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S.C. Supreme Court

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Mikell R. Scarborough, Master-In-Equity

Case No. 2007-CP-10-451

HISTORIC CHARLESTON FOUNDATION and
PRESERVATION SOCIETY OF CHARLESTON,.....Appellants,

v.

THE CITY OF CHARLESTON, THE CITY OF CHARLESTON
BOARD OF ZONING APPEALS – ZONING and LIBRARY
ASSOCIATES, LLC,.....Respondents.

RECORD ON APPEAL
VOLUME I OF II

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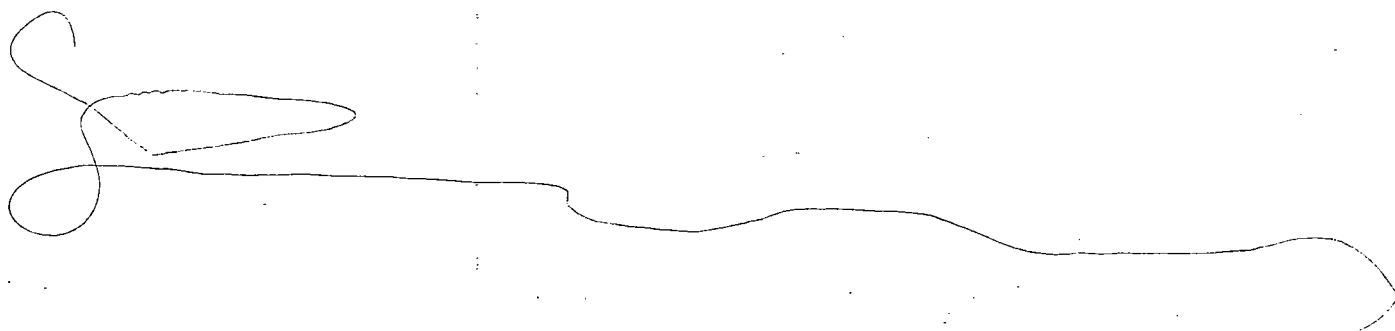
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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

HISTORIC CHARLESTON FOUNDATION
and PRESERVATION SOCIETY OF
CHARLESTON,

Appellants,

vs.

THE CITY OF CHARLESTON, THE CITY
OF CHARLESTON BOARD OF ZONING
APPEALS-ZONING and LIBRARY
ASSOCIATES, LLC,

Respondents.

COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2007-CP-10-451

ORDER OF REMAND TO
BOARD OF ZONING APPEALS
AND
ORDER TO DECONSOLIDATE
WITH C/A:2007-CP-10-4692

2009 JUN 11 AM 10:26
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

FILED

This case is an appeal from the determination of the City of Charleston Board of Zoning Appeals – Zoning (herein “Board”) to award a height variance to enable the construction of a 185 room hotel on property located at 404 King Street, the site of the old County Library. A hearing was held on March 10, 2009. After having reviewed the Record and considered the argument of counsel, I find the decision of the Board should be remanded for determination pursuant to the statutory criteria of SC Code § 6-29-800 (F). (Supp. 2004).

The Record reveals the following facts:

Library Associates, LLC is the owner of a parcel of property located at 404 King Street in downtown Charleston, at the southeast corner of King and Hutson Streets. It purchased the property in the mid 1990’s and in 2004, it was granted a special exception from the Board to construct a 185 room full service hotel at the site. In December 2005, the City’s Board of Architectural Review gave conceptual approval to the mass, scale and height of the proposed



hotel. (BZA Record, Transcript, p. 32, lines 3-5; p. 33, lines 1-10; p. 34, line 21-p. 35, line 2; BAR renderings; BZA renderings).

At times pertinent to this case, 404 King Street was subject to two (2) height districts.¹ Approximately sixty (60%) percent of the site was in the 3X height district, with the remainder being in the 55/30 district. The 3X district as applied to 404 King allows a height up to 105'. The 55/30 district sets a height ceiling of 55' and a floor of 30'. At 404 King Street, the application of the two districts resulted in an L-shaped building envelope, with the 105' height amassed along the King Street frontage and part of the Hutson Street frontage. (BZA Record, Height District Map; Tr. p. 29, lines 4 – 13; p. 30, lines 1-7).

The Record reveals that a property having two separate height districts is not all that unusual. The Record substantiates that, generally in such instances, the greater height is stepped back from the street. The height districts at 404 King Street differed in this respect. There, the generous height was along the street, with the lower elevation applied to the interior of the site. (BZA Record, Height District Map).

The Record reveals that 404 King Street is totally surrounded by the public realm: King Street to the west, Hutson Street to the north, the Old Citadel to the east and Marion Square to the south. Any building constructed at 404 King will have visibility on all sides.

Respondent submitted a building design that shifted the massing and height allowed by the 3X height district along King Street to the interior of the site. The resulting building distributes the volume across the site as opposed to having it concentrated along the King Street frontage. (BZA Record, Tr. p. 28, lines 2-14; p.29, lines 9-13; BZA Record, hotel

¹ In August 2007, the City Council of Charleston amended the height restrictions applicable to 404 King Street, applying the 3X district to the entire site. Appellants have contested the amendment in a separate proceeding bearing Case No.: 2007-CP-10-4692.

drawings/renderings). In December 2005, the BAR conceptually approved the design of a hotel that contemplated shifting some portion of the height allowed by the 3X height regulation back from King Street into the portion of the site zoned 55/30. (BZA Record, Tr. p. 34, line 8- p. 35, line 2).²

In December 2006, Library Associates applied for a height variance. At its meeting held on January 2, 2007, the Board approved the variance. The City of Charleston Board of Zoning Appeals' Form Order, executed by its Chairman Leonard Krawchek, states "APPROVED" and then proceeds to restate the criteria required in Section 6-29-800 (F). No findings of fact are made in the Form and, the court notes, that no place is provided therein for findings of facts.

Accordingly, the question before this court is, whether or not the transcript of the hearing before the Board is sufficient to satisfy the criteria of a writing which makes "findings of fact and conclusions of law ...separately stated in final decisions or orders of the board...."

STANDARD OF REVIEW

In reviewing an order of a board of appeals, I must treat the Board's factual findings in the same manner as findings of fact by a jury, and the court may not take additional evidence. In determining the question presented, I am constrained to review whether the decision of the board is correct as a matter of law. In the event that I determine that the certified record is insufficient for review, the matter may be remanded to the zoning board of appeals. S.C. Code Ann. § 6-29-840. Austin v. Board of Zoning Appeals, 362 S.C. 29, 606 S.E.2d 209 (Ct. App. 2004).

Precedent is clear that I cannot substitute my judgment for that of the Board, even if I disagree with the decision of the Board. Talbot v. Myrtle Beach Board of Adjustment, 222 S.C. 165, 72 S.E.2d 66 (1952), Peterson Outdoor Advertising v. City of Myrtle Beach, 327 S.C. 230,

² This matter is presently on appeal.

489 S.E.2d 630 (1997), rehearing denied; Austin v. Board of Zoning Appeals, *supra*. Moreover, I cannot reverse the ruling of the Board because my view of the facts is different. A zoning board should not be reversed except in a case where it has abused its discretion. Hartman v. City of Columbia, 268 S.C. 44, 232 S.E.2d 15 (1977).

The decision of the Board must be upheld if there is any evidence to support it. Burton v. County of Abbeville, 312 S.C. 359, 440 S.E.2d 396 (Ct. App. 1994), rehearing denied.

CONCLUSIONS

The format of the final decision is immaterial as long as the substance of the decision is sufficiently detailed so as to allow a reviewing court to determine if the decision is supported by the facts of the case. Vulcan Materials v. Greenville County Board of Zoning Appeals, 342 S.C. 480, 494, 536 S.E.2d 892, 899 (Ct. App. 2000). Cf. Massey v. City of Greenville Bd of Zoning Adjustments, 341 SC 193, 201, 532 SE2d 885, 889 (Ct. App. 2000).

In certain cases, the evidence in the record of the transcript of hearing along with additional evidence may provide a sufficient basis for the court to determine whether or not the decision was supported by the facts of the case. Austin, *supra*. However, as the court in Austin warned, "further detail will surely be required in more complicated cases. Indeed, thorough written findings and determinations eliminate potential confusion and ensure the will of the Board is accurately transmitted to the affected parties and the reviewing courts." *Id.* at 35.

My thorough review of the record in this appeal establishes that the Form Order of the Board is deficient in that it makes no findings of fact. It states only conclusions of law as recited in the statute at SC Code §§ 6-29-800 (A)2 a-d.

Accordingly, I have reviewed the transcript of record from the BZA hearing held on January 2, 2007. My review of the record indicates that, although the board did provide for public input into their decision-making process, very little discussion was held by the members of the board on the criteria required to "decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship." SC Code § 6-29-800 (A)2. The record reveals the following:

While Mr. Altman stated, "I just feel that the test has been met" but "we don't like to grant variances, and particular height variances ... nevertheless ... I'm going to make a motion for approval." This was then concurred in and seconded by Ms. Campbell. Tr. 71.

Mr. Rosen then discussed that, due to the fact that this is a "single piece of property and a single development ... that there is that hardship in developing this in a way that's going to work best for the city," and he therefore states his approval of the motion. Mr. Robinson then cites the unique aspects of this lot as the "only one on the square," but then goes into a discussion of the prior approval of the 185 room hotel. Tr. 72. An unidentified male speaker then agrees with Mr. Robinson as to the design and configuration on that particular site. Tr. 73.

Mrs. Smith then states her opposition to the motion, noting that, while the site is unique, "we can't just forget the zoning ordinance and it[']s (sic) a big height variance." Tr. 73.

Only Chairman Krawchek, Tr. 73-75, states the criteria for granting a hardship variance from the zoning code. He states, "The issue is whether there's a hardship." Tr. 74. He takes issue with the hardship as the [split] "height ordinance which divides this property" and states, instead, it is the unique location of the property on Marion Square. He then proceeds to state the four (4) criteria required of the statute before finding that construction of the hotel would be for the public good and would not harm the character of the district. Tr. 75.



After Mr. Krawchek recites the statutory criteria, he states there is a motion for approval and then, without any recitation of the motion or indication of how the members voted, states for the record that the motion passed by a vote of 6-1.

I find it impossible, on this record, to substantiate the basis for the Board's approval of the appeal from the zoning variance. It may well be possible for the Board to approve the design; however, under the facts of this case, I conclude as a matter of law that the record in this case is closer to the record in Able Communications, Inc. v. SCSPC, 290 SC 409, 351 SE2d 151 (1986), than to the record in Vulcan or Austin, supra.

As in Able, the order of the Board contains no findings of fact at all. "It is impossible for an appellate court to review the order for error, since the reasons underlying the decision are left to speculation." "[A] recital of conflicting testimony followed by general conclusions is patently insufficient to enable a reviewing court to address the issues." Able at 411. These factors are even more prevalent when the matter is as 'significant and complicated' as the potential to double the proposed height limit for a parcel located at the site of Marion Square next door to the Old Citadel building. See Austin, supra, at 35.

This is not a case, as described by Justice Cardozo in Gully v. First National Bank, 299 US 109, 117-118 (1936), in which, describing causation, he stated "what is needed is something of that common-sense accommodation of judgement to kaleidoscopic situations which characterizes the law ... [and] which picks the substantial causes out of the web and lays the other ones aside."

This case is a zoning appeal for which the approval criteria is clearly set forth by statute. It should not be difficult for a body as distinguished as the Board of Zoning Appeals for the City



of Charleston to state clearly for the record, with written findings of facts and conclusions of law, why the appeal should be granted or denied.

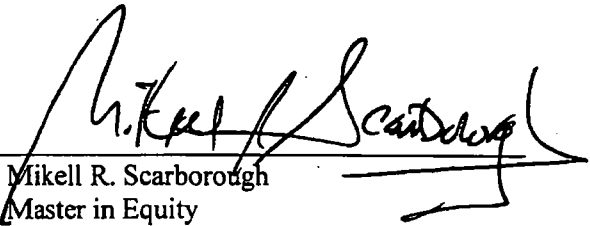
I find and conclude, as a matter of law, that on the record before me, consisting of the written order and transcript of hearing, that the statutory criteria required to adequately review the Board's decision has not been met.

IT IS THEREFORE ORDERED that this matter is hereby remanded back to the City of Charleston Board of Zoning Appeals for a rehearing on Appellant's Appeal of the Variance request.

IT IS FURTHER ORDERED that, in light of this ruling and because the rezoning case is still pending before me (2007-CP-10-4692), that these cases are now deconsolidated and should each have their own identity and case file number.

IT IS SO ORDERED!

June 9, 2009
Charleston, South Carolina


Mikell R. Scarborough
Master in Equity

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
Historic Charleston Foundation and Preservation)
Society of Charleston,)
Appellants,)
vs.)
The City of Charleston, The City of Charleston)
Board of Zoning Appeals-Zoning and Library)
Associates, LLC,)
Respondents.)

COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2007-CP-10-451

ORDER
JULIE J. ARMSTRONG
CLERK OF COURT
2009 SEP 28 AM 9:42
FILED

This matter is before me pursuant to Respondents' motion to alter, amend or reconsider my Order dated June 9, 2009 and entered on June 11, 2009. A hearing on the motion was held on August 31, 2009. This case is an appeal from the decision of the City of Charleston Board of Zoning Appeals to award a height variance to Respondent Library Associates, LLC. After reviewing the Record, I remanded the matter to the Board for a rehearing, having determined that the Board's written order failed to set forth its factual findings and conclusions of law, and that from the transcript of its hearing, I was unable to determine the Board's reasoning in reaching the decision that it did.

Respondents have moved for the Order to be altered or amended, contending that the transcript of the hearing, when read in the aggregate, sufficiently delineates the Board's reasoning and the facts it relied on in reaching the conclusion that a variance was warranted. I do not agree. While the Board discussed the issue, that discussion did not yield an articulation of findings corresponding to the criteria for awarding a variance.

In their motion, Respondents also seek clarification as to my intent with respect of the

[Handwritten signature]

remand of this matter. Specifically, the question presented is whether my Order of Remand requires the Board to conduct a new hearing or allows it to issue a written order based upon the record of the matter as it now exists. I agree that my Order requires clarification in this regard.

My intention in remanding this matter was to secure a written order with findings of fact and conclusions of law and have remanded the matter to the BZA for a rehearing for this reason. I leave to the Board's discretion whether it deems a de novo hearing necessary to issue such an order or whether it deems it appropriate to decide the matter on the previous submissions and transcript.

NOW, THEREFORE, IT IS

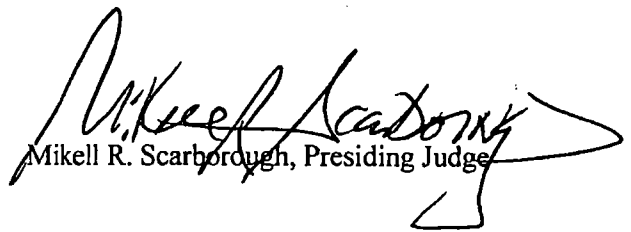
ORDERED that the Respondents' motion to alter or amend the Order with respect to remanding this matter to the Board for an order setting forth findings of fact and conclusions of law is denied; and it is

ORDERED that on remand, the Board of Zoning Appeals is to have a hearing determine whether it desires to issue such an order on the Record as it now stands or whether a hearing de novo is required.

AND IT IS SO ORDERED.

Charleston, South Carolina

Sept. 23, 2009


Mikell R. Scarborough, Presiding Judge

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

In re: Library Associates, LLC
 404 King Street (Garden District)
 (460-16-04-009)

CITY OF CHARLESTON
 BOARD OF ZONING APPEALS - ZONING

Request for Variance from Sec. 54-306
 To allow construction of a hotel with a
 Maximum building height of 105 feet in the
 55/30 height district. Zoned GB-A.

BY
 JULIE J. ARMSTRONG
 CLERK OF COURT
 2010 APR 13 PM 1:49

FILED

ORDER ON REMAND

BACKGROUND

Library Associates, LLC ("Library Associates" or "the applicant") applied for a height variance to allow construction of a hotel project at 404 King Street for the maximum building height of 105 feet within the 55/30 height district.

On January 2, 2007, a public hearing was held by the Board of Zoning Appeals-Zoning ("the BZA" or "the Board"). At the conclusion of the hearing, the Board approved by a vote of 6-1 the request for a height variance. On January 9, 2007, the Historic Charleston Foundation filed a request to reconsider the Board's decision. Following a public hearing on February 20, 2007, the Board denied the request.

The Historic Charleston Foundation and Preservation Society of Charleston appealed the Board's decision to the circuit court. After a hearing on March 10, 2009, Judge Mikell Scarborough remanded the case to the Board for a written order that would set forth findings of facts and conclusions of law as to why the Board granted the height variance. Order of Judge

Mikell R. Scarborough dated June 9, 2009, entered June 11, 2009. Following a motion to alter or amend the court's order filed by the City of Charleston, the City of Charleston Board of Zoning Appeals-Zoning, and Library Associates, LLC, the court clarified its order, requiring the Board to hold a hearing to determine whether a *de novo* hearing was required on remand or whether it would decide the matter on the record from the prior public hearing. Order of Judge Mikell R. Scarborough dated September 23, 2009, entered September 28, 2009. On October 20, 2009, the Board heard this matter on remand and determined that the record was sufficient for review and that it would not take additional evidence.

Accordingly, the Board makes the following findings of fact and conclusions of law in support of its January 2, 2007 decision to grant a height variance to Library Associates, LLC.¹

FINDINGS OF FACT

1. The property at 404 King Street ("404 King Street" or "the property") fronts on King Street to the west, Marion Square to the south, and Hudson Street to the north. To the east, the property is located adjacent to the old Citadel building.
2. A structure cannot be built immediately adjacent to the old Citadel building.
3. All four sides of any proposed structure on the property will be visible to the public.
4. The property is adjacent to Marion Square, a high-frequency use public space, and is bordered on three sides by historically significant spaces or structures. The immediate surrounding area has a variety of mixed uses, including retail shops, churches, and homes.
5. On February 17, 2004, the Board approved a special exception for the property to allow a full-service 185 room hotel.

¹ On December 15, 2009, the Board approved the applicant's request for a one-year extension of the height variance granted on January 2, 2007.

6. On December 4, 2006, Library Associates, LLC applied for a height variance for the property, claiming that an unnecessary hardship is created by applying the 55/30 height ordinance to a portion of the property. Application for Variance, dated December 4, 2006.

7. At the time of the variance request, the property was located within two different height districts, the 3X district and the 55/30 height district.²

8. The 3X district runs along King Street and establishes a maximum height of 105 feet for that portion of the site within 100 feet of King Street.

9. The 55/30 district establishes a maximum height of 55 feet and a minimum height of 30 feet for the remaining portion of the site.

