neighborhoods. Heights in the Union Pier area will be adjusted to fit with heights of adjacent waterfront neighborhoods. Parts of Spring, Cannon and Calhoun Streets will benefit from an increase in height, generally enough to encourage office or retail developments on the ground floor. Another result is to focus the potential of additional height in areas that are served by transit.

Existing heights

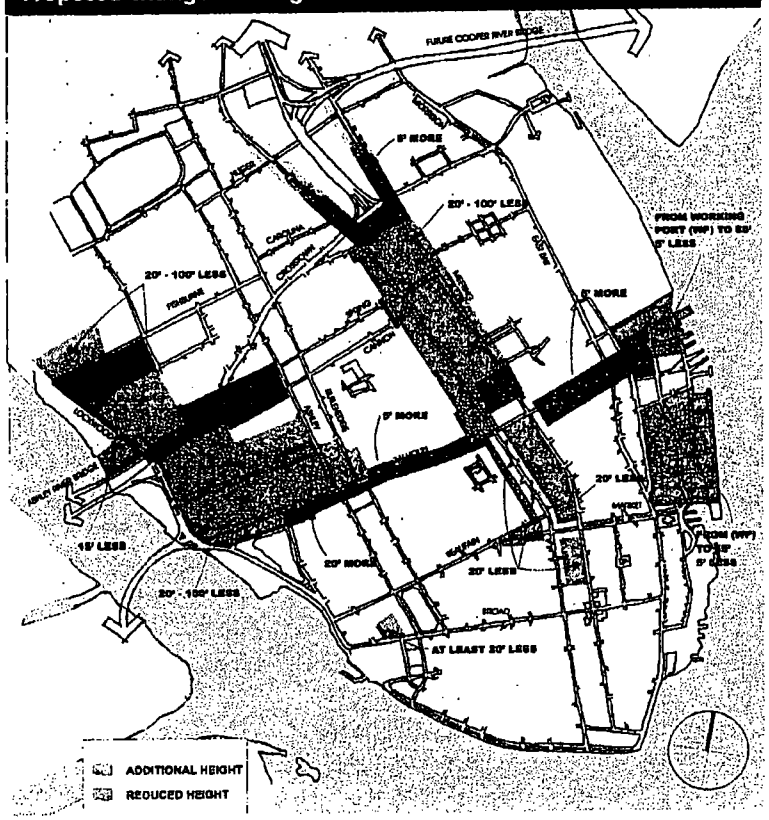
Proposed heights

Heights in the King/Meeting Corridors and the hospital complex area will become more restricted with graduated transitions in scale to the surrounding neighborhoods.

Heights in the Union Pier area will be adjusted to fit with heights of adjacent waterfront neighborhoods.

Parts of Spring, Cannon and Calhoun Streets will benefit from an increase in height, generally one story.

Proposed changes in height



Height limits in most of the lower peninsula are maintained or reduced. Heights limits along the Calhoun and Spring / Cannon Corridors are increased slightly.



Charleston's existing skyline should be preserved.

Goal: Preserve downtown's existing height

Simplify and consolidate the height categories.

The plan proposes six categories as follows:

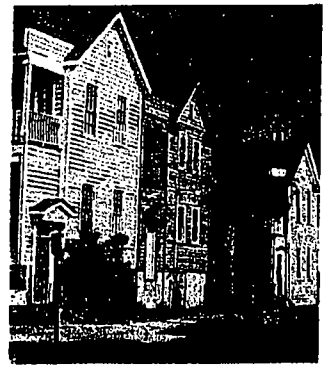
35' height zone along the downtown water's edge. This zone is similar to the existing 35' zone, establishing a maximum height of 35 feet (2 1/2 stories) with a provision to add the extra feet required by FEMA flood plain regulations to a maximum of 45'. In most cases, this provision will increase the allowed height by only a few feet.

50'/ 30' zone over the interior downtown neighborhoods. This zone establishes a maximum height of 50 feet (four to five stories) and a minimum of 30 feet along the street frontage.

55' / 30' zone along key corridors, establishes a maximum height of 55 feet (five to six stories) and a minimum of 30 feet along the street frontage. This existing height category is extended along key corridors north of Calhoun St. as well as in the Union Pier area. It would be helpful to increase the 55' height to 60' in order to encourage a variety of roof forms - the fifth building facade.



Lobbies and other active uses should fill as much of the ground floor as possible. Parking and its impact on the street should be minimized.



New buildings, respecting FEMA regulations, should be designed to be as contextual as possible. In the example to the right (middle house), building height is consistent with the existing houses, but the door is considerably higher than it's neighbors.

80' / 30' zone along interior portions of King and Meeting Streets and in the north Lockwood/Hospital Complex periphery area establishes a maximum height of 80 feet (seven to eight stories) and a minimum of 30 feet along the street frontage.

100' / 30' zone in the core of the hospital district and at the King / Meeting juncture with Spring / Cannon establishes a maximum height of 100 feet.

The **WP zone** intended for the waterfront industrial area will remain to support areas of active port and industrial uses.

Certain sites offer the opportunity to articulate important places in the urban fabric, to give special prominence to important buildings, and to provide a varied skyline. Such landmarks are appropriate at important street corners, at the termination of key streets and vistas, or in places where streets change direction. These landmarks are consistent with the tradition in historic Charleston, as seen in the church spires, Market Hall, and the Charleston Place clock tower.

In these locations, the Plan proposes to allow discrete architectural elements exceeding the zoning height limit. Small projections must be subject to a detailed urban design study demonstrating the appropriateness of the site, and the preservation of vistas and skyline integrity. A careful review and approval process is required for each proposal.

There may also be opportunity for modest height increases throughout the peninsula, and particularly in focal points, subject to detailed study.

Replace the overly permissive height zones.

The 3X zone that used to apply to King and Meeting Streets above Calhoun Street related the height to the lot size and setback. Under this regime, there was a risk that consolidation of land into large sites could result in very high (400') buildings. The 3X zone is replaced with an 80' / 30' and 100' / 30' zone that places a strict cap on height. Likewise, the lenient 100'/30' and 120'/30' zones located along King and Meeting Streets south of Calhoun Street are replaced by 80'/30' and 100'/30' zones

8.5 Flood plain regulations: Federal Emergency Management Act (FEMA)

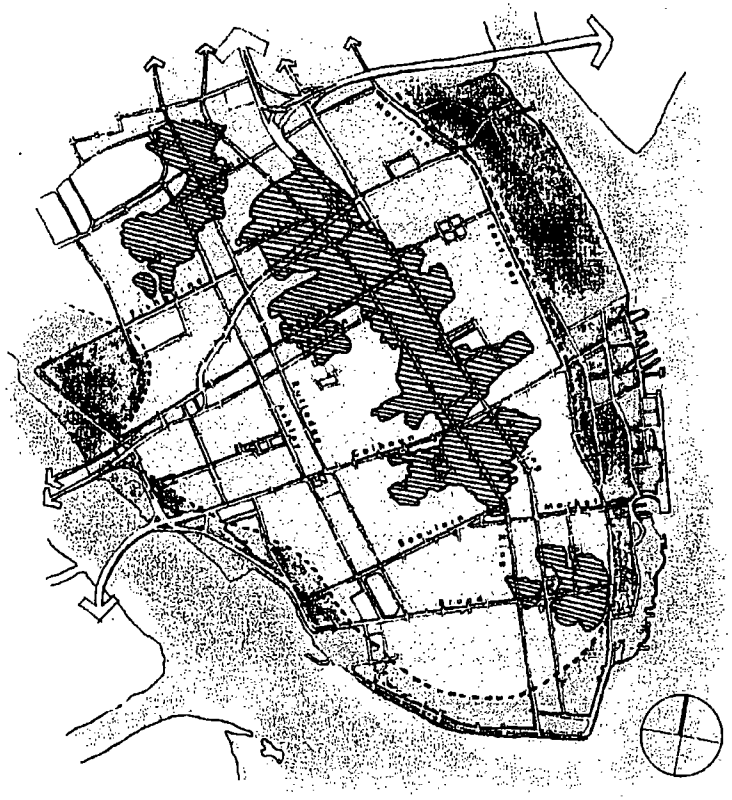
Through the Federal Insurance Administration, FEMA makes flood insurance available provided that flood plain management regulations that meet the national requirements are adopted and enforced. After 1989's Hurricane Hugo, the Federal government revised the flood plain management regulations to respond to the significant flooding. Today, much of downtown Charleston falls within a flood plain.

By and large, FEMA flood plain regulations prohibit active uses from being situated within the 100 year flood plain, meaning that living space and retail uses must be elevated above grade or street level. The revised requirements therefore have a significant impact on the scale and feel of the downtown that otherwise has a long history of buildings and uses that address the street and create an intimate walkable environment.

The two most prevalent zones in the downtown area are the "V"(velocity) zone and the "A" zone, with the former being the most restrictive. In the velocity zones, no enclosed

FEMA flood zones

Most of the reinvestment areas fall within the FEMA velocity flood zones and will be subject to more design regulations.

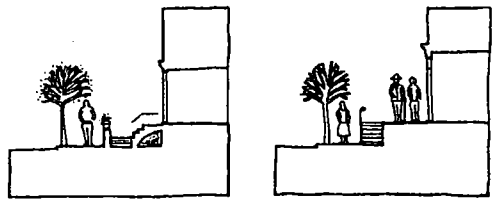


velocity zone

zone "a"

zone "b"

Maintaining vitality at street level is one of the biggest challenges faced when building in the FEMA flood zones. There are several design strategies which can be employed to help support an active street life, such as:

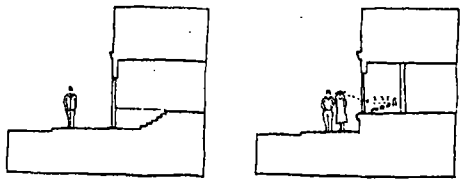


On streets where buildings are setback or sidewalk room is ample, change in level should accommodate porches and landings which overlook the street. This is particularly appropriate on residential buildings.

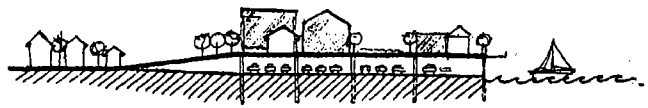
space is allowed below flood level or "break away" construction is required in addition to the raised elevation. In the less stringent zones, flood-proofing measures can be used at elevations below those required by FEMA, allowing for limited use of the street level.

There is impact where individual buildings are inserted into the historic city fabric, however, their individual effect is very localized. As well, the policy does not apply to the renovation or restoration of existing historic buildings. Where large parcels of land will be redeveloped, and all inhabitable space is elevated, the impact on the street level activity will be significant. Concentrations of such buildings risk creating a distinct lack of vitality at grade and a less appealing pedestrian environment.

Much of the available land lies within the most stringent elevation and velocity zones, calling for a creative response to maintaining vitality at grade. In particular, this approach applies to the lands along the Cooper River and Ashley River waterfronts.



On retail streets or streets where the sidewalk width is narrow entrances and lobbies should be at street level with any change in level inside the building. Other building frontage which is not lobby space could be recessed space for temporary vendors.



Along the Cooper River waterfront, where extensive building will occur in velocity zones, strategies should be found to retain vitality at grade, while working within flood plain regulations. One option is to raise the entry street level, as is proposed in phase one of the Union Pier plan.

Goal: Explore design methods to work within flood plain regulations and retain vitality at grade

Develop design techniques to keep grade level active in the velocity zones.

Numerous lobby entrances give the impression of a more active environment. Doorways that address the street also add to the sense of activity and can be accomplished provided that transitions in grade occur inside the buildings through the use of an interior foyer and stairs or ramps.

The use of texture, color and detail at pedestrian level can attract the eye and create a more animated feel. Windows also create a sense of animation. Where windows are not appropriate, opportunities for articulating the facade with openings or passages should be explored to provide a sense of interaction between interior and exterior portions of the buildings at street level. Details such as grill or latticework can add visual interest to the streetscape.

Strategic and liberal use of streetscape and landscape improvements also add to the sense of vitality. Streetscaping and furnishing add texture, play of light and shadow, and give pedestrians an opportunity to touch, smell, and feel the environment. Landscape walls covered with vegetation or integration of trees or gates add a human element. Street, landscape, and facade lighting should be encouraged where appropriate.

Explore flood proofing techniques in less stringent "A" zones to retain an active street environment.

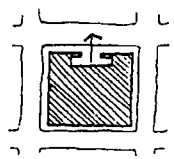
Where possible, floodgates should be utilized to allow for protected openings and some active uses at street level. Building materials that are approved for construction in flood prone areas should also be employed.

In addition, a certain percentage of ground floor space in newly developed buildings should be required to accommodate appropriate active uses. This initiative would challenge developers and architects to find opportunities for limited retail, lobbies, and foyers to animate the street level.

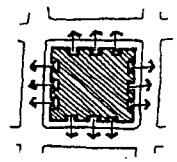
Amend height regime to respond to FEMA flood plain regulations.

Where FEMA flood plain regulations apply, the height limits need to be studied and potentially revised. The intent is to ensure consistency with respect to the treatment of height within the downtown and to reduce the number of height variances required simply to deal with the flood regulations.

There are several methods of dealing with FEMA flood plain regulations. Height limits could apply over and above the maximum flood height established by the flood regulations. However, where there is a flood elevation requirement of three feet or less, no allowances should be made to encourage animation of the street level. In other areas, a more complex method involves establishing height limits that reflect the changing topography and the existing skyline in the downtown and more detailed FEMA flood plain requirements. Further study is needed to determine the best approach.



Instead of one major entrance for a building, or complex of buildings...



...a strategy that encourages many entries should be used. This strategy will help insure buildings create an active street life on all sides.

8.6 Parking

Development in the downtown core is required to accommodate associated parking on-site. This policy was originally developed to ensure sufficient parking within the downtown. Although it has achieved this objective, the policy has several detrimental impacts on downtown's architectural integrity and quality of life. Fine-tuning is required.

For new construction in V zones, parking is typically accommodated on the ground floor. As a result, the street level lacks animation, diminishing the quality of the pedestrian environment. As well, it can create confusion with respect to the building entrances. Often, the main entrances will be from the parking garage rather than from the street, again diminishing the vitality and primacy of the street level. Similarly, surface parking lots, the frequent alternative, diminish the quality of the pedestrian environment.

On-site parking requirements are particularly difficult to meet on historic properties where there is generally insufficient space. As a result, the on-site parking requirements discourage the re-use of historic buildings and ultimately are a disincentive to restoration and preservation. Finally, because there is no maximum set on the number of parking spaces, downtown has a large supply of parking. As a result, it is and will continue to be difficult to encourage increased use of public transit.

Goal: Reduce on-site parking

Reduce on site parking requirements in the zoning ordinance.

Article 3, Part 4 of the zoning ordinance identifies the off-street parking requirements. The zoning ordinance needs to be revised to reduce on-site parking requirements. These amendments need to be implemented hand-in-hand with recommendations outlined in Chapter 5 Achieving Balance: reduce the reliance on cars, requiring shared parking structures, cash-in-lieu payments, and transit improvements. For example, the reduction in parking spaces required might only be allowed upon the payment of a cash-in-lieu payment. The intent is to diminish the impact of parking on the city landscape and to encourage the use of shared or common parking structures.

8.7 Density

Greater intensity or density of construction characterizes urban areas, such as Charleston. Higher density can facilitate the mix of uses, living and employment opportunities in close proximity, and street vitality. In short, density is an important element in creating a vibrant, attractive city. Density should not be confused with height; increased density can occur within low-rise structures provided that buildings are designed to occupy greater amounts of the lot area.

In downtown Charleston, greater density in certain areas could achieve a number of community objectives - more housing, greater use of transit, more employment opportunities, and consolidation of downtown's position within the region. In particular, increased residential density can increase the downtown population and diversify the housing stock, creating housing for families of all sizes, ages, and income levels. Greater density would also maintain the historic pattern of development in the downtown.

Since being adopted in 1931, the first major amendment to Charleston's zoning ordinance was in 1966. Although there have been numerous smaller amendments since then,



The Fort Sumter House condominium is a good example of housing which could be built in the high intensity areas.

the ordinance remains oriented toward regulating the development of the suburban environs rather than the urban, historic core. One example is restrictions respecting density, manifested through low lot coverage, lot area per unit requirements, and setback requirements that do not reflect the current pattern of development in the historic district. The zoning ordinance should be modified to encourage low- to mid-rise development that is appropriate within the historic downtown.

Goal: Encourage urbanization and maintenance of the historic urban built form

Modify commercial zones to permit increased residential density.

Generally, residential density in commercial zones is discussed in terms of the number of units per acre that are permitted. Many areas permit 19 units per acre although most commercial zones permit 26 units per acre. By creating more stringent standards for residential development in commercial zones than other commercial uses, new residential development or the rehabilitation of vacant buildings for residential purposes is discouraged. This standard should be revised to permit greater intensity comparable to commercial standards. Residential lot occupancy standards should be eliminated in these districts.

Create a more intense residential zone.

The zoning ordinance should be modified to recognize sites on the edges of existing neighborhoods that could be zoned for higher intensity residential uses. Potential locations include arterial or collector roads on the periphery of lower intensity residential areas. Higher density residential uses will encourage affordable housing and ground floor neighborhood retail.

8.8 Heritage Preservation

Through the coordinated efforts of private, non-profit and government sectors, Charleston has preserved and restored an extraordinary architectural legacy. Through the excellent work of the Board of Architectural Review (BAR) and developers, Charleston has ensured that new development fits well within the historic city context. This tradition needs to be supported and extended.

The Downtown Plan is a holistic and broad strategy to support the historic city. Through a comprehensive approach that aims to retain and extend the architectural integrity, urban design and quality of life, the Downtown Plan seeks to pursue heritage preservation and allow for the city's evolution. Recommendations respecting parking, transit, housing, open spaces and schools, and resolving the conflict between flood plain and zoning requirements, all seek to retain Charleston's unique qualities and lifestyle and achieve balance as growth occurs.

Beyond this broad strategy, the Downtown Plan seeks to ensure that the exemplary work of the city respecting heritage preservation will be extended further north as development pressures expand the area of reinvestment and growth. Once the Cooper River Bridge is relocated the





There are many historic buildings north of Calhoun that are in need of restoration.

Upper East Side of the Lower Peninsula (just north of the Crosstown) will be under significant development pressure. The emerging commercial corridors, Morrison Drive and Upper Meeting Street, require study and design guidelines to ensure compatible and appealing development.

Goal: Encourage heritage preservation

Provide additional protection of historic buildings north of the Old and Historic district but south of Crosstown.

Between Line Street and the Septima Clark Expressway and the Cooper River Bridges in both the East Side and Cannonborough / Elliottborough neighborhoods lie buildings that are just as historic as those buildings lying to the south of Line Street. The same attention should be paid to preserving the historic character of the rest of the neighborhood. Design review of new structures and review of changes to structures more than 100 years old and buildings in category 1,2 and 3 need to be added to this area.

Update the Old and Historic Survey to Mt. Pleasant St.

The Old and Historic Survey, which identifies and rates significant historic structures, was last updated in the mid 1980s. The survey needs to be updated to ensure that buildings now eligible are included and to ensure that it accurately reflects the existing inventory. The results need to be incorporated into the City's geographic information system to encourage its use in the decision making processes.

Amend the regulations for historic structures north of the district based on the survey.

Based on the results of the updated old and historic survey, the regulations protecting historic properties should be studied to determine if modifications are needed to expand protection to historic structures north of the Old City District. This area is likely to be the subject of significant development pressure in the near future due to growth and change in downtown.

To ensure the protection of historic buildings north of the current boundaries review of changes to structures more than 100 years old and Category 1, 2 and 3 buildings needs to be added to this area. Design review of new commercial structures along major corridors, which was recently implemented, will also help ensure compatible development.

Encourage the donation of private easements to protect facades, interiors and archeological resources of significant buildings or collections of buildings.

City regulations for buildings covers a limited range. For more complete protection, easements are encouraged to be donated to private preservation entities.

Develop an ordinance requiring archeological assessment at the site of all new public facilities or facilities that receive public funding.

Historic resources in Charleston include archaeological materials. Where helpful information is likely to be found, archaeology should be required as a part of new public (government owned) facilities and those that receive public funding.

Facilitate protection of National Historic Landmarks Interiors.

There is increasing concern for the loss of historic resources with the renovation of interiors. National Historic Landmarks' interiors renovations should be reviewed by the Board of Architectural Review. Modifications to the Old and Historic City Ordinance should be studied to include the review of interior construction plans for National Historic Landmarks.

Create an historic building maintenance manual.

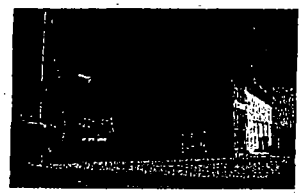
Appropriate maintenance of historic structures plays at least as significant a role in the caretaking of historic resources as restoration work. Appropriate techniques should be encouraged through the publication of a maintenance manual to be developed by the city and local preservation organizations.

Case studies



The Cooper River waterfront is an important redevelopment opportunity in downtown Charleston. Port uses have begun to leave the Cooper River waterfront. In their place, Charlestonians have begun to add to their legacy of fine buildings and beautiful parks.The challenge is to blend this development with the existing city.

The change in the Cooper River waterfront is evident in this 1984 photograph.



The Maritime Center and Waterfront Park are two new uses on the waterfront.



How do the principles underpinning the Downtown Plan shape new development? What development is appropriate in each of these areas? To illustrate the appropriate scale and shape of development, three broad case studies examine the areas where the greatest change is anticipated: the Ashley River Waterfront, the King and Meeting Corridor and the Cooper River Waterfront. Broad guidelines are established to provide direction and shape development in these areas, laying the ground work for more detailed examination in the future.

9.1 Cooper River waterfront

The opportunity

The planned departure of the port-related uses from Union Pier creates an unparalleled opportunity in downtown Charleston to reclaim a long stretch of the water's edge. It offers the extraordinary opportunity to create a new waterfront neighborhood. It offers the potential to disperse visitor related activities to a new waterfront location and create new housing opportunities.

On paper, Charleston has developed a well-conceived and thoughtful structure for the Cooper River waterfront. The Upper Concord Street neighborhood - already emerging - is proposed to occupy most of the waterfront. Two public focal points are created at the water's edge: one to the north at the terminus of Calhoun Corridor and the other in the south at the terminus of Market Street. A waterfront trail, linear park, and playing fields provide north-south connections.

Most of the residential neighborhood and the southern focal point is covered by the Union Pier Terminal Concept Plan. Generally, the Union Pier Plan is a well-conceived and thoughtful plan to extend the city to the water. The design successfully incorporates and balances commercial areas with a new residential neighborhood, reinforcing the city structure. The challenge will be to make the transition between the activity area along Calhoun Street and the residential neighborhood immediately to the south.

To ensure that the waterfront emerges with the type of atmosphere and activity level that is envisioned, a number of issues need to be addressed. As some of these projects are very close to being realized, there is some sense of urgency.