10. On January 2, 2007, a public hearing was held on the variance application. Testimony and other evidence were submitted at the hearing.

11. In support of its request, the applicant testified that it intends to construct a full service hotel with retail businesses on King Street and Hudson Street. The proposed plans also call for a restaurant facing Marion Square with 5,500 square feet of meeting space and a rooftop terrace facility.

12. The applicant introduced evidence of the impact of the current zoning on the property. According to the applicant's testimony and exhibits, if the two different height districts are applied to the property, the property will be restricted to an odd L-shaped building with the 105 feet of height of the proposed structure located on King Street. See Transcript of January 2, 2007 BZA Hearing, p.33. (hereafter "Tr., p___"); Applicant's exhibit entitled "Current Zoning Envelope" and renderings.

² The property subsequently was rezoned to fall entirely within the 3X district. The decision to rezone the property will not be addressed here.

13. The current split height zoning results in a greater massing of a structure towards King Street and St. Matthews Church steeple. Id.
14. The L-shaped building design was the only design presented at the hearing that showed the impact of the height limitations on the property if the 55/30 district were followed in this matter.
15. The applicant also introduced evidence that showed a design where some of the mass allowed in the 3X height district along King Street would be shifted in an easterly direction and redistributed to the portion of the property located within the 55/30 height district. Applicant's exhibit entitled "Proposed Building Envelope" and renderings.
16. The applicant also submitted design renderings that showed if the mass were redistributed: (1) the facade of the proposed structure on King Street would be 63 feet in height, where 105 feet of height is currently allowed; (2) the proposed facility's maximum height would not exceed 105 feet and the volume in the building is seven percent (7%) less than what could be built on the site under the existing height limits; and, (3) the distribution of overall mass would be roughly equivalent to what is currently allowed under the two existing height limitations.
17. The applicant testified about the importance of the site with respect to the architecture around it and to its location adjacent to Marion Square. Tr., pp. 31-32.
18. The applicant further testified that there are not many vacant sites in the area of this property, and those that exist are much larger and are not in such a prominent location as this site. Tr., p. 38.
19. The applicant also testified that there are strict design criteria for the site and that without the requested height variance, the applicant will be not able to effectively use the site. Tr., p. 39.

20. According to the applicant, prior studies have identified the 404 King Street property as a key part of the future redevelopment of the Marion Square/Upper King Street area. Tr., p. 39.

21. The City's Zoning Administrator Lee Batchelder testified that the site is exceptional and extraordinary. His opinion was based on the fact that the property has "no backside," and as a result, any new structure will be very visible to the public and must fit properly into the context of the surrounding structures and spaces. Tr., pp. 28, 30. Mr. Batchelder also testified that the property is located in an area of important buildings, including St. Matthews Lutheran Church, the Aimar Building, and the Old Citadel, all of which must be addressed in the construction of any new structure on the site. Tr., p. 29.

22. Mr. Batchelder further testified that these conditions do not apply to any other property in the vicinity and that because of these conditions, the property would be unreasonably restricted if the current 55/30 height limitation were followed. He said that the application of the 55/30 height limitation would create an L-shaped building when looking at it from Marion Square. Tr., p. 30.

23. A number of residents of the neighborhoods surrounding the property, members of the citizen organizations Committee to Save the City and Rally Around the Square, and nearby business owners testified in support of the request for a height variance. The witnesses described the importance of the property to the city and its future revitalization of the Upper King Street/Marion Square area, the substantial efforts that the applicant has spent working with the neighbors to develop a plan that is harmonious with the surroundings, and that the building will have a direct, favorable impact on the neighborhood. Tr., pp. 42-48.

24. Councilmember Fishburne spoke in favor of the project and also spoke on behalf of Councilmember Mitchell who supported the project. Councilmember Fishburne testified that "this is the right building, this is the right use." Tr., p. 48.

25. City of Charleston Mayor Joseph P. Riley, Jr., submitted a letter in support of the height variance request. Mayor Riley stated that the property is an important site and that the location requires a structure that is sensitive to the surrounding area. He also stated that the height variance will shift mass from King Street to the east, which will result in a building that is “respectful” to the adjoining properties. Letter of Joseph P. Riley, Jr., Mayor, dated December 28, 2006.

26. A number of other letters of support were submitted at the hearing from nearby residents, businesses, and architects. The letters discussed generally the appropriateness of the applicant’s design of the building relative to the property and the significance of the property to the revitalization of Marion Square. *See, e.g.*, Letter of Patterson S. Smith, dated January 2, 2007; letter of J. Lee Gastley, ASLA, dated December 21, 2006; letter of Charlie Moore, CCIM, dated December 19, 2006; and letter of Camille Metts, dated December 18, 2006.

27. The Historic Charleston Foundation (HCF) opposed the application for a height variance. At the hearing, the HCF testified that the use of the property was appropriate, but there was nothing unique about the property. Tr., p. 56. The HCF further testified that a reasonable use of the property would not be prohibited if the current height limitation was applied to the property. Tr., p. 57.

28. Winslow Hastie, Director of Preservation for the HCF, submitted a Position Statement in opposition to the application. According to the statement, the HCF did not oppose the proposed project’s use, but believed that the height was inappropriate for the location. Position Statement of Winslow Hastie, dated January 2, 2007, p. 1.

29. Robert Gurley, Assistant Director of the Preservation Society of Charleston, testified at the hearing and also submitted a position statement in opposition to the variance. Mr. Gurley

testified that there is nothing particularly unusual or extraordinary about the property. Tr., p. 58.

Further, in his opinion, the proposed structure would be overbuilt for the site and that a 105 foot hotel is not in character with the district. Tr., p. 59.

30. Mr. Gurley also testified that the planned hotel is not a building that is deferential to the historic neighbors. Tr., p. 64.

31. In his statement, Mr. Gurley stated that the property already enjoys a generous height allowance in that it is one of only a few properties on King Street that is in the 3X district. He also stated that a smaller structure, within the existing zoning districts, would be more compatible with the historic character of the area. See Position Statement of Robert Gurley, Assistant Director, dated January 2, 2007.

32. Two other witnesses testified at the hearing. One resident testified that the proposed building is too tall, and has too much mass. Tr., p. 65. Another witness, who is a member of the Planning Committee of the HCF, testified that this project was one of many that will come before the Board in the future, and therefore the Board should be careful because its decision in this case will impact future cases. Tr., p. 66.

CONCLUSIONS OF LAW

As an initial matter, the parties agree that the proposed use for the site would make a positive contribution to the upper King Street/Marion Square area. The disagreement focuses on whether the applicant has met its burden of proof that to apply the 55/30 height district to a portion of the property would be an unnecessary hardship in this case.

Sec. 54-924 of the Zoning Ordinances of the City of Charleston provides that a variance may be granted in a case of unnecessary hardship where four factors are met. Those factors are:

- (1) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (2) these conditions do not generally apply to other property in the vicinity;
- (3) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and,
- (4) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Id.; *see also* South Carolina Code § 6-29-800(A)(2).

The HCF and the Preservation Society (“opponents”) argue that this four-pronged test has not been met. However, based on the evidence presented at the hearing, the Board disagrees and finds that the applicant has satisfied the hardship test.

First, the opponents argue that there are no extraordinary or exceptional circumstances concerning the property, and that most parcels downtown are bordered on almost all sides by historically significant spaces or structures. Further, they argue that it is not extraordinary for a property located in the city to be split between two height districts. These arguments, however, miss the mark. We are persuaded by the applicant’s and City staff’s position that what makes this property exceptional is the fact that this is a single piece of property and a single development split by two different height districts which restrict the property, coupled with the unique physical characteristics of the property. This is the only property that is on Marion Square, is in a highly visible location in the heart of the city, and exposed to the public on all four sides.

Second, the property is uniquely burdened because there is no other property like this one in the vicinity. The evidence presented at the hearing by the applicant showed that this property is the only site that is immediately adjacent to Marion Square and also is part of the same block that includes Marion Square. The evidence further showed that the property is located in the city’s center, highly visible to the public on all four sides, surrounded by historically significant

spaces, and located next to a historically significant structure, the old Citadel. While the opponents testified generally about characteristics of other properties in the city, the Board finds it significant that no evidence was presented specifically identifying one other similar property. In short, it is the combination of the two different height ordinances, the physical characteristics of this property, and the location of the property in the heart of the city that makes this property unique.

With respect to the third part of the hardship test, the evidence revealed that because of the special conditions at play in this property as discussed above, the strict application of the 55/30 height ordinance would unreasonably restrict the use of this property. The evidence showed that if both the 3X district and the 55/30 height district were applied to this property, the owners could build up to 105 feet on King Street, but be severely limited in the back of the property. We find that this situation unreasonably restricts the utilization of the property.

Further, the only evidence presented at the hearing regarding the impact of the current 55/30 height limit showed a design and a configuration that is an odd, box-like or L-shaped building on Marion Square. This results in an unusual condition where the height is not stepped back off of King Street, but instead the height is on King Street with the lower height being in the interior of the property. As a result, it appears that the front of the proposed building is on King Street, when the primary front of the building should be on Marion Square.

The opponents argue that the only possible reason supporting the height variance in this case is economic. We disagree. We are persuaded by the evidence that this is one of the most important sites in the city of Charleston. The splitting height districts unreasonably restrict such a prominent site, and also would be a detriment to the adjacent property. Further, the applicant's renderings showed that the overall mass of the building would not be increased by the height

variance, but simply redistributed. In addition, the evidence showed that the volume of the proposed building is seven percent (7%) less than what could be built on the site under the existing height limits. If in fact the applicant was interested in the height variance solely for economic reasons, it would seem that the applicant would have proposed a structure that used every inch of the allowable volume.

Finally, the Board finds that the variance will be a substantial benefit to the public. The overwhelming evidence in this case established that if the variance request is approved and the project moves forward as planned, it will greatly benefit the Upper King Street/Marion Square area and its surrounding neighborhood.

We are not persuaded by the opponents' argument that the character of the district will be harmed if this variance request is granted. Strict application of the current height restrictions results in a shape of a building that will not fit property within the context of this area. The current split height zoning results in a greater massing of a structure towards King Street and St. Matthews Church steeple. We find that by shifting the mass away from King Street and the Church steeple, a building can be developed that better relates to the existing structures of the Citadel and St. Matthews Church and is in character with the district.

Further, based on the testimony presented by a number of residents, we find that the proposed use of the property is consistent with the neighborhood and the historic fabric of the area. We simply do not agree with the position of the opponents that by allowing the variance, the character of the neighborhood will suffer. To the contrary, we find that the project will be a great asset to the area and a significant step forward in the continuing revitalization of the Upper King Street area.

NOW, THEREFORE, for the reasons set forth herein, by a vote of 6-1, the motion to approve the application for a variance is approved:

Leonard Krawcheck
Leonard Krawcheck
Chairman

acting
Dated: 4/4/10

Ratified by Board: 4/6/10

Vote 4 - 0



PROPERTY LOCATION, TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):

404 KING STREET (460-16-04-009)

The Board shall consider adoption of written findings of fact and conclusions from its decision on January 02, 2007 to grant a variance from Section 54-306 to allow construction of a hotel with a maximum building height of 105 feet in a 55/30 height district. This matter was deferred from the October 20, 2009 meeting of the Board.

Order on Special Exception Request

The Board of Zoning Appeals-Zoning held a public hearing to consider the above appeal for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

☐ **DENIED.** The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have not been met and therefore orders that the special exception(s) be denied.

☒ **APPROVED.** The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have been met and therefore orders that the special exception(s) be granted, subject to the following conditions, if any:

Date issued: _____ Chairman _____

Order on Variance Request

The Board of Zoning Appeals-Zoning held a public hearing to consider an appeal for a variance from the strict application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of facts and conclusions.

☐ **DENIED.** The Board concludes that the requirements for granting a variance have not been met and, therefore, orders that the variance be denied.

☒ **APPROVED.** The Board concludes that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. Authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

THE BOARD, THEREFORE, finds that the applicant has an unnecessary hardship and orders that the variance be granted, subject to the following conditions, if any:

Date issued: 4/10/10 *acting* Sam Olsun
Chairman

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-962. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

1/09

*Vote 4-0 in favor of
adopting proposed order as the
order of the Board.*

Law Offices
Regan and Cantwell, LLC
William B. Regan (Ret.)
Frances I. Cantwell

April 13, 2010

105 wappoo creek drive
suite 1-a
charleston, sc
29412

Via Hand Delivery

Hon. Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street
Charleston, South Carolina 29401

tel: 843-762-8282
fax: 843-762-8284

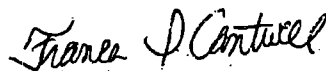
Re: Historic Charleston Foundation and Preservation Society of Charleston v.
The City of Charleston, the City of Charleston Board of Zoning-Appeals-
Zoning and Library Associates, LLC
Case No.: 2007-CP-10-451

Dear Julie:

In regard to the above matter, I am enclosing an original and three (3) copies of an Order that has been issued by the City of Charleston Board of Zoning Appeals as per an Order of Judge Scarborough. I would appreciate your filing this Order and returning three (3) clocked copies to me in the self-addressed, stamped envelope the is enclosed.

With kind regards, I am,

Yours truly,



Frances I. Cantwell

FIC/trm

Enclosure

cc: Hon. Mikell R. Scarborough, Master-In-Equity (w/encls; by hand)
G. Trenholm Walker, Esq.
Lindsay K. Smith-Yancey, Esq.
Sara E. DeWolf, Esq.
Edward K. Pritchard, III, Esq.
Timothy A. Domin, Esq.

e-mail: fcantwell@birch.net
tmonteiro@birch.net

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
HISTORIC CHARLESTON FOUNDATION
and PRESERVATION SOCIETY OF
CHARLESTON,

Appellants,

vs.

THE CITY OF CHARLESTON, THE CITY
OF CHARLESTON BOARD OF ZONING
APPEALS-ZONING and LIBRARY
ASSOCIATES, LLC,

Respondents.

COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2007-CP-10-451

ORDER
AFFIRMING VARIANCE

2010 JUN 29 PM 4:11
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

This case is an appeal from the determination of the City of Charleston Board of Zoning Appeals – Zoning (herein “Board”) to award a height variance to enable the construction of a 185 room hotel on property located at 404 King Street, the site of the old County Library. A hearing was held on March 10, 2009.

On June 9, 2009, I issued an Order remanding the matter back to the Board for rehearing, as I determined the Form Order and transcript did not clearly articulate the Board’s reasoning. On September 23, 2009, I issued a subsequent Order to clarify that my intent in the Order remanding the matter to the Board was to secure a written order with findings of fact and conclusions of law, leaving to the Board’s discretion whether it deemed a de novo hearing necessary or whether it wanted to issue its order based on the prior submission and transcript. The Board met and has now issued a written order.

After having reviewed the Board’s Order and Record and considered the argument of counsel, I find the decision of the Board should be affirmed and this appeal dismissed.



In its Order, the Board made a number of findings. Among them were that: all four sides of any structure built at 404 King Street would be visible to the public; 404 King is adjacent to Marion Square, a high frequency public use space, and is bordered on three sides by historic structures and spaces; any construction on the site had to address effects to nearby properties to include St. Matthews Lutheran Church, the Aimar Building and the Old Citadel; the 55/30 height district that divided the site resulted in greater massing along King Street and resulted in an L-shaped building when viewed from Marion Square; and no other site in the vicinity having these characteristics was identified. (Order on Remand, Findings 3, 4, 13, 21 and 22; Conclusions, pp.8-10). The Record supports these findings.

The Record reveals:

Library Associates, LLC is the owner of a parcel of property located at 404 King Street in downtown Charleston, at the southeast corner of King and Hutson Streets. It purchased the property in the mid 1990's and in 2004, it was granted a special exception from the Board to construct a 185 room full service hotel at the site. In December 2005, the City's Board of Architectural Review gave conceptual approval to the mass, scale and height of the proposed hotel. (BZA Record, Transcript, p. 32, lines 3-5; p. 33, lines 1-10; p. 34, line 21-p. 35, line 2; BAR renderings; BZA renderings).

At times pertinent to this case, 404 King Street was subject to two (2) height districts.¹ Approximately sixty (60%) percent of the site was in the 3X height district, with the remainder being in the 55/30 district. The 3X district as applied to 404 King allows a height up to 105'. The 55/30 district sets a height ceiling of 55' and a floor of 30'. At 404 King Street, the

¹ In August 2007, the City Council of Charleston amended the height restrictions applicable to 404 King Street, applying the 3X district to the entire site. Appellants have contested the amendment in a separate proceeding bearing Case No.: 2007-CP-10-4692.

application of the two districts resulted in an L-shaped building envelope, with the 105' height amassed along the King Street frontage and part of the Hutson Street frontage. (BZA Record, Height District Map; Tr. p. 29, lines 4 – 13; p. 30, lines 1-7).

The Record reveals that a property having two separate height districts is not all that unusual. The Record substantiates that, in such instances, the greater height is stepped back from the street. The height districts at 404 King Street differed in this respect. There, the generous height was along the street, with the lower elevation applied to the interior of the site. (BZA Record, Height District Map).

The Record reveals that 404 King Street is totally surrounded by the public realm: King Street to the west, Hutson Street to the north, the Old Citadel to the east and Marion Square to the south. Any building constructed at 404 King will have visibility on all sides. This is an unusual circumstance, as most buildings in the vicinity have visibility on but two sides.

After study, a building was designed that shifted the massing and height allowed by the 3X height district along King Street to the interior of the site. The resulting building is no larger in volume than that allowed by the two height districts, but distributes the volume across the site as opposed to having it concentrated along the King Street frontage. (BZA Record, Tr. p. 28, lines 2-14; p.29, lines 9-13; BZA Record, hotel drawings/renderings). In December 2005, the BAR conceptually approved the design of a hotel that contemplated shifting some portion of the height allowed by the 3X height regulation back from King Street into the portion of the site zoned 55/30. (BZA Record, Tr. p. 34, line 8- p. 35, line 2).

In December 2006, Library Associates applied for a height variance. At its meeting held on January 3, 2007, the Board approved the variance.



STANDARD OF REVIEW

In reviewing an order of a board of appeals, I must treat the Board's factual findings in the same manner as findings of fact by a jury. Additional evidence is not admissible. In determining the question presented, I am constrained to review only if the decision of the board is correct as a matter of law. S.C. Code Ann. § 6-29-840. Austin v. Board of Zoning Appeals, 362 S.C. 29, 606 S.E.2d 209 (Ct. App. 2004).

Precedent is clear that I cannot substitute my judgment for that of the Board, even if I disagree with the decision of the Board. Talbot v. Myrtle Beach Board of Adjustment, 222 S.C. 165, 72 S.E.2d 66 (1952), Peterson Outdoor Advertising v. City of Myrtle Beach, 327 S.C. 230, 489 S.E.2d 630 (1997), rehearing denied; Austin v. Board of Zoning Appeals, *supra*. Moreover, I cannot reverse the ruling of the Board because my view of the facts is different. A zoning board should not be reversed except in a case where it has abused its discretion. Hartman v. City of Columbia, 268 S.C. 44, 232 S.E.2d 15 (1977).

The decision of the Board must be upheld if there is any evidence to support it. Burton v. County of Abbeville, 312 S.C. 359, 440 S.E.2d 396 (Ct. App. 1994), rehearing denied.

CONCLUSIONS

Appellants contend that the variance application failed to meet the criteria of the variance test set forth in S.C. Code Ann. § 6-29-800 (2004), that the Board gave inappropriate consideration to aesthetics and finances, that the Order of the Board fails to comply with the requirements of S.C. Code Ann. § 6-29-800(E) (2004), that the version of the hotel presented to the Board was not that which had been conceptually approved by the BAR, and that, as a matter

of law, Library Associates is not entitled to a variance because the height restrictions were in place when it purchased the property. I will address each contention separately.

Appellants contend the Board erred in granting Library Associates a height variance because there are no exceptional or extraordinary circumstances applicable to 404 King Street that do not otherwise apply to properties in the vicinity. They further contend there was no evidence that the application of the separate height districts unreasonably restricted the use of the site and that the award of the variance would be of detriment to adjoining properties and the character of the district. The Record contains evidence to support the Board's findings to the contrary and as required by requirements of S.C. Code Ann. § 6-29-800 (2004),

1. The Board found and the Record reveals that, as compared to other properties in its vicinity, 404 King Street is exceptional by virtue of its unique location. It fronts on King Street, Marion Square and Hutson Street, and adjoins the Old Citadel. All four facades of a building constructed there will be visible. As found by the Board, the zoning administrator made note that the site "... has no backside". (Order on Remand, Finding 21; Tr. p. 28, lines 2-20).

This circumstance does not apply to any other property in the vicinity. And as noted by Chairman Krawcheck:

"So what we're here to do apply the zoning variance test. The issue is whether there's a hardship. The zoning variance test, the hardship test is where extraordinary and exceptional conditions pertaining to this particular piece of property. I do not believe that the fact that the height ordinance divides this property is of its - - in and of itself an extraordinary exceptional condition, but I do think that this property suffers from a hardship in that its next to the old Citadel, it's surrounded on two sides by King Street and Hudson, and it's on Marion Square, and I don't think there's another piece of property that I can think of that fits this situation.

(BZA Tr. p. 74, lines 6-15).

The Board's finding and conclusion that the location of the site on Marion Square and its being flanked on all sides by the public realm makes 404 King the exception, and not the rule, is supported by evidence in the record.

2. The Board found and the Record reveals that the two height districts affect 404 King Street in a manner different from other properties with two height districts. On virtually all other properties where two height classifications apply, the greater height is stepped back from the street, distributed to the interior of the site. At 404 King, the greater height is amassed along the King Street frontage, the lower height being to the interior of the site. Applying the height districts to the site in this manner results in an awkward, L-shaped building envelope that all parties conceded would never pass design muster. The application of the height districts in this manner produces an anomaly: the zoning acknowledges the appropriateness of 3X height, yet renders it unattainable because of how the zoning distributes the height. That this circumstance constitutes an unreasonable restriction on the use of the property is unassailable.

Moreover, the height variance does not authorize a building taller than that already permitted in the 3X district. As explained by the zoning administrator:

... And the request that's before you tonight seems pretty simple, but this simple explanation that is on your agenda, which really addresses the variance being requested, doesn't really accurately describe the true nature of what's being requested because we have a site that is located within two different height districts and the proposed building on this site will not exceed the maximum allowed height in the height district along King Street and that's important to understand I think because we're really not talking about a variance to allow a building taller than what is already allowed on this site.

(BZA Tr. p. 28, line 21- p. 29, line 3)

3. Evidence demonstrated that an exceptional condition applied to 404 King Street because of its unique location on Marion Square, where a building will have visibility from all

sides. Evidence demonstrated that a strict application of the height districts resulted in an impossible building envelope, regardless of use. While the Board evaluated the variance in terms of the contemplated hotel, its reasoning would apply to any proposal.

Appellants contend there is no entitlement to "max out" under a given building standard. Such may be true, but that does not render it unreasonable for a property owner to seek to avail himself of at least some portion of the benefits of his zoning. The ordinance recognizes the appropriateness of the 3X height on the site, making it only reasonable that use of some portion of that height be attainable. Moreover, as found by the Board, the building envelope proposed did not incorporate all allowable volume and the overall mass was roughly equivalent to what would have been permitted under the split districts. (Order on Remand, Finding 16)

Appellants contend that a building could be constructed at 404 King that conformed to the 55/30 height district, and thus no hardship exists. The South Carolina Supreme Court has held that such a circumstance is not dispositive on the issue of hardship. In Restaurant Row Associates v. Horry County, 335 S.C. 209, 516 S.E.2d 442 (1999), the Court held that a variance applicant is not required to prove that without a variance there are no feasible conforming uses for the property in question in order to demonstrate hardship.

4. As for detriment to adjoining properties and the character of the district, the Record contains testimony in support of the variance from those living and working and owning property nearby. (BZA Record, Tr., p.46, line 13 – p. 48, line 12; p. 49, line 10 – p. 50, line 4). As for detriment to the district, the Record contains testimony that the building is in keeping with the tradition of the district. (BZA Record, Tr., p. 42, line 22 – p. 43, line 17). The Board's findings and conclusion: that the evidence supporting the variance will foster a project that will greatly benefit Upper King Street/Marion Square and the surrounding neighborhood, and that

shifting the mass of the structure to be built on the site away from King Street accommodates a building that better relates to the Old Citadel and St. Matthews Church, all to the benefit of the district, are amply supported by the Record.

The Record and its Order reveals the Board gave careful consideration to each prong of the variance test, and the Record contains evidentiary support for each of the Board's findings with respect thereto.

The Record does not support Appellants' assertion that the Board premised its decision on aesthetics or finances. Discussion of the Board was clear that the test before it was the variance test, independent of what the planning commission, the board of architectural review or city council deemed advisable. The discussion of the Board as reflected in the transcript is devoid of any mention of finances, a point specifically addressed on the motion to reconsider. (R. BZA Tr. pp. 70-76; R. BZA Tr., Motion to Reconsider). And as noted by the Board, had finances been the driving force behind the variance request, logic would dictate that the applicant would have sought to utilize every inch of available volume, which it did not do

Appellants' issue with the form of the Board's order is now moot. The Board's Order on Remand includes specific and articulate findings and its reasoning in making the conclusions it did. The Order on remand complies with S. C. Code Ann. § 6-29-800 (E).

The Record does not substantiate the contention there was a misrepresentation of fact to the Board. The BAR had conceptually approved the height, scale and mass of the hotel. That conceptual approval included a hotel of eight (8) stories, with height distributed to the interior of the site. That was the exact concept presented to the Board. The drawings filed with the variance application dispel any contention to the contrary. (BZA Record, hotel drawings/renderings).



Appellants' contention that, as a matter of law, Library Associates is precluded from receiving a height variance because the height regulations were in place when it purchased the property is misdirected.

Cases cited by the Appellants on this issue generally include circumstances where property owners sought to establish a use not authorized by the zoning in place at the time of purchase. See Rush v. City of Greenville, 246 S.C. 268, 143 S.E.2d 527 (1965). All such precedent predates the decision rendered in Heilker v. Zoning Board of Appeals, 346 S.C. 401, 552 S.E.2d 42 (Ct. App. 2000), where for the first time, the term "use" was defined in the context of zoning. In Heilker, the Court of Appeals held:

A "use" in the zoning context is the "purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained". 552 S.E.2d at 48.

Library Associates is not seeking to establish a "use" that is prohibited by zoning. 404 King is zoned for hotel uses, and Library Associates has gotten the required special exception to construct one. The "use" to which Library Associates seeks to put the site is a hotel. Height is not a "use", or an "activity", or a "purpose" for which a building is occupied. Height is but an aspect of development.

The preexisting zoning or "prior knowledge rule" was adopted in response to those situations where a speculator paid a premium for land with the intention of getting a variance for an unauthorized use to justify his investment. 3 Rathkopf's The Law of Zoning and Planning, § 58:22 (4th ed.). That is not the fact situation here.

The application of the prior knowledge rule must be read in conjunction with Heilker. The construction of the rule urged by Appellants is inconsistent with the definition of "use" as set forth in Heilker. And, the application of the rule as urged by Appellants would render illegal

any dimensional or development standard variance, from parking to setbacks to landscaping to lighting, even when such variances are necessitated by the application of state or federal laws or regulations. The prior knowledge rule governs variances for uses not authorized by zoning when the property was purchased, not variances from dimensional or site development standards applicable to an authorized use.

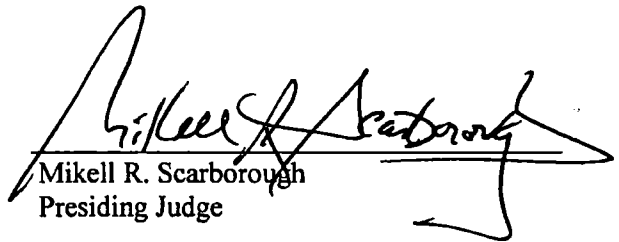
NOW, THEREFORE, in light of the foregoing, it is

ORDERED that the decision of the Board be, and hereby is, affirmed; and it is

ORDERED that this appeal be, and hereby is, dismissed; and

IT IS SO ORDERED!

JUNE 24, 2009
Charleston, South Carolina


Mikell R. Scarborough
Presiding Judge

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
HISTORIC CHARLESTON FOUNDATION
and PRESERVATION SOCIETY OF
CHARLESTON,

Appellants,

THE CITY OF CHARLESTON, THE CITY
OF CHARLESTON BOARD OF ZONING
APPEALS-ZONING and LIBRARY
ASSOCIATES, LLC,

Respondents.

) COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
) CASE NO.: 2007-CP- 10-451
)

) **COMPLAINT, PETITION, and NOTICE**
) **OF INTENT TO APPEAL**

) (Appeal from a Decision of the City of
) Charleston Board of Zoning Appeals,
) Pursuant to S.C. Code Ann. § 6-29-820
) and Section 54-930 of the Zoning
) Ordinance of the City of Charleston
) (Non-Jury)

FILED
FEB - 1 PM 3:29
CLERK OF COURT
J. ARMSTRONG

Appellants, Historic Charleston Foundation (hereinafter referred to as "HCF") and Preservation Society of Charleston (hereinafter referred to the "Preservation Society"), appealing from the final decision of Respondents, City of Charleston (hereinafter referred to as the "City"), and City of Charleston Board of Zoning Appeals – Zoning (hereinafter referred to as the "BZA"), in favor of Respondent, Library Associates, LLC (hereinafter referred to as the "Applicant") rendered on January 2, 2007, would respectfully show unto the Court:

BACKGROUND

1. That HCF is, and at all times relative hereto was, an eleemosynary corporation organized and existing pursuant to the laws of the State of South Carolina, and that it has its principal place of business in Charleston County, South Carolina, and that it is a qualified tax exempt entity pursuant to IRC § 501(c)(3).

2. That the Preservation Society is, and at all times relative hereto was, an eleemosynary corporation organized and existing pursuant to the laws of the State of South

Carolina, and that it has its principal place of business in Charleston County, South Carolina, and that it is a qualified tax exempt entity pursuant to IRC § 501(c)(3).

3. That the City is a "municipality" as defined in Section 5-1-20(l), Code of Laws of South Carolina, 1976, and is a political subdivision of the State of South Carolina.

4. That the BZA is a Board of Zoning Appeals created by Section 54-920(a) and (b), ZONING ORDINANCE OF THE CITY OF CHARLESTON (2005) pursuant to Section 6-29-780, Code of Laws of South Carolina, 1976, as amended.

5. That, on information and belief, Applicant is a limited liability company existing pursuant to the law of the State of South Carolina and has its principal place of business in Charleston County, South Carolina.

6. That HCF and the Preservation Society are, for purposes of this appeal, "person[s] who may have a substantial interest" in the decision of the BZA which is the subject of this appeal.

7. That HCF was founded in 1947, as a self-perpetuating trustee-governed organization, that it has approximately thirty-five (35) Trustees on its Board of Trustees who are made up of members of the Charleston, South Carolina, community, all of which have a strong interest in or specialized interest in historic preservation, and that the mission and purpose of HCF as set forth in its charter and by-laws is to preserve and protect the buildings, landscapes, cultural resources and the historical, architectural and cultural character of the Charleston, South Carolina, area and its environs.

8. That since its earliest days, HCF has been a national pacesetter in its efforts to preserve the historic buildings, neighborhoods and landmarks that make Charleston a unique American city.

9. That since its founding, HCF has been an active voice at the City's Council meetings, at Charleston County Council meetings, at the City's Board of Architectural Review and at the BZA, helping to preserve historic structures and plan wisely for Charleston's future.

10. That HCF has acquired and protected through restrictive covenants scores of structures in the Charleston, South Carolina, area and its environs, has protected scores of buildings through its historic preservation easement program, and has a distinguished history of protecting buildings of national importance, including, without limitation, Drayton Hall, McCloud Plantation, the William Gibbes House, Mulberry Plantation, Frank Lloyd Wright's Auldbruff Plantation, as well its two house museums, the Nathaniel Russell House and Aiken-Rhett House.

11. That HCF continues to play a major role in the shaping of public policies relating to the protection of buildings, landscapes, cultural resources and the historical, architectural and cultural character of Charleston, South Carolina, and the Charleston, South Carolina, area, and its environs, including, without limitation, participation in the drafting and enactment of many of the City's ordinances, such as the 1973 City Preservation Plan, the 1975 Architectural Inventory, the 1978 Urban Height Ordinance, the 2004 Height Ordinance Revision, the expansion of the old and historic district from one hundred forty-four (144) acres to more than one thousand (1,000) acres and the addition of the Cooper River Historic District on the National Register of Historic Places.

12. That the Preservation Society was founded in 1920 as a membership organization of more than two thousand (2000) members from South Carolina, and thirty-five (35) other states who are concerned about the future of Charleston's historic district, governed by a seventeen (17) member Board, six of which comprise the Executive Committee and that the mission and purpose of the Preservation Society as set forth in its charter and by-laws is to

preserve and protect the historical, architectural and cultural character of the Charleston, South Carolina, area and its environs, cultivate and encourage interest in the preservation of buildings, sites and structures of historical or aesthetic significance and to take whatever steps may be necessary and feasible to prevent the destruction or defacement of any such building, site or structure.

13. That the Preservation Society was founded by Miss Susan Pringle Frost and a small group of individuals who were concerned about the future of the circa-1802 Joseph Manigault House, which was eventually restored.

14. That in 1931, the Preservation Society was instrumental in persuading the City to pass the first zoning ordinance enacted to protect historic resources, which ordinance established the first Board of Architectural Review ("BAR") and designated a one hundred thirty-eight (138) old and historic district, which district has since been expanded to include over four thousand eight hundred (4,800) historic structures.

15. That the Preservation Society has sought to fulfill its mission through, among other ways, programs that focus on preservation, education, advocacy and planning.

16. That the Preservation Society has also sought to fulfill its missions through its Carolopolis Awards Program, and its award-winning quarterly newsletter *Preservation Progress*, established in 1956.

17. That in the 1970s, the Preservation Society was one of the first organizations in South Carolina to accept exterior and interior preservation easements.

18. That in recognition of the Preservation Society's efforts, the American Institute of Architects presented the Preservation Society with its 1996 Institute Honor Award, recognizing the Preservation Society for "being as much a part of Charleston, South Carolina history as

protector of it, this Society has wrought a standard of commitment to communities befitting the beauty and rich legacy of the city it has served for over seventy five years."

19. That, on information and belief, Applicant is the owner of that certain piece, parcel or lot of land currently known and designated in the City's current numbering system as 404 King Street, Charleston, South Carolina 29403, and assigned Parcel Identification Number 460-16-04-009 by the Charleston County Auditor's office (hereinafter referred to as the "Property").

20. That the Preservation Society holds a conservation façade easement on the historically significant building at 409 King Street, across King Street from the Property. The Preservation Society's conservation and façade easement on this and other buildings in the immediate vicinity will be negatively affected by the project proposed for the Property and variance sought by the Applicant.

21. That the Property is subject to certain height restrictions pursuant to the City's zoning ordinances. The Property is split-zoned, with part of the Property subject to a 3X height district and part of the Property subject to a 55/30 height district.

22. That at the time the Applicant acquired the Property it was split-zoned in this manner, and Applicant had actual or constructive knowledge of this zoning and these restrictions.

23. Prior to Applicant's acquisition of the Property, it was the site of the main branch of the Charleston County Library, a two story structure.

24. Although Applicant sought and obtained a special exception for hotel use on the Property (the extension(s) of which is under appeal by the Appellants), the applicable zoning allows an extensive array of viable office, retail, and other commercial uses.

25. That on December 4, 2006, Applicant, by and through its legal representatives, made an application with the BZA seeking a variance of the 55/30 height restriction applicable to the Property, of copy of which application is attached hereto as "Exhibit A" and incorporated herein by reference (hereinafter referred to as the "Application").

26. That pursuant to the laws of South Carolina and Section 54-924 of the zoning ordinances of the Defendant City, a variance may be granted "in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings: (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property; (b) these conditions do not generally apply to other property in the vicinity; (c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and (4) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance."

27. That at its January 2, 2007, meeting, the BZA conducted a hearing and granted Applicant a variance to the applicable height restrictions under Section 54-924 of the City's ordinances (hereinafter referred to as the "Variance Decision"). A copy of the Variance Decision of the BZA is attached as Exhibit "B."

28. That on January 9, 2007, Appellant HCF filed a motion to reconsider with the BZA asking it to reconsider the Variance Decision, a copy of which motion is attached hereto as "Exhibit C" and incorporated herein by reference.

29. That as of the date of the filing of this Complaint/Petition/Notice of Intent to Appeal, the BZA has not acted upon the request for reconsideration.

30. That on information and belief any motion to the BZA reconsider is futile.

(c) That the unsupported and unexplained conclusory finding of the BZA that "because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property" is erroneous and not based on evidence as there are innumerable other feasible uses of the Property that would not require a height variance. The determination of an unreasonable restriction of the utilization of property must be based on an evaluation of all permissible reasonable, feasible uses of the property, and not confined to one single use the owner would like. Moreover, even if the determination of whether the Property could be utilized without a variance was to be determined by its use as a hotel, there was no evidence that there could not be a hotel use on the Property without a variance. Additionally, the "conditions" that supposedly unreasonably restrict the Property must relate to the physical characteristics of the Property, and zoning does not constitute, as a matter of law, these "condition" for purposes of a variance.