Recommendations

The comments below reflect a comprehensive evaluation of the plans and projects proposed along the Cooper River waterfront from an urban design and planning perspective. Comments also reflect the preliminary analysis prepared as part of the ongoing *Downtown Parking and Traffic Study*. In this regard, specific comments address the mix of uses and height proposed in the Union Pier Terminal Concept Plan. Finally, specific comments are made with respect to the Calhoun Street property, a parcel that has been the subject of much discussion.

The public realm

Waterfronts are among the most public of places. They invite visitors, strolling, contemplation, and recreation. The quality of the public realm, the places where people walk, play, drink coffee and sit, will therefore be of utmost importance to the success of this new area as a visitor destination and as a neighborhood. The Cooper River water's edge must be public and accessible. The parks must be defined and framed by new structures to make them feel safe and to give them the same intimate atmosphere found in the historic city. The streets need to be pedestrian friendly and framed by the built form; they must be inviting.

The waterfront trail/ riverwalk can take many forms. It is the creation of a continuous public route at the water's edge, that is key.

Achieving a successful public realm requires careful monitoring during the design and development of each project. There are a number of key issues to consider:

The waterfront trail: Securing the waterfront trail is the single most important initiative in this area. It cannot be left to chance. The City is already planning the extension of the riverwalk. In order to be successful, a high level of coordination is required.

The Riverwalk right-of-way must be preserved along the entire length of the Cooper River waterfront, from Charlotte Street, north of the aquarium, to Laurens Street and then south, creating a continuous, spectacular riverwalk. The new trail must link with the Waterfront Park to the south. Provisions also need to be made for its future extension to the north, either on the East Bay Street edge of Columbus Terminal or along the waterfront in case this terminal is ever abandoned.

Currently, the waterfront trail is planned to extend north from the existing Waterfront Park and wind its way through the Union Pier Plan. Although in this section of the waterfront, the trail exists only on paper, it appears to be well-considered and clearly accommodated.

The river walk also needs to be designed and detailed from Charlotte Street to Union Pier so that developers know in advance what to expect. It must be wide - a minimum right-

Cooper River waterfront

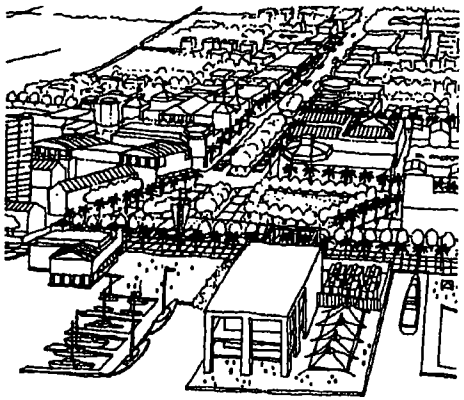
The Cooper River waterfront is an opportunity to create a mixed use neighborhood that helps to disperse tourism activity away from the heart of downtown.

Cooper River waterfront - near-term development

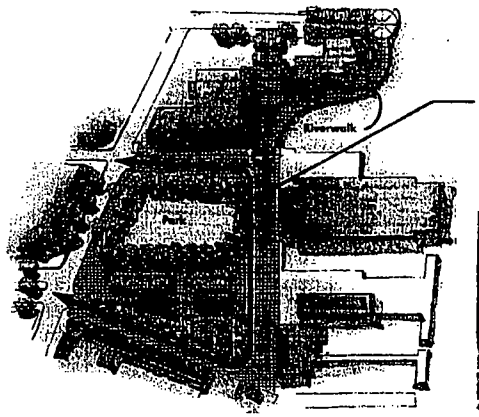
Calhoun Street presents an opportunity to create a mix of institutional uses that will attract local and out-of-town visitors. Development must blend with the residential uses proposed to the south. Clearly defining the waterfront trail is essential in this area.

Primarily mixed-use commercial

Primarily residential



The new Aquarium Park, as seen from above the Cooper River



A narrow, pedestrian friendly street should be a part of the public space in the proposed Aquarium Park...



...traffic calming devices, such as the cobble stone paving on South Adgers, will help to create a "pedestrian priority" environment along this important water's edge.

of-way of 30 feet is recommended - it must be comfortable, equipped with lighting, and street furniture. In short it must be a substantial and inviting facility. As each individual project proceeds, the corresponding portion of the walk should be built.

Each project is important. For example, the condominium proposed on Laurens Street will play a key role in ensuring the continuity of the waterfront trail. The right-of-way is currently very narrow as it passes by this building.

Waterfront streets: There is nothing wrong with streets that come right up to the water's edge, provided that they are relatively narrow, that cars move slowly, and that they are designed to make pedestrians comfortable. Streets with vehicles moving in a controlled fashion play an important role in making a place feel public.

In Union Pier, several of the streets are planned to meet the water's edge as cul-de-sacs. To create a more public feeling, a small, pedestrian-friendly and continuous street that is accessible from all of the blocks should run along the entire water's edge.

Similarly, at the terminus of the Calhoun Corridor, the streets proposed to edge the new park were positioned as service lanes to the Aquarium and a driveway to a newly proposed restaurant, creating a sense of ambiguity. To improve accessibility and create an inviting public space, these streets should be obvious public roads.

Parks: Parks form an important part of the public realm. The park at the terminus of Calhoun Street should become an important link and focal point along the riverwalk. As well, this space is an important part of the Calhoun Street Corridor. As a focal point, it needs to be edged with active uses. All buildings surrounding the park, including the Luden's development should present a continuous public face to the park with windows and entrances animating its entire frontage.

Similarly, the design and feel of the playing field immediately south of the Calhoun Corridor will impact the atmosphere along the waterfront. The neighborhood and the downtown needs a field for recreational activities. The playing field design should aim for active use that is also appealing and contributes to an intimate, walkable environment.

Grain, scale, and the public realm: Given the large parcels of land available along the waterfront, it will be possible to incorporate larger scale structures. The larger the structure, the greater is the challenge to blend it with the surrounding context and retain the qualities and character of the historic city and in particular, the inviting public realm. For example, in keeping with the concept of a cultural area at the east end of the Calhoun Corridor, a number of uses are proposed to supplement the existing Gaillard Auditorium and Charleston County Library. The Aquarium is under construction and a theater is proposed on the Luden's site. Furthermore, at least three cultural or educational resources – a symphony hall, art high school, and museum - have been considered for the northern portion of the Calhoun Street Property along Calhoun Street.

Each of these uses is housed in a large, single-purpose building. These buildings tend to be awkward to fit into a finely-grained city fabric. Their requirements for large service entrances, and typically blank walls on some of the sides tend to create a less inviting atmosphere for pedestrians. Great care needs to be taken to arrange the entrances and servicing requirements in a manner that preserves the vitality of grade level and a comfortable pedestrian environment.

Generally, a concentration of large institutions on a block should be discouraged, as it renders it difficult to create the intimate, neighborhood scale desired. Dispersal could also spread the economic benefits associated with such high-volume uses, and play a significant role in neighborhood revitalization.

Massing and the street edge: Buildings need to define the edges of open spaces and the streets. The redevelopment of the property next to the Maritime Center will play an important role in framing Concord Street and the new playing field. In this area greater density that comes up to the edge of the street would be appropriate.

FEMA flood plain regulations: The new, restrictive flood plain regulations will perhaps have the greatest impact along the Cooper River waterfront. Because all the development is new, most active uses will be elevated above grade, poten-

Despite the large parcels of land available along the waterfront, the pattern of use should be as fine grained and varied as in the French Quarter.



Along the Calhoun corridor and Cooper River waterfront, the existing land use pattern shows larger blocks and less variation.



The French Quarter existing land use pattern is much more intricate, and part of what creates Charleston's appeal.

tially creating an inhospitable pedestrian environment. One option is to elevate the height of all of the streets up to the level required by FEMA, in order that active uses be at street level. While this might be an expensive option, the cost must be weighed against the impact of FEMA on the livability, aesthetics and atmosphere, and therefore its sustainability as an attractive place for residents and visitors.

The Union Pier Terminal Concept Master Plan: mix of uses and built form

The Union Pier Terminal Concept Plan, dated June 26, 1996, comprises 2,438,000 square feet of development that includes a 200 room hotel; 238,000 square feet of entertainment / retail; 899,000 square feet of office; and, 515 residential units. The hotel, entertainment/ retail and 270,000 square feet of office use are proposed to be developed in Phase 1, while the remainder is proposed for Phase 2.

The early transportation analysis provided by the ongoing Downtown Parking and Traffic Study indicates that, under present transportation conditions, there may be insufficient local and arterial road capacity to accommodate the full development envisioned for Union Pier. Particularly, the square footage in office and retail / entertainment uses are most difficult to accommodate.

The transportation consultants have recommended the mix of uses proposed should be altered to provide a stronger residential emphasis and reduce the heavy peak hour demands of office and retail uses. The consultants have also indicated that transportation demand management strategies (i.e. car pooling, flextime or encouraging telecommuting) and transit initiatives must be a critical element of the redevelopment strategy.

Both recommendations support the principles and objectives of the Downtown Plan. The Cooper River waterfront is envisioned as an extension to the existing downtown residential character - ensuring a residential emphasis supports that vision and reinforces the priority of housing development on the lower peninsula.

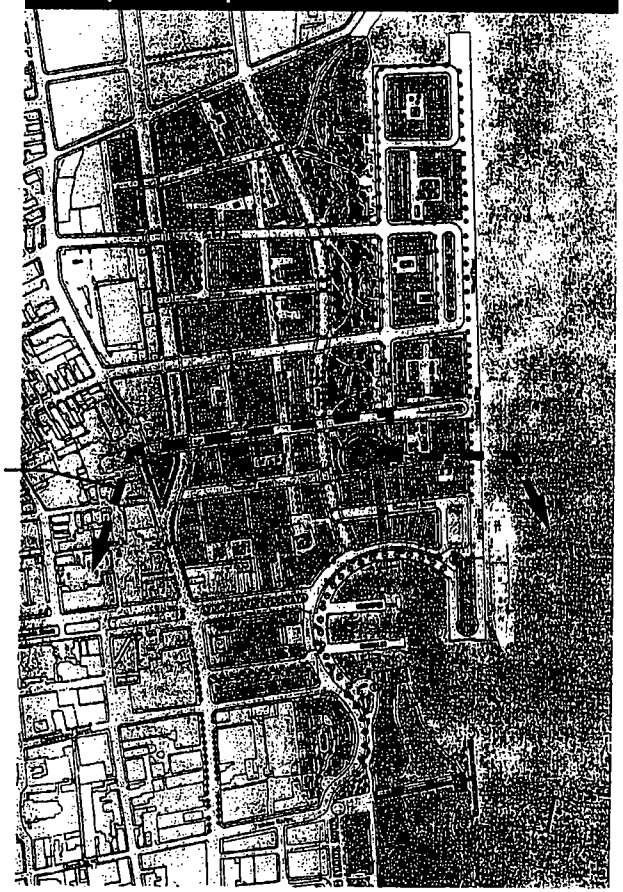
However, care must still be taken to ensure enough office development, namely in the order of 500,000-600,000 square feet, or approximately four office buildings the size of the Bank of America building at 200 Meeting Street. This will create the synergy of office uses critical in attracting new employers. Union Pier remains an ideal location for corporate head offices, housed in larger floorplate buildings than might typically be found in downtown. Overall, it is preferable to reduce the retail / entertainment uses in order to increase the number of residences. This reduction should be done while ensuring enough retail and entertainment uses are retained to serve the new residents and employees of Union Pier.

A more detailed analysis of an appropriate land use mix and its associated transportation impacts should be undertaken as the Union Pier development comes closer to realization. Alteration of land use does not need to change the streets and blocks framework proposed in the Union Pier Master Plan, which reflects the Downtown Plan's principles and extends city's character to the waterfront.

The question of height has also arisen respecting the Union Pier Plan. In particular, the Union Pier plan allows for greater height - up to nine stories - on portions of five blocks. Generally, the Downtown Plan supports the existing height regime: lower heights around the edges of the peninsula, with higher heights along the central spine. In the Union Pier area, the Downtown Plan proposes to extend the existing neighborhood heights of 50 to 55 feet to the water's edge. The Union Pier heights should generally not exceed this 50 to 55 foot benchmark, in either Phase 1 or 2.

Height was carefully considered in the Union Pier Terminal Concept Plan - in particular with respect to view corridors. Residential buildings are permitted up to 90 feet in five locations, subject to more detailed architectural and design

Union pier master plan



review. The Downtown Plan supports the notion of height variation in a few strategic locations. However, there are too many uncertainties associated with the Union Pier Terminal Concept Plan to endorse a height increase: the Port Authority does not appear to be proceeding in the near future with a full Phase 1; transportation constraints require the reexamination of the projected land use mix. The Plan itself may undergo serious transformation to reflect these constraints.

Generally, the creation of a new neighborhood at the waterfront is an important Downtown Plan objective. Every available opportunity should be seized to develop more housing on the Cooper River waterfront as soon as possible. The Union Pier Terminal Concept Plan should be revised to take into account the recommendations and concerns noted in the Downtown Plan and resubmitted to City Council for approval.

The Calhoun Street Property: The Calhoun Street Property is a strategic and important parcel. It makes the transition between the institutional / cultural uses anticipated along Calhoun Street and the residential neighborhood and playing field proposed immediately to the south.

The Calhoun Street Property has an important front on each side that should be addressed. Calhoun Street, Concord Street, the Park, and Washington Street should each have a

face. If institutional uses are situated on this block, they will more than likely face onto Calhoun Street. However, structures should also be situated on this block to face onto the park and contribute to the creation of a residential neighborhood to the south.

A variety of uses could be incorporated onto this block to facilitate the transition from cultural corridor to residential neighborhood. Commercial, hotel, office, cultural or residential uses are all appropriate. Several small structures could be developed that add diversity and animation along the park edge and in the neighborhood. Simply put - more lobbies, more people doing different things, at all times of the day will help create a new, vital section of Charleston.

Residential uses are particularly appropriate in light of the desire to create a neighborhood in this area, although it is an alternative that may face difficulties, given the site's history. As well, the site's current environmental status appears to be unclear. There are also incremental costs arising from FEMA and potential environmental regulations. The city could explore strategies to ensure that benefits accrue to the community that was once displaced. This might be achieved by requiring low and moderate income units in a market housing scheme or by dedicating a portion of the proceeds of the unit or land sales for use in other housing programs - on potentially less expensive land to develop. Further study is required to assess environmental conditions and the cost of developing housing on this site.

As shown on the drawing, page 73, one possible scenario for development of the Calhoun property envisions a major institution located on the north-west corner of the site, a hotel on the north-east corner, and office space on the south side. There are numerous potential arrangements of uses on the block. Economies of scale can still be realized in developing shared parking and servicing with courtyard space above. The extension of Inspection Street across the site becomes a key element in this strategy, providing street access to the new uses. Generally, residential uses should be concentrated around the playing field as much as possible.

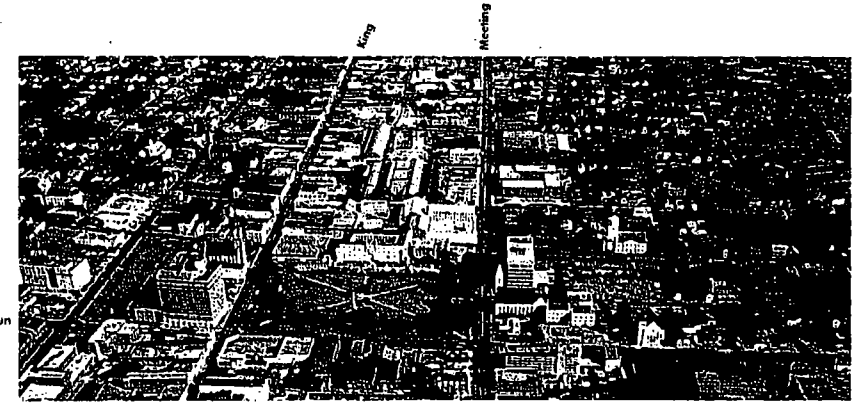
9.2 Upper King / Meeting corridor

The opportunity

The King/Meeting Corridor is the historic spine of the peninsula. It has been the entrance to the city and the land transportation artery since the city's founding - first by road and later augmented by rail. King Street is the historic and present day retail street - downtown's "main street" - and as such is both a regional and local destination. Marked by a number of prominent buildings and places, much of King Street between Calhoun and Cannon Streets is intact. The corridor also contains a number of conspicuous gaps that provide opportunities for redevelopment, particularly along Meeting Street.

The recreation of a strong transit route running down the King and Meeting Corridor is one of the single greatest opportunities in downtown Charleston. It will help to reduce the number of people commuting into the downtown by car and facilitate movement within the downtown. The commuter rail, proposed to connect downtown with the convention center and Summerville, plays prominently in this vision and needs to work in tandem with a comprehensive downtown transit system.

King and Meeting Streets are the north/ south transportation and commercial spines that service the neighborhoods to the east and west.



To support this transit route, the redevelopment of underutilized sites with high density development is equally important, serving to reinforce the city's historic spine.

As well, the King and Meeting Corridor is an integral part of all of Charleston's neighborhoods. Its redevelopment is an opportunity to foster healthy neighborhoods along its length. By revitalizing the area in the vicinity of the Crosstown, a gateway area, there is also an opportunity to create greater linkages north up the peninsula and to the larger City of Charleston.

Connecting riverfront to riverfront, a series of perpendicular streets cross King and Meeting Streets. As reinvestment occurs, each of these crossroads is the natural location for an intensified public and commercial presence, a focal point or node. These intersections are already celebrated by the prominent siting of many public buildings and open spaces. Marion Square, at King / Meeting and Calhoun, and the "Four Corners of Law," at King / Meeting and Broad Street are two among many.

Recommendations

Reinvestment along the King and Meeting Corridor on underutilized sites should be developed in a transit supportive form. Higher-density residential, office, hotels, and large assembly uses should be encouraged. The King and Meeting Corridor should be the location for the majority of all new retail added to downtown. Development should fit within its context. Existing buildings should be restored, preserved and adapted without compromising their architectural quality. To help ensure that the transit route becomes a reality along the King and Meeting Corridor, the rail / transit corridor should be preserved and restored in places where it has been lost.

There are number of notable opportunities along the King and Meeting Corridor:

Marion Square is the premier public space in the downtown and its restoration is currently under way. It is bounded on three sides by the main commercial spines of Calhoun, King, and Meeting Streets and is the "communal front lawn" for three churches and two prominent hotels. Although in recent years it has seen the addition of a gas station and a drive-through bank, the square has, in the past, been graced with a library and the Citadel.

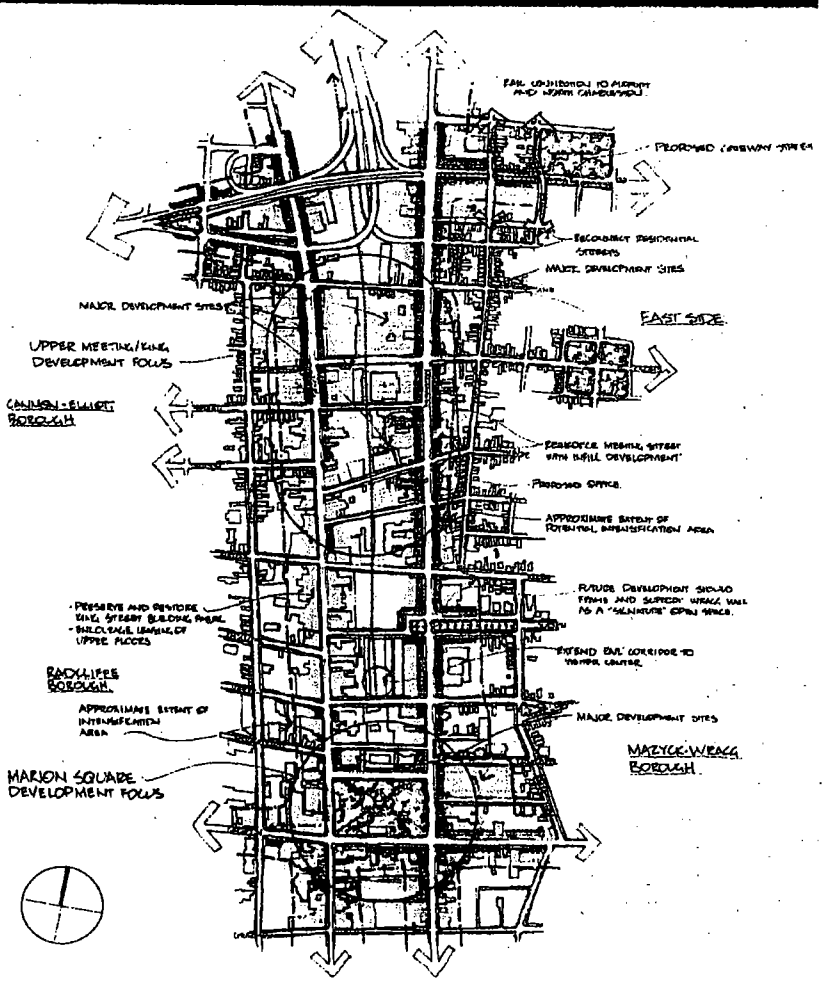
A major building could be located to directly face onto Marion Square. The prime location is the federal building site, directly addressing the square. Ideally, this should accommodate a new public building, such as a symphony hall. However, a hotel or office would also be appropriate provided the ground floor on Meeting Street includes public or retail uses that will add street life and pedestrian activity to this important civic square. The rear portion of the property should be dedicated for housing to integrate the new development into the existing residential community.

The old library site is smaller, but also represents a significant development opportunity. Its appropriate redevelopment would further enhance the square to bring it the prominence it warrants. Together with the "the four corners of the law," a corridor of prominent places will be created in the heart of the city. As new development is planned and designed, particular attention should be paid to preserving the prominence of the church steeples, the old Citadel building and the "Calhoun Column" on the skyline.

Wragg Mall is a signature open space and should be supported and framed by new construction on adjacent properties. The parking lots currently to the north and south west of the mall are not the highest and best use for such prominent sites. New housing, an expansion of Courtenay Middle School which takes advantage of this view, or high profile commercial uses would benefit from the amenity and status such sites present.

The New College of Charleston Arena is proposed at the intersection of Meeting and Spring Streets. The area is an excellent example of a high-volume, use-intensification project that will ultimately be well positioned to benefit from future transit. Still in its early stages, there are some general issues to consider.

Upper King / Meeting corridor



With improved transit service, the King / Meeting corridor is one of the main opportunities to add new development without impacting the neighborhoods. Underutilized sites largely lie north of Calhoun.

Street edge to be reinforced

Primarily residential

Potential infill/ development sites

Primarily mixed-use commercial

Retail space should be created at street level on all street frontages to maintain an animated grade level. The Spring and Meeting intersection should be celebrated by a strong design gesture. For example, consideration should given to relocating the arena entrance from Woolfe to Spring Streets. Service entrances and blank walls should be situated along the rail corridor side of the site.