(d) That the unsupported and unexplained conclusory finding of the BZA that "authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of a variance" is erroneous and not based on evidence. The proposed eight story mega-hotel with rooftop bar on the Property in the historic district will substantially harm the character of the district and be of detriment to adjacent properties, including the building(s) on which the HCF and Preservation Society hold conservation façade easements, by minimizing and diminishing other lower scale buildings of historic significance in the immediate vicinity.

(e) That the BZA erroneously premised its Variance Decision on aesthetics and financial costs of the Applicant rather than the criteria set forth in Section 54-924 of the City's ordinances and the applicable law.

31. That the Variance for the subject Property will result in an individualized injury to HCF and its trustees and to the Preservation Society and its members.

32. That the interests at stake are germane to both organizations' respective missions and purposes.

33. That in addition, the construction of a high-rise hotel on the Property will have a significant adverse effect on the Preservation Society's conservation façade easement on 409 King Street.

34. That the Variance Decision was contrary to the requirements of state law and Section 54-924, unsupported by the record before the BZA, arbitrary and capricious based on the record before the BZA, and legally erroneous, for the following reasons:

(a) That the unsupported and unexplained conclusory finding of the BZA that there are extraordinary and exceptional conditions pertaining to the Property herein is erroneous and not based on evidence as there are other properties that have split-lot zoning. Additionally, the "extraordinary and exceptional condition" must relate to the physical characteristics of the Property, and zoning does not constitute, as a matter of law, an "extraordinary and exceptional condition" of the Property for purposes of a variance.

(b) That the unsupported and unexplained conclusory finding of the BZA that "conditions do not generally apply to other property in the vicinity" is erroneous and not based on evidence as there are other properties in the area that are subject to these zoning height categories. In fact, much of King Street in the vicinity of the Property used to be zoned 3X as to height. Additionally, the "conditions [that] do not generally apply to other property in the vicinity" must relate to the physical characteristics of the Property, and zoning does not constitute, as a matter of law, "conditions [that] do not generally apply to other property in the vicinity" for purposes of a variance.

35. That the Variance Decision is further legally erroneous, arbitrary and capricious, and contrary to the governing statutes and ordinances on the separate and additional ground that the BZA did not set forth its written findings that purportedly supported its Variance Decision.

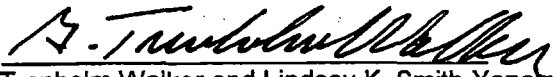
36. That the Variance Decision should be further set aside and vacated on the separate and additional ground that the Applicant misrepresented facts to the BZA, and the BZA based its Variance Decision on these misrepresentations by the Applicant. In its application and at the BZA hearing, the Applicant referred to plans for the proposed hotel that had previously received conceptual approval by the City's Board of Architectural Review ("BAR"). However, the renditions of the proposed hotel that the Applicant presented to the BZA were **not** the renditions of the proposed hotel which received conceptual approval from the BAR but were in fact substantially different from them. This misrepresentation also leaves the Variance Decision without factual support, renders it arbitrary and capricious, and makes it legally erroneous.

37. That the Applicant had knowledge of the split-zoning and the corresponding separate zoning height restrictions applicable to the Property at the time of Applicant's purchase of the Property. As a matter of law, Applicant is therefore precluded from contending that said restrictions constitute a hardship that would justify a variance.

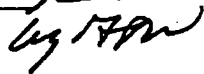
WHEREFORE, Appellants, Historic Charleston Foundation and Preservation Society of Charleston pray that this Court enter an order vacating the Variance Decision granted to the subject Property herein, and for the costs and attorneys' fees incurred in bringing this action, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

PRATT-THOMAS, EPTING & WALKER, P.A.
Post Office Drawer 22247
Charleston, SC 29413-2247
Phone (843) 272-2208; Fax (843) 727-2231

By: 
G. Trenholm Walker and Lindsay K. Smith-Yancey
Attorneys for Appellants Preservation Society of
Charleston

Pritchard & Elliott
Attorneys and Counselors at Law, L.L.C.
8 Cumberland Street, Suite 200
Charleston, South Carolina 29401

By: 
Edward K. Pritchard, III
Attorney for Appellant Historic Charleston
Foundation 

February 1, 2007

Charleston, South Carolina

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
CASE NO.: 2007-CP- 451

HISTORIC CHARLESTON
FOUNDATION and PRESERVATION
SOCIETY OF CHARLESTON,

Appellants,

THE CITY OF CHARLESTON, THE
CITY OF CHARLESTON BOARD OF
ZONING APPEALS-ZONING and
LIBRARY ASSOCIATES, LLC,

Respondents.

EXHIBITS TO COMPLAINT

Exhibit A Application to BZA
Exhibit B Variance Decision of the BZA
Exhibit C Motion to Reconsider

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2007 FEB -2 PM 3:36

FILED



Application for Variance, Special Exception, or Reconsideration
to the Board of Zoning Appeals – Zoning (Form 1)

Page 1 of 2

City of Charleston

Instructions – Applicants must complete and submit this form, along with the required information and fee, to the Zoning Division office at 75 Calhoun Street. Applications are due by 3:00 P.M. on the deadline date. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning, before the Board makes its decision. Each scheduled meeting of the Board is limited to 25 new applications. Additional applications, even if submitted prior to the deadline, will be placed on the agenda of the next scheduled meeting. There is a five (5) business day appeal period following the date of Board action. No permits may be issued until this appeal period has expired. An appeal to the Board stays all further action on the application.

THE APPLICANT HEREBY APPEALS:

- ☒ For a Variance and/or Special Exception as indicated on page 2 of this application.
☐ For reconsideration of a decision of the Board or action of a zoning official as stated on attached Form 2.

MEETING DATE REQUESTED: January 2, 2007

Property Address 404 King Street TMS # 460-16-04-009

Property Owner Library Associates, LLC Daytime Phone 722-8169

Applicant Regan and Cantwell, LLC Daytime Phone 762-8282

Applicant's Mailing Address 105 Wappoo Creek Drive, Suite 1-A
Charleston, SC 29412

Relationship of applicant to owner (same, representative, prospective buyer, other) Attorney

Zoning of property GB-A

Information required with application: (check information submitted)

- ☒ Scaled plans or plats, including elevations if applicable, showing the variance(s) being requested (3 copies)
☐ For density variances, scaled floor plans with rooms labeled and the total floor area of each dwelling unit noted (3 copies)
☐ Check or cash (make checks payable to the City of Charleston)

Optional information which will be helpful to the Board:

- ☒ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the hearing before the Board, and inspected.

Applicant Regan & Cantwell Date 12/4/06

For office use only

Date application received 12/4/06

Staffperson [Signature]

Fee \$ 400⁰⁰

Time application received 1:10

Receipt # _____

Dept. of Design, Development and Preservation 75 Calhoun Street, Third Floor Charleston, South Carolina 29401
(843) 724-3781 FAX (843) 724-3772 www.ci.charleston.sc.us

APPLICANTS FOR VARIANCES MUST COMPLETE THE FOLLOWING:

Applicant hereby appeals to the Board for a variance from the strict application of the Zoning Ordinance to the property described on this application so that a zoning permit may be issued to allow use of the property in a manner shown on the attached site plan, and described as follows:

A height variance is requested for a 185-room, full service hotel with retail along King Street and Hutson Street, a restaurant overlooking Marion Square, 5,500 sq. ft. conference space, and a roof terrace.

Applicant must explain how strict application of the ordinance will result in an unnecessary hardship, and how the standards for a variance set by the Zoning Ordinance are met by answering the following questions.

- a. What are the extraordinary and exceptional conditions pertaining to the particular piece of property: See attached.
- b. Explain why these conditions do not generally apply to other property in the vicinity: See attached.
- c. Explain how, because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property: See attached.
- d. Explain why authorization of the variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance: See attached.

Signature of applicant Francis J. Cantwell Date 12/4/06

APPLICANTS FOR SPECIAL EXCEPTIONS MUST COMPLETE THE FOLLOWING:

1. Applicant hereby appeals to the Board for a special exception to use the property identified on this application as follows: _____
2. Applicant will meet the special exception requirements listed in Section 54-_____ of the Zoning Ordinance in the following manner: _____
3. The following documents are submitted in support of this application: _____

Signature of applicant _____ Date _____

Dept. of Design, Development and Preservation 75 Calhoun Street, Third Floor Charleston, South Carolina 29401
(843) 724-3781 FAX (843) 724-3772 www.ci.charleston.sc.us

The Proposal: The subject property is the site of the old Charleston County Library, at the southeast corner of King and Hutson Streets, facing Marion Square. The Applicant intends to construct a 185 room full service hotel, with retail space along King and Hutson Streets. There are two height districts applicable to the subject property: Height District 3X and Height District 55/30. A variance is being requested to allow a portion of the height otherwise allowed in the 3X district portion of the site to be shifted back from King Street and into the portion of the site subject to the 55/30 height district. The requested variance will not result in a larger building being constructed. In fact, the building contemplated under the variance will be smaller in volume than is allowed under the combined height districts. The height, scale, and mass of the proposed building have received conceptual approval from the Board Architectural Review, which includes shifting the height as contemplated by this variance request.

Applicant must explain how strict application of the ordinance will result in unnecessary hardship, and how the standards for a variance set by the Zoning Ordinance are met by answering the following questions:

- a. **What are the extraordinary and exceptional conditions pertaining to the particularly piece of property:**

The subject property is exceptional and unique by virtue of its location. It has prominence on both King Street and Marion Square and is bordered on three sides by historically or architecturally important spaces or structures. To the west are the Aimar Building and St. Matthews German Lutheran Church; to the south is Marion Square; and to the east is the old Citadel Building. Whatever is

constructed on the subject property will require a scale that respects each of these buildings and spaces. And, as every elevation of the building constructed on the subject property will be visible, the shape of the building is of more paramount concern than would be on other properties where typically only one or two elevations are visible to the public.

The subject property is subject to two height districts, Height District 3X and Height District 55/30. The 3X district encompasses the King Street elevation. A strict application of these height districts to the subject property results in a building having a peculiar L-shaped envelope with substantial massing on King Street.

b. Explain why these conditions do not generally apply to other property in the vicinity:

There is no other vacant property in the vicinity which, when improved, will result in a building with four visible elevations. There is no other property in the vicinity split by height districts where the application of those districts results in a top heavy building with massing concentrated on the street. Other properties with two height districts typically accommodate massing to the interior of the site, which allows for a building to be designed with height stepped back from the street, reducing the visual scale. This result is not possible with the strict application of the height districts to the subject property.

c. Explain how, because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property:

The applicant has been granted a special exception to construct a 185 room, full service hotel on the subject property. Being located in the Old and Historic District, construction on the site must satisfy design criteria specified by the Board of Architectural Review. The Board of Architectural Review has given conceptual approval to the height, scale and mass of the project, which approval contemplates shifting some height from the 3X District into a portion of the 55/30 District. Absent a variance, the use of the subject property in accordance with these granted approvals will be unreasonably restricted in that the scale of the project resulting from a strict application of the height districts will not meet the design criteria expected by the Board of Architectural Review, thus compromising the ability of the applicant to effectively utilize its property to construct its project, as approved.

d. Explain why authorization of the variance will not be of substantial detriment to the adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance:

The variance will not be of substantial detriment to adjacent property. The design of the project conceptually approved by the Board of Architectural Review contemplates the height of the building being stepped back from all sides. This concept avoids substantial massing along King Street, in the face of the Aimar Building and St. Matthews Church, and results in a building height more typical of the scale of the buildings fronting on King Street. At the same time, the stepped design is similarly respectful to its neighbor to the east, the old

Citadel Building. The variance allows for the construction of a building that is deferential to all its neighbors.

The variance will not be of substantial detriment to the public good. The subject property, as currently zoned, could accommodate a structure larger than that being proposed. Thus, the variance will not affect the overall size of the building. The addition of a publicly accessible hotel, with amenities, at this location will enhance the ability of the public to more fully enjoy Marion Square by providing grade level dining opportunities and access to a rooftop pavilion affording panoramic views of the Square and the peninsula. The addition of retail space along King and Hutson Streets furthers the public good by bringing life to the streetscape and improving security on the block, thus contributing to the revitalization of King Street, north of Calhoun.

The character of the district will not be harmed by the granting of the variance. The subject property is one of the most important locations on the peninsula. It demands a significant, signature structure. The variance will accommodate a superior massing for the site that is sensitive to its environs by moving the taller massing to the interior of the site/building, consistent with the overall character and scale of the district.

Law Offices
Regan and Cantwell, LLC
William B. Regan
Frances I. Cantwell

December 4, 2006

105 wappoo creek drive

suite 1-a

charleston, sc

29412

Via Hand Delivery

City of Charleston
Division of Design, Development and Preservation
75 Calhoun Street, 3rd Fl.
Charleston, South Carolina 29401

Re: 404 King Street

tel: 843-762-8282

fax: 843-762-8284

Dear Sir:

In regard to the above, enclosed please find an application for a height variance to allow for the construction of a 185-room full service hotel, with retail space along King and Hutson Streets. Also enclosed is the filing fee.

I am requesting that this matter be placed on the agenda for the Board of Zoning Appeals – Zoning agenda of January 2, 2007.

Please advise if any further information is needed.

With kind regards, I am,

Yours truly,



Frances I. Cantwell

FIC/trm

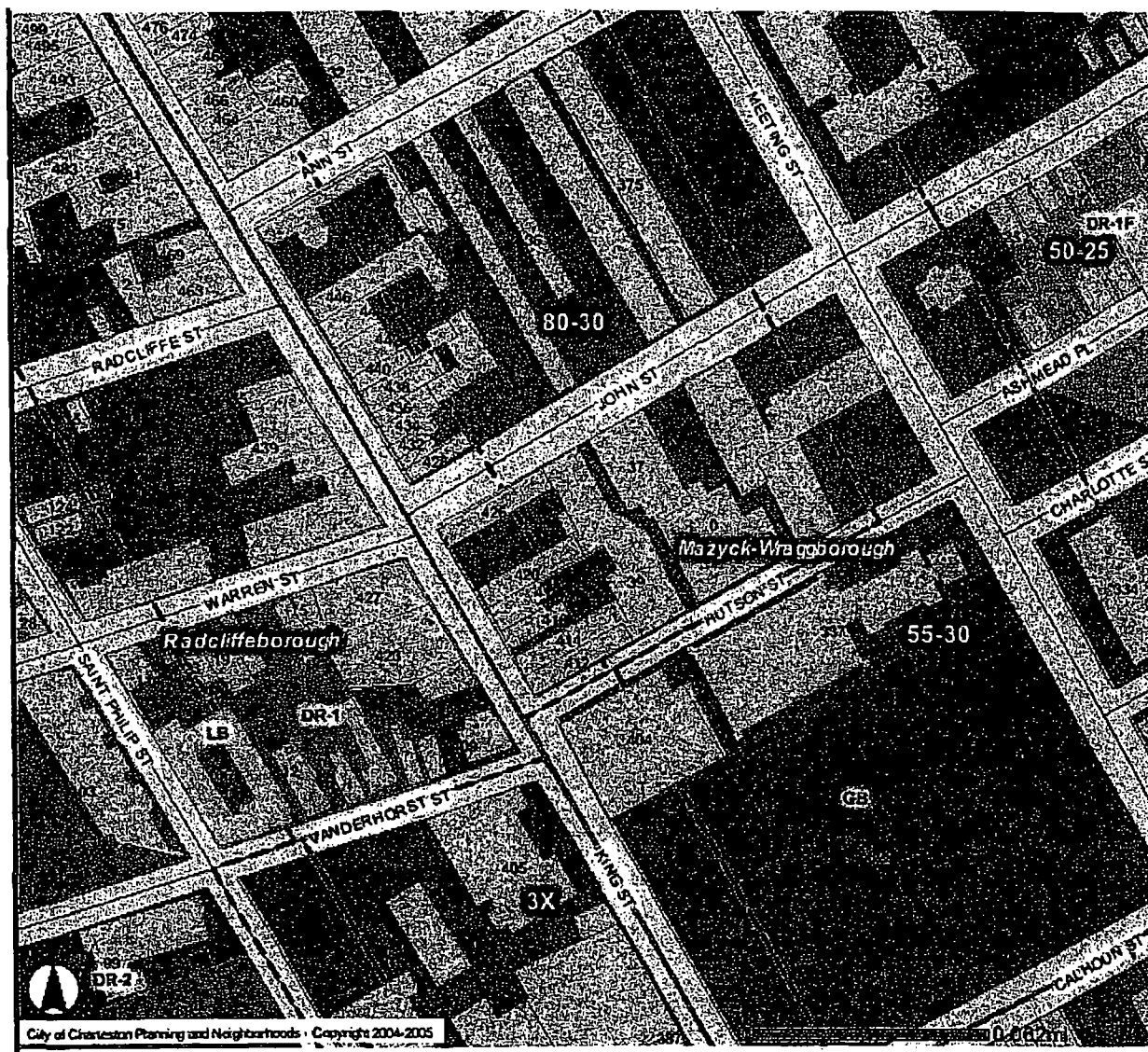
Enclosures

cc: Library Associates, LLC
W. Foster Gaillard, Esq.
Golf-D'Antonio Associates

e-mail: billregan@bellsouth.net

fcantwell@bellsouth.net

tmontelro@bellsouth.net



52

B



Board of Zoning Appeals - Zoning
- Results -

Page 1 of 1

City of Charleston

PROPERTY LOCATION, TMS NUMBER(S) AND DESCRIPTION OF REQUEST(S):

404 KING STREET (RADCLIFFEBOROUGH/GARDEN DISTRICT) (TMS# 460- 16-04-009)

Request variance from Section 54-306 to allow construction of a hotel with a maximum building height of 105-feet in the 55/30 height district.

Zoned GB-A.

Height District: 3X-55/30.

Order on Special Exception Request

The Board of Zoning Appeals-Zoning held a public hearing to consider the above appeal for a special exception which may be permitted by the Board pursuant to the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

☐ DENIED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have not been met and therefore orders that the special exception(s) be denied.

☐ APPROVED. The Board concludes that the standards in the Section(s) of the Zoning Ordinance listed above, which are applicable to the requested special exception(s), have been met and therefore orders that the special exception(s) be granted, subject to the following conditions, if any:

Date issued: _____ Chairman _____

The Board of Zoning Appeals-Zoning held a public hearing to consider an appeal for a variance from the strict application of the Zoning Ordinance for the property described above. After consideration of the evidence and arguments presented, the Board makes the following findings of facts and conclusions.

☐ DENIED. The Board concludes that the requirements for granting a variance have not been met and, therefore, orders that the variance be denied.

☒ APPROVED. The Board concludes that:
25. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
26. These conditions do not generally apply to other property in the vicinity;
27. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
28. Authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

THE BOARD, THEREFORE, finds that the applicant has an unnecessary hardship and orders that the variance be granted, subject to the following conditions, if any:

Date issued: 12/10/07 Chairman _____

Approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Section 54-962. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
8/06

C



Application for Variance, Special Exception, or Reconsideration
to the Board of Zoning Appeals - Zoning (Form 1)

Page 1 of 2

City of Charleston

Instructions - Applicants must complete and submit this form, along with the required information and fee, to the Zoning Division office at 75 Calhoun Street. Applications are due by 12 Noon on the deadline date. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning, before the Board makes its decision. Each scheduled meeting of the Board is limited to 25 new applications. Additional applications, even if submitted prior to the deadline, will be placed on the agenda of the next scheduled meeting. There is a five (5) business day appeal period following the date of Board action. No permits may be issued until this appeal period has expired. An appeal to the Board stays all further action on the application.

THE APPLICANT HEREBY APPEALS:

- ☒ For a Variance and/or Special Exception as indicated on page 2 of this application.
☒ For reconsideration of a decision of the Board or action of a zoning official as stated on attached Form 2.

MEETING DATE REQUESTED: 2-20-07
Property Address 404 King St. TMS # 460-16-04-009
Property Owner Library Associates, LLC Daytime Phone 722-8167
Applicant Historic Charleston Foundation Daytime Phone 720-1186
Applicant's Mailing Address P.O. Box 1120
Char., SC 29402 E-mail Address l.w.hughes@historic.org
Relationship of applicant to owner (same, representative, prospective buyer, other) other
Zoning of property GB-A

Information required with application: (check information submitted)

- ☐ Scaled plans or plats, including elevations if applicable, showing the variance(s) being requested (3 sets)
☐ For density variances, scaled floor plans with rooms labeled and the total floor area of each dwelling unit noted (3 sets)
☐ Check or cash (make checks payable to the City of Charleston)

Optional information which will be helpful to the Board:

- ☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the hearing before the Board, and inspected.

Applicant [Signature] Date 1-9-07

For office use only			
Date application received	<u>1/9/07</u>	Fee \$	<u>150.00</u>
Staffperson	<u>[Signature]</u>	Time application received	<u>5:00</u>
		Receipt #	<u>0928</u>

Department of Planning, Preservation & Economic Innovation 75 Calhoun Street, Third Floor Charleston, South Carolina 29401
(843) 724-3781 FAX (843) 724-3772 www.charlestoncityinfo

Board of Zoning Appeals - Zoning
(Form 2)

City of Charleston

Page 1 of 2

Applicants appealing for reconsideration of a Board decision or decision of the zoning administrator must submit the following information with Form 1:

In the case of an appeal for reconsideration of a Board decision, applicant shall state below the grounds upon which it is considered that the Board misapprehended or misconceived the question or questions involved, or the ground or grounds upon which it is considered that the Board has erred in its finding or disposition of the appeal, application or matter:

See attachment.

In the case of an appeal for reconsideration of a decision of the zoning administrator, applicant shall state below the interpretation(s) of the Zoning Ordinance being appealed, how the applicant is aggrieved by the interpretation(s), and what the applicant contends is the correct interpretation of the Zoning Ordinance:

Applicants Signature [Signature] Date 1-9-07

For office use only

Date application received

1/9/07Time application received 5:00

Staffperson

PA

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

HISTORIC CHARLESTON FOUNDATION
and PRESERVATION SOCIETY OF
CHARLESTON,

Appellants,

vs.

THE CITY OF CHARLESTON, THE CITY
OF CHARLESTON BOARD OF ZONING
APPEALS-ZONING and LIBRARY
ASSOCIATES, LLC,

Respondents.

COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2007-CP-10-457
451

ANSWER/RETURN
(Library Associates, LLC)

BY

JULIE J. ARNISTROM
CLERK OF COURT

2007 MAR -9 PM 1:34

FILED

Respondent Library Associates, LLC (Library Associates), in Answer/Return the
Complaint, Petition and Notice of Intent to Appeal filed in the within matter alleges and says:

FOR A FIRST DEFENSE

1. Each and every allegation of the Complaint, Petition and Notice of Intent to Appeal (Complaint) not specifically herein admitted, modified or explained is denied and strict proof thereof is demanded.
2. Library Associates admits the allegations of Paragraphs 1 and 2 of the Complaint, upon information and belief.
3. Paragraphs 3, 4 and 5 of the Complaint are admitted.
4. Paragraph 6 of the Complaint contains a legal conclusion to which no response is required, and Library Associates denies any allegations of Paragraph 6 inconsistent with this assertion.
5. Library Associates admits the allegations of Paragraphs 7 through 18 of the Complaint, upon information and belief.

6. The allegations of Paragraph 19 of the Complaint are admitted.
7. Answering Paragraph 20 of the Complaint, so much thereof that alleges the Preservation Society has a conservation façade easement on the building at 409 King Street is admitted. All other allegations of Paragraph 20 of the Complaint are denied.
8. Paragraph 21 of the Complaint is admitted.
9. Answering Paragraph 22 of the Complaint, it is admitted that Library Associates acquired the property subject to zoning restrictions. Strict proof is demanded of all other allegations of said paragraph.
10. Paragraph 23 of the Complaint is admitted.
11. Answering Paragraph 24 of the Complaint, reference is craved to the zoning applicable to the property as to the uses allowed thereby.
12. Paragraph 25 of the Complaint is admitted.
13. Answering Paragraph 26 of the Complaint, reference is craved to the state law and zoning ordinance provisions cited therein for their wording, meaning and interpretation.
14. Paragraphs 27 and 28 of the Complaint are admitted.
15. The allegations of Paragraph 29 are admitted. In further response to said paragraph Library Associates would show that at its meeting held on February 20, 2007, the BZA denied the request for reconsideration.
16. Paragraphs 30, 31, 32, 33, 34, 35, 36 and 37 of the Complaint are denied.

FOR A SECOND DEFENSE

17. The Complaint should be dismissed as to one or more of the Appellants for failure of one or more of the Appellants to exhaust available administrative remedies.

WHEREFORE, having set forth its Answer/Return, Library Associates prays for dismissal of the Complaint, for entry of judgment on its behalf, for costs and disbursements of this action and such other and further relief as the Court may deem appropriate.

Charleston, South Carolina

March 6, 2007



Frances I. Cantwell, Esq.
William B. Regan, Esq.
Regan and Cantwell, LLC
105 Wappoo Creek Drive, Suite 1-A
Charleston, South Carolina 29412
Tel: 843-762-8282
Fax: 843-762-8284

David B. McCormack, Esq.
Buist Moore Smythe McGee, PA
P.O. Box 999
Charleston, South Carolina 29402-0999
Tel: 720-4612
Fax: 723-7398

Attorneys for the Respondent,
Library Associates, LLC

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

HISTORIC CHARLESTON FOUNDATION
and PRESERVATION SOCIETY OF
CHARLESTON,

Appellants,

vs.

THE CITY OF CHARLESTON, THE CITY
OF CHARLESTON BOARD OF ZONING
APPEALS-ZONING and LIBRARY
ASSOCIATES, LLC,

Respondents.

COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2007-CP-10-457

CERTIFICATE OF SERVICE

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2007 MAR -9 PM 1:34

FILED

The undersigned certifies that on the 6th day of March, 2007 a true and correct copy of
the Respondent Library Associate LLC's Answer/Return was placed in an envelope with first
class postage prepaid and affixed thereto and mailed to the following:

G. Trenholm Walker, Esq.
Lindsay K. Smith-Yancey, Esq.
Pratt-Thomas, Epting & Walker, PA
P.O. Drawer 22247
Charleston, South Carolina 29413-2247

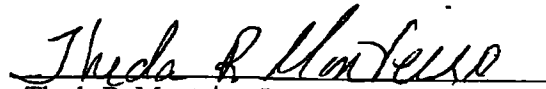
Edward K. Pritchard, III, Esq.
Pritchard & Elliott, LLC
8 Cumberland Street, Suite 200
Charleston, South Carolina 29401

Timothy A. Domin, Esq.
Clawson & Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, South Carolina 29492-8144

SIGNATURE PAGE FOLLOWS

Charleston, South Carolina

March 6, 2007

A handwritten signature in cursive script, reading "Theda R. Monteiro", written over a horizontal line.

Theda R. Monteiro, Legal Assistant
Regan and Cantwell, LLC

105 Wappoo Creek Drive, Suite 1-A

Charleston, South Carolina 29412

Tel: 843-762-8282

Fax: 843-762-8284

Law Offices
Regan and Cantwell, LLC
William B. Regan
Frances I. Cantwell

March 6, 2007

105 wappoo creek drive
suite 1-a
charleston, sc

29412

tel: 843-762-8282
fax: 843-762-8284

Hon. Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401

Re: Historic Charleston Foundation and Preservation Society of Charleston v.
The City of Charleston, the City of Charleston Board of Zoning-Appeals-
Zoning and Library Associates, LLC
Case No.: 2007-CP-10-457
R&C File No.: 2007-105

Dear Julie:

In regard to the above, enclosed is an original and two (2) copies of an Answer/Return submitted on behalf of Library Associates, LLC. Please file the original, and return two (2) clocked copies to me in the self-addressed envelope that is enclosed.

By copy hereof to counsel, I am serving them with these pleadings and Certificates of Service to that effect are also enclosed for filing.

Please let me know if you need anything further from me.

With kind regards, I am,

Yours truly,



Frances I. Cantwell
FIC/trm
Enclosures

cc: G. Trenholm Walker, Esq. (w/encls.)
Lindsay K. Smith-Yancey, Esq. (w/encls.)
Edward K. Pritchard, Esq. (w/encls.)
David B. McCormack, Esq. (w/encls.)
Timothy A. Domin, Esq. (w/encls.)

e-mail: billregan@bellsouth.net
fcantwell@bellsouth.net
tmonteiro@bellsouth.net

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
Historic Charleston Foundation and
Preservation Society of Charleston,

Appellants ,

vs.

The City of Charleston, The City of
Charleston Board of Zoning Appeals-
Zoning and Library Associates, LLC,

Respondents.

IN THE COURT OF COMMON PLEAS

CASE NO.: 07-CP-10-~~457~~

451

NOTICE OF APPEARANCE

BY
JULIE ARMSTRONG
CLERK OF COURT

2007 FEB 16 PM 1:07

FILED

In response to an appeal, The City of Charleston and The City of Charleston Board of Zoning Appeals-Zoning, would state as follows:

1. That the Respondents admit the allegations contained in paragraph 1 of the Complaint.
2. That the Respondents admit the allegations contained in paragraph 2 of the Complaint.
3. That the Respondents admit the allegations contained in paragraph 3 of the Complaint.
4. That the Respondents admit the allegations contained in paragraph 4 of the Complaint.
5. That the Respondents admit the allegations contained in paragraph 5 of the Complaint.
6. That the Respondents admit so much of paragraphs 6-18 as would generally recount the important efforts of the Historic Charleston Foundation and the Preservation Society of Charleston.

7. Upon information and belief the Respondents would admit the allegations contained in paragraph 19 of the Complaint.
8. That the Respondents lack sufficient information to form a belief as to the allegations of paragraph 20 of the Complaint.
9. That the Respondents admit the allegations contained in paragraph 21 of the Complaint.
10. That the Respondents lack sufficient information to form a belief as to the allegations of paragraph 22 of the Complaint.
11. Upon information and belief the defendant would admit the allegations contained in paragraph 23 of the Complaint.
12. That the Respondents admit the allegations contained in paragraph 24 of the Complaint.
13. That the Respondents admit the allegations contained in paragraph 25 of the Complaint.
14. The allegations of paragraph 26 of the Complaint are conclusions of law which need not be admitted or denied.
15. That the Respondents admit the allegations contained in paragraph 27 of the Complaint.
16. That the Respondents admit the allegations contained in paragraph 28 of the Complaint.
17. That these Respondents would admit that the BZA has not rendered a decision on the request for reconsideration, but a hearing on that request has been scheduled. Any remaining allegations of paragraph 29 of the Complaint are denied.

18. That the Respondents deny the allegations contained in paragraph 30 of the Complaint.
19. That the Respondents deny the allegations contained in paragraph 31 of the Complaint.
20. That the Respondents admit the allegations contained in paragraph 32 of the Complaint.
21. That the Respondents deny the allegations contained in paragraph 33 of the Complaint.
22. That the Respondents deny the allegations contained in paragraph 34 of the Complaint.
23. That the Respondents deny the allegations contained in paragraph 35 of the Complaint.
24. That the Respondents deny the allegations contained in paragraph 36 of the Complaint.
25. That the Respondents deny the allegations contained in paragraph 37 of the Complaint.
26. That the Respondents deny each and every allegation not specifically admitted.

FURTHER ANSWERING THE COMPLAINT

AND AS AN AFFIRMATIVE DEFENSE THERETO,

THE RESPONDENTS ALLEGE AND SAY:

(Prematurity)

27. That the Appellants have not acted on the motion for reconsideration and this

appeal is premature.

WHEREFORE, having fully answered the Complaint of the Appellants, the Respondents pray for a trial by jury and that the Appellants' Complaint be dismissed, together with the costs and disbursements of this action and for such other and further relief as this Court may deem just and proper.



Timothy A. Domin
CLAWSON & STAUBES, LLC
126 Seven Farms Dr., Suite 200
Charleston, South 29492-8144
(843) 577-2026

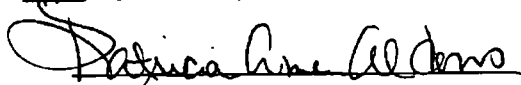
Attorneys for The City of Charleston and
The City of Charleston Board of Zoning
Appeals-Zoning

Charleston, South Carolina

February 13, 2007

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing pleading has been served upon opposing counsel by mailing, hand delivering or electronically forwarding a copy properly addressed and with sufficient postage affixed thereto on this 14th day of February, 2007.



CLAWSON & STAUBES, LLC
ATTORNEYS AT LAW

TIMOTHY A. DOMIN
tdomin@clawsonandstaubes.com

February 13, 2007

Reply to Charleston Office
File No.: 2007-159tad

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Re: Historic Charleston Foundation and Preservation Society of Charleston v. The City
of Charleston, The City of Charleston Board of Zoning Appeals-Zoning and Library
Associates, LLC

Case No: 07-CP-10-~~457~~

451

Dear Ms. Armstrong:

Enclosed please find the original and a copy of the Notice of Appearance filed on behalf
of The City of Charleston and The City of Charleston Board of Zoning Appeals-Zoning
regarding the above-referenced case. After filing, please return the copy to me in the
enclosed envelope.

Thank you for your assistance in this matter.

With kindest regards, I remain

Very truly yours,

CLAWSON & STAUBES, LLC



Timothy A. Domin

TAD/paa

Enclosures

cc: G. Trenholm Walker, Esquire (w/enclosure)
Edward K. Pritchard, III, Esquire (w/enclosure)
Frances I. Cantwell, Esquire (w/enclosure)

Charleston Office:
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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT
CASE NO.: 2007-CP-10-451

HISTORIC CHARLESTON FOUNDATION)
and PRESERVATION SOCIETY OF)
CHARLESTON,)

APPELLANTS,)

THE CITY OF CHARLESTON, THE CITY)
OF CHARLESTON BOARD OF ZONING)
APPEALS-ZONING and LIBRARY)
ASSOCIATES, LLC,)

RESPONDENTS.)

**MOTION TO ALTER OR
AMEND JUDGMENT**

FILED
2010 MAY -4 PM 4:16
JULIE J. ARMSTRONG
CLERK OF COURT

TO: FRANCES CANTWELL, ESQ., ATTORNEY FOR DEFENDANT LIBRARY
ASSOCIATES, LLC, and TIMOTHY DOMIN, ESQ., ATTORNEY FOR
DEFENDANTS THE CITY OF CHARLESTON AND THE CITY OF
CHARLESTON BOARD OF ZONING APPEALS-ZONING

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorneys for
Appellant Preservation Society of Charleston, move the Court, pursuant to Rule 52(b)
and 59(e) of the South Carolina Rules of Civil Procedure, for an Order altering or
amending the judgment entered by the Clerk of Court on April 13, 2010, notice of which
was received by the undersigned on April 23, 2010, and for a hearing to entertain
argument on the April 6, 2010, Order on Remand issued by Defendant The City of
Charleston Board of Appeals-Zoning. The grounds for this Motion are as follows:

On or about January 2, 2007, the Defendant The City of Charleston Board of
Appeals-Zoning (hereinafter referred to as "the BZA") granted a height variance to
Defendant Library Associates, LLC, to allow construction of a high rise hotel on property
located at 404 King Street, in the City of Charleston, South Carolina. On or about
February 1, 2007, Appellants filed an appeal of the height variance in the County of

10-7535

Charleston Court of Commons Pleas, said appeal being the underlying action of this Motion. The appeal was heard by Mikell R. Scarborough, Master in Equity, on March 10, 2009. On June 9, 2009, Judge Scarborough issued an Order finding that the BZA failed to adequately set forth its findings of facts and conclusions of law under which the variance was granted and remanding the matter back to the BZA for rehearing. (See June 9, 2010 Order of Judge Scarborough filed June 11, 2009).

On October 20, 2009, the BZA heard this matter on remand and determined that the record from its previous hearing on January 2, 2007, was sufficient and that it would not take additional evidence or rehear the matter. Instead the BZA decided to issue a new order based on the previous record.

On April 6, 2010, the BZA issued its Order on Remand which purports to cure the deficiencies set forth in the Court's June 9, 2009, Order. Thereafter, the parties to this appeal agreed that counsel for The City of Charleston would forward the Order on Remand to Judge Scarborough for review and further determination. Prior thereto, however, on April 13, 2010, the Order on Remand was entered as a judgment by the Clerk of Court as the "Masters Order from the Zoning Board Approving the Application for a Variance." (See attached Notice of Entry of Judgment). The notice from the Clerk's office states that the Order of the BZA dated April 6, 2010, is the judgment of this Court. This written notice of judgment was received by counsel for this Appellant on April 23, 2010.

The undersigned counsel are informed and believe that the entry of the Order on Remand as a judgment and final ruling on the appeal herein was a clerical mistake. The Order on Remand is an order of the BZA, not a judgment of this Court. The Court

has not made a determination of whether the Order on Remand contains sufficient findings of facts and conclusions of law to support the BZA's granting of the variance at issue, which was the very reason for the Court's remand. This Court has not ruled on the multiple grounds for setting aside the variance that were raised in the Appellant's appeal and argued before the Court.

Entering the Order on Remand as the Master's Order ruling on the appeal deprives the Appellants the opportunity of its right to judicial review and to be heard on why the Order on Remand, like the BZA's previous Order, fails to support the granting of the variance at issue, as well as deprives the Appellants of further appellate avenues. Appellants restate and incorporate herein by reference all grounds for setting aside the variance previously alleged or argued that were not ruled upon in this Court's previous order in this matter that held the first order of the BZA did not contain sufficient findings of fact and conclusions of law to enable judicial review.