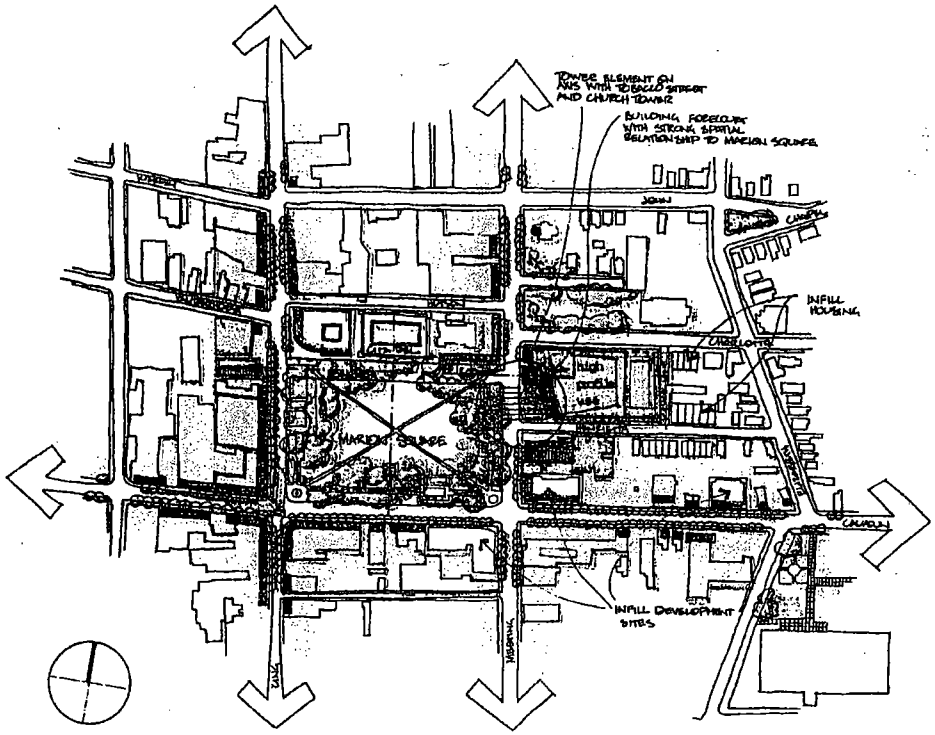
This facility should serve the College and the local communities. Outreach programs or shared community space should be considered part of the programming of the arena and a way of assisting East Side, Elliotborough, and Cannonborough residents.

The **Cooper River Bridge Area** is situated where the King and Meeting Corridor meets the Crosstown. The dismantling of the eastern leg of the Crosstown Highway represents an important opportunity to repair and rebuild the East Side Neighborhood and to make a significant connection to the Cooper River.

Substantial land will be available in the area previously occupied by the bridge. A new street should be created to improve east-west connections. A connection should be extended to the water's edge and an open space amenity created where the land and Cooper River meet.

Remaining land should be divided into blocks and developed with housing to reconnect the East Side Neighborhood to the

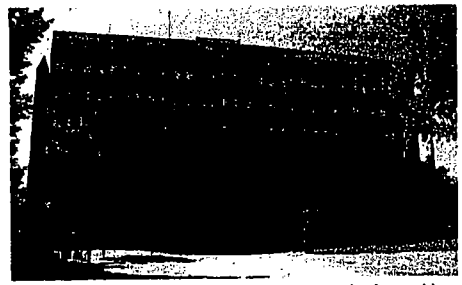
Marion Square



Marion Square is one of the most important open spaces in downtown Charleston.

Primarily mixed-use commercial

Primarily residential



The Federal Building on Meeting Street is a prime site that could accommodate a new institutional building, add vitality at the square's edge and benefit from the transit improvements proposed along this corridor.

residential area north of the Crosstown. The existing schoolyard on the north side of the highway should be restored and positioned as a neighborhood focus. As well, the squares at Columbus and America Streets should be restored. Simplification of the on- and off-ramps to the new Cooper River Bridge will facilitate the reintegration of these lands.

The development sites created should be developed to take advantage of this area's emerging role as a gateway to the peninsula. There is also the potential for infill commercial uses on East Bay Street as well as on Meeting Street and Morrison Drive.

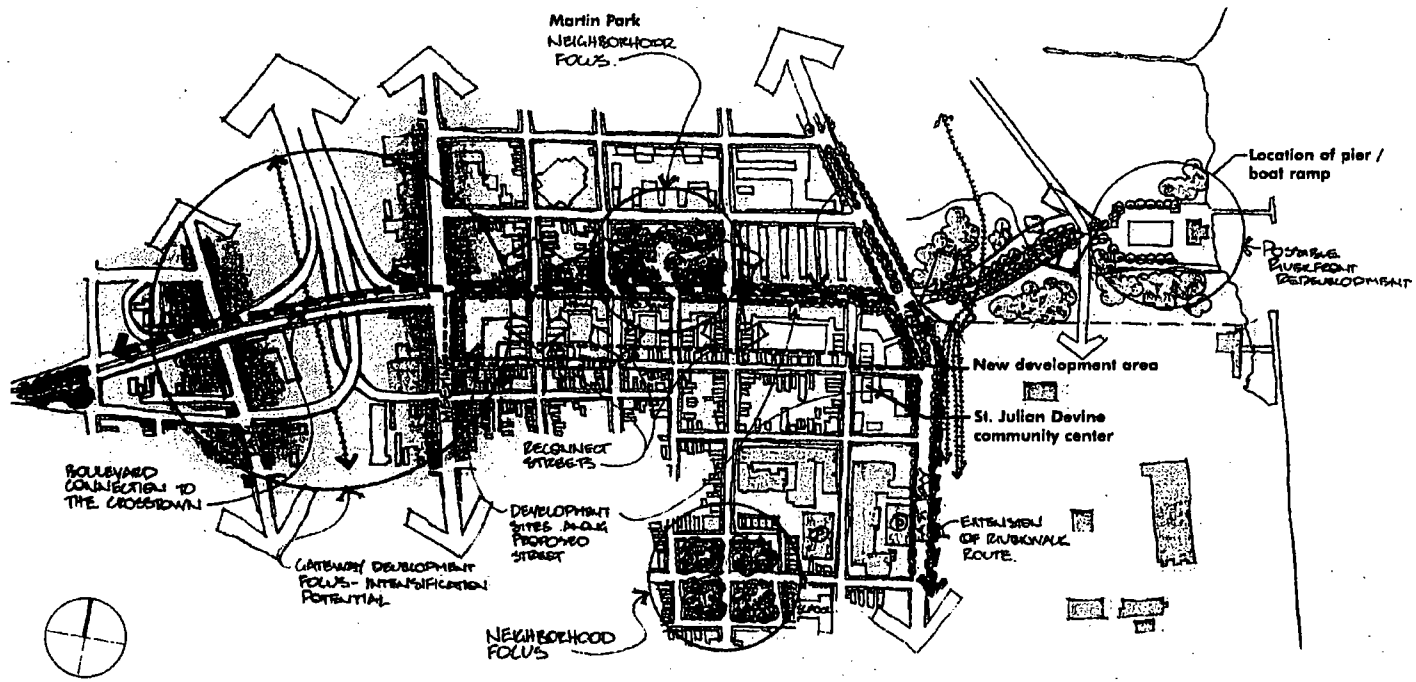
As many of the existing north-south streets should be reconnected as possible, including Nassau and Hanover Streets. A cross peninsula pedestrian/bike route connecting the Ashley and Cooper Riverwalks should be put in place. The potential for the reconfiguration of the highway access should be carefully studied.

New Cooper River Bridge Although on the edge of the study area, the construction of the new Cooper River Bridge will be a significant infrastructure project creating development opportunities and a new entry to the peninsula. This gateway area will likely form the northern edge of the King / Meeting Corridor.

Every effort should be made to mediate the negative impacts of the bridge on the surrounding city fabric. Buildings adja-

East side neighborhood - removal of the existing Cooper River Bridge

When the existing Cooper River Bridge is dismantled, an opportunity will be created to knit the East side neighborhood together with new housing around a renovated Martin Park. The waterfront could be developed as marshland or a fishing pier.



Primarily mixed-use commercial

Primarily residential

cent to the roadway should be designed to buffer noise. Uses such as offices, high technology work places, and resident oriented retail should be promoted that will benefit from the high profile location.

Simplification of the roadway connections between I-26, the Crosstown, and city streets and returning as much of the land as feasible back to developable parcels should be a priority in designing the new Cooper River Bridge. Reduced needs for right-of-way would also be a great benefit to the community.

The new bridge should be envisioned as more than a freeway. It should be a conduit for all modes of transportation and should include rights-of-way for pedestrians, bicyclists, transit, and private vehicles. A vertical connection to Morrison Drive and the waterfront trail should be incorporated into the design of the bridge.

The State Department of Transportation should return the ownership of the unnecessary right-of-way from the current Cooper River Bridges to the private or local public sector.

9.3 The Ashley River waterfront

The opportunity

The central opportunity along the Ashley River waterfront is to reclaim the river's edge and create a western face to the peninsula. Lockwood Drive and Boulevard play an important role in this vision.

Lockwood has the potential to be a waterfront boulevard, evolving from a place that feels like the back door to the downtown, to an attractive and unique western face of the city. Lockwood also has the opportunity to play an important connecting role. Beginning where Broad and Beaufain Streets meet the Ashley River and extending northward past the marinas, the medical complex and on to Joseph P. Riley Jr. Park and Brittlebank Park, the street connects many amenities that will become very significant as the city continues to grow.

Planned growth needs to be used to achieve this transformation of Lockwood. South of the Crosstown, growth will occur on the MUSC campus. Significant growth is also proposed to be accommodated on the vacant lands immediately north of the Crosstown along the Ashley River.

Recommendations

New uses located on the east side of the street should face Lockwood, creating a more inviting pedestrian environment and affording the street a greater presence and a western city "face." Generally, development should not be encouraged on the west side of Lockwood although there are exceptions south of Spring Street. The City Marina and the Ashley Marina and Marriott Hotels already exist and there is development potential on the adjacent vacant commercial lot. A discrete, residential condominium building and a restaurant could be appropriate in this area.

While retaining its existing carrying capacity, traffic calming measures, such as beautification, the addition of bike lanes, etc., should be employed to position Lockwood as a pedestrian street for as much of its length as possible. Where it is not possible, alternate pedestrian / bicycle routes should be created. The impact of the freeway ramps from the Ashley River bridges should be minimized. Planting on the center median should be encouraged wherever possible. The potential for added transit capacity, including a possible transit right-of-way should be explored.

For the most part, the western waterfront edge of the peninsula has a character entirely distinct from the harder edge of the Cooper River waterfront and there is an opportunity

Ashley River waterfront

The Ashley River waterfront plan proposes to create a new western face to the peninsula and create stronger connections to the riverfront.

Primarily mixed-use commercial

Primarily residential

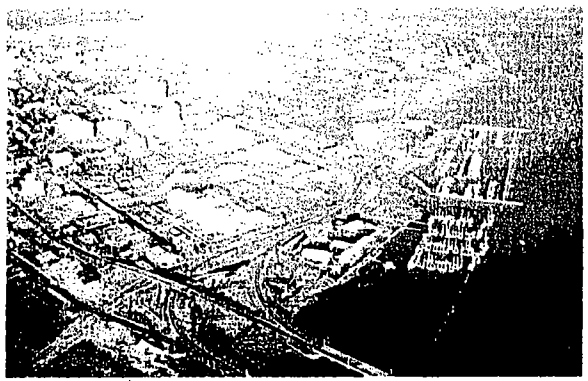
to tie the existing open space amenities together. The marshes and wetlands along the western edge of the peninsula provide an opportunity to create an extended boardwalk and nature preserve that will function as an educational and recreational attraction for visitors and residents alike.

Three distinct areas exist along the corridor.

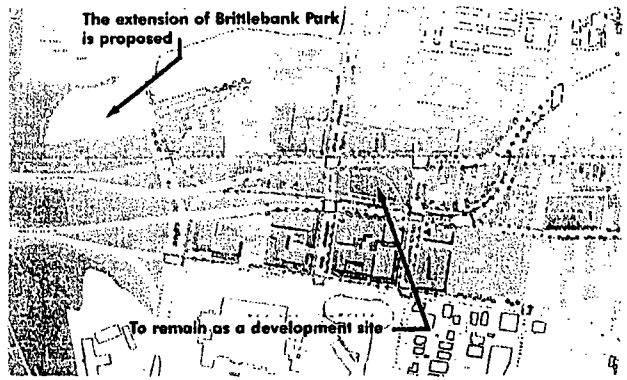
Lockwood Boulevard (Upper Lockwood).

Above Spring and Cannon, development should be mixed use in nature, with the potential for larger buildings than what may be found elsewhere on the peninsula. Despite flood plain regulations, an active ground floor should be developed wherever possible. Lobbies and commercial uses should be encouraged whenever possible.

Brittlebank Park should be extended south to the Ashley River bridge. Vested rights on some of this property may result in development occurring, potentially residential. This would be appropriate. However, any development in this area must be in accordance with this Downtown Plan and should, in particular, allow for public access to the waterfront, connect to the existing Brittlebank Park and Ashley River Walk, and create a strong edge along Lockwood Boulevard.)



This 1984 photograph of the hospital district shows the discontinuous urban fabric and massive buildings that need to be mediated.



Most of the Spring/ Cannon corridor study should be embraced.

As the Spring / Cannon Corridor is redeveloped, an opportunity to create a focal point at the corner of Lockwood and Spring will emerge. This site could accommodate a high profile institution or public building such as a school. The new open space on the west side of Lockwood Boulevard could accommodate small playing fields or other active recreational uses. Its design should reflect the restoration of the Spring Street Pier as recommended in the Spring / Cannon Corridor Study.

Hospital District and emerging MUSC Master Plan.

Charleston and the Hospital District exist in a symbiotic relationship. Located along the Ashley River waterfront, the Hospital District includes the medical institutions, the western portions of the Spring / Cannon and Calhoun Street Corridors, as well as Lockwood Boulevard.

The MUSC is currently planning for a significant expansion that will be governed by the emerging MUSC Master Plan. The proposed master plan sets the stage for a radical re-definition of the campus as a pedestrian friendly "green" campus within the existing boundaries and with structured rather than surface parking.

Appropriate redevelopment of this largely institutionally-related development can help to achieve the broader vision for the Ashley River waterfront. The following comments are offered to promote cohesion between the Downtown Plan, the MUSC Master Plan and other activities within the hospital district while reclaiming the Ashley River waterfront.

Integrate with downtown: The hospital district should feel as if it is a natural extension of the city - an identifiable place in its own right, interwoven with the life of the neighborhoods. The MUSC and other hospitals should be considered in the context of each other, the commercial development along Spring, Cannon, and Calhoun Streets, and the potential for open space connections along the riverfront and Lockwood Drive.

Increase connections: Overall, each hospital should plan to make their campus as fine grained as possible to improve pedestrian and vehicular connections between it and the surrounding neighborhoods. Smaller blocks that are in keeping with the grain and scale of the surrounding historic district should be encouraged. Streets and pedestrian connections help to integrate and link adjacent areas.

In proposing the alignment of Hagood Street through to Cherry Street, the Spring / Cannon Corridor Study establishes a clear connection to the neighborhood. New streets should be opened wherever possible to create smaller blocks and to connect to the neighborhood street network. Doughty Street should be extended west, potentially as far as Lockwood Boulevard. The creation of superblocks, by closing streets such as Wescott Court and President Street, should be avoided.

Where pedestrians need to have priority, traffic calming measures should be used to control traffic rather than closing streets. Driveways and lanes, such as those to the north of Roper Hospital, should be rebuilt into real streets.

Opportunities should be explored to establish open space amenities that would connect and contribute to other open spaces in the city. A symbolic "green axis" along Doughty Street, terminated by public squares at each end, is such an opportunity.

Mediate the scale of the existing buildings: New buildings should be of a human scale and mediate between the scale of the existing historic fabric and large existing facilities. Massing should transition from taller structures at the center to low (4 - 5 story) buildings at the periphery of the campus.

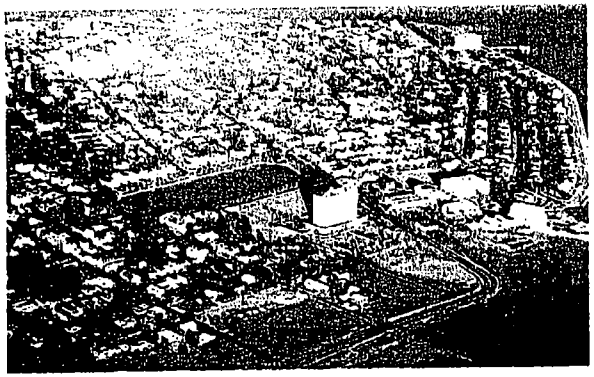
Buildings should define the streets and the public realm. There exists the potential to "reface" many of the existing facilities with urbane architecture and uses. In some places streets may be "relined" with additions that come to the street edge. This potential is greatest along Calhoun Street and Lockwood, although there are other streets that would benefit from this type of initiative. New office / residential / retail uses associated with the MUSC should be encouraged to

The hospital district

In the hospital district area, new open spaces are proposed along Doughty Street. Connections through the area help blend the campus with the surrounding neighborhood.

Primarily mixed-use commercial/ hospital

Primarily residential



This 1984 photograph of Lower Lockwood shows vacant sites on the western edge of the peninsula.



The development of the sites on Lower Lockwood has begun.

face and enliven these streets. Skyways should be avoided to encourage street level activity.

Create a stronger sense of place: To create a strong sense of place, gateways to the hospital district should be created at the major intersections. A stronger sense of place can also be created by introducing other uses and amenities onto the campus that will help to keep it animated and invite people to use the facilities. For example, restaurants, shops, and other amenities can support and complement the institutional uses and help make the hospital district an active and safe community around the clock.

In this regard, the mixed use neighborhood commercial node that is proposed in the Spring and Cannon Corridor Study should be embraced. Hospital-related food and convenience services should be focused on Cannon, Courtney and Bee Streets and animate the ground floor surrounding the proposed primary gateway square off Cannon Street.

Increase the amount of housing: Explore opportunities to develop housing in partnership with other institutions and the private sector to meet the increased housing demands that MUSC will experience with its growth. Housing should be developed directly or cash-in-lieu provided to an affordable housing fund. Housing could be on or off site.

Develop a strategy to manage cars and parking: The early findings of the *Downtown Parking and Traffic Study* show that the increase in cars associated with the expansion of the MUSC will exceed the capacity of the local road network. This growth can only be accommodated provided that strategies are introduced to reduce the number of cars in the vicinity. With new development, vehicular connections to the city are critical. Given limited traffic capacity, traffic impact studies and incorporating flextimes, telecommuting, etc. are important.

There must be a greater use of transit. The Crosstown is potentially a major regional transit route, one that can be enhanced by the Downtown Plan's recommendation that the new Cooper River Bridge be designed to accommodate all forms of transit, including commuter light rail.

The MUSC has already initiated some very successful park and ride lots on the peninsula. In addition, the MUSC should develop a coordinated system of satellite, or intercept parking lots, with shuttle buses that will allow students and visitors to park outside the downtown. This type of service might be jointly organized by all the major institutions - The College of Charleston, MUSC, Trident Technical College, and Johnson and Wales. It might also be coordinated with CARTA. CARTA transit routes are being reevaluated and potentially revised in light of the increased demand in this area.

The MUSC has adopted a positive approach to parking that will assist in reducing the number of cars on the lower peninsula. Specifically, there are a number of parking options that are available at a variety of prices. Spaces on the campus are priced at cost, while those farther away are subsidized and at a lower cost. This type of strategy, offering graded parking prices, should be adopted by other major institutions and employers on the lower peninsula to help minimize traffic congestion in downtown.

Where parking structures must be developed, they must have active uses at grade wherever allowed within the flood plain regulations and designed to the same high standards as those in other areas of Charleston's historic district. Parking must be located to ensure ease of accessibility into and out of the campus.

Lockwood Drive (Lower Lockwood).

Along Lockwood Drive, below the hospital district and Calhoun Street, new development should be primarily housing, in keeping with the scale and type of development that currently exists. There are several sites that could accommodate infill development.

There is a focal point, appropriate for high profile housing, that offers the opportunity to celebrate the arrival at the water's edge. The Customs House and the new aquarium are examples of these focal points. This site is where Broad and Beaufain Streets meet Lockwood Drive. An open space focus or monument is appropriate on the west side of Lockwood Drive in this area and could serve as the entrance to the Ashley River walk.

Open space connections should be strengthened along Broad Street to Moultrie Playground Park and Colonial Lake. Sidewalks need to be added on Beaufain, Wentworth, and Montagu Streets to complete the network of pedestrian routes that will lead to Lockwood Drive. In addition, a clear connection should be developed from Murray Boulevard to the Horse Lot tying into the waterfront walk along Lockwood Drive. These connections could consist of signage, a special and continuous paving, street landscaping, the development of landmarks, or artworks at key locations. etc.

719

Next steps

10. Implementation strategy

To successfully guide the evolution of the lower peninsula, the Downtown Plan requires an effective implementation strategy. The strategy must ensure that the Plan's principles are embodied and its physical, economic and social objectives are achieved as downtown evolves.

The proposed approach is modeled on and reflects the successful experience of many American cities including: St.Paul, Hartford, Cleveland, Chattanooga, Pittsburgh and San Jose. However, the strategy is specific to Charleston. It is based on Charleston's strong culture of collaboration and consensus building, bringing key community sectors together to work to the benefit of downtown. The following are the essential elements of the strategy:

Establish consensus around the vision

The first step is to achieve a common vision that is agreed upon by the Charleston community including the city, residents, developers, landowners, retailers, the institutions, and other vested parties. The completion and adoption of the Charleston Downtown Plan by City Council and its support by the community is the first important step.

Establish an effective organizational structure

The Downtown Plan stresses a comprehensive, collaborative approach to managing the future of the lower peninsula. Creating forums can bring interests and issues together and facilitate this approach:

A Charleston Downtown Partnership

Implementing the Downtown Plan requires collaboration between the city, the private sector and the community. There are a variety of individuals and groups, responsible for or interested in the evolution of the downtown who should be brought together to allow for a holistic rather than an issue-oriented approach to opportunities and challenges.

The creation of a *Charleston Downtown Partnership* could provide such a forum for downtown-related issues. The partnership would act as the implementing agency for the Downtown Plan, ensuring that its goals and principles are realized while becoming the primary advocate for downtown Charleston. It should address all of the social, economic and cultural elements that foster Charleston's excellent quality of life.

The members of the Partnership should meet regularly to address new issues and challenges and monitor progress on ongoing initiatives. The Partnership should be chaired by the Mayor and should include, as participants, a combination of:

- senior staff of the relevant city departments
- neighborhood president representatives
- key community groups representatives, including heritage and cultural associations
- senior executives from the business community, the educational and medical institutions

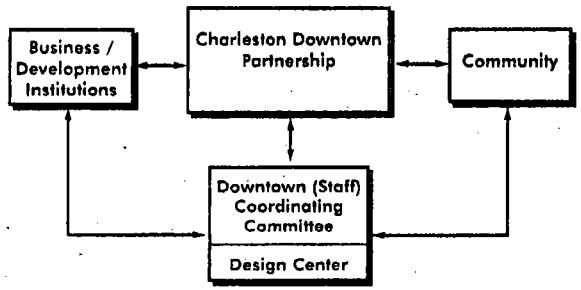
The group should be manageable in size and include representation from a cross-section of the community. The role of the Partnership should be two-fold: to ensure that public and/ or private initiatives achieve the Downtown Plan's principles and to facilitate community outreach, through ongoing education about the "health" of the downtown, new initiatives and ventures.

Create a Downtown (City Staff) Coordinating Committee

In order to be effective, the Downtown Partnership requires strong support from the city departments. Everyone must work towards achieving the Downtown Plan's goals. A *Downtown (Staff) Coordinating Committee* should be created to provide an inter-disciplinary forum for City officials to formulate strategy, design initiatives and review proposals of import to the downtown.

The Committee should be directed by the Planning and Urban Development Department and comprised of senior staff from other departments, including, but not limited to, Traffic and Transportation; Parks; Economic Development;

Proposed organizational structure



The Charleston Downtown Partnership would include representatives from resident and business interests who would work with senior city staff and the newly created design center to implement key downtown initiatives.

Housing and Community Development; Finance and non city agencies such as CARTA and the Housing Authority.

This Committee should establish a regular meeting structure to co-ordinate actions on the downtown. It should also provide assistance and resources to the Downtown Partnership.

Create a Design Center

The implementation of the Downtown Plan could be enhanced through a Design Center, already contemplated by the city. It is envisioned that the Center will assist the community in developing and implementing a more detailed urban design vision for special focus areas downtown and also for other key areas of the community. For the downtown, the Design Center could further the Downtown Plan's recommendations and assist in achieving the urban design vision.

In other jurisdictions, design centers have been set up as private non-profit corporations run by a Board of Directors. The Board is drawn from the community at large and includes individuals and organizations with strong interest in the community – including social, economic, heritage as well as design and architecture issues. Such a model would be appropriate for Charleston.

The Design Center should be led by a director with a staff that includes urban designers, landscape architects and planners. Although reporting to a separate Board, its work should be integrated with that of the Planning and Urban Development Department, to whom its resources and advice should be made available on an ongoing basis. The resources of the various city departments should also be made available on an as-need basis to the Design Center.

Establish a program of tasks

The organizational elements above will create a strong foundation for the city to undertake specific actions to further the Downtown Plan's recommendations, including:

- the preparation of special area plans for the key areas in the lower peninsula,
- the review of specific developments within the downtown by the Design Center,
- the completion of specific tasks identified for implementation of the Downtown Plan, such as amendments to the zoning ordinance,
- the review of capital spending priorities to identify and implement key funding initiatives,
- working committees on a variety of topics including the Arena, gentrification, etc. and
- the continuation and enhancement of a community outreach program to further the Downtown Plan objectives.

Special Area Plans

The refinement and elaboration of area plans for the key redevelopment areas identified in the Downtown Plan should be a priority of the Design Center, in conjunction with the Staff Co-ordinating Committee and the Downtown Partnership. The Downtown Plan's case studies establish the framework for more detailed plans and provide a context for individual projects to be reviewed and negotiated.

For example, in the case of the Cooper River Waterfront, projects in this newly emerging area should frame attractive and inviting open spaces, successfully address the flood plain regulations to preserve vitality at grade, and secure the lands for the public waterfront promenade.

Similarly, on the Ashley River Waterfront, the area plan should ensure that the Brittlebank Park expansion is negotiated and secured and that urban design guidelines are established for the area north of Spring Street. The reconnection of the East Side neighborhood should similarly be the subject of a Special Area study.

Project design review and feedback

Design Center staff should be requested to review and comment on applications of major scale and/or impact in the downtown and elsewhere. Development proponents can be encouraged or even required to consult with Design Center staff at the project inception and again upon design elaboration, helping to ensure that development parameters are well

understood and that the Downtown Plan's principles and objectives are implemented. It should also speed the process of approving formal applications.

Specific implementation tasks

The Downtown Coordinating Committee should ensure collaboration in implementing the Downtown Plan's recommended actions, as well as follow-up by the various departments and agencies. For example:

- Planning and Urban Development: zoning ordinance amendments to implement the Downtown Plan, including changes to heights, setbacks, mix of uses, density, on-site parking requirements, historic district regulation changes.
- Parks Department: improvements to existing parks and streetscapes and the creation of new parks, in consultation with the Recreation Department.
- Traffic and Transportation Department and CARTA:

  transit, transportation and parking improvements; facilitation of joint parking initiatives among more institutions and corporations
- Public Services: engineering standards, in particular, redesigning Lockwood Drive, Lockwood Boulevard and the Crosstown to position these streets as landscaped urban boulevards should be addressed jointly by Traffic and Transportation and the Parks Departments.
- Housing and Community Development, Corporate Counsel, and Economic Development Departments: mechanisms to implement linkage fees related to affordable housing and parks, including new State enabling legislation, and develop a new Housing Master Plan.

The Committee should call on special resources needed for specific projects, such as the Office of Cultural Affairs and the Office of Children, Youth and Families.

Enhance the city's resources: seek additional funding opportunities

Charleston currently avails itself of funding from outside sources for a variety of initiatives: housing, community development, major community and or cultural facilities. At present, in the absence of a comprehensive approach, applications for funding are pursued independently by each department.

Significant opportunities for funding currently exist: potentially the most significant is the Federal government's TEA-21 program that has almost $200 billion over 6 years for highway and transit programs. Charleston has availed itself of TEA-21, the Community Development Block Grant Entitlement Communities Program, and housing program funds. More opportunities are becoming available.

A new national Livability Initiative was recently proposed to help communities preserve green spaces, ease traffic congestion, improve schools and enhance economic competitiveness. Funds will be made available for improvements to 6,000 schools, transit improvements, open space preservation and natural heritage treasures.

Funds are also available from a variety of national and regional private foundations that are increasingly aware of, and interested in, the health and vitality of America's cities. Foundations fund a variety of initiatives, from urban design and planning studies to actual infrastructure improvements.

Charleston must become more pro-active in researching and pursuing these funding opportunities. A co-ordinated strategy should also be developed. A focussed effort should be led by a *Grants coordinator* who will undertake research and coordinate the efforts of the relevant city departments. The preservation and enhancement of Charleston, one of America's most treasured cities, would likely be accepted as an objective worthy of financial support.

Continue Community Outreach

The Charleston community is highly committed and motivated to work for the betterment of the downtown. This energy should continue to be channeled into improving Charleston residents' quality of life. Specifically, working committees should be created to address issues such as the cost-benefit of the tourism industry on residents, and protecting the East Side community from gentrification pressures. The community should also be directly involved in the Design Center's work, particularly the creation of area plans.

The Charleston Downtown Plan

Real estate and economic development

September, 1999

Development Strategies Inc. · consultants in real estate, economic and community development

Table of contents

part 2. Real Estate and economic development

1. Charleston's economic trends	1. Charleston economy	93
	2. Population and housing market	98
	3. Office market	101
	4. Retail market	104
	5. Hotel market	107
	6. Potential strategic growth targets	109
2. Economic development strategy	1. Profile of economic progress in downtown Charleston	112
	2. Key issues and challenges	116

Section 1: Charleston's economic trends

1. Charleston economy

The economy of the Charleston Metropolitan Area, also known as the Trident Region, including Berkeley, Charleston and Dorchester Counties, is healthy and growing. In the 1990s, the regional economy quickly adjusted from a predominance in military- and defense-related jobs to a more diversified base involving greater tourism (hotel and retail), health care (and related teaching), and port activities.

The City of Charleston, forming part of Charleston and Berkeley Counties, benefits from this economic and population growth. Notwithstanding, the downtown has been representing a declining percentage of regional growth.

At this time, therefore, the downtown faces a clear choice about its future economic role:

- It can turn away from further growth and continue to play a diminishing role in the region's economy, perhaps expanding its current scale and adapting to demands of the marketplace but not growing at a rate commensurate with the rest of the metro area.

Charleston county and city population trends, 1790-2020 — exhibit 1

census years	3-county metro area	Charleston county	City of Charleston	peninsula	city as percent of county	peninsula as percent of city
1790	NA	46,647	16,359	16,359	35%	100%
1800	NA	57,480	18,824	18,824	33%	100%
1810	NA	63,179	24,711	24,711	39%	100%
1820	NA	80,212	24,780	24,780	31%	100%
1830	NA	86,338	30,289	30,289	35%	100%
1840	NA	82,661	29,261	29,261	35%	100%
1850	NA	83,844	42,895	42,895	51%	100%
1860	NA	70,100	40,522	40,522	58%	100%
1870	NA	88,863	48,956	48,956	55%	100%
1880	NA	102,800	49,984	49,984	49%	100%
1890	NA	59,903	54,955	54,955	92%	100%
1900	NA	88,006	55,907	55,907	64%	100%
1910	NA	88,594	58,833	58,833	66%	100%
1920	NA	108,450	67,957	67,957	63%	100%
1930	NA	101,050	62,265	62,265	62%	100%
1940	NA	121,105	71,275	71,275	59%	100%
1950	NA	164,856	70,174	70,174	43%	100%
1960	NA	216,382	65,925	65,925	30%	100%
1970	336,700	246,469	66,945	56,880	27%	85%
1980	433,800	276,556	69,855	47,835	25%	68%
1990	509,000	295,039	80,414	38,789	27%	48%
2000	568,500	319,324	105,833	39,100	33%	37%
2010	629,600	340,708	139,491	40,550	41%	29%
2020	691,000	363,543	175,000	42,000	48%	24%

Sources: General Development Plan, City of Charleston (1966); Department of Planning and Urban Development; Development Strategies for interpolations. Metro projections from U.S. Department of Commerce, Regional Economic Information System, 1998.

- Or, through aggressive identification of opportunities and targeted actions, downtown Charleston can choose to either maintain its proportionate share of regional development or even to attract a larger share than it has been capturing in recent decades. To do so, downtown would need to make proactive choices on many fronts: employment, population and housing, and the office, retail, hotel, and related tourism sectors.

Note: Data analyzed in this report reflect county and city geographic definitions. Some data are also presented for the Charleston peninsula and the Downtown Plan study area, which is a subset of the peninsula generally south of the Crosstown Expressway. Throughout the report, peninsula conditions are recognized as generally indicative of downtown conditions. Peninsula conditions are far more readily available than downtown data.

Population trends

Charleston is the second largest city in South Carolina, with an estimated 1998 population of 100,122. During the 1980s, Charleston's population grew 15 percent while the U.S. population grew 9.8 percent. The city's growth is due primarily to the annexed lands in West Ashley, James Island, Johns Island, and the Cainhoy peninsula.

The Charleston Metropolitan Statistical Area encompasses three counties: Berkeley, Charleston and Dorchester. In 1990, the population of this tri-county region was 506,875. The projected population growth to the year 2015 is 600,000 for the tri-county area.

Employment by major economic sector, 1980-1998

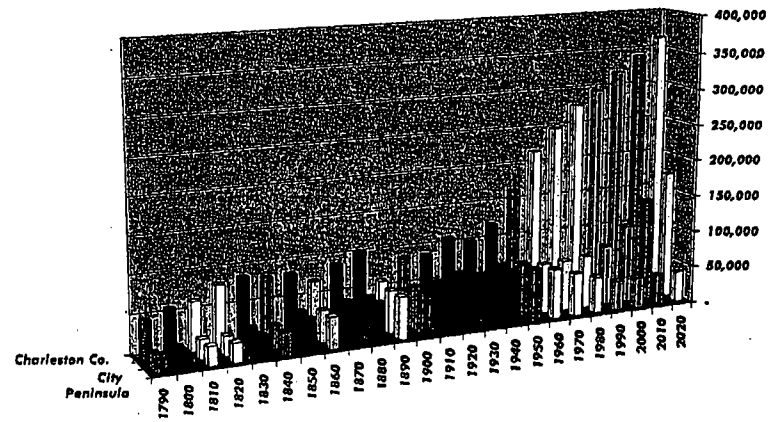
exhibit 2

Industry	Charleston MSA			annual avg. change		South Carolina			annual avg. change	
non-farm jobs	1980	1990	1998	1980-1990	1990-1998	1980	1990	1998	1980-1990	1990-1998
construction/mining	11,500	16,000	18,400	3.9%	1.9%	75,300	103,800	114,000	3.8%	1.2%
manufacturing	19,700	21,500	22,000	0.9%	0.3%	391,900	383,300	362,000	-0.25	-0.7%
transp. & utilities	8,800	11,100	13,200	2.6%	2.4%	53,000	66,900	78,600	2.6%	2.2%
trade	31,800	51,600	58,500	6.1%	1.7%	225,100	348,500	448,000	5.5%	3.6%
wholesale trade	6,700	8,700	8,300	2.0%	-0.6%	49,600	61,600	76,600	2.4%	3.0%
retail trade	25,100	42,900	50,200	7.1%	2.1%	175,500	286,900	371,400	6.3%	3.7%
finance/ins/real est.	6,400	7,800	8,700	2.2%	1.4%	47,900	66,500	80,200	3.9%	2.6%
services	24,100	45,100	65,500	8.7%	5.7%	159,300	293,800	426,600	8.4%	5.7%
government	46,600	53,200	48,200	1.5%	-1.2%	235,500	282,200	287,400	1.9%	0.2%
federal govt.	18,300	19,400	9,000	0.6%	-6.7%	37,600	40,500	28,500	0.8%	-3.7%
state govt.	12,700	15,600	18,200	2.3%	2.1%	73,900	96,400	97,700	3.0%	0.2%
local govt.	15,600	18,200	21,000	1.7%	1.9%	124,000	145,300	161,200	1.7%	1.4%
total	**148,600**	**207,100**	**234,500**	**3.9%**	**1.7%**	**1,188,800**	**1,545,000**	**1,796,800**	**3.0%**	**2.0%**

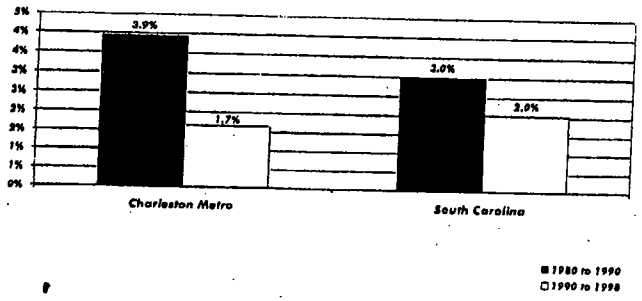
Source: South Carolina Dept. of Employment Security. Employment by place of work. 1998 figures are estimates based on employment data for August 1998.

Population trends 1790 to 2020

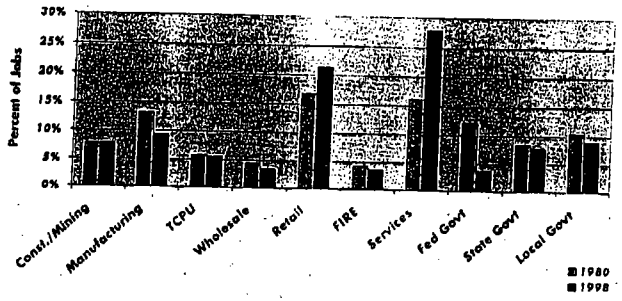
exhibit 3



Average annual growth in total jobs **exhibit 4**



Charleston major employment sectors, 1980-1998 **exhibit 5**



Source: South Carolina Employment Security. Naval base jobs are reflected in Federal Government and Port Authority jobs are reflected in State Government. TCPU means transportation, communications, and public utilities. FIRE means finance, insurance, and real estate.

As shown on Exhibit 1, the peninsula of Charleston and the City of Charleston were the same geography until an aggressive annexation program was initiated in the 1960s. Since then, the peninsula has not only lost ground as a proportion of the city but has experienced its own net loss in population. Projections for the next 20 years, however, suggest that some of these losses can be recouped.

This potential is supported by the market and economic trends analyzed in this report.

As noted in the 1966 *General Development Plan* for the City of Charleston, population growth in Charleston has always been erratic. This is due to wars and economic change related to Charleston's seaport economy. In the seventeen census decades between 1790 and 1960, the city's population increased eleven times, decreased five times, and remained steady once. Population in 1790 was 16,359 and took 50 years to double. But it did not double again until after the 1960 census, and then only with the aid of annexations. In the same time period, however, the state's population doubled three times.

Moreover, Charleston County's boundaries have changed many times. Thus, city-county comparisons are only valid since 1930 when the current county boundaries were fixed. Since 1930, the county's population has expanded rapidly, outpacing the city, although the city has countered this lack of growth in its original boundaries by annexing large areas of the county since 1960.

Employment trends

The rate of employment growth in the Charleston metro area exceeded that for the State of South Carolina during the 1980s, as shown on Exhibits 2 and 4. Between 1980 and 1990, jobs in the Trident Region increased annually by an average of 3.9 percent compared to 3.0 percent for the state. In the 1990s, however, regional net employment growth has lagged behind the state due to the Charleston Naval Base closure and the downsizing that has occurred since 1989. Between 1990 and 1998, jobs in the metro area increased by 1.7 percent per year, on average, compared to 2.0 percent for the state as a whole.

Nevertheless, there were net job gains in the Trident area during the 1990s even though federal government employment dropped from 19,400 in 1990 to 9,000 in 1998. Job losses from the naval base were offset principally by gains in the services industry. Exhibit 2 compares Charleston metro area employment between 1980 and 1998 to the state of South Carolina during the same time period. Exhibit 5 highlights the employment distribution in the Charleston metro area and shows how losses in the Naval Base (federal employment) were offset by gains in the services and retail sectors.

Growth in the region's services sector, principally the health care component, has absorbed much of the impact of the base closure. Economic growth in metropolitan Charleston, in fact, is primarily influenced by three sectors: services (principally in health care and educational services represented by the Medical University of South Carolina and the College of Charleston); retail trade (which reflects the large tourism market); and port related industries.

Combined, these three broad sectors make up 70 percent of the Trident workforce. Some of the emergence of these areas as leading sectors, of course, is due to the dramatic decrease in what could be unofficially called the defense sector; with the Naval Base closure, federal government presence has markedly declined, as noted.

Fortunately for downtown, these sectors are heavily concentrated on the peninsula. Thus, while sub-regional data on employment by location are not available, it is highly likely that the Downtown Plan study area is the region's largest concentration of jobs even though it has been losing population. Commuter traffic on the bridges over the Ashley and Cooper Rivers anecdotally suggests this economic concentration, as well.

Major employers in Charleston metro area and city of Charleston — exhibit 6

company	products	employment
Medical University of SC*	health care/ university	7,530
U.S. Air Force	federal govt. (Air Force)	6,000
U.S. Navy	federal govt. (Navy)	5,740
Charleston Co. School District*	local govt.	5,110
Berkeley County Schools District	local govt.	2,945
Roper Hospital*	health care	3,250
Charleston County Government*	local govt.	2,215
Westvaco Corporation	lumber, paper, chemicals	2,110
U.S. Postal Service*	postal service	1,965
Robert Bosch Corporation	fuel injection/ braking systems	1,925
Columbia/ HCA Healthcare Corp.	health care	1,880
Piggly Wiggly Carolina Co. Inc.	grocery stores and HQ	1,800
City of Charleston*	local government	1,600
Veterans Administration Medical Center*	health care	1,100
SCE & G*	utilities	1,070
College of Charleston*	educational services	990
Bon Secours-St. Francis Xavier Hospital*	health care	875
Main- Waters Management, Inc.*	restaurants	650
Charleston Post and Courier*	newspaper	640
U.S. Coast Guard*	government services	590
BellSouth*	communications	590
The Citadel*	educational services	555
Charleston Place*	retail and hotel	550
total		**50,680**

* These employers are based in the City of Charleston.

Note: Roper Hospital merged with St. Francis Xavier in 1999 to become Care Alliance.

Source: Charleston Metro Chamber of Commerce, Major Employers Directory, 1997.

In some contrast, these sectors make up just 53 percent of employment in the Greenville/Spartanburg area. Columbia, on the other hand, which has an employment base just slightly larger than Charleston, has more than twice the amount of finance, insurance and real estate (FIRE) workers. Clearly, various metropolitan markets have different employment strengths and, for Charleston, these strengths are in services (principally health care and higher education), retail trade, and port-related activity—a diversification that has enabled the Charleston area to thrive.

Large employers

The Trident Region's largest employers are concentrated in health care, education, and government with a majority based in the City of Charleston, as shown on Exhibit 6. It is notable that the U.S. Navy's size, while still numbering some 5,700, is far below the 23,500 counted at the Charleston Naval Base in 1994. On the other hand, Roper Hospital had 2,200 employees in 1994 and increased about 1,000 in three years while MUSC added about 100 employees. Moreover, one of the eleven largest employers listed above was not on the largest employer list in 1994—Columbia/HCA—and this medical sector company has almost 1,900 employees.

The other ten employers listed on Exhibit 6 employed 38,380 in 1997, down 43 percent from 54,950 in 1994. The capacity of the economy to absorb the naval base losses, therefore, has fallen entirely on the smaller companies and government agencies in the region, a task which was successfully performed as evidenced by the ability of the region's jobs to show a net increase during the 1990s.

Economic sector growth projections

Health services, restaurants (eating and drinking places), business services, and the hotel sector will be the leading job growth sectors in the Trident Region through 2005 in terms of the amount of net new jobs added. Listed on Exhibits 7 and 8 are the projected top 12 growth sectors from 1993 through the year 2005, the period of the projections by state employment security officials. (The metropolitan area is the only available geography for independent projections of employment.)

The following analysis by sector is valuable in describing what the growth sectors are and what they are expected to be. Many sectors are already leaders in the City of Charleston and in downtown. Health services, as already noted, are dominated by the Medical University of South Carolina and now Care Alliance. Eating and drinking places also have a substantial presence, especially on the peninsula, where millions of tourists are attracted annually.