For the foregoing reasons, the Appellant hereby moves for an Order altering or amending the judgment as follows: (1) vacating the Order on Remand of the BZA as the judgment of this Court; (2) setting a hearing to allow argument on the insufficiencies of the Order on Remand; and (3) reversing the BZA's variance determination in the Order of Remand for the reasons previously argued and alleged by Appellants as well as any new grounds made pertinent by the Order on Remand.

PRATT-THOMAS WALKER, P.A.

By: G. Trenholm Walker

G. Trenholm Walker

Lindsay K. Smith-Yancey

P.O. Drawer 22247

Charleston, SC 29413-2247

T: (843) 727-2208

ATTORNEYS FOR APPELLANT PRESERVATION
SOCIETY OF CHARLESTON

May 3, 2010

Charleston, South Carolina

CERTIFICATE OF SERVICE

Undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by hand, or by depositing a copy of same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this 3rd day of May, 2010, in Charleston, South Carolina

G. Trenholm Walker

JULIE J. ARMSTRONG
CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258
RETURN SERVICE REQUESTED



www3.charlestoncounty.org

27



WALKER, GEORGE TRENHOLM
PO BOX 22247
CHARLESTON SC 29413-2247

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC
MSORD - MASTERS ORDER FROM THE ZONING BOARD APPROVING THE
APPLICATION FOR A VARIANCE

THIS JUDGMENT WAS ENTERED ON THE 13TH DAY OF APRIL, 2010 AND A COPY MAILED
FIRST-CLASS THIS 21ST DAY OF APRIL, 2010 TO ALL COUNSEL OF RECORD AND/OR
ALL PERSONS ENTITLED TO RECEIVE NOTICE.
YOU MAY VIEW AND DOWNLOAD THIS DOCUMENT AT WWW3.CHARLESTONCOUNTY.ORG

WALKER, GEORGE TRENHOLM
PO BOX 22247
CHARLESTON SC 29413-2247

2007-CP-10-000451
HISTORIC CHARLESTON FOUNDATION
VS.
CHARLESTON CITY OF THE ETC

16 CHARLOTTE STREET
CHARLESTON, SC 29403

PO DRAWER 22247
CHARLESTON, SC 29413-2247

PHONE: 843.727.2200
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E-MAIL: gtw@p-tw.com
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DIRECT FAX 843.727.2231

E. DOUGLAS PRATT-THOMAS

G. TRENHOLM WALKER

W. ANDREW GOWDER, JR.

JON L. AUSTEN

LINDSAY K. SMITH-YANCEY (SC, NC)

CLAYTON B. McCULLOUGH

THOMAS H. HESSE (SC, GA)

IAN W. FREEMAN (SC, CA)

FRANCIS M. ERVIN II (SC, MA)

DANIEL S. McQUEENEY, JR.

JAMIE A. KHAN

KATHLEEN FOWLER MONROE

May 3, 2010

U.S. MAIL ☒ FACSIMILE ☐ FEDERAL EXPRESS ☐

Julie J. Armstrong
Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Re: Historic Charleston Foundation, et al. v. City of Charleston, et al.
Case No.: 07-CP-10-451
Our File No.: 4197.003

Dear Julie:

I have enclosed Plaintiff Preservation Society of Charleston's Motion to Alter or Amend Judgment with Certificate of Service, Motion Cover Sheet, and the filing fee of \$25. I would very much appreciate your filing the Motion with the Court.

With kind regards, I am,

Sincerely,

PRATT-THOMAS WALKER, P.A.



G. Trenholm Walker

GTWnjdm

Enclosures (As noted above)

c: Hon. Mikell R. Scarborough
Frances I. Cantwell, Esq.
Timothy A. Domin, Esq.
Edward K. Pritchard, III, Esq.
Samia Hanafi, Esq.
Robert Gurley

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Historic Charleston Foundation, et al.,

☒ Plaintiff

v.

The City Of Charleston, Et Al.,

☐ Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.

2007-CP-10-451

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Plaintiff's Attorney: G. Trenholm Walker, Bar No. 5777 Address: PO Drawer 22247 Charleston, SC 29413-2247 phone: 727.2208 fax: 727.2231 e-mail: gtw@p-tw.com other:		Defendant's Attorney: Frances Cantwell, Bar No. Address: 105 Wappoo Creek Dr., Suite 1-A Charleston, SC 29412 phone: 762-8282 fax: e-mail: fcantwell@birch.net other:	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Alter or Amend Judgment Estimated Time Needed: 30 mins Court Reporter Needed: ☒ YES / ☐ NO			
SECTION II: Motion/Order Type			
☐ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
Signature of Attorney for ☐ Plaintiff / ☐ Defendant		Date submitted	
SECTION III: Motion Fee			
☒ PAID – AMOUNT: \$25 ☐ EXEMPT: ☐ Rule to Show Cause in Child or Spousal Support (check reason) ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: ☐ Other:			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:		JUDGE _____	
		CODE: _____ Date: _____	
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____	
☐ MOTION FEE COLLECTED: _____ ☐ CONTESTED – AMOUNT DUE: _____			

SCCA/233 (11-03)

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

HISTORIC CHARLESTON FOUNDATION
and PRESERVATION SOCIETY OF
CHARLESTON,

Appellants,

vs.

THE CITY OF CHARLESTON, THE CITY
OF CHARLESTON BOARD OF ZONING
APPEALS-ZONING and LIBRARY
ASSOCIATES, LLC,

Respondents.

COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2007-CP-10-451

MOTION TO ALTER, AMEND OR
RECONSIDER ORDER

2009 JUL -7 PM 2:48
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

09-11020
The Respondents respectfully request the Court to alter, amend and/or reconsider its
Order of Remand issued on June 9, 2009, written notice of entry of the Order being received on
June 26, 2009. This motion is based on the following grounds,

1. The issue in this case is the validity of a height variance awarded by the City of
Charleston Board of Zoning Appeals (Board) to Library Associates, LLC (Library Associates).
The Order remands the matter back to the Board on the basis that the written order issued by the
Board failed to set forth its factual findings and that, from the Transcript of the Board's hearing,
the court was unable to discern its reasoning. Respondents request this holding be reconsidered
altered and/or amended because the Transcript contains sufficient evidentiary support for each of
the variance criteria and the tenor of the discussion of the Board reveals that such evidence
served as the basis of its decision.

As noted by the Court, the Board allowed evidence by way of public input. As for those
supporting the variance, the Board received evidence of the uniqueness of the site due to its

location at Marion Square, that any building on the site would have visibility from all sides, that the application of the split height districts resulted in a building that could not meet the City's design requirements or accommodate the 185 room hotel that had already been approved, and that the height proposed, was in keeping with buildings in the vicinity and with the tradition of buildings in the area. (Order pp. 2-3; Tr. pp 42-43; 46-50).

In its discussion, one or more members of the Board references this very evidence:

Samuel Altman: I - - I just - -- just have a feeling that if you can build what this little instrument is down here on the chair, it just - its just not practical, it's not reasonable, and implying what Ms. Cantwell presented to us, I just feel that the test has been met and I think that I'm going to move for approval of the application. I understand the argument and it concerns me and I'm going to say this too. I know there are future developments and height is something that concerns all of us who have been around here for a long time and I'm just hoping that whatever I say somebody listens to who is a developer in this. Please if you're doing this work within what you have and I hope you don't have the same exact situation that the applicant has here, but we don't like to grant variances, and particular height variances, and so nonetheless I - - I'm going to go ahead a make a motion for approval. (Tr. P. 71, lines 2-16)

Sandra Campbell: Yeah I - - I concur or echo everything Mr. Altman has said and I'm going to second that motion. (Tr. P. 71, lines 19-20)

Russell Rosen: Frances, if you would be so kind to put the block back up on the square. Well no you don't have to replace it, I just want to put the block up there because this gets to be a very interesting discussion. If these were two lots with a property line with a setback where the height variance kicks in and two separate developments we'd be looking at a totally different story, but I think that what we're really talking about is the easterly portion of this development because they don't need the variance for the westerly portion. But the truth of the matter, the facts are that this is a single piece of property and a single development and I think given that it - - the - - there is that hardship in developing this in a way that's going to work best for the city.

Along with the volume considerations that they've discussed, they're going to do onsite parking. That eats up a lot of volume in a building of this type so I think that affects the size and what they need to have and, therefore, I believe that I - - I see no reason that I should not go for approval of this motion. Thank you. (Tr. p.71, line 25 - p. 72, line 16)

Michael Robinson: I think the other consideration that crosses my mind is that there are going to be some other projects, large projects, we look at in the future. This is the only one on the Square. The other ones are separated by rights of way and this is unique in that respect. It does front the Square. And I thought about the same thing that Mr. Rosen said its one piece of property and quite honestly even if it was two pieces of property to develop in that fashion like the box wouldn't be the most appropriate way to do it.

The other thing is, you know, we have given our approval 185 rooms already so how are 185 rooms going to be put in either this way or that way, one or the other. If we're faced with the situation such as that I think everyone in the room would agree which is the most desirable. Those are the thoughts I'm having.

(Tr. p. 72, line 17 – p. 73, line 3)

Male Speaker And I had similar thoughts and that design and configuration on
(Mr. Smalls): that particular site appeals to me more than a box type structure.

(Tr. p. 73, lines 4-6)

Leonard Krawcheck: Anybody wants a crack at this thing? This is one of the - -

[LAUGHTER] this is one of the most important sites in the city of Charleston, one of the most important zoning variance requests that I ever recall coming before this Board. And I first of all I think that Mr. Altman said it and everybody said it, the Planning and Zoning Commission has its own function. It doesn't affect us. City Council has its function. It doesn't affect us. BAR does its job. It doesn't affect us.

So what we're here to do apply the zoning variance test. The issue is whether there's a hardship. The zoning variance test, the hardship test is where extraordinary and exceptional conditions pertaining to this particular piece of property. I do not believe that the fact that the height ordinance divides this property is of its - - in and of itself an extraordinary exceptional condition, but I do think that this property suffers from a hardship in that its next to the old Citadel, it's surrounded on two sides by King Street and Hudson, and it's on Marion Square, and I don't think there's another piece of property that I can think of that fits this situation.

I think it is extraordinary and I think it is exceptional. It's the exception to the rule and I think when you add that fact to the - - to the zoning ordinance - - to the height district subdividing this

property, now I think it becomes a factor and I think when you go down this zoning variance test and that's what all we can do, even if we wanted to do something else we couldn't, these conditions do not generally apply to other properties in the vicinity, well obviously they don't.

Because of these conditions, the application to the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property, I think that statement is tailor-made for this property. You can build it up to 105 feet on King Street, but you can't build it in the back. It does restrict the utilization of this property in my opinion. The authorization of the variance will be of substantial detriment to adjacent property, nobody's - - nobody yet in this room has said that it would be a detriment to adjacent property.

For the public good, I think that pretty much that - - I think it is for the public good to build this project. The character of the district will not be harmed by the granting of the variance, Mr. Copeland addressed that. Ms. Murphy addressed that and a host of others addressed that. I think it - - I think the character of the district not only won't be harmed but it will be helped and it's a wonderful area.

I think that the purpose - - the reason that this Board exists is for situations just like this and I - - I do respect indeed Mr. Pritchard, Mr. Gurley and Ms. Pelsar and historic Charleston and all the others and I respect their opinions particularly when it comes to - - to architecture like this, but most of the arguments we've heard are BAR arguments and not BZA arguments and I think it is an exceptional extraordinary condition. (Tr. p.73, line 23 - p. 75, line 21)

The Order of the Court implies that each member of the Board articulate his own reasoning. The preceding portions of the Transcript is informative on this issue. The Transcript reveals that in its discussion and deliberation none of the members of the Board supporting the variance took issue or otherwise disagreed with comments of fellow members. To the contrary, each built off what others had said previously, and that discussion addressed each of the variance criteria and the facts to support them.

2. The effect of the Order will require lay persons to articulate reasoning in the manner of a judge. The law recognizes that a board of zoning appeals will be comprised of residents representative of the general public. The purpose of the requirements for findings of fact and conclusion of law is to give a reviewing court a basis for determining that the Order contains no error of law. As applied here, the evidence presented to the Board and its discussion of it, in the aggregate, provides a basis for determining that the decision was correct, as a matter of law.

3. On page 1 of the Order, the Court finds "... the decision of the Board should be remanded for determination pursuant to the statutory criteria of S.C. Code § 6-29-800(F) (Supp.

2004)”. The cited section of the Code requires written findings of fact and conclusions of law.

On page 7 of the Order, the matter is remanded back to the Board for a rehearing.

The Order requires clarification to specify that the Board, on remand, issue a written order incorporating findings of fact and conclusions of law based on the Record of this case, to include the Transcript of its proceedings. This clarification is required because the Order did not find the Record devoid of evidence to support a variance, only that the Board’s reasoning was not sufficiently specified. The Board should be given an opportunity to explain its reasoning. And, the Record is sufficient to allow it to do so. The findings contained in this Court’s Order is proof of this point.

This clarification is further required because a rehearing, de novo, could have the effect of depriving Library Associates of the right to re-apply for the variance. This is so because, after the variance was granted, City Council amended the height regulations applicable to 404 King Street. The amendment is being litigated, but nonetheless remains in effect until that litigation is finally resolved. If the Order of this Court requires a hearing de novo before the Board, then an issue of jurisdiction is posed since the rezoning arguably leaves nothing for the Board to vary, a condition that did not exist when the variance was initially requested. The result may be that Library Associates is denied the opportunity to avail itself of a remedy that it was entitled to pursue when the variance application was initially filed. Consequently, if this matter is to be remanded, it should be with instructions that the Board issue a written order with its findings of fact and conclusions of law iterated based on the existing Record of its proceedings.

Charleston, South Carolina

July 6, 2009



Frances I. Cantwell, Esq.
Regan and Cantwell, LLC
105 Wappoo Creek Drive, Suite 1-A
Charleston, South Carolina 29412
Tel: 843-762-8282
Fax: 843-762-8284

Attorney for Respondent
Library Associates, LLC

Timothy A. Domin, Esq.
Clawson & Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, South Carolina 29492-8144

Attorney for Respondent,
City of Charleston, The City of Charleston
Board of Zoning Appeals - Zoning

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

HISTORIC CHARLESTON FOUNDATION)
and PRESERVATION SOCIETY OF)
CHARLESTON,)

Appellants,)

vs.)

THE CITY OF CHARLESTON, THE CITY)
OF CHARLESTON BOARD OF ZONING)
APPEALS-ZONING and LIBRARY)
ASSOCIATES, LLC,)

Respondents.)

COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO.: 2007-CP-10-451

CERTIFICATE OF SERVICE

2009 JUL -7 PM 2:48
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

The undersigned certifies that on the 6th day of July, 2009 a true and correct copy of the Respondents Library Associate LLC's Motion to Reconsider was placed in an envelope with first class postage prepaid and affixed thereto and mailed to the following:

Attorneys for Appellant

Preservation Society of Charleston

G. Trenholm Walker, Esq.

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Historic Charleston Foundation

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The City of Charleston

The City of Charleston Board of Zoning Appeals - Zoning

Timothy A. Domin, Esq.

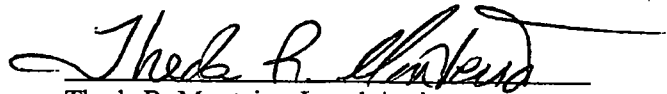
Clawson & Staubes, LLC

126 Seven Farms Drive, Suite 200

Charleston, South Carolina 29492-8144

Charleston, South Carolina

July 6, 2009



Theda R. Monteiro, Legal Assistant

Regan and Cantwell, LLC

105 Wappoo Creek Drive, Suite 1-A

Charleston, South Carolina 29412

Tel: 843-762-8282

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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Historic Charleston Foundation, et al

☐ Plaintiff

v.

The City Of Charleston, Et Al

☒ Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.

2007-CP-10-451

MOTION INFORMATION FORM
AND COVER SHEET

Plaintiff's Attorney: G.Trenholm Walker, Bar No. Address: Pratt-Thomas Walker, PA P.O. Drawer 22247 Charleston, South Carolina 29413-2247 phone: 727-2200 fax: 727-2238 e-mail: other:		Defendant's Attorney: Frances I. Cantwell, Bar No. Address: Regan and Cantwell, LLC 105 Wappoo Creek Drive, Suite 1-A Charleston, South Carolina 29412 phone: 843-762-8282 fax: 843-762-8284 e-mail: other:	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Motion to Reconsider, Alter or Amend Order Estimated Time Needed: 30 minutes Court Reporter Needed: ☒ YES / ☐ NO			
SECTION II: Motion Type			
☐ Written motion attached ☐ Form Motion -- I hereby move for relief or action by the court as set forth in the attached proposed order.			
 Signature of Attorney for ☐ Plaintiff / ☒ Defendant		July 6, 2009 Date submitted	
SECTION III: Motion Fee			
☒ PAID - AMOUNT: 25.00 ☐ EXEMPT: ☐ Rule to Show Cause in Child or Spousal Support (check reason) ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: ☐ Other:			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:		JUDGE _____	
		CODE: _____ Date: _____	
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____	
☐ MOTION FEE COLLECTED: _____			
☐ CONTESTED - AMOUNT DUE: _____			

Law Offices
Regan and Cantwell, LLC
William B Regan (Ret.)
Frances I Cantwell

July 6, 2009

105 wappoo creek drive
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charleston, sc
29412

tel: 843-762-8282
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Hon. Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street
Charleston, South Carolina 29401

Re: Historic Charleston Foundation and Preservation Society of Charleston v.
The City of Charleston, the City of Charleston Board of Zoning-Appeals-
Zoning and Library Associates, LLC
Case No.: 2007-CP-10-451

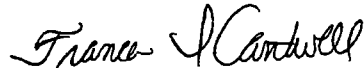
Dear Julie:

In regard to the above, I am enclosing an original and one (1) copy of a Motion to Reconsider, Alter or Amend, along with the \$25.00 filing fee. By copy hereof to counsel, I am providing them with this motion, and a Certificate of Service to that effect is enclosed.

As this matter was heard by the Master, I am also providing him with a copy of the motion.

With kind regards, I am,

Yours truly,



Frances I. Cantwell

FIC/trm

Enclosures

cc: Hon. Mikell R. Scarborough, Master-In-Equity (w/encl.)
G. Trenholm Walker, Esq. (w/encl.)
Lindsay K. Smith-Yancey, Esq. (w/encl.)
Sara E. DeWolf, Esq. (w/encl.)
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IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2007-CP-10-0451

Historic Charleston Foundation and
Preservation Society of Charleston,

Appellants,

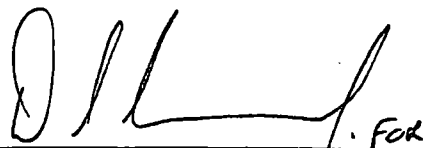
v.