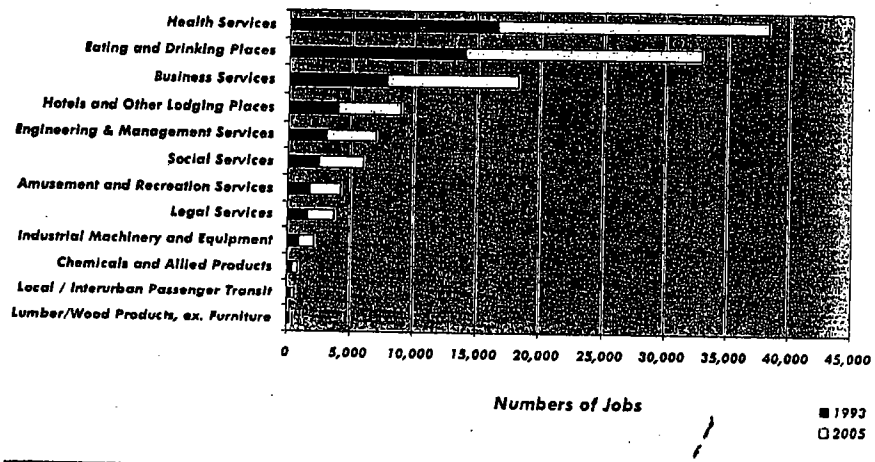
Business services also have a major presence in office buildings although maintaining this presence in light of highly competitive and attractive suburban developments, such as Daniel Island, will be a challenge for downtown Charleston. Of course, the hotel sector is a huge employer

Top twelve employment growth sectors, 1993 - 2005 — exhibit 7

	employment 1993	employment 2005	projected growth	percent change
Health Services	16,454	21,800	5,346	32.5%
Eating and Drinking Places	13,944	18,880	4,936	35.4%
Business Services	7,748	10,400	2,652	34.2%
Hotels and Other Lodging Places	3,857	4,980	1,123	29.1%
Social Services	2,453	3,500	1,047	42.7%
Engineering & Management Services	2,975	3,970	995	33.4%
Amusement and Recreational Services	1,747	2,450	703	40.2%
Legal Services	1,560	2,100	540	34.6%
Industrial Machinery and Equipment	898	1,200	302	33.6%
Chemical and Allied Products	350	480	130	37.1%
Local/ Interurban Passenger Transit	271	350	79	29.2%
Lumber/ Wood Products, ex. furniture	190	250	60	31.6%

Source: South Carolina Employment Security Commission, "Charleston Industry Employment Projections"

Projected Top twelve employment growth sectors, 1993 - 2005 — exhibit 8



Source: South Carolina Employment Security Commission, "Charleston Industry Employment Projections"

Employment projections by sub-regional location, 1992-2015 exhibit 9

location	1992 jobs	pct. of market	2015 jobs	pct. of market	change 92-2015	annual change	annual % change
Airport North	38,495	18.1%	55,470	18.0%	16,975	1,132	2.9%
Charleston Peninsula	40,445	19.0%	54,325	17.6%	13,880	925	2.3%
North Charleston Center	67,245	31.6%	80,495	26.1%	13,250	883	1.3%
East Cooper	11,095	5.2%	22,160	7.2%	11,065	738	6.6%
West Ashley	21,720	10.2%	31,710	10.3%	9,990	666	3.1%
Ladson Rd.	5,735	2.7%	11,355	3.7%	5,620	375	6.5%
Goose Creek	5,430	2.6	11,000	3.6%	5,570	371	6.8%
Hanahan/ Bushy Park	10,740	5.1%	16,020	5.2%	5,280	352	3.3%
Daniel Island	345	2.2%	4,605	1.5%	4,260	284	82.3%
Johns Island	2,510	1.2%	6,415	2.1%	3,905	260	10.4%
James Island	5,270	2.5%	8,655	2.8%	3,385	226	4.3%
Central Summerville	3,630	1.7%	6,155	2.0%	2,525	168	4.6%
total	**212,660**	**100%**	**308,365**	**100%**	**95,705**	**6,308**	**3.0%**

Source: Berkeley Charleston Dorchester Council of Governments, 1995

in the downtown area but it also has a substantial presence elsewhere in the region because of the many resorts and vacation places.

Geographic areas of growth

Exhibits 9 and 10 show that employment in the Trident region will continue to grow at an average of about 3.0 percent per year though the year 2015. Employment concentrations, however, will shift as new areas in the region develop. It is projected, for instance, that the Charleston peninsula will continue to grow but at a rate slightly lower than the region.

In other words, the peninsula will experience a declining share of regional employment. In 1992, the peninsula held 19 percent of the employment in the Region. It is predicted that its share will decrease to 17.6 percent in 2015 even though many jobs would be added. Still, the projections indicate that the peninsula (which is somewhat larger than the Downtown Plan study area but is nevertheless indicative of potential growth in the study area) would add the second largest number of jobs—13,880—behind only the Airport North area (16,975 jobs added).

Daniel Island, on the other hand, will have the fastest growth rate, from just 345 workers in 1992 to over 4,600 in 2015, based on current development plans and projections, for an annual average 82 percent growth rate.

This projected growth is a further indication of the important role of the peninsula—and, by extension—the Downtown Plan study area in the economy of the metropolitan area. Clearly, economic growth and jobs are attracted in relatively large quantities to the downtown area even though population and housing have not been a major part of this growth.

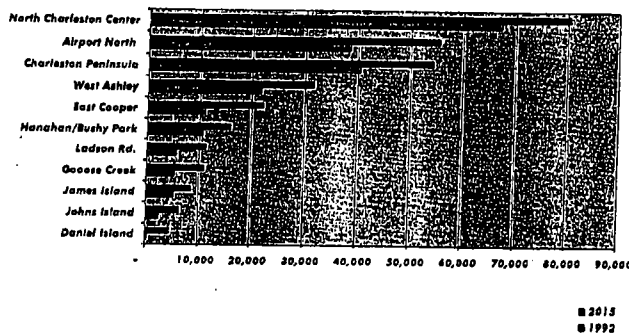
2. Population and housing market

The population of the Charleston region (Berkeley, Charleston, and Dorchester Counties) was estimated to be 522,300 in 1994 (latest available data from local sources). This figure was up three percent from 506,900 in 1990. By 2015, population is projected to increase by 172,900 to about 695,200 for a 21-year growth rate of about 33 percent, or about 1.6 percent per year.

Projections made by the Berkeley Charleston Dorchester Council of Governments (COG) generally ignore municipal boundaries because these are subject to rapid change as annexation takes place. But they do focus on the largely fixed boundaries of the Charleston peninsula. This area had an estimated 39,000 residents in 1990 (7.7% of the region), a population which has not changed significantly in the years since.

By 2015, in fact, the COG projects that the peninsula will have only 1,700 more residents, or just one percent of all projected regional growth in the 25 years from 1990 to 2015. The COG projection assumes, of course, that there are no substantial increases in the amount and density of residential units on the peninsula.

Employment projections by area, 1992 - 2015 exhibit 10



Source: COG, 1995.

In short, the peninsula is assumed "built out" for purposes of residential development if the projections are to be used. On the other hand, there continue to be market pressures for more residential growth on the peninsula, particularly in the potential redevelopment of the Union Pier area and continued revitalization of neighborhoods throughout the peninsula, especially on the upper section of the Downtown Plan study area.

An important factor recommending that more housing is desirable and necessary in the Downtown Plan study area, in particular, is the recent trend in housing values at time of sale or re-sale. The study area (denoted as Peninsula Below the Cross-Town on Exhibit 11) had, by far, the highest median housing value in 1998 among the seven areas of the city shown on the exhibit.

Furthermore, the study area had the second highest rate of growth in median value (66.9%) between 1990 and 1998, slightly higher than on James Island (64.4%) although well below the rate of value increase on Johns Island (86.7%). These latter two areas, however, had 1998 median values of approximately the same amount ($119,000-$120,000), about 40 percent of the median value in the Downtown Plan study area ($292,000). Only the Daniel Island/Cainhoy area comes close to the median values of the study area with a 1998 median of $210,700.

These findings indicate that the Downtown Plan study area remains a housing location in high demand. Despite this strong demand, a force which is driving up the prices for housing in the downtown area, the number of residential building permits issued for the entire peninsula (data not available for the study area alone) totaled just 388 between 1990 and 1998, representing just eight percent of the city total. Of the peninsula permits, almost two-thirds were for multi-family housing units compared to one-quarter multi-family permits for the city as a whole.

From a market demand standpoint, therefore, the peninsula and, in particular, the Downtown Plan study area could attract a much higher number of households and could absorb a much higher proportion of the city's housing development. In fact, it is likely that failure to keep up with demand for additional housing on the peninsula and, in particularly, in the Downtown Plan study area, will result in rapidly increasing prices for existing homes. The Charleston area is attracting population growth which translates into housing demand. Some of this demand will seek to be satisfied in the downtown area. Without additional housing opportunities, only the most affluent will be able to purchase homes in the study area.

Given land and space opportunities, therefore, the peninsula can accommodate more substantial growth than reflected in the COG's projections. With the entire metropolitan area projected to add an average of some 8,000 or more residents per year through the year 2015, the peninsula is in a position to capture a much larger share of this growth should public and land use policies be designed to accommodate it.

If it were deemed desirable that the peninsula maintain its share of the region's population at about 7.7 percent over the next 15 to 20 years, this desire would translate into an addition of an average of 500 to 550 people per year. This increase would be net new residents since the population of any community is constantly shifting as people are born, mature and form new households, seek more appropriate living quarters, and die.

Accommodating the slow rate of growth projected by the COG at just 1,700 net new residents between 1990 and 2015 would mean the addition of only about 70 units per year, a figure which would require the construction of 30 to 40 net new housing units per year (net of replacement of existing units due to deterioration, obsolescence, or change of use).

On the other hand, absorbing growth of, say, 500 people per year in the urban densities of the peninsula would require the creation of 200 to 250 housing units per year,

Median home sales values by area, City of Charleston — exhibit 11

	peninsula below X-town	peninsula above X-town	W. Ashley inside 526	W.Ashley outside 526	James Island	Johns Island	Daniel Island/ Cainhoy
1990	$175,000	68,875	77,500	88,500	73,000	63,800	NA
1991	205,000	74,500	82,000	76,500	79,100	78,000	NA
1992	175,000	69,900	84,000	90,000	80,200	69,900	NA
1993	185,000	68,000	86,000	90,500	82,200	104,500	NA
1994	200,000	80,000	85,000	94,600	87,500	75,500	NA
1995	210,000	80,000	87,500	95,000	93,000	89,000	NA
1996	280,000	74,000	89,500	94,800	99,700	77,000	179,000
1997	240,000	76,900	95,500	104,000	110,000	97,000	191,500
1998	292,000	87,000	103,000	122,500	120,000	119,000	210,700
total increase 1990-1998	**66.9%**	**26.3%**	**32.9%**	**38.4%**	**64.4%**	**86.5%**	**17.7%**

Source: Charleston Trident Board of Realtors

on average, a rate of housing growth which would likely strain the resources and land capacity of the peninsula. While such higher growth may not be possible or even desirable to support in the near term, the ability to capture growth rates between these two extremes could be improved if appropriate planning and implementation mechanisms are put into motion. This would mean designating appropriate locations for residential development, identifying suitable densities, encouraging developers and property owners, refining the city's land use regulations, and upgrading or constructing necessary infrastructure.

A particular concern regarding housing in the Downtown study area is the need to encourage current residents to stay while attracting new population. Moreover, it is important to encourage homeownership, although good quality rental units are also necessary. Great care must be taken in using and devising tools to accomplish these goals.

Incentives to encourage low and moderate income homeownership, for instance, have generally proven to be far less fruitful in the United States than hoped. Quite often, low and moderate income households are financially ill-equipped to afford the many costs of owning and maintaining a property which extend beyond the ability to make a down payment and the monthly mortgage payment.

Moreover, there are abundant instances in a free market context of subsidies being provided to developers and builders. These are meant to decrease the ultimate price to the low and moderate income buyer but which, upon closing, encourage the buyer to take advantage of the opportunity to "sell up" to a willing and more affluent second buyer who does not need the subsidy and does not receive such benefits.

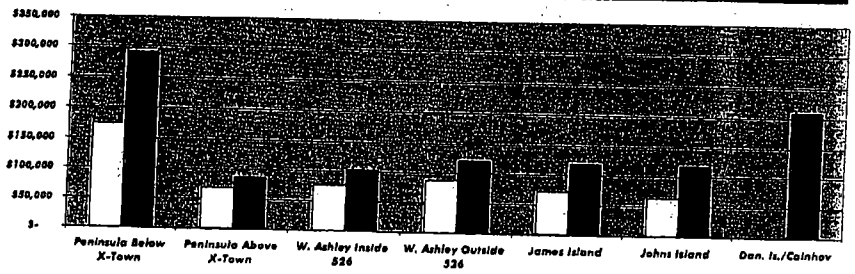
A result is that the low and moderate income buyers for whom the housing was intended no longer live in the housing as the market value rises above where they could buy such homes. In the long run, the housing problems of low and moderate income households is simply relocated to other neighborhoods.

A well-tested solution is affordable rental housing which is designed, both on the interior and the exterior, to look and function like higher density owner housing but, in fact, is subject to central management (typically on a modest scale of 150 units or more) which budgets for regular maintenance and screens for acceptable occupants. Such housing is made affordable by virtue of public and civic participation in the financing of the housing so that rents are kept below market rate while the housing units are constructed at market rate expectations.

This option, of course, requires that substantial amounts of land be assembled in order to produce a development of significant scale under single, private sector, profit-motivated management. Ownership of the project, on the other hand, might be diversified and involve private, public, and non-profit entities to share in the proceeds of ownership while also satisfying public and non-profit participation requirements for many subsidy programs. Likewise, a well planned rental development with effective management can successfully contain a mixture of both market rate and assisted units.

Further complicating some of the housing development solutions on the peninsula is a desire to preserve neighborhoods, particularly those which are most vulnerable to market forces. Neighborhoods of affluent households, particularly those in the lower peninsula, require relatively little planning and implementation intervention. Low and moderate income neighborhoods, notably those where homeownership rates are strong but the quality of the housing is poor due to age and inadequate maintenance and modernization, require much more intervention to encourage private investment. In some cases there may be merit to relaxing preservation standards in order to retain viable, affordable housing in existing neighborhoods.

Median home sales values by area of Charleston 1990 - 1998 exhibit 12



Source: Charleston Trident Board of Realtors

In sum, the peninsula already has an enviable mix of income classes, ethnic history, historic and architecturally noteworthy homes of all sizes and values, and homeowners and renters. A goal of the planning process should be to preserve this character as much as possible even though some areas may be subject to physical change. Moreover, the peninsula is the urban core of metropolitan Charleston and, as such, is attractive to higher density housing for renters of all socio-economic strata.

A key approach to attracting a larger share of the region's growth, therefore, is to encourage large scale rental developments of mixed incomes (e.g., 100 to 125 units per 10-12 acres) while simultaneously upgrading the services to homeowner neighborhoods. Excellent examples of new developments of this sort exist in a number of older cities (such as Quality Hill in Kansas City or Westminster Place in St. Louis, among many others) and could be models for the Charleston peninsula, such as at Union Pier and on lands to be available after the relocation of the Cooper River Bridge.

3. Office market

The latest available semi-annual survey of the Trident region's office market was conducted by the Metro Chamber of Commerce in July, 1998. The survey included 136 existing properties totaling 6.4 million square feet. Of this amount, rentable space totaled about 5,150,000 square feet with the remaining space in owner occupancy alone. The survey further identified 546,000 square feet of available space for a vacancy rate among the rentable inventory of 10.6 percent.

The regional vacancy rate steadily declined over the previous year when it stood at 12.8 percent in July, 1997 and 12.0 percent in January, 1998. As of mid-1998, there were four office buildings under construction in the region and nine buildings that were proposed or planned.

North Charleston contains the largest concentration of office space with over 2.4 million square feet of rentable office space and nearly 50 percent of all office space in the Charleston region (Exhibits 13 and 14). Currently, five office buildings are planned for lower North Charleston that would add 437,000 square feet to the area in addition to the 80,000 square feet currently being constructed.

Downtown Charleston, or the peninsula, ranks a solid second in terms of rentable office space inventory totalling approximately 1.4 million square feet—a 27 percent share of the rental market, up from 23 percent in 1991. Perhaps more importantly, the peninsula contains the vast majority of the region's Class A office facilities with rents approaching those required to encourage new office investments.

This is a reasonable market share for a major downtown area, although higher proportions can and should be sought if the peninsula is to participate in the economic growth of the region and continue to be the focus of a wide range of economic activity. It is important to attract and maintain a certain critical mass of office space which fosters business-to-business relationships within a close geography and attracts support businesses to serve a relatively large cluster of office businesses. Otherwise, given the planned investments in competitive suburban business parks, the office market share held by the peninsula could diminish rapidly even as more office space is added. Moreover, the peninsula could see a diminution in its relative critical mass of office space which could encourage firms to move to more supportive business environments.

Areas outside of downtown continue to attract new corporate headquarters. Piggly Wiggly's Carolina corporate headquarters are under construction, for example, in West

Comparison of rental office markets, Charleston MSA 1991-1998

exhibit 13

Source: Charleston Metro Chamber of Commerce, Commercial Real Estate Surveys, January 1991 and 1998. Buildings including 10,000 square feet or more of rentable office space are included

	1991				1998			
Charleston MSA (areas)	*sq.ft.*	*available space*	*vacancy*	*market share*	*sq.ft.*	*available space*	*vacancy*	*market share*
Charleston peninsula	823,609	114,479	13.9%	23%	1,403,652	141,118	10.0%	27%
West Ashley	716,731	88,293	12.3%	20%	630,368	65,639	10.4%	12%
North Charleston Subtotal	1,700,805	539,757	31.7%	48%	2,432,472	348,673	14.3%	47%
Lower N Charleston	538,213	186,066	34.6%	15%	1,291,486	82,376	6.4%	25%
Upper N Charleston	1,162,592	353,691	30.4%	33%	1,140,986	266,297	23.3%	22%
East Cooper	206,139	24,852	12.1%	6%	434,254	27,511	6.3%	8%
Summerville (Dorchester)	107,430	32,094	29.9%	3%	180,005	32,500	18.1%	4%
Daniel Island	NA	NA	NA	NA	50,000	0	0.0%	1%
total	***3,554,714***	***799,475***	***22.5%***	***100.0%***	***5,130,751***	***615,411***	***12.0%***	***100%***

Ashley and the Mount Pleasant area (East Cooper zone) has begun the first phase of Patriots Point which, when fully developed, will have more than one million square feet of office space, the largest single office complex in the Charleston region.

Downtown Charleston is characterized by its historic district, which contains some of the finest collections of 18th and 19th century commercial buildings remaining in the United States. Many of these historic and architecturally noteworthy structures contain small office spaces, most with less than 10,000 square feet. Many of the spaces do not have the proper high tech infrastructure to support growing, contemporary businesses

Employment projections in the Trident region through 2005 indicate average annual growth of about 4,160 jobs per year. Typically, 40 percent of such jobs in a services-dominated economy like Charleston will be located in office buildings. This would create the need for about 416,000 square feet of net new office space in the region each year, on average given normal business cycles and other variables affecting actual development and occupancy.

As of mid-1998, the overall regional vacancy rate was 10.6%, very close to a rate which would normally trigger additional growth in the office supply. Thus, there is little existing supply to absorb continued office employment growth in the region without additional construction and/or higher occupancy rates.

For the peninsula, projected employment growth is about 600 jobs per year. It is assumed, however, that the peninsula has, and will attract, a higher proportion of jobs in offices than do other parts of the region. At a fifty percent office employment ratio, the peninsula would have to provide an additional 75,400 square feet each year to absorb office employment growth. But the vacancy rate is already under ten percent, suggesting that further near term growth will either have to be turned away, by and large, or additional office development will have to occur.

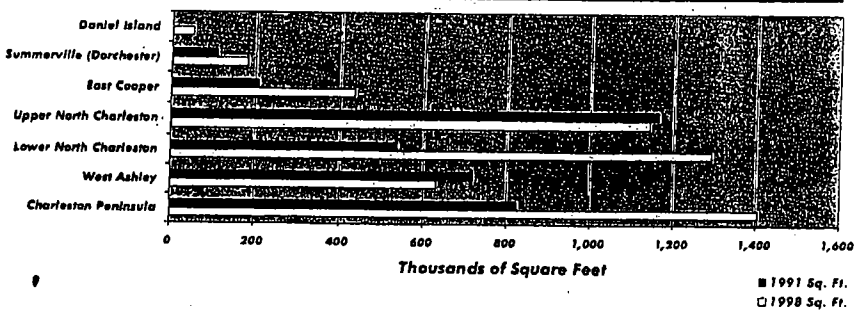
At a pace of approximately 75,000 square per year (on average) for the peninsula versus 341,000 square feet per year for the rest of the region (416,000 minus 75,000), the peninsula would be decreasing its market share since 75,000 sq. ft. This increase is only about 18 percent of the overall market additions of 416,000 sq. ft. This is due to the employment projections which imply that the peninsula will have a smaller share of regional jobs than it has today.

Thus, to increase the office market share—which would be a normal goal for the center of a service-based regional economy—means increasing the share of office employment which, in turn, means that the peninsula would have to increase its supply of office space more rapidly by the allocation of 75,000 square feet of net new space.

Ideally, the rate of office space increase for the peninsula would be higher than the present market share of 27 percent. For illustrative purposes, a 35 percent goal is evaluated. If the 416,000 square feet of annual average office space additions are held constant, a 35 percent share would be about 145,000 square feet per year on the peninsula, almost double the amount calculated from the current employment projections. (Some of this increase, by the way, might come from further increasing the proportion of office employment on the peninsula.) At such a pace of construction on the peninsula, downtown Charleston would slowly increase its market share to about 32 percent in the next 20 years.

Adding office space at this pace to the peninsula will, of course, require planning for enough land and clustering of office users in order to create a synergistic office market. Such land should also be highly accessible from commuter transportation routes in order to encourage development and minimize intrusion of commuters on residential streets.

Office space by major market areas — exhibit 14



Preferred locations for office space will likely be:

- In or near the King and Meeting Streets corridor north of Calhoun Street, probably nearer the Crosstown Expressway and the new Cooper River Bridge,
- along the Calhoun Street corridor on infill sites between the new aquarium on the east and the medical center on the west,
- in the proposed Union Pier redevelopment area,
- along Upper Lockwood in proximity to the MUSC, and
- on Morrison Drive in the vicinity of the new Cooper River bridge alignment.

These areas offer opportunities to create sizeable sites and developments to compete effectively with suburban locations and similar areas outside the peninsula. Plans should, therefore, consider opportunities in the near term, the mid-term, and the long term such as identifying key, developable sites right away for office development in the next five to ten years (accommodating as much as 750,000 square feet).

Additional locations should be identified for further office growth in subsequent years although these locations may not yet have the infrastructure or the land assemblages necessary. Ideally, the plan would look to a 20-year horizon by identifying potential office building and campus sites that will be marketable in about a decade but will require more patience as roads are improved; utilities are upgraded, and population and employment continue to increase.

Some of these sites should be developed specifically for, and marketed to, "high technology" users. There is no hard and fast definition of "high technology" but it can, and should, include medical research, software and computer hardware development including some assembly, communications companies who use and develop advanced systems, and companies that generally utilize a very high proportion of advanced technology in their business. A number of highly automated manufacturers can fit this category and be quite suitable in a "business" park (which would not be restricted to office users alone). An excellent location for high tech uses would be comprised of sites adjacent to the Medical University of South Carolina.

At the same time, the upper peninsula, the Calhoun corridor, and Union Pier should not be seen as the only locations planned for future office uses. Indeed, selected parts of the lower peninsula do now and can continue to serve certain types of office users, especially those who need relatively small amounts of space. These can function effectively in older buildings although these frequently have less efficient floor plans, are more difficult to access, provide less parking, and may have below average utility service when compared to new office structures.

In all likelihood, the supply of these lower peninsula spaces will be strictly market-driven and there is little need for restrictive planning, incentives, or additional regulations. There may, however, be proposals to convert other uses (e.g., retail or residential) into office space. Therefore, regulations limiting or restricting such conversions may be desirable in selected locations to preserve historic retail and residential spaces for those uses

Finally, while it is important that there be certain concentrations of office space that foster the synergies between office users that are inherent in such aggregations, it is also desirable that offices be part of a large, mixed-use environment that affords full opportunities to live, work, and play. In this respect, there is a critical role for the central business district of Charleston. In many ways, the path to economic diversity in the CBD is the office market; more opportunities to attract office users helps to reduce the CBD's reliance on retailing and tourism. Likewise, it allows the residents of the peninsula ready access to a far greater variety of high paying jobs without the "reverse" commute to the suburbs.

Potential office space growth, Charleston region and peninsula — exhibit 15

	region	peninsula
Annual new job growth	4,160	600
Office using proportion	40%	50%
Annual new office employees	1,664	302
Total annual new office sq.ft.	416,000	75,400
Existing office vacancy rate	10.6%	9.0%
Standard office vacancy rate	10.0%	10.0%
Excess vacancy percent	0.6%	-1.0%
Existing tenant-occupied office inventory (sq.ft.)	5,100,000	1,395,000
Total excess office space	30,600	-13,950
Years supply of existing supply	0.07	-0.18

Sources: S.C. Employment Security Commission for the job projections (first line, above); Development Strategies for the estimates of office-related employment and office space needs.

Much has been accomplished in this regard already. The NationsBank (now known as Bank of America) and BellSouth headquarters are the result of very successful efforts to diversify the downtown area. Similar efforts should be undertaken elsewhere downtown. To further encourage such growth, the peninsula can also be touted as a place to both live and work for busy executives and business owners. They will also have the advantage of nearby shopping and dining opportunities with very little travel by automobile.

4 Retail market

Trident Region

The Charleston Trident region has a total of 11.5 million square feet of retail space, as shown on Exhibit 16, including eating and drinking places. This is an average of about 22 square feet per resident population, a ratio which approximates the national average. Moreover, per capita retail sales in the metropolitan area are about $9,000 per year, again almost the same as the national average.

The City of Charleston, however, exceeds the national averages of retail. While available measures of retail square feet for the city, itself, are unreliable, the 1998 "Survey of Buying Power" indicates that per capita sales (including eating and drinking places) for the city alone were about $18,000 for the year, roughly double the metro and national averages. These "excess" retail sales are attributable to the city's growth as a tourist center attracting and serving a "population" much larger than the permanent residents alone.

The overall retail market has remained relatively strong over the past seven years. Retail sales in the center of Charleston have accelerated in the latter part of the 1990s responding to the growing economy in Charleston. For instance, sales grew 3.2 percent from 1991 to 1994 compared to 6.2 percent from 1994 to 1997.

Notwithstanding the important value of tourist-oriented shopping and dining on the peninsula, the suburbs continue to dominate the retail sector in Charleston due to the scale of the shopping centers and growing population in the suburbs. Exhibit 17 shows the gross leasable area (GLA) of retail space for the six different zones in the Trident region identified by the Charleston Metro Chamber of Commerce for tracking retail information. For instance, the North Charleston and West Ashley areas combined have 64 percent of the retail space in the region.

Downtown Charleston

Downtown Charleston has approximately 555,700 square feet of retail space. The majority (68 percent) is concentrated in street level retail along the King and Meeting Streets corridor. Approximately 177,000 square feet (32 percent) is concentrated in retail centers with over 30,000 square feet, the bulk of this in Charleston Place with 50,000 square feet and Majestic Square with 38,775 square feet of space that houses Saks Fifth Avenue (30,000 sf).

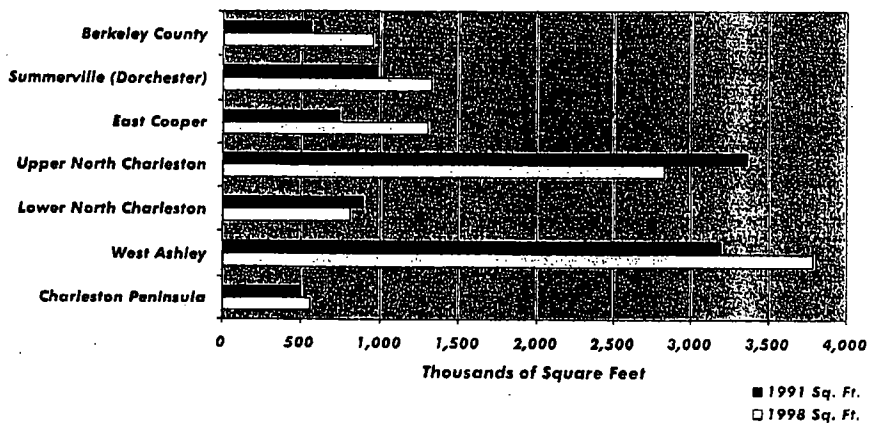
Comparison of retail centers, Charleston MSA 1991-1998 — exhibit 16

	1991				1998			
Charleston MSA (areas)	GLA	available space	vacancy	market share	GLA	available space	vacancy	market share
Charleston peninsula	500,000	NA	NA	5%	555,700	109,200	* 19.6%	5%
West Ashley	3,193,200	237,200	7.4%	31%	3,785,100	300,100	7.9%	33%
North Charleston Subtotal	4,252,400	429,500	10.1%	42%	3,634,600	610,100	16.8%	31%
Lower N Charleston	892,200	38,500	4.3%	9%	807,600	276,800	34.3%	7%
Upper N Charleston	3,360,100	391,000	11.6%	33%	2,827,000	333,300	11.8%	24%
East Cooper	736,900	78,800	10.7%	7%	1,301,500	46,200	3.6%	11%
Summerville (Dorchester)	977,700	97,900	10.0%	10%	1,321,900	173,000	13.1%	11%
Berkeley County	556,500	51,700	9.3%	5%	948,700	207,900	21.9%	8%
total	**10,216,700**	**895,100**	**8.8%**	**100%**	**11,547,544**	**1,446,500**	**12.5%**	**100%**

Source: Charleston Metro Chamber of Commerce, Retail Sales Survey, January 1991and 1998. Outside of Peninsula, it includes only centers with a minimum of 30,000 sq. ft. Downtown GLA is an estimate of all retail space, including space less than 30,000 sq. ft. 1991 estimate did not provide available space for buildings less than 30,000 and, therefore, it is not included.

* Relatively large vacancy rate is due to this fuller accounting of peninsula retail space.

Retail space by major market areas — exhibit 17



The opening of Charleston Place in 1986 strengthened the King Street corridor, bringing in national retailers. In 1996, the new Saks Fifth Avenue opened and added more national retailers to the streetscape. Since 1991, the peninsula has added some 55,000 square feet of retail space. Without a current database of retail space, however, actual growth of retail is harder to track on the peninsula as so many of the retail shops are concentrated in individual shops that are not tracked in the Chamber's Retail Survey.

The overall vacancy rate for retail in the peninsula was most recently (1998) estimated at 19.6 percent, a very high overall rate. High vacancy rates are concentrated, however, in the Upper King Street area, which accounts for 60 percent of the 109,200 square feet of the unoccupied space. National retailers and the retailers in the Lower and Middle King street areas are performing much better.

The four retail centers in the peninsula with over 30,000 square feet have a combined vacancy rate of a healthy 5.4 percent of total retail space:

Ansonborough Square	334 East Bay St.	38,000 sf
Kings Plaza (Food Lion)	King & Grove	52,000 sf
Majestic Square (Saks)	King Street	38,775 sf
Charleston Place	King & Market	50,000 sf

Retail Demand Projections

Projections of retail space demand, and the need for additional space, are a function of future population, employee, tourist, and other visitor growth. For purposes of this analysis, however, it is assumed that virtually all tourist-related retail development will be concentrated south of Calhoun Street and will be entirely subject to market forces. That is, no special financial incentives are necessary to encourage more retail development or conversion from other uses. The tourist market is, virtually by definition, a prosperous market for which little or no further public sector intervention is needed.

This is not to say that the public sector has no role in redevelopment. Indeed, regulation of the market is an important government role. Moreover, the public sector, in partnership with the private sector, has a critical role in assuring that tourist attractions are maintained and well marketed in order to sustain them as visitor attractions. Once people are drawn to the tourist areas, however, the private sector should be allowed substantial free reign to determine the types of retailing to offer.

On the other hand, there may be need to apply public resources to improve the retail shopping opportunities for residents of the peninsula. At present, the residents appear to be under served with regard to convenient, large scale retail facilities consistent with the opportunities outside the peninsula. In fact, as noted above, the Charleston Metro Chamber of Commerce counts only four shopping concentrations on the peninsula which exceed 30,000 square feet and are owned or managed by a single entity. These total about 177,000 square feet together.

In short, there are virtually no shopping centers, per se, or large stores on the peninsula. Still, King Street (in particular) functions as a shopping center due to its ability to attract large numbers of shoppers to a wide variety of stores while being effectively anchored by a few larger stores (e.g., Saks).

A tentative estimate of demand for the population of the peninsula suggests a market for some 536,000 square feet of retail space, as shown on Exhibit 18. This is space which would be distinct from most of the other retailing on the peninsula with that focus on the tourist market.

As noted earlier, the peninsula now has about 555,000 square feet of retail space, two-thirds of which is located in the lower King and Meeting Streets corridor. While much of this corridor serves the general population as well as the tourist market, it is noteworthy that only a quarter of all retail space on the peninsula is in relatively large centers;

Retail demand estimate for peninsula — exhibit 18

Residents on the peninsula (1998)	39,000
Per capita income (annual, 1998)	$17,000
Total income	$663,000,000
Share of dollars available for retail purchases	38%
Assumption re: capture rate for peninsula	251,940,000
Potential dollars spent on peninsula	50%
Assumed sales per sq.ft, average	$125,970,000
Supportable sq.ft.	536,000

Sources: Claritas, Inc. for population and per capita income; Development Strategies for other estimates.

but the majority of that has a tourist/visitor leaning. Therefore, there is a need to better serve the resident population with convenient and large scale retailing.

On the assumption (based on interviews conducted during the study) that two-thirds of the retail space on the peninsula is aimed at tourists and one-third focused on residents, then the need for 536,000 square feet of resident-oriented space is reduced to about 350,000 square feet. At present, this need is being served by residents having to travel outside the peninsula to modern shopping concentrations. Attracting more such retail development to the peninsula, particularly near the Crosstown Expressway and its major arterials, would better serve the residents.

The retail to be sought in these locations and focused on the residential market would resemble power centers or entertainment centers. These would include large, value-oriented department stores, major single purpose stores (such as home and garden, pets, books and records), movie complexes, and various forms of restaurants, both fast food and full service. The site(s) and buildings should be required to conform to the character of the historic peninsula, reflecting the architecture and remaining consistent with building scale and street patterns.

Given the financial resources of most of the peninsula population, it is fair to assume that high-end or luxury types of retailing is adequately addressed by stores principally located in the Lower King Street area and in regional shopping centers outside the peninsula. The need, therefore, is focused on convenience shopping facilities, such as discount department stores and similar large scale retailers who individually specialize in a particular consumer product range but together address a diverse market.

5. Hotel market

The 1998 Visitor Accommodations Study provides a comprehensive overview and analysis of tourist accommodations in the City of Charleston. According to that study, there is a total of 4,321 overnight rooms in the City of Charleston and 6,446 in the rest of Charleston County.

The peninsula, itself, has 3,390 of these rooms, or 32 percent of the total. Of the 28 hotels located on the peninsula, 20 are south of Calhoun Street with a total of 1,728 rooms (51 percent of the peninsula). The medical center area on the west side of the peninsula has 793 overnight rooms (26 percent) in four hotels while the remaining 569 rooms (18 percent) are located in four hotels elsewhere north of Calhoun Street but within a few blocks or less of Calhoun in the King/Meeting Street Corridor.

The number of hotel rooms in the City of Charleston has increased by 90 percent since 1982, a rapid average of six percent a year. This indicates how quickly Charleston has become a major visitor attraction. As a result, however, the city has been able to maintain its share of hotel rooms despite a similar rate of growth in other parts of the county, which responded to resort demand and construction. A serious consideration for Charleston, therefore, is to con-

Charleston visitor accommodation by area, 1982 & 1997

exhibit 19

Source: 1982, 1997 Visitor Accommodations Studies, Charleston Department of Planning and Urban Development. Numbers include Bed & Breakfasts.

	1982		1997		1982-1997
	rooms	Pct. of market	rooms	pct. of market	percent change
City of Charleston	2,276	41.7%	4,321	40.1%	89.9%
peninsula	1,835	33.6%	3,390	31.5%	84.7%
West Ashley	441	8.1%	931	8.6%	111.1%
Charleston county outside city	3,184	58.3%	6,446	59.9%	102.4%
North Charleston	2,552	46.7%	4,167	38.7%	63.3%
East Cooper	226	4.1%	1,443	13.4%	538.5%
West Ashley	406	7.4%	836	7.8%	105.9%
Dorchester County	NA	NA	NA	NA	NA
Berkeley County	NA	NA	NA	NA	NA
total	**5,460**	**100.0%**	**10,767**	**100.0%**	**97.2%**

vert some of the demand, or add to the demand, for non-tourist and resort purposes, perhaps for conventions and other major events. This would help to diversify the market and, if timed properly, help to occupy hotel rooms in typically off-peak times of the year.

Overall hotel occupancy increased markedly (in hotel terms) from 68.7 percent in 1996 to 70.0 percent in 1997, despite the addition of 594 new rooms. This enabled local hoteliers to increase the overall average daily rate by over nine percent to $88.64 in 1997.

Future hotel demand

Current and future developments on the peninsula and in the entire Charleston metropolitan area will create more demand for hotel rooms.

The following developments are major examples that will work to increase hotel demand:

- Aquarium and its projected 1,000,000 annual visitors
- College of Charleston arena—a proposed 6,500-seat facility with small conference rooms for a specialized conference business niche
- New local and tourist attractions such as a marina, museums and cultural facilities
- Union Pier development, particularly office market growth
- Growth in visitors to the medical center (patients and their families, academic visitation, and researchers)
- Overall growth in tourism market which is expected
- Overall growth in convention market due to facilities in North Charleston combined with the attractions of historic Charleston

The 1995 report on the market potential for redevelopment of the Union Pier area estimates a 10-year forecast for hotel demand on the peninsula to be between two and four percent. Such demand growth will create, on average, an additional 60 to 130 rooms per year for ten years. The current hotels on the peninsula north of Calhoun Street average about 180 rooms which, if applicable to future hotel development, translates into the development of three to seven additional hotels over ten years.

At issue, of course, is where such hotels are to be located. Given the congestion of traffic and tourists on the lower peninsula and a goal of spreading hotel usage to ease such concentrations, new hotels should generally be restricted to areas generally north of Calhoun Street. However, Union Pier may be an appropriate location as well as other sites with ease of access from the Crosstown Expressway and/or serving the medical center area.

In any event, plans for adequate land availability and site consolidation to accommodate future hotel growth, and policies governing their size, access, and on-site services on the peninsula, need continual attention. These efforts will help assure both orderly development and that the peninsula is properly positioned to capture a fair share of overall market growth in overnight accommodations. Moreover, policies regarding conversions of historic properties to bed and breakfast uses must continue to address concerns regarding potential losses in the residential nature of the community (e.g., maintaining residential architecture even after conversion to other uses). If demand for overnight accommodations follows the track outlined above, there will be increasing pressures for B&B conversions, especially for historic and architecturally significant structures.

Moderate development opportunities in downtown Charleston: 5, 10, and 20 years **exhibit 20**

	existing		growth projections 0-5 years	5 - 10 years	10 - 20 years	total
Employment	45,000		2,800	3,500	7,700	14,000
Population	39,000		800	1,000	2,200	4,000
Housing (units)	10,000	Housing unit growth	400	500	900	1,800
		ownership	160	130	180	470
		rental	240	370	720	1,330
Office	1,400,000	Office sq.ft. growth	300,000	375,000	825,000	1,500,000
		floor area ratio	1.5	2.0	2.5	2.1
		site area, acres	5	4	8	16
Retail	555,700	Retail sq.ft. growth	200,000	125,000	175,000	500,000
		floor area ratio	0.25	0.35	0.50	0.33
		site area, acres	18	8	8	35
Hotel (rooms)	3,390	Hotel room growth	400	200	200	800
		Density, rooms/acre	50	75	100	63
		Site area, acres	8	3	2	13

6. Potential strategic growth targets

The Trident region's economy is vibrant and growing and, most notably, has absorbed the recent closing of the Charleston Naval Base without experiencing net declines in employment. During the 1990s, the economy of the region quickly adjusted from a predominance in defense related jobs to a more diversified base involving tourism (hotel and retail), health care (and related teaching), and port activities.

This shift, however, has created concerns about changes in the quality of life and the economy occurring on the peninsula, particularly as these changes affect the charm and attraction of historic Charleston and the diverse population in many existing neighborhoods and boroughs.

The greater Charleston area benefits from economic and population growth; attracting growth opportunities is not a major issue. At the same time, Charleston must grapple with changes caused by growth and the need to channel growth to the most appropriate and competitive locations.

The opportunity arises for the city, therefore, and more particularly for the Downtown Plan study area generally, to plan for, attract, and direct growth where it will minimize negative impacts while contributing to improvements in housing, office development, retail shopping, and accommodating Charleston's many visitors.

Exhibits 20 and 21 summarize the growth potential and opportunities for the downtown planning area over the next 20 years under two broad scenarios:

- **moderate** (indicating modest growth well within the vision based on appropriate planning and promotion) and
- **vigorous** (a more activist and optimistic approach to attracting more of the region's future growth to the Downtown Plan study area).

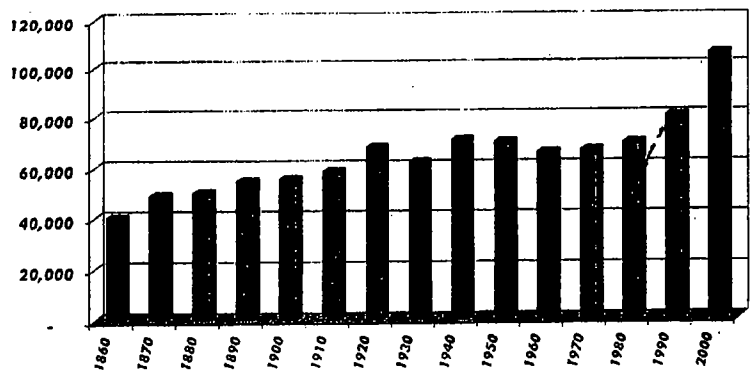
The growth potential for the Downtown Plan study area could require between 75 and 109 acres of land for commercial purposes alone plus land for between 1,800 and 4,500 housing units of various sizes and configurations, as shown on Exhibits 20 and 21. Assuming this amount of land is available in the Downtown Plan study area during the next 20 years, the exhibits demonstrate the potential scale of growth if downtown takes full advantage of its economic leadership and opportunities.

The exhibits suggest the scale of potential development in a range of densities, expressed as floor area ratios (the amount of floor area on a site of a given acreage) or as housing units or hotel rooms per acre. Higher densities generally denote more vigorous growth and pursuit of development, but are not meant to be prescriptive.

Vigorous development opportunities in downtown Charleston: 5, 10 and 20 years — exhibit 21

	existing		0-5 years	5 - 10 years	10 - 20 years	total
Employment	45,000		4,400	5,500	12,100	22,000
Population	39,000		2,000	2,500	5,500	10,000
Housing (units)	10,000	Housing unit growth	900	1,100	2,500	4,500
		ownership	360	280	500	1,140
		rental	540	820	2,000	3,360
Office	1,400,000	office sq.ft. growth	725,000	1,015,000	1,160,000	2,900,000
		floor area ratio	2.0	2.5	2.5	2.1
		site area, acres	8	9	8	16
Retail	555,700	retail sq.ft. growth	280,000	210,000	210,000	700,000
		floor area ratio	0.35	0.50	0.75	0.47
		site area, acres	18	10	6	34
Hotel (rooms)	3,390	Hotel room growth	800	500	400	1,700
		Density, rooms/acre	75	100	150	93
		Site area, acres	11	5	3	18

City of Charleston population, 1860 - 2000 — exhibit 22



Source: City of Charleston Department of Planning and Urban Development

Section 2:
Economic development strategy 111

1. Profile of economic progress in downtown Charleston

The recent past: A sleepy town of the Old South with history, culture, a port, antique shops, and "old money"

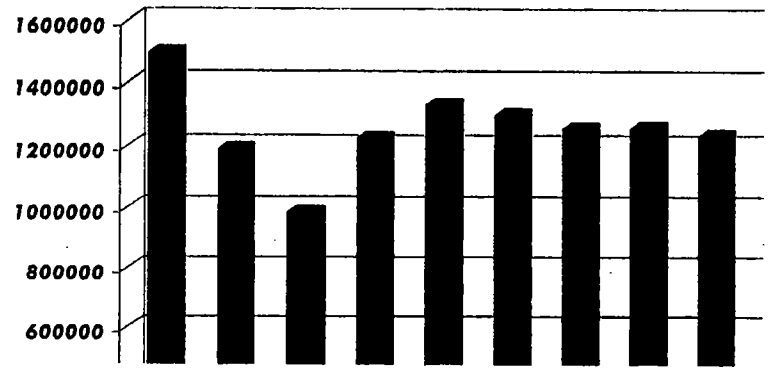
Downtown Charleston was, for nearly a century, a relatively remote vestige of the Old South that benchmarked itself to the prominent role it played before and during the Civil War. The City of Charleston experienced many ups and downs in its population during this time and only began an annexation program outside the peninsula in the 1960s.

The Second World War, and then the Cold War that followed, brought successive waves of change. A large part of the region's economy then became tied to employment and procurement connected to defense establishments, especially those linked to the port. Federal funds at the same time helped to create a highly competitive infrastructure for growth, especially for commercial port operations.

The state also became increasingly aggressive and successful at "industrial development", the recruitment of industrial firms seeking the lower costs of facilities and operations in

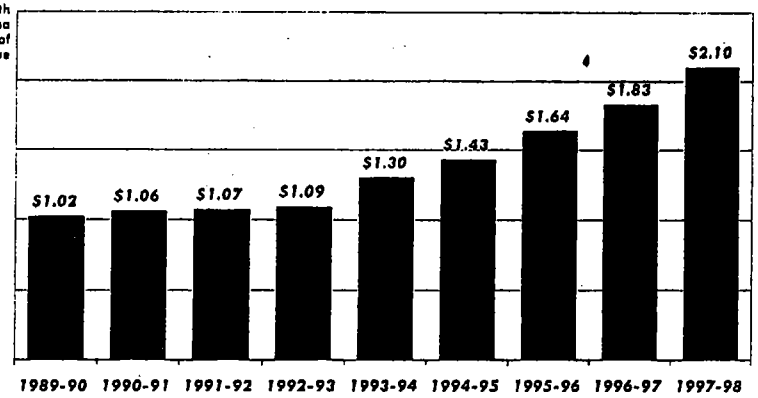
Annual visitors to major Charleston attractions exhibit 23

The reporting attractions include: Ft. Sumter, Ft. Moultrie, Charleston Museum, Heyward-Washington House, Joseph Manigault House, Aiken-Rhett House, Charles Towne Landing, Middleton Place, Gibbes Museum of Art, Nathaniel Russell House, Edmondston-Alston House, Drayton Hall, and Patriots Point. Source: Charleston Metro Chamber of Commerce.