The City of Charleston, The City of
Charleston Board of Zoning Appeals-Zoning,
and Library Associates, LLC,

Respondents.

NOTICE OF APPEAL

Appellants Historic Charleston Foundation and Preservation Society of Charleston appeal the order of the Honorable Mikell R. Scarborough filed June 29, 2010. Appellants received written notice of entry of the order on July 12, 2010.



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Pratt-Thomas Walker, P.A.

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Attorneys for Appellant Preservation Society of
Charleston

FILED
2010 AUG 12 PM 3:10
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____



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Attorneys for Appellant Historic Charleston
Foundation

August 11, 2010

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IAN W. FREEMAN ISC, CAJ
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August 11, 2010

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The Honorable Tanya A. Gee
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Historic Charleston Foundation and Preservation Society of Charleston v. The City of Charleston, The City of Charleston Board of Zoning Appeals – Zoning, and Library Associates, LLC

Dear Ms. Gee:

Please find enclosed a Notice of Appeal, as well as the requisite filing fee, in the above-referenced matter. As evidenced by the enclosed Proof of Service, I am serving the parties with a copy of the Notice through their respective attorneys.

By copy of this letter, I am also providing a copy of the Notice of Appeal to the Charleston County Clerk of Court.

Thank you for your assistance in this regard.

Very truly yours,

PRATT-THOMAS WALKER, P.A.



Janet Segall
Paralegal to Daniel S. McQueeney, Jr.

jas
enclosures

c: Timothy A. Domin, Esq.
Frances I. Cantwell, Esq.

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2007-CP-10-0451

Historic Charleston Foundation and
Preservation Society of Charleston,

Appellants,

v.

The City of Charleston, The City of
Charleston Board of Zoning Appeals-Zoning,
and Library Associates, LLC,

Respondents.

PROOF OF SERVICE

I hereby certify that a true and correct copy of the Notice of Appeal herein was served on this 11th day of August, 2010, via United States Mail, postage prepaid, upon the following counsel of record:

Timothy A. Domin, Esq.
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Janet Segell, Paralegal to
Daniel S. McQueeney, Jr., Esq.
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Charleston, SC 29413-2247

FILED
2010 AUG 12 PM 3:10
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

April 25, 2007

Page 1

Library
Associates

06-233

ORIGINAL

A. William Roberts, Jr. & Associates

BOAZ

1/2/07

Date of Transcription: April 22, 2007

1

2 FEMALE SPEAKER: [Indiscernible] January [Indiscernible]
3 2006 [Indiscernible].

4 [BACKGROUND NOISE]

5 LEONARD KRAWCHECK: I welcome you to this January 2nd,
6 2007 meeting of the City of Charleston Board of Zoning Appeals.
7 All present are Ms. Smith, Mr. Smalls, Mr. Robbins and Mr.
8 Krawcheck. We're expecting Mr. Altman and Mr. Rosen and Ms.
9 Campbell to join us shortly. On my right planning staff Ms.
10 Ellington, Ms. Ashby and Mr. Batchelder. These proceedings are
11 being recorded. We ask you please to identify yourselves if you
12 speak.

13 This Board does three basic things. We hear appeals from
14 the zoning administrator. If someone disagrees with Mr.
15 Batchelder, they can appeal his ruling to this Board. We hear
16 requests for special exceptions to the zoning ordinance. In
17 those cases, we ask to be a fact finding group and that is - -
18 and we find facts and make decisions. Thirdly we are asked to
19 grant zoning variances.

20 I'm going to read the zoning variance test into the record
21 one time because it's rather lengthy. There are extra - - you
22 have to show that there are extraordinary exceptional conditions
23 pertaining to the particular piece of property. These
24 conditions do not generally apply to other property in the
25 vicinity. Because of these conditions, the application of the
26 ordinance to a particular piece of property would effectively
27 prohibit or unreasonably restrict the utilization of the

1 [BACKGROUND CONVERSATIONS]
2 SAMUEL ALTMAN: [Indiscernible] got it back again?
3 [BACKGROUND CONVERSATIONS]
4 FEMALE SPEAKER: You did good on that one.
5 SAMUEL ALTMAN: I knew where it was going, you know.
6 [BACKGROUND CONVERSATIONS]
7 LEONARD KRAWCHECK: We're going to take five minutes to
8 allow the applicant to set up their presentation, so we'll be in
9 recess for about five minutes.
10 [BACKGROUND CONVERSATIONS]
11 MALE SPEAKER: Put it in the wrong place.
12 [BACKGROUND CONVERSATIONS]
13 LEONARD KRAWCHECK: Item number seven if 404 King Street
14 for a variance to allow construction of a motel for the maximum
15 building height 105' and 5530 [Indiscernible] district zoned
16 GBA. Ms. Cantwell?
17 FRANCES CANTWELL: Thank you, Mr. Chairman. My client is
18 [Indiscernible] here on behalf of Library Associates
19 [Indiscernible] LLC.
20 MALE SPEAKER: [Indiscernible].
21 LEONARD KRAWCHECK: Oh I'm sorry. Ms. Cantwell - -
22 [LAUGHTER]
23 LEONARD KRAWCHECK: Mr. Batchelder.
24 [LAUGHTER]
25 LEONARD KRAWCHECK: My apologies.
26 [BACKGROUND CONVERSATIONS]
27 LEE BATCHELDER: That's okay.

1 [BACKGROUND CONVERSATIONS]

2 LEE BATCHELDER: I'll keep my remarks to a minimum so I
3 don't steal from the applicant's thunder, by the application
4 before you today has to do with 404 King Street which of course
5 is the site of the former main library on King Street and it's a
6 site which we feel is exceptional extraordinary. It is a
7 property that is located in such a way that it really has no - -
8 no backside. It fronts on King Street, fronts on Marion Square,
9 fronts on Hudson Street to the north and it is located adjacent
10 to the old Citadel which has a - - a side facing this property
11 which cannot be built up next to. You can't - - you can't - -
12 it's not the side of the building. That - - that is really an
13 important facade in that building, so this site that we're
14 talking about is exceptional extraordinary for that reason.

15 It also happens to be located in an area where we have
16 these important buildings. We have St. Matthews Lutheran
17 Church, the Amar [ph] Building across King Street. We have the
18 old Citadel building. All important - - very important
19 buildings that have to be addressed in the construction of any
20 new structure on this site.

21 And the request that's before you tonight seems pretty
22 simple, but this simple explanation that is on your agenda,
23 which really addresses the variance being requested, doesn't
24 really accurately describe the true nature of what's being
25 requested because we have a site that is located within two
26 different height districts and the proposed building on this
27 site will not exceed the maximum allowed height in the height

1 district along King Street and that's important to understand I
2 think because we're really not talking about a variance to allow
3 a building taller than what is already allowed on this site.

4 The 3X district along King Street establishes a maximum
5 height for that portion of the site within 100 feet of King
6 Street and it's established by measuring from the face of the
7 building to the centerline of King Street. So when you do that
8 with the site - - with the plan that is being proposed, you end
9 up with a maximum height of 105 feet. The building that's
10 proposed will not exceed 105 feet. What's being proposed is
11 that some of that mass that would be allowed in that 3X height
12 district along King Street be shifted over to that portion of
13 the property located within the 5530 height district.

14 Site will contain a 185-room full service hotel with
15 retail on King Street and Hudson Street, with a restaurant that
16 faces Marion Square with 5,500 square feet of conference space
17 and a rooftop terrace facility. These are all great things to
18 have in that location on King Street adjacent to Marion Square
19 in an area that is already a very dynamic, lively area, but one
20 that still has great potential. And this type of facility in
21 that location will bring that potential [Indiscernible] reality.

22
23 So we support the requested variance. We feel that they
24 meet the variance tests. This is, as I said, an exceptional
25 extraordinary property and - -

26 [END OF SIDE A TAPE ONE]

27 [BEGINNING OF SIDE B TAPE ONE]

1 LEE BATCHELDER: We don't feel that the conditions that
2 I've described really apply to other property in the vicinity.
3 We do believe that because of these conditions property would be
4 unreasonably restricted if you were to follow the height
5 limitations set by the height districts and create what
6 essentially would be an L-shaped building when looking at it
7 from Marion Square. A building of similar size and
8 configuration was reviewed by the Board of Architectural Review.

9 It's been some time ago when this project first began, but it
10 was approved for conceptual approval.

11 And we feel, finally, that the authorization variance will
12 not be of substantial detriment to the adjacent property or to
13 the public good. In fact, we think the character of the
14 district will be enhanced by building that's proposed here. So
15 our recommendation is for approval.

16 LEONARD KRAWCHECK: Mr. Batchelder, go back for me a
17 little bit. Point to what the extraordinary exceptional
18 conditions pertaining to this piece of property are?

19 LEE BATCHELDER: Well again the location of this property
20 at a point where you have essentially no back side of this
21 building means that the building that gets designed for this
22 location is a very prominent building. It's a very visible
23 building, and it has to - - it has to fit in properly with its
24 context. It has to address King Street as a main shopping
25 street. It has to address Marion Square, the old Citadel and
26 Hudson Street, and that is exceptional extraordinary and not
27 typical of any other site in that area.

1 LEONARD KRAWCHECK: That you very much. Ms. Cantwell?

2 FRANCES CANTWELL: Thank you, Mr. Chairman. I am Frances
3 Cantwell here on behalf of the owner of the site, Library
4 Associates, LLC, [Indiscernible] done a number of very good
5 quality projects in the City and [Indiscernible] the City. Lee
6 did steal a lot of my thunder, but [Indiscernible] said it
7 better than I could have said it. We are here tonight asking
8 for a variance in height, but in truth what we're asking you is
9 to allow a portion of the height that is allocated to King
10 Street, the 105 height along King Street, we want to reallocate
11 it so that some of that is shifted into what is the 5530 height
12 district, and I'll explain to you in a few minutes why we
13 believe that's necessary, why we believe this site demands it,
14 and why we believe this is in the spirit of the ordinance and
15 meets the variance tests as to why it should be granted.

16 I don't think that we can stress enough how important this
17 site is, and it's not just important because of what surrounds
18 it architecturally, and there are a number of things that
19 surrounds it architecturally, it's just not the old Citadel.
20 That is a consideration, but certainly you have Lutheran Church
21 across the street which is a great consideration, the Amar
22 Building and what has been recently revitalized and has become a
23 wonderful, wonderful public space which is Marion Square. This
24 site not only needs to respect the architecture around it, but
25 it will play a specific role in our community. It will face
26 this part. It needs to be a building that the community has a
27 stake in. It's one of the few sites I believe where the use is

1 almost as important as what the building looks like that goes
2 there.

3 This site was acquired probably ten years ago, maybe more
4 now, and a lot of study has been given as to what should be
5 there. Originally there was a program for a department store.
6 You could have residential use. You could have office use. But
7 really the most public private owned use would be a full service
8 hotel and this is why. Not only will the people who stay there
9 enjoy this building, but if it is as we envision it with the
10 amenities that we described, it's a building that you and I
11 would use just like we use the [Indiscernible] House, just like
12 we use the Omni, just like we use other publicly accessible full
13 service buildings. We'll have weddings there. We will have Bar
14 Mitzvahs there. We will have anniversaries there. You'll have,
15 you know, meet your friends there. So it's a - - it's a public
16 space that needs to be publicly accessible. We believe the
17 program for the hotel meets that bill.

18 That use also fits in what the City's vision is on this
19 area of King Street. It provides a beautiful accent park. It
20 provides revitalization of retail along King Street and along
21 Hudson Street. It keeps light on the street after 5:00 at night
22 which is an important thing for a vibrant, inner city space.
23 The owners not only buy into the vision of the city, they
24 wholeheartedly endorse it and have been working with the City
25 and the staff for a number of years to own this project to a
26 point where it respects and fulfills all the goals that this
27 most important site has to do.

1 Two years ago - - three years ago an application was
2 before you for a special exception. At that point in time the
3 plans weren't as [Indiscernible] as they are now.
4 [Indiscernible] wanted to put there was 185-room hotel, full
5 service with amenities with retail space. This Board approved
6 that special exception then, renewed it roughly a year ago, and
7 all during this time the owners have been sharpening their
8 pencils with their designers trying to come up with a building
9 that is respectful to not only its neighbors, but it's something
10 that all of us were going to be proud of.

11 One of the first things they ran into of course was the
12 fact that this site is split by a height district and what's
13 unusual is in the height district - - and this is the site right
14 here. It's vacant - - shows a vacant lot. This is where the
15 library is. The height district essentially cuts it in half and
16 what's unusual is that in the typical scenario when you have
17 split - - a lot that splits by a height district, you have the
18 height set back from the street. Here you have 105 feet all
19 allocated on the King Street facade. So you have a substantial
20 amount of massing, shading, overwhelming, if you will, along
21 King Street with the rear of the site - - that's where the 5530
22 and that's where it backs off.

23 So the designers trying to come up with a building that
24 will respect all of its neighbors have come up with a design
25 that will redistribute the height, take some of the height from
26 the 3X or the 105-foot area where it's currently allowed, and
27 redistribute it to the other portions of the site. And I think

1 the best way to show you is that this is what the ordinance will
2 allow. It's very odd, peculiar shaped building, but that's what
3 the height district - - the strict application of the height
4 district gives you a envelope, if you will, a building that
5 looks like that. Certainly it's set back from the Citadel, but
6 look what it does to the King Street facade, look what it does
7 to the Hudson Street facade.

8 After a lot of study, designers came up with the building
9 that does this. We feel that it's far superior in the sense
10 that massing on King Street is not the 105, is not as
11 substantial as it would be allowed under regular - - under the
12 zoning district, it is respectful to the Citadel that's to - -
13 that is to the west I guess, and it's set back on all sides
14 which is typical of what buildings - - larger buildings in the
15 city normally do. You start at the street and you step it back
16 and that is what this has done. And the idea behind it is to
17 take what would have been all allocated here and redistribute it
18 so that you have what is shown by this model essentially a
19 U-shaped area to the top of the building that is set back when
20 it reaches the height of approximately 63 feet.

21 You will see in the front looking from Marion Square,
22 which might be the most prominent facade elevation of the
23 building, this is what you would see as opposed to an L-block
24 shaped building. We think the design is superior and we think
25 it is in keeping with the - - what the City has in mind for this
26 - - for this site, and it is something that the BAR [ph] has
27 supported and endorsed. We've got the conceptual approval of

1 height, scale and mass with the design similar to what you're
2 seeing here.

3 Just to give you an idea to put it in context, here is
4 Marion Square elevations on this board and you can see King
5 Street, and you see the Church, the massing there. Over here
6 curiously this white [Indiscernible] is the federal building,
7 and in between you have the Citadel and then you have the
8 stepped up where the hotel would go recognizing that this
9 [Indiscernible] would be [Indiscernible] part of the hotel is
10 recessed. There is a courtyard effect up here. There is no
11 massing height there. Instead it's shifted and turned around
12 and reallocated over the base of the site.

13 Here is a color rendering of what the hotel would look
14 like as you come down King Street. You can see there would be
15 openings, street level outdoor dining potential right on Marion
16 Square. You have the courtyard capabilities above the initial
17 [Indiscernible] third floor, and then when you get to the top is
18 where you have the opportunities for your - - for your terrace
19 gardens and your rooftop views which would be extraordinary.
20 This will be a building that all of us will want to go to. It
21 will be a building we'll us. It won't just be visitors.

22 SAMUEL ALTMAN: Ms. Cantwell, there's a reference in here
23 to 105 feet and you just mentioned something with 63 feet? What
24 is the 63 feet? What is that?

25 FRANCES CANTWELL: Sixty-three feet - - this is the facade
26 on King Street as opposed to being 105 is 63 feet, so they - -
27 they moved a substantial amount of the massing back in order to

1 reduce the visual scale of this building as you approach it back
2 from Vandross [ph] and from the park.

3 MARGARET SMITH: I just have a quick question. That line
4 that divides the two, does it - - does it continue south through
5 the Millennium Music property?

6 FRANCES CANTWELL: I will show you - - I have - -

7 [BACKGROUND CONVERSATIONS]

8 MARGARET SMITH: [Indiscernible] that's right here.

9 MALE SPEAKER: Yeah.

10 MARGARET SMITH: That's right here.

11 MALE SPEAKER: Um-hum.

12 FRANCES CANTWELL: These are - - this says the proposed
13 heights but this is what's actually passed as I understand it.

14 MARGARET SMITH: Right. Thank you.

15 FRANCES CANTWELL: I have one [Indiscernible].

16 [OVERLAPPING CONVERSATIONS]

17 FRANCES CANTWELL: When you look at the height district
18 map, you will see that the purple on this map is 8030 but along
19 King Street is blue and so the height is stepped back virtually
20 everywhere where a - - a district is split except on the site.
21 And we believe that the result of that is an incongruous [ph]
22 shaped building and one that does really nothing for the park or
23 for King Street or for the architectural neighbor.

24 The City supports this project, the neighbors support this
25 project, a number of businesses in and around the areas support
26 the project. The Mayor has submitted a letter to the Board
27 indicating his support of the project that I would like to

1 present for the record [Indiscernible] Mr. Chairman with your
2 permission we have a number of letters of support from people
3 saying that they endorse it. So all that said and done, I know
4 your question. What is the hardship? Why - - why do we need
5 this height variance?

6 Mr. Batchelder articulated it quite well and the site
7 itself is exceptional because whatever is built here - -
8 whatever is built here is going to have a lot of visibility from
9 King Street, from the park, from Hudson Street, and to a lesser
10 degree on the - - on the Citadel side of the building. No other
11 site in this vicinity has such prominence on so many sides.

12 Whatever's built there the shape of it becomes very, very
13 important, and we would submit that strict application results
14 in a shape of a block whereas if you allow an allocation you get
15 much more delicate, beautiful, appealing type structure. Three
16 sides of this building - - three sides of this building affect
17 very important things around it. If it's not the Church, the
18 Amar Building, the park itself and the Citadel. Very important
19 that not just one neighbor be respected, but all of them and we
20 believe that if you allow a [Indiscernible] allocation of the
21 height as is proposed, you do just that. You step it back so
22 that nobody is overwhelmed. King Street isn't overwhelmed, the
23 Citadel isn't overwhelmed, and certainly from the park you get a
24 much more better looking building if you would [Indiscernible]
25 than [Indiscernible] would allow.

26 If you strictly apply the zoning the height districts of
27 this property, you're going to end up with this or something

1 that looks like [Indiscernible]. If you allow a reallocation
2 and a [Indiscernible] of the [Indiscernible] let the height - -
3 none of it goes above 105, so as just to shift some of the
4 allowed height to other portions of the site, you get a better
5 looking building. You get one that has been embraced by both
6 the community and certainly endorsed by the BAR.