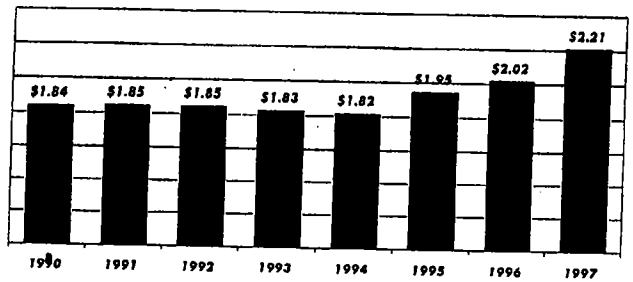
South Carolina visitor accommodations tax revenues from Charleston ($ millions) exhibit 24

Source: South Carolina Department of Revenue



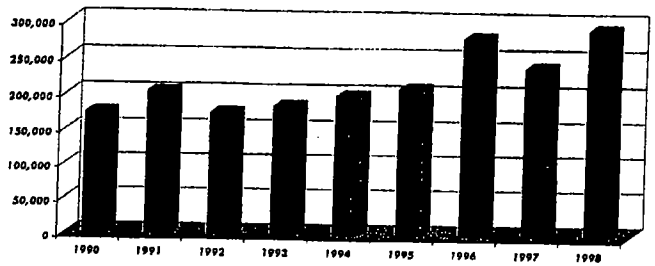
Annual retail sales in the City of Charleston ($ billions) — exhibit 25

Source: South Carolina Department of Revenue



Median home values: peninsula below Crosstown — exhibit 26

Source: Charleston Trident Board of Realtors



the South by fleeing the higher costs of union labor and aging infrastructure of northern and mid-western cities.

The slack economy between the Civil War and World War II period had the unintended but nevertheless beneficial effect of preserving the historic built environment of the lower Charleston peninsula which today comprises the downtown of the metropolitan area. This is the "crown jewel" of the Trident region and a national treasure as well. The growth of tourism as a result of this historic character in the past 10 to 20 years has brought this benefit into clear focus. Moreover, the tourism and special character of Charleston has attracted economic forces that have enabled both the public and private investment required to ensure the city's preservation and economic reuse.

The challenge today, however, is whether to accept the role of downtown as a "museum environment" shared by tourists and preservation-minded affluent residents or to seek to keep the downtown, including its valued charms, as a competitive urban core with a diversified economic base, sharing in the growth of the larger region.

A burst of new economic energy from tourism

Much to their credit, the city and region have sought to compete within the larger economic framework of the New South. As suggested earlier, this did not come early, as with Atlanta or the North Carolina Piedmont cities, but it did come. Within South Carolina, this new competitiveness is best symbolized by the success in attracting BMW to the Greenville-Spartanburg area and the subsequent dramatic growth of industrial and distribution firms along the Interstate-85 corridor.

Within the Charleston region, and especially in downtown, this new aggressiveness has been expressed in a dramatic increase in tourism and in the marketing to the nation and the world the qualities of the preserved historic environment. At the same time, the region's reputation as a vacation haven for those who seek waterfront resorts and the ambience of the old town and its many quality restaurants, shops, and historic attractions has increased significantly.

Economic success in this regard is vividly illustrated by data on state tax revenues from overnight accommodations in the City of Charleston, shown on Exhibit 24. While relatively flat for the first four years of the decade, these revenues have increased 70 percent in the last five years. While Charleston has long been an attractive vacation and tourism area, recent trends show the city to have a dramatically improved drawing power.

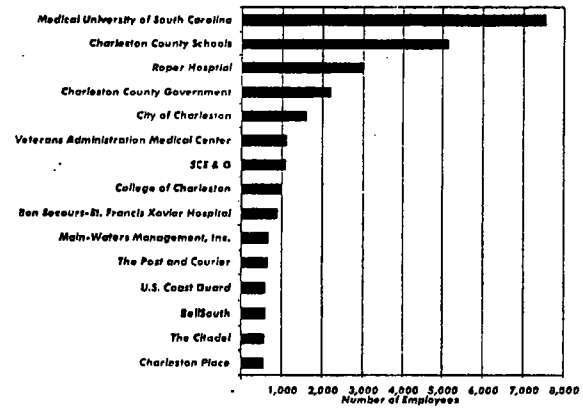
One result of this burst in tourism is that retail sales in the City of Charleston have rapidly grown in recent years. This pace of increase does not go unnoticed by national and international retailing companies who diligently seek robust and expanding markets. Exhibit 25 indicates why Charleston has experienced strong interest from out of town retailers. The area is especially attractive with a 20 percent increase in sales between 1994 and 1997 alone (later figures not yet available).

Intense investment in preservation and restoration with rising property values and "new money"

Along with the "discovery" of Charleston as a great place to visit has been its recognition as a great place to live. This is particularly the case with those of independent means. In other words, many households with the personal wealth to choose where they will live have been attracted to Charleston not because of job opportunities but for the amenities and lifestyles the downtown offers. Often these are persons who are retired. Others use a home in historic Charleston as a seasonal or vacation residence.

Regardless of the motivation, this phenomenon has led to dramatically rising property values not only in the oldest and best preserved sections of the downtown peninsula but

Fifteen largest employers in the City of Charleston — exhibit 27



Source: Metro Chamber of Commerce, Major Employers Directory 1997

Note: Roper Hospital merged with St. Francis Xavier in 1999 to become Care Alliance.

increasingly throughout Charleston. In fact, the median value of homes sold on the peninsula south of the Crosstown Expressway increased by 67 percent between 1990 and 1998, by far the most rapid rate of increase—and the highest values—of any other submarket in the Trident region. When combined with the growth of the tourist/visitor economy, these new residents have yielded significant economic gains (jobs, expenditures, and wealth) for the community while increasing fiscal benefits to the city, state, and other taxing authorities.

A focus on the quality of life and quality of the environment with new regional amenities

Tied to success in creating a strong tourist economy and attracting new resident investors in neighborhoods lost to physical decline through under-investment, has been a recent effort to invest more of the community's collective wealth in the creation of major new public amenities and cultural facilities. Most notable are the new Waterfront Park, the South Carolina Aquarium under construction, the refurbishment of Marion Square now underway, and Joseph P. Riley, Jr. Stadium.

These public investments will have the salutary effects of not only enhancing the quality of life of Charleston residents but also helping to offer alternative attractions to tourists and other visitors. This will take some of the pressure off of the older neighborhoods and business areas of the lower peninsula. At the same time, the decision to locate the region's major convention and exhibition facilities in North Charleston was especially appropriate because it helps further spread the benefits brought by visitors and avoid further impact on the lower peninsula. A College of Charleston arena, if developed as proposed, would likely have a similar effect.

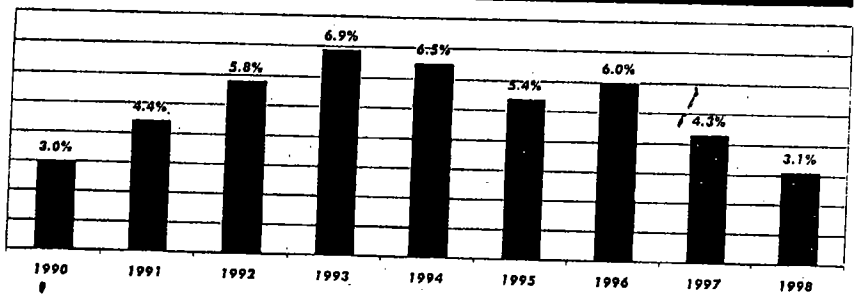
A powerful magnet of higher education, health care, and related research and development

The dramatic growth of both the Medical University of South Carolina, with its health care delivery institutions and medical school, and the College of Charleston has led to further economic prosperity and diversity of the lower peninsula as well as the region. In addition to bringing students, patients, and visitors, these quality institutions have brought stature to the community and a range of jobs for residents that spans the spectrum of requisite skills and resulting household incomes. Despite the perception that the Charleston economy is heavily based on tourism, the largest single tourist-based employer in the city is the Charleston Place Hotel—but it is only the 15th largest employer in the city.

At the same time, many employees and faculty of these employers have chosen the special lifestyle of the historic neighborhoods, thereby contributing to the restoration and value of these assets. Moreover, this economic growth has led to growth of the city's labor force along with a remarkably low city-wide unemployment rate which was just 3.1 percent in 1998 (see Exhibit 28). Such a low rate suggests that there are many jobs going unfilled and that further in-migration can be expected as Charleston's many amenities combine with a strong job market to attract newcomers.

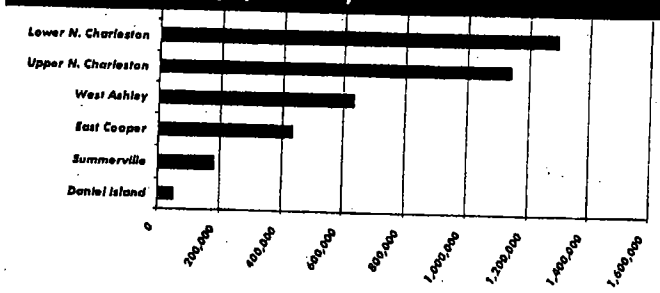
The opportunity now is to encourage, and then retain within downtown, further spin-off businesses, especially those that will capitalize on the unique technologies and services emerging from the research base of the Medical University, as well as diverse supporting businesses. Many of these businesses can be the outgrowth of entrepreneurship of faculty and staff—and even students. Most would occupy office-type space provided additional inventory can be made available in the downtown.

Unemployment rate in the City of Charleston — exhibit 28



Source: South Carolina Employment Security Commission

Office space, 1998 (square feet) — exhibit 29



Source: Charleston Metro Chamber of Commerce

751

Success in attracting major office users and maintaining downtown's preeminence as the region's Class A and headquarters office center

Given the historic qualities and scale of the downtown, the prominent symbols of high rise office towers as seen in Greenville or Charlotte are appropriately absent in downtown Charleston. Still, the peninsula dominates the region's inventory of Class A office space and headquarters employment. Likewise, the city has aggressively sought to maintain this position by recruiting and making incentives available to encourage companies such as BellSouth and NationsBank, now Bank of America, and the federal courts to come to or stay in downtown.

The recent decision of a major law firm to depart the downtown for a signature building in a planned business park across the Cooper River, however, should be considered an important wake up call. While it is understood that there were special circumstances that drove this particular location decision, it focuses attention on the need to plan for expansion of office development opportunities on the peninsula if citizen and plan goals of attracting higher paying jobs to downtown are to be met. Failure to do so could lead to a rapid erosion of downtown's leadership as a place of employment for the growing service sector of the region's economy.

Downtown has much to offer the office-based employer and its employees. Like most downtowns, it is the one place in the region where face-to-face contact between businesses and between business and government can be achieved quickly and conveniently. It is the one place where people can walk to a variety of lunch places or even do a bit of shopping during lunch. It further offers the opportunity for walking to work from an adjacent historic neighborhood.

With low vacancy rates and few sites readily available to build new office space, however, it is also very difficult for a business to expand or relocate to the peninsula. Further, there is no single area recognized and marketed as the office core of downtown where such expansion is welcomed and facilitated by the city and corporate community.

2. Key issues and challenges: suggested policies and practices

Balancing local vs. national business presence

Part of the success of Charleston's "new" downtown has been the attraction of national retail stores to locate on its "Main Street". Charleston was not alone in the country with the almost total departure of comparison goods shopping establishments from downtowns to the "greener pastures" of suburban malls. Prior to that, the King Street shopping district had, in fact, been anchored by several national chain stores, including Penney's, Sears, Lerners, Grants, Woolworth's, and Kress.

Only with the development of Charleston Place a decade ago did a reversal of this trend emerge with the stores of its enclosed mall or arcade. More recently, the success of these "urban pioneers" has led to their spilling out onto the street frontage to the north and south of Market Street on King with such stores as Ann Taylor, the GAP, Banana Republic, Foot Locker and Saks Fifth Avenue.

This pattern is disturbing to some in downtown, both residents and business owners. It has meant tough competition from firms with national procurement and marketing

systems, competitors run by transient managers rather than local businesspersons deeply committed to the community, higher land values and rents, and demanding customers accustomed to the wide retail offerings found in larger metropolitan regions. In the process, it has expanded the customer base and increased the cumulative attraction of downtown as a regional and visitor shopping destination.

Downtown has, as a result, retained and strengthened its position as the region's fashion shopping district, thus far preventing the emergence of a competing suburban version of a fashion mall. At the same time, local entrepreneurs have dominated the business growth linked to dining, entertainment, and casual tourist shopping, especially in and surrounding the Market. It is not uncommon, and not unexpected, given the nature of retailing today, that local firms will compete most effectively in the highly creative and more volatile businesses of urban entertainment and dining and that national retail chains will dominate comparison shopping for what is termed GAF—general merchandise, apparel, and furnishings—the categories of goods that prevail in the typical regional mall.

At the same time, a careful review of market power of the residents of the peninsula and of the retail facilities catering to what is termed convenience goods (food, drug store items, hardware, and home improvement), certain hard goods (furniture, appliances), and lower priced shopper goods (general merchandise, apparel, and furnishings — GAF) suggests an opportunity for further retail business growth downtown. The quandary is that these segments of the retail sector are becoming increasingly dominated by national firms as well—throughout the U.S.

The reality is, therefore, that it is highly unlikely a local entrepreneur would risk starting-up a new junior department store, supermarket, furniture store, or even a hardware store when there is always the threat of a large regional or national firm locating in or adjacent to its market, offering lower prices and greater selection. On the other hand, not enabling firms to enter the market to fill this niche will result in residents commuting to the suburbs to shop or paying relatively high prices for the currently limited selection of these kinds of shopping opportunities on the peninsula.

Recommended Policies and Practices:

Identify, secure, and market an appropriate site or sites for the location of regionally competitive "main line" retail shopping facilities to serve peninsula residents (both north and south of the Crosstown) with medium-priced general merchandise (GAF) and convenience goods. These would ideally be carefully positioned within the existing built environment, potentially in the Upper King and Meeting Corridor to reinforce its historic retail function.

It should be recognized, however, that, in order to accommodate their standard scale, volume and parking requirements it may be necessary to accommodate these uses through the establishment of a medium-sized shopping complex (100,000 to 400,000 sq. ft., 8 to 30 acres). Whichever location strategy is pursued, these uses should be readily accessible to the Crosstown Expressway in order to capture patronage from across the Ashley and Cooper Rivers as well as those living and working to the north and well as south of the Crosstown. At the same time, any new retail shopping venues should be designed to be sensitive to the scale and appearance of Historic Charleston. Likewise, every reasonable effort should be made to accommodate locally-owned businesses together with the inevitable national chains.

The Local Development Corporation (LDC) and the Chamber of Commerce should continue to support the College of Charleston in its entrepreneurship and small business management courses. Broad dissemination and application of the skills and knowledge provided will help foster a culture of capable entrepreneurs to start new businesses of all varieties, both on the peninsula and beyond, and assist existing businesses compete more effectively with national challengers.

Maintain, with input from the local real estate brokers, an inventory of sites and buildings for business location and

expansion. Work with established businesses and business organizations to foster regular communication focused on monitoring their needs and offering opportunities to address their particular business demands. This would serve as an early warning system of potential business departures or failures to enable effective intervention by the public sector and peer groups.

Accommodating retail stores vs. the "corner store"

Much of the concern here relates to the previous discussion of national versus local businesses. The simple fact is that small, corner stores thrive today in any market only where one or more very special circumstances exist:

- High urban densities that force transit dependency and pedestrian movement
- Stores with a unique, almost cult following, due to quality and nature of goods selection, effective entrepreneurial networking, and personal service that leads to strong customer loyalty.
- Absence of otherwise state-of-the-art competition due to barriers to market entry (e.g., land availability, zoning restrictions) within convenient travel distance.

Most markets have favorite, locally-owned retail establishments that continue to succeed because of the presence of one or more of these factors while being conveniently located in their neighborhood and independent of strip malls. Certainly some very good examples exist in downtown Charleston and the older neighborhoods of the lower peninsula. The following are some policies and practices that will assist in preserving these unique community assets while enabling others to begin:

Recommended Policies and Practices

- Assist successful or nascent "corner store" retailers in obtaining permits for parking.
- Work with the Chamber of Commerce and other local business associations to provide pooled business counseling services and to lower hurdles to effective business operation such as costs of accounting, common and cooperative advertising and marketing, personnel training, waivers of business license fees, and stepped, reduced or abated taxes.
- Conduct periodic business condition surveys and focus groups with business owners and managers to solicit on a one-to-one and collective basis insights regarding factors of or barriers to business success.

Pricing out long-term residents vs. enjoying the new prosperity

Rising property values and associated taxes are part of the "good news, bad news" story resulting from the economic achievements of downtown Charleston. In a free market society, these are largely accepted as consequences of growth except when the impacts are particularly harsh and sustained. Proposition 13 in California in the early 1980s, and its offspring in many states, characterized a taxpayer backlash to high growth with exploding property values and property taxes at that time.

The question in Charleston is, do the current circumstances merit any attempt to reverse or halt the economic forces that underlie increases in demand for historic housing or tourism and, even if there were such a desire, is it really possible to effect such a reversal and at what price in unintended consequences? Given the answer to this question is one to be forged in the forum of local government and public policy setting, the plan will not attempt a single answer. Rather, the following suggestions are offered as possible means of achieving some moderation and shifting of impacts of these economic forces:

Recommended Policies and Practices

Encourage production of alternative housing opportunities for low- to moderate-income households and for elderly residents. This would provide opportunities for persons being priced out of their homes by higher taxes and fixed incomes to remain within the community while reaping the benefits of their higher home values. With rental housing this can be achieved by means of combining assisted as well as market rate rental housing in the same development and under common management with the assistance of Low Income Housing Tax Credits. Providing for more modest priced ownership housing in a strong, rising single family and condominium market has proven more challenging with few examples of long-term success. However, increasing housing supply can in itself have the salutary effect of lowering prices or at least moderating price increases.

Continue the practice of seeking to disperse tourist activity and impacts away from the lower peninsula by precluding further development of hotel rooms or major tourist attractions as well as putting a cap on the number of bars and restaurants located below Calhoun Street.

Devise alternative sources of revenue to reduce reliance on property taxes in the funding of local government. This could include additional sales taxes, especially those targeting tourism and entertainment, and a regional earnings tax. This latter would be best applied on a regional or multi-county basis so that it does not make the city less competitive in relation to other jurisdictions in the region.

Retaining and encouraging minority businesses

This issue is particularly difficult with few real solutions. The fact is, the minority population of the peninsula has been dropping rather precipitously for the past two decades. While the reasons for this demographic trend are many and complex, two factors are likely most important.

The first is the pull of a more suburban lifestyle and schools, even when the move is within the City of Charleston but further north on the peninsula, this migration is similar for African Americans to that of their white counterparts a generation earlier.

The second major cause of a departure of minority households from the lower peninsula is the economic push from higher property values and taxes. While this may be characterized by some as the negative force of "gentrification", others have seen this as an opportunity to sell their older, often deteriorating homes for prices that allow purchase of a newer property further north in the city or in the suburbs.

Given this demographic reality, there may be the commensurate departure from the lower peninsula of many minority owned businesses that have catered to the Afrocentric tastes and culture of African Americans in downtown Charleston, as well as white owned businesses that have served the African American community. This loss of diversity is to be regretted as it diminishes the richness and authenticity of historic Charleston. Some suggestions to moderate or offset these forces and encourage minority business development include:

Recommended Policies and Practices

- Continue and intensify the city's current efforts to counsel minority businesses, encourage minority hiring and give certain preferences in procurement of supplies and services while encouraging larger businesses to do the same.

- Create a minority business "round table" organization to facilitate communication and encouragement of business owners and aspiring entrepreneurs. The focus should not just be on minorities serving the minority community but rather on minority businesses competing across racial lines.

- Sustain the Minority Business Venture Capital fund recently initiated by the City of Charleston. While this fund would assist in business start-ups, its primary focus should be on assisting established small firms in obtaining equity capital to expand and capitalize on market opportunities. The fund should be run independent of politics with underwriting poli-

cies that result in a return on invested capital that is commensurate with the risk incurred.

Building on success to diversify the economic mix

The principal opportunity to achieve a more diverse and sustainable economic base for downtown Charleston is to maintain and expand its position as a center of office employment. The reason for this is simple. The largest and strongest sector of growth of the region's economy is the broad category of services that includes an extremely wide range of business and employment types including business services, professional services such as accounting, law, engineering and architecture, hospitality, health care, entertainment and dining, and domestic services.

This employment category has grown in the region from about 45,000 jobs in 1990 to 65,000 in 1998 for a 45 percent increase. Importantly for downtown, an estimated one-half to two-thirds of these jobs occupy office space, suggesting that the additional jobs have created demand for as much as 2 to 2.5 million square feet of office space in the region. Also, the job category of finance, insurance and real estate (FIRE), while not growing, has about 8,500 jobs in the region. Typically, the category has about 85 percent office occupancy and is located downtown.

Given the community's success in establishing a strong tourism industry in the downtown, the opportunity now is to manage further growth in that sector and seek to balance this with gains in office-based employment. The key categories to be encouraged would include:

- Business services ranging from low intensity graphic arts and printing to computer consulting and software design.
- Professional services ranging from attorneys, accountants, engineers, architects, to consultants of all variety.
- Communications and other information technology firms.
- Headquarters, branch and operations offices of diverse businesses (non-profit as well as for-profit) and institutions (colleges, universities, hospitals, social service deliver organizations, etc.).
- High technology firms, although certain ones may require specialized facilities that incorporate laboratories (wet or dry including computer or electronic labs) within office-type structures.
- Leased facilities for federal, state, county and city government agencies.

The following suggestions should assist in securing and expanding downtown's position as the dominant office center within the region:

Recommended Policies and Practices

Compile and maintain an inventory of sites appropriate for development of office facilities in accordance with this Plan. This should provide opportunities for signature build-to-suit facilities for individual firms desiring visibility and an independent image as well as for multi-tenant buildings. This inventory should be marketed as a package to the real estate and economic development communities as well as to prospective user occupants.

Create a high technology business incubator with a focus on medical- and bio-technologies associated with and convenient to the Medical University and College of Charleston. This specialized facility should have provision for "wet" laboratories for pharmaceutical, biotechnology and chemical procedures, as well as facilities for electronic and computer based technology development. Its ultimate purpose would be to create and then retain within downtown and, within the region, business spinoffs from this key industry.

Regarding business retention and attraction of retail and other non-office based businesses, a system of regular data gathering and early warning is needed to allow intervention to head off potential business departures or failures.

An enhanced "world trade center" for the Charleston region located in downtown should be pursued aggressively to enhance a regional as well as local strength.

Within those areas targeted for office growth, create a pool of common or public parking that would diminish the need for on-site parking and gain the greatest efficiencies in joint use of parking inventory. This could be funded by means of a parking authority with special bond authority or by means of tax increment financing, or both. The net result should be a lower overall cost of parking and more efficient use of the available supply.

Designing effective incentives to shape the economy of the future

The use of public incentives is, perhaps unfortunately, an integral part of economic development today. The primary reason for this reality is the increasingly competitive environment within which the practice occurs within the United States today. With 50 states, hundreds of metropolitan areas, and literally thousands of individual cities and counties within these states and regions all seeking to maintain and grow their economic and fiscal bases, it is hardly surprising that the more aggressive of these jurisdictions deem it necessary to make deals to retain or attract employers, investors and developers. Certainly, Charleston is faced with such a challenge as it competes for jobs and business-es with other regions in the southeast as well as with other cities and counties in its own metropolitan region.

The challenge for any jurisdiction is to tailor an array of incentives that can be effective and flexible for a variety of circumstances and then to use these in a judicious manner that concedes in any particular deal as little as necessary to achieve its economic development objectives. At present, the City of Charleston has a limited range of incentives available, especially for an older inner city with the need to effect redevelopment and rehabilitation as opposed to "green field" suburban fringe development. The following are a range of suggestions for enhancing this important "tool kit" for urban economic development.

Recommended Policies and Practices

While not directly representing an incentive program, the city lacks an effective business data base as a tool for understanding trends, strengths and weaknesses affecting its current business mix. A useable business license database should be created. Building on and refining the current database of the city's Business License Division would be the most cost-effective means to achieve this. A good database should include:

- business name
- address(es) and locator number(s)
- type of business to 4-digit SIC
- estimated annual sales per individual business in the city
- estimated square feet occupied per individual business in city
- number of employees per individual business in city
- year established

In addition to containing these data items, the database system should allow for easy aggregation by block face, block, and various other groupings of blocks comprising study areas or districts that might be defined for special purposes. Likewise, the data base should allow for retention of past years' data by property and business name to allow for trend analysis.

Support should be given to establishment of one or more business improvement districts (BID) to allow for enhanced management of downtown Charleston. However, existing state enabling legislation emphasizes the capital improvement function of such districts and seems to provide for the management function only as incidental to a construction program. If possible this legislation should be revised or supplemented to recognize area-wide management as a primary function of a BID, including marketing, advertisement, promotion, business recruitment and retention, advocacy, and even provision of supplemental public services such as security, cleaning, and maintenance.

More powerful direct state funded and enabled incentives for investment in restoration of historic and architecturally significant buildings should be sought. The most effective tool would be a state corporate income or earnings tax credit for the net investment increment that would interface with the similar federal tax credit (ex. Missouri's recent program). Another option would be simple property tax abatement on the investment increment.

Diverse programs that emphasize entrepreneurship and small business development should be aggressively pursued. Many of these are already in place through the city, state and federal governments. However, special focus should be placed on the coverage, effectiveness and interaction of these efforts in order to pin-point opportunities for improvement and to fully integrate these with the broader efforts of the Charleston Regional Development Alliance relative to entrepreneurship. These would include:

Business incubators(s) for diverse types and levels of technology, in addition to the earlier recommendation for an incubator focused on medical- and bio-technologies.
Seed and venture capital fund development, ranging from an organized network of "angel investors" (persons of high net worth seeking to diversifying their portfolios with higher risk/return start-up ventures) to formal venture capital firms investing in expanding small- to medium-sized businesses.

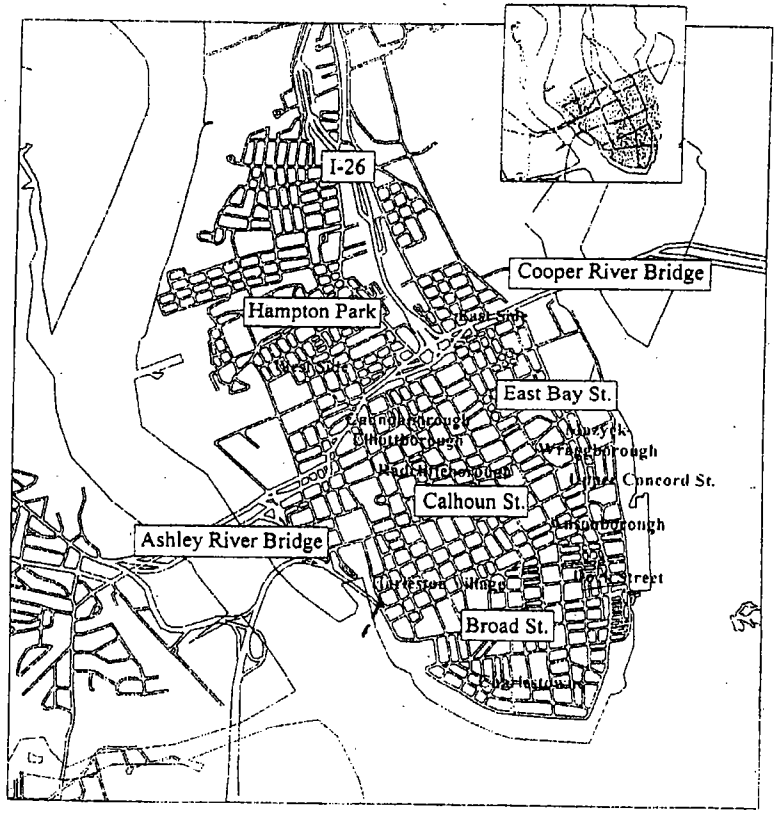
Institute more programs to recognize the accomplishments of entrepreneurs. However, these should be carefully designed not to stigmatize failure while celebrating success. The city, business associations large and small (Charleston peninsula Business Association, regional Chamber of Commerce), public private partnerships such as the Alliance, and civic minded large businesses should be engaged in sponsoring these programs.

The City of Charleston should join with other major urban jurisdictions of the state and pursue legislative means to improve the effectiveness of state enabled tools for urban redevelopment and economic development. This would include the enhanced and more effective use of the powers of condemnation to facilitate site assembly and consolidation for redevelopment and the use of fiscal and economic incentives such as tax abatement, tax increment financing, and tax credits to induce targeted private investment.

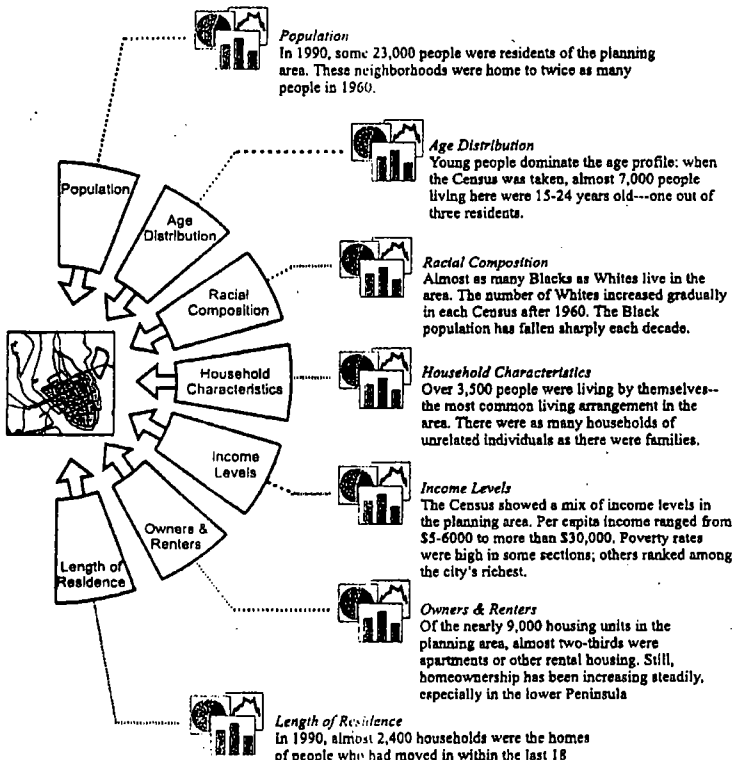
Finally, the current proposals of the City's Office of Industrial Development and Annexation relative to tax abatement, amendment of business license fees, building inspection signoff, development permitting process and zoning amendments designed to induce investment in industrial development, corporate offices, software development, light industrial and high technology offices should be encouraged. These incentives will apply to certain high technology ventures that are to be encouraged in downtown.

Appendix: Population Data

Population data



Key Trends & Findings



Population
In 1990, some 23,000 people were residents of the planning area. These neighborhoods were home to twice as many people in 1960.

Age Distribution
Young people dominate the age profile: when the Census was taken, almost 7,000 people living here were 15-24 years old---one out of three residents.

Racial Composition
Almost as many Blacks as Whites live in the area. The number of Whites increased gradually in each Census after 1960. The Black population has fallen sharply each decade.

Household Characteristics
Over 3,500 people were living by themselves--the most common living arrangement in the area. There were as many households of unrelated individuals as there were families.

Income Levels
The Census showed a mix of income levels in the planning area. Per capita income ranged from $5-6000 to more than $30,000. Poverty rates were high in some sections; others ranked among the city's richest.

Owners & Renters
Of the nearly 9,000 housing units in the planning area, almost two-thirds were apartments or other rental housing. Still, homeownership has been increasing steadily, especially in the lower Peninsula

Length of Residence
In 1990, almost 2,400 households were the homes of people who had moved in within the last 18 months---while another 2,600 households had been at the same address for a decade or more.

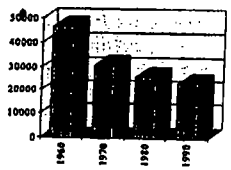
Population

In 1990, when the Census was taken...

GENERAL

Just over 23,000 people were living in the neighborhoods of the Downtown planning area. There were twice as many residents thirty years ago. Most of the decline occurred during the sixties.

Residential Population
1960-1990

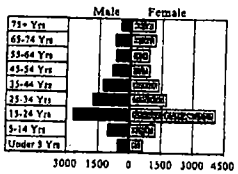


Number of Residents	
1960	46,690
1970	30,684
1980	25,955
1990	23,205

AGE

In this area, there were comparatively few pre-school and school-age children, and an unusually large number of young adults and elderly people. At most age levels there were about as many males as females, but not among young adults and the elderly. There were some 1,300 more young women 15-24 years old than men of their age; among the elderly, women also significantly out-numbered men.

Young and Old

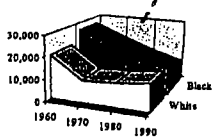


Age Distribution	Male	Female
Less than 5 Years Old	616	678
5-14 Years Old	1,086	1,187
15-24 Years Old	2,692	4,018
25-34 Years Old	1,734	1,739
35-44 Years Old	1,273	1,364
45-54 Years Old	864	950
55-64 Years Old	651	910
65-74 Years Old	680	1,187
75 Years Old or Older	441	1,135
Total	10,037	13,168

RACE

In 1990, more White people than Black people lived in the planning area. In prior Census years, the majority of area residents were Black. The White population declined by half during the sixties, but showed small increases in subsequent decades. Each Census since 1960 has found from 4,000 to 6,000 fewer Black residents.

Black & White
Residents



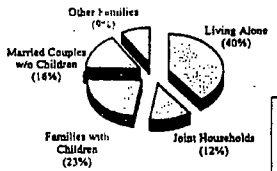
Population by Race: 1960-1990	White	Black
1960	20,169	26,448
1970	10,265	20,382
1980	11,221	14,604
1990	12,625	10,387

Households

In 1990, when the Census was taken...

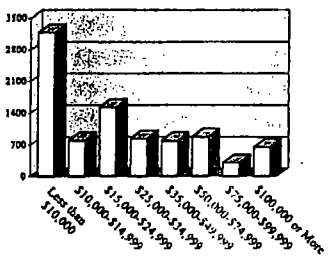
In the Census, households are divided into two broad categories: *Family* households and *Non-Family* households. A Family household consists of a married couple, with or without children, or a man or woman with children, or any combination of relatives living togther...such as two sisters. A Non-Family household consists of an individual living alone or a "joint household" of two or more unrelated people living together.
In the Downtown planning area, people living alone formed two fifths of all households. Nearly half the households were family units; about 2,000 of these families were raising children.

Households by Type
1990



Household Composition	
One Person Households	3,592
"Joint" Households	1,106
Families with Children	2,069
Married Couples	
w/o Children	1,429
Other Families	769
Total	8,965

1990 Household Income



At the time of the Census, the planning area included some of the wealthiest neighborhoods in the metropolitan region, and some of the poorest. Household income levels are a standard indicator of economic conditions, but this area includes many small families, people living alone, and students. For these households, smaller incomes do not necessarily mean people are in need. Census records showed that per capita income ranged from about $5,000 in some neighborhoods to more than $25,000 in others. In 1990, there were over 6,000 people living here with family or household incomes below the federally-designated poverty level.

1990 Household Income	
Less than $10,000	3,184
$10,000-$14,999	797
$15,000-$24,999	1,528
$25,000-$34,999	841
$35,000-$49,999	796
$50,000-$74,999	878
$75,000-$99,999	308
$100,000 or More	656

Housing

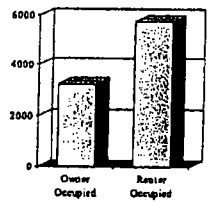
In 1990, when the Census was taken...

Owners & Renters

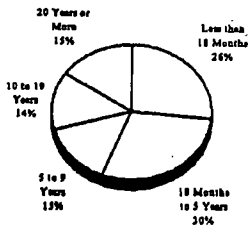
Buying a home is commonly thought to represent a long-term commitment to an area--"settling" there..For various reasons, there was more truth to this in the past than there is today, but the rate of homeownership is an important characteristic for many planning purposes. Across the Downtown neighborhoods as a whole, just over a third of the occupied housing units in 1990 were owned by the people living in them.

1990 Housing Units	
All occupied Housing Units	8,965
Owner-occupied Housing Units	3,227
Renter-occupied Housing Units	5,738
% Owner-occupied	36%

Tenants & Homeowners



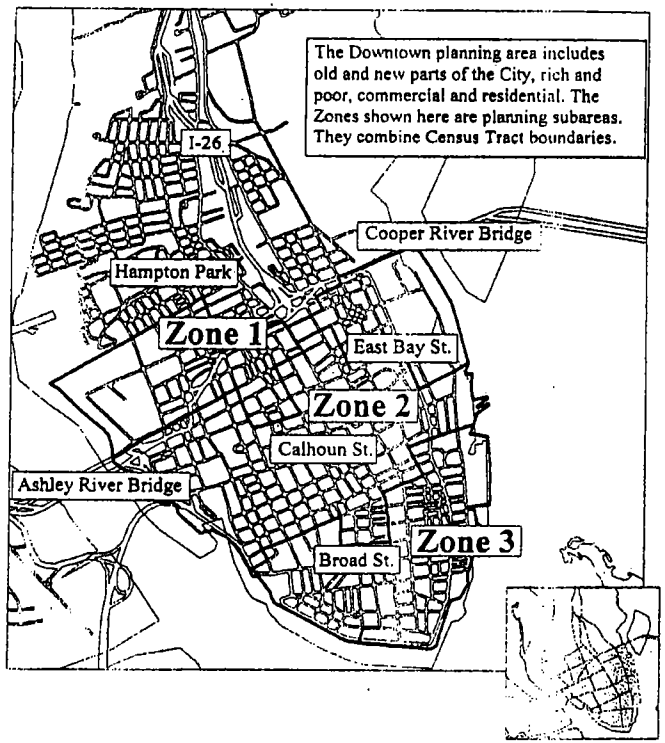
Newcomers & Long-Time Residents



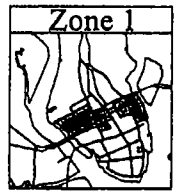
Neighbors Old & New

The Census includes questions designed to provide indicators of change or stability within a neighborhood. In 1990, one out of four households or families in the planning area had been at their address less than 18 months. Their number was almost exactly matched by long-time residents, people who had been living in the same house for at least ten years.

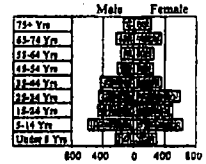
Households by Length of Residence	
Less than 18 Months	2,361
18 Months to 5 Years	2,648
5 to 9 Years	1,319
10 to 19 Years	1,251
20 Years or More	1,386



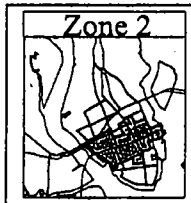
Comparison of Age Profiles by Zone



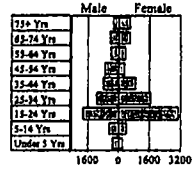
Age Distribution	Male	Female
Less than 5 Years Old	294	315
5-14 Years Old	554	628
15-24 Years Old	447	570
25-34 Years Old	431	593
35-44 Years Old	410	469
45-54 Years Old	264	393
55-64 Years Old	201	387
65-74 Years Old	270	445
75 Years Old or Older	126	272
Total	2997	4072



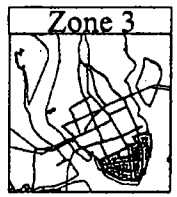
Neighborhoods:
West Side, Upper East Side



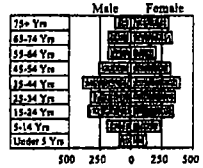
Age Distribution	Male	Female
Less than 5 Years Old	214	168
5-14 Years Old	358	311
15-24 Years Old	1800	3091
25-34 Years Old	936	804
35-44 Years Old	433	490
45-54 Years Old	349	224
55-64 Years Old	223	285
65-74 Years Old	255	461
75 Years Old or Older	213	487
Total	4781	6321



Neighborhoods:
Elliottborough, Lower East Side, Cannonborough, Radcliffeborough, Harleston Village, Mazyck-Wraggborough, Upper Concord Street

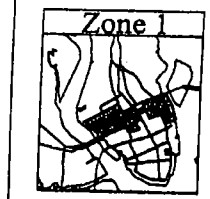


Age Distribution	Male	Female
Less than 5 Years Old	96	124
5-14 Years Old	224	239
15-24 Years Old	334	356
25-34 Years Old	331	390
35-44 Years Old	359	421
45-54 Years Old	259	336
55-64 Years Old	201	229
65-74 Years Old	206	346
75 Years Old or Older	125	323
Total	2135	2764



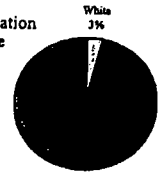
Neighborhoods:
Charlestowne, Harleston Village, Ansonborough, Dock Street

Comparison of Race Profiles by Zone

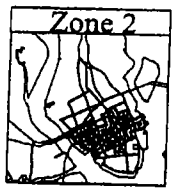


1990 Racial Profile	
Total Population	7,090
White	227
Black	6,843
Other	20
% Minority	97%

1990 Population by Race

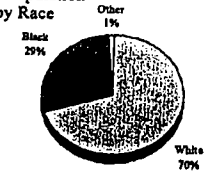


Neighborhoods:
West Side, Upper East Side

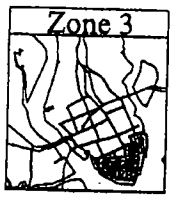


1990 Racial Profile	
Total Population	11,176
White	7,808
Black	3,222
Other	146
% Minority	30%

1990 Population by Race

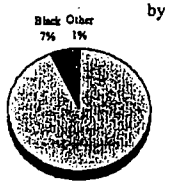


Neighborhoods:
Elliottborough, Lower East Side, Radcliffeborough, Harleston Village, Mazyck-Wraggborough, Cannonborough, Upper Concord Street

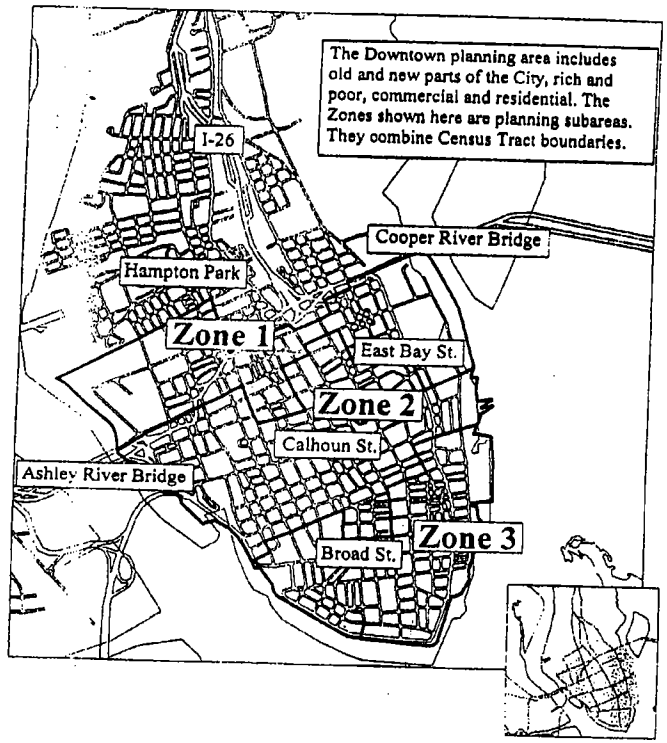


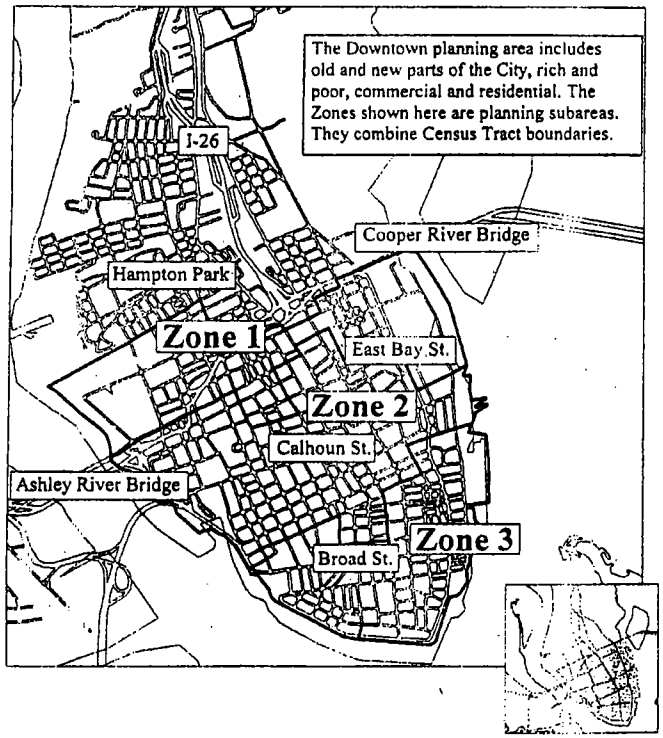
1990 Racial Profile	
Total Population	4,939
White	4,590
Black	322
Other	27
% Minority	8%

1990 Population by Race



Neighborhoods:
Charlestowne, Harleston Village, Ansonborough, Dock Street





Comparison of Income Profiles by Zone