7 Now does this apply anywhere else? We would submit to you
8 that it doesn't. There are not a lot of vacant sites around,
9 but those that are are much larger and they certainly aren't in
10 such a sensitive spot as is this location as it pertains
11 particularly to the park, the Citadel and the church. There is
12 so many - - so many people that we have to be respectful to that
13 if you're starting from ground zero somewhere else you don't
14 normally have that. If you think about the buildings that you
15 see normally you see them from one facade. You might see them
16 from King Street or maybe the side street, but certainly not
17 three and, as Lee mentioned, totally in around on both sides.

18 So we think that this site is different because of where
19 it's located and because of what is going to be built there will
20 be much more visible than - - than your ordinary site and we
21 don't know if you could achieve a design that would be
22 consistent with the character of the district or be consistent
23 with what's around it without getting this variance.

24 How does it - - why does the variance - - why is it
25 necessary so that we don't unreasonably restrict the property?
26 We're not asking for anything that the zoning doesn't allow us
27 to have except for the variance. So we've got the use

1 [Indiscernible] district. We've got the special exceptions. We
2 have had the height, scale and mass preliminarily reviewed and
3 conceptually approved by the BAR.

4 In order for us to achieve the objective of building a
5 structure that would comply with the approvals that we have in
6 hand, it will require - - it will require some sort of
7 reallocation of the height or we're not going to be able to
8 effectively build - - build what has been approved and what has
9 been conceptually approved by - - by the BAR. They are the
10 design criteria for this site are probably more stringent than
11 anywhere else and we already know that, and unless we can do
12 something short of the block, you're not going to get an
13 effective use of this site, certainly not as a hotel and a
14 publicly accessible use [Indiscernible] it doesn't shutter up
15 the doors and close down at 5:00 in the afternoon.

16 As far as the detriment, I don't - - I can't see any.
17 Certainly I think that a building is proposed which does step
18 back from its neighbors, is respectful to adjacent property, and
19 is better than having a [Indiscernible] in the face of the Amar
20 Building, in the face of the church. So what this does is it
21 respects all the neighbors.

22 In the public good I think that this thing if anything it
23 enhances the public good. You continue the revitalization up
24 King Street, down Hudson street, which is extraordinary. You
25 give the public a stake in this building. You allow for the
26 building that is more typical of what you'd expect to see on
27 King Street where you have the vision where you have the height

1 [Indiscernible] interior of the site as opposed to on the street
2 and the character of the district quite frankly I would submit
3 to you that this type of building is more typical of what you
4 would see in Charleston than would the building that has the
5 solid wall or the huge mass on one elevation alone.

6 So we would respectfully submit that this site, given
7 where it is, what it surrounds, how important use wise it would
8 qualify and warrants a variance from a strict application of the
9 height, and I think that this is an unusual building
10 [Indiscernible] sense is that we're here for height only
11 [Indiscernible] accommodated. No [Indiscernible] ratio, no
12 setback variance, none of those other things.

13 We've been able to - - to design this building to comply
14 with all of the zoning requirements and we're only asking that
15 the height that is allowed, the 105 feet, just be redistributed
16 along the site. Don't go any higher, but just redistribute it
17 [Indiscernible]. As a [Indiscernible] creates a far superior
18 design than what would be allowed and we would hope that you
19 would favorably receive it and [Indiscernible].

20 [BACKGROUND CONVERSATIONS]

21 FRANCES CANTWELL: Okay. And one other thing that I
22 should have pointed out that was in your packet, this building
23 the height variance does not accommodate a larger building. The
24 volume in this building is actually seven percent less than what
25 could be built. So it's not like we're trying to max out this
26 request. What we're trying to do is not max it out, but we're
27 trying to do [Indiscernible] that [Indiscernible] will be proud

1 of and will be able to use and we would hope that you could
2 [Indiscernible].

3 LEONARD KRAWCHECK: Thank you, ma'am. Any questions for
4 Ms. Cantwell? Ms. Smith?

5 MARGARET SMITH: Frances, what other buildings are planned
6 around the perimeter of Marion Square that you know of right
7 now? That is probably - -

8 FRANCES CANTWELL: I know there's going to be
9 [Indiscernible] Millennium.

10 LEE BATCHELDER: Right. The only other demolition that is
11 on the horizon possibly that we're aware of would be the
12 building on the corner of Calhoun and King Street where
13 Millennium Music is located.

14 FRANCES CANTWELL: Right.

15 [OVERLAPPING CONVERSATIONS]

16 FRANCES CANTWELL: [Indiscernible] extension to the
17 Holiday Inn?

18 LEE BATCHELDER: There is an addition that has been
19 approved to the Holiday Inn, as you're aware, to expand that
20 hotel to the south.

21 FRANCES CANTWELL: And if I could, not to - - not to
22 overdo my welcome but I think these renderings also give you an
23 idea of what we're looking at. This is the elevation of the
24 building from - - from King Street - - I mean, excuse me, from
25 Marion Square and you can see that it is set back. This is - -
26 this is all open area. It's not a mass. The mass that could
27 have been all there and has just been redistributed around.

1 Here is an elevation of the site from King Street and it
2 does have - - it's not a flat design. There will be some
3 recessed area so that it is broken up a bit and the retail would
4 extend around the corner. Here is the elevation from Hudson
5 Street again, and finally the elevation from the east I guess
6 which would be the Citadel, excuse me, and you can see where
7 that would [Indiscernible] as well.

8 LEONARD KRAWCHECK: Thank you very much.

9 FRANCES CANTWELL: You're welcome.

10 SANDRA CAMPBELL: Margaret, just also to further answer
11 your question, the federal building site will be redeveloped - -

12

13 MARGARET SMITH: Right.

14 SHELLEY DERN: As well.

15 MARGARET SMITH: Okay.

16 FRANCES CANTWELL: Right.

17 MARGARET SMITH: Okay.

18 FRANCES CANTWELL: That's right.

19 MARGARET SMITH: Okay. Thank you.

20 LEONARD KRAWCHECK: Is there anyone that would like to be
21 heard in favor of this application? Yes, sir?

22 ALEXANDER COPELAND: My name is Alexander Copeland. I'm a
23 resident of the nearby neighborhood. I'm a real estate
24 appraiser and I want to support this enthusiastically because of
25 all the [Indiscernible] that have been pointed out. If the
26 Chairman will permit, I'd like to point to two sites on this
27 that historically held large buildings and just for

1 clarification.

2 LEONARD KRAWCHECK: Come right up, Mr. Copeland.

3 ALEXANDER COPELAND: This one in the past long before
4 there was a BAR, even before there was a Zoning Board in the
5 city of Charleston, it should be know that there was a rather
6 large building located here that was torn down in the '60s. It
7 was part of the Citadel complex. In addition, two large
8 buildings located here before the library was built, but also
9 Marks [ph] Department Store, which was a massive granite
10 structure was built here in the 1890s was torn down I believe in
11 1950 - -

12 [BACKGROUND CONVERSATIONS]

13 ALEXANDER COPELAND: [Indiscernible] Grant Building. So
14 again what this - - this is being proposed here is in keeping
15 with what had successively been there and is essentially an
16 attempt to reestablish that. So I - - I support it both from an
17 economic, aesthetic and just a general [Indiscernible].

18 LEONARD KRAWCHECK: Thank you very much. Mr. Jack
19 Simmons.

20 JACK SIMMONS: Thank you, Mr. Chairman. I'm Jack Simmons.
21 I'm here as the Chairman of the Committee to save the city, and
22 we're concerned with quality of life issues and we give our full
23 support to this project. If you look at Marion Square as it is
24 now there's a lot of architectural dysfunction, and what we see
25 everyday in public life affects how we are and how we feel. And
26 we see this as the first piece to a coherent architectural
27 puzzle which will restore this brigger [ph] to the grandeur it

1 deserves. If you leave the zoning as it is, you're going to
2 have a building as you see as Ms. Cantwell so aptly pointed out
3 [Indiscernible], but if you do allow their request you will have
4 a beautiful symmetrical building that we can all enjoy.

5 Three years ago the committee presented a vision of having
6 a square and it was with overwhelming support from the community
7 that we might ought to see this as an anchor to start this
8 process to restore this [Indiscernible]. We give our full
9 support. Thank you.

10 LEONARD KRAWCHECK: Thank you, sir. Yes?

11 WAYNE NIX: Mr. Chairman, I'd like - - my name is Wayne
12 Nix. My company is Land South and if we go [Indiscernible] we
13 [Indiscernible] the old bookstore cafe building here at the
14 corner of King and Hudson, and also in Chase Building which is
15 known in Charleston as the Chase Building adjacent there, and
16 the parking lot up at 424.

17 So we're - - I think we're - - we're the closest largest
18 property owner to this particular property, and I will submit to
19 you that I've become a resident over the last two years so I
20 don't have the historical background in Charleston, but if
21 Marion Square after being in this location for two years and
22 through actually renting office space at the other historical
23 building here and I know everyone in our building is in favor of
24 this particular project, but Marion Square has become a focal
25 point as I see of this city as an outside - - I mean it is
26 incredible on Saturdays seeing families and all the enjoyment as
27 y'all say and the people that take advantage of this particular

1 property, and I submit to you one of the things that Ms.
2 Cantwell said that was important is about budding up to the old
3 Citadel building here.

4 And I submit to you that if it was [Indiscernible] Mike
5 Bennett and his team who made that old Citadel building very,
6 very much more important than it was. There have been a time
7 here when a [Indiscernible] to that building might not have been
8 that important, but because of their expertise and because of
9 their commitment to the city, they in their self has made it
10 important to this city.

11 But this building even though it's - - we are adjacent - -
12 obviously we are not at 105 feet, but we think for the future of
13 this city to become a vibrant city and that this - - and the
14 amount of time and energy that has gone into this project to
15 this point I think that this city should be thankful that we
16 have local people - - this is not some big time hotel
17 development company from New York or Boston. This is local
18 people with cultural ties with local money who are willing to
19 spend their time, energy and money for the betterment of this
20 city and we as the closest property owner 100% endorse this
21 project, and I submit to you that to create balance along Marion
22 Square, the 105 feet should not be - - it almost should be a
23 requirement rather than seek a variance for it because I think
24 that when they have allotted this height restriction throughout
25 this entire piece of property is dynamic, and it's obvious when
26 you see this building the character of this building for this
27 city will redefine this end of the city long after most of us

1 are gone.

2 So as again we wholeheartedly support and I'd like to
3 thank the people that's trying to build this project for all the
4 time and energy that it takes to get to this point. They've
5 done a lot of hard work trying to do the right thing and I
6 submit with the other things that they've done in this area
7 they're already a proven commodity here. We don't have to - -
8 we don't have to do anything to prove their worth and I think to
9 - - to not do this building would be a really a tragedy for this
10 city, so we wholeheartedly support it.

11 LEONARD KRAWCHECK: Thank you very much. Any questions,
12 Mr. Nix - - Ms. Ransford?

13 ANGIE RANSFORD: I'm Angie Ransford [ph] [Indiscernible],
14 and this building is [Indiscernible] and it's a very important
15 building not only for the city, but I want to talk about the
16 importance to our neighborhood. We are its neighbors. We'll be
17 the ones using this building. It's a very vital cause to us as
18 [Indiscernible] in glowing and bringing families in. Now I want
19 to tell you tonight I'm wearing two hats. I was the Chairperson
20 for the [Indiscernible] Lemon Square Gala that we had just
21 [Indiscernible] as well.

22 This was over three years ago. I want to say tonight that
23 the vision received acclaimed from all the participants there,
24 as well a the Mayor, and tonight represents another step toward
25 the realization of this vision not only for the city, but for my
26 neighborhood. The owners and the architects have done nothing
27 to dispel the vision and the [Indiscernible] of monumental

1 importance.

2 It's already been talked about balance [Indiscernible] and
 3 [Indiscernible]. That's what this whole square represents.
 4 It's about a peaceful setting and harmonious buildings
 5 surrounding, but more so it's the cornerstone - - corners
 6 defines spaces. This monumental building will be a formidable
 7 cornerstone in the history of our city. It will also allow for
 8 the [Indiscernible] to [Indiscernible] and again who will have
 9 direct impact on my neighborhood in a favorable way, and I
 10 submit respectfully that you approve this [Indiscernible].

11 LEONARD KRAWCHECK: Thank you, ma'am. Anyone else? Yes?

12

13 JOHN ANDERSON: [Indiscernible] Anderson. I'm a resident.
 14 May I [Indiscernible] for a moment? [Indiscernible] resident
 15 on Duncan [ph] Street which is two blocks this way and I'm an
 16 architect and a business owner and [Indiscernible] years
 17 surround [Indiscernible] model. I have to - - these people have
 18 said so many wonderful things about this and I just have to say
 19 this. [Indiscernible] exciting project for me to see going up
 20 in Marion Square.

21 I grew up here, moved away and came back in '99 and been
 22 living on Duncan Street ever since and have seen the
 23 remodelization of the neighborhood, my neighborhood and then
 24 upper King and then the square and I have to agree that a
 25 building like this that provides functions at the low levels for
 26 the public is - - is going to be fabulous for the - - for
 27 everyone who wants to participate in Marion Square and the city,

1 but as a - - as a student [Indiscernible] squares in Europe and
2 living here in Charleston, I have to say that - - that this
3 building if one were to adhere - - strictly adhere to the zoning
4 ordinance and the building could possibly be [Indiscernible] in
5 the city and of the square.

6 And so I think that it [Indiscernible] ordinances and talk
7 about what the square needs to be and think about what needs to
8 go on this particular spot. I think that it's a great argument
9 for a building like this because relatively calm and
10 [Indiscernible], but it certainly much more calm and stable than
11 a building like this and I think it is a fabulous addition to
12 Marion Square and a fabulous addition to the city.

13 LEONARD KRAWCHECK: Thanks, Mr. Anderson. Councilmember
14 Fishburne?

15 COUNCILMEMBER FISHBURNE: Thank you, Mr. Chairman. Ladies
16 and gentlemen, it's a real pleasure to be here. A lot of times
17 I've had to appear in public meetings against projects or
18 buildings [Indiscernible] a year or so ago another project that
19 was the wrong project, the wrong size, didn't respect the
20 neighborhood, and because of public opposition of that
21 [Indiscernible] didn't happen.

22 This one I submit to you for all the reasons the staff has
23 said and Ms. Cantwell has said complies with requirements and
24 ordinance through a variance and just to put it simply because
25 the folks that have spoken before me have put it very eloquently
26 this is the right building, this is the right use. It's done in
27 the right way with the right architects and with the right

1 developers.

2 I speak for myself tonight as a resident of the city and a
3 City Councilmember. I also speak for Councilman Mitchell who
4 would have been here but he is babysitting his grandchildren.
5 [LAUGHTER] He allowed me to say that he was in favor of this
6 [Indiscernible] and I hope - - I hope you do approve
7 [Indiscernible].

8 LEONARD KRAWCHECK: Thank you very much. Yes - - yes,
9 ma'am, Ms. Murphy.

10 TRACY MURPHY: My name is Tracy Murphy and I'm a resident
11 of Ansenboro [ph] and I just wanted to address as quickly as
12 possible the process because so often as the big firm has
13 alluded to [Indiscernible] we're already to go for bear because
14 we just don't like the way developers approach a lot of the
15 things that they present to the City. It's like let's see when
16 these are approved. Let's do it right before Christmas when
17 nobody's there. Let's do it in August. They go for every
18 single trick that they can think of to get something through.

19 I think Ben Hoffer [ph] deserves praise for the fact that
20 they did everything right in the process. They listened to what
21 was done with Rally Around the Square. They came up with a very
22 classic design. They worked with the City. They bent over
23 backwards to try and make the zoning issue work and come up with
24 a compromise that [Indiscernible] any one of a number of people
25 in the city including the Mayor.

26 From my point of view I applaud them for using the
27 [Indiscernible] that they have done because it is what we would

1 all like to see if neighborhood residents and as people who are
2 part of Charleston this is the way it should be done, and I
3 think that the result is fabulous. I think it's a gorgeous
4 building. I don't think it looks out of place and I think
5 [Indiscernible].

6 LEONARD KRAWCHECK: Thank you, ma'am. Yes?

7 LAWRENCE THOMPSON: My name is Lawrence Thompson, 70 Logan
8 Street [Indiscernible].

9 SAMUEL ALTMAN: Excuse me. Can we do this? Ms. Cantwell,
10 would you mind taking these [Indiscernible] can't see anybody
11 who's speaking. Thank you.

12 LAWRENCE THOMPSON: My name is Lawrence Thompson, 70 Logan
13 Street and I've been involved in [Indiscernible] since 1981. I
14 served [Indiscernible]. There is no question [Indiscernible]
15 this is the best use and best development and best design
16 possible [Indiscernible] and I [Indiscernible].

17 LEONARD KRAWCHECK: Thank you, Mr. Thompson. Yes, Mr.
18 Mull?

19 SHAWN MULL: I'm Shawn Mull [ph]. I love this city. I
20 love this part of the city and I'll tell you that
21 [Indiscernible] it's some rare that ideas come along that are so
22 compellingly good overall with every facet you get a chance to
23 approve something like that, and this is one of those rare ideas
24 and I urge you to approve.

25 LEONARD KRAWCHECK: Thank you, sir. This gentleman in the
26 back.

27 PETER BRAND: I'm Peter Brand [ph], a resident of

1 [Indiscernible] repeat all the positive stuff that
2 [Indiscernible]. I [Indiscernible] support this. It's the
3 right [Indiscernible].

4 LEONARD KRAWCHECK: Thank you, sir. Anyone else in favor?
5 Mr. Rose?

6 MR. ROSE: I have just this past weekend propose
7 [Indiscernible] architect a resident of [Indiscernible] 13
8 years. I'm still downtown. I saw a presentation by Alan
9 Greensburg who is one of the most well-known classical
10 architects this past weekend, and he's written a book on the
11 historic history classicism in America and he reciting the
12 Empire State Building how the setbacks of the Empire State
13 Building sort of give a little [Indiscernible] over the history
14 of New York City, and I think if you look at the massing model
15 there you actually do see that this building does - - yes
16 technically it's a variance of the height, but it's sort of a
17 reinterpretation of the height, and I think by having the
18 step-downs around the neighbor - - respecting the air rights of
19 the neighbors is really respecting the entire city.

20 LEONARD KRAWCHECK: Thank you, sir. Yes, sir?

21 LEE GASTLY: My name is Lee Gastly. I'm a [Indiscernible]
22 architect. This is the first time I've seen the model. It's
23 awesome. But I did just one to say that with respect to Marion
24 Square which was a priceless treasure of the city, that the
25 building is done an incredible job I think of engaging the park.

26 And most of the buildings around the park are separated by busy
27 roadways. This is one of the few exceptions where you really

1 have something right on the park, and I think they've done an
2 excellent job of incorporating and I look forward to going out
3 there hopefully and participating myself [Indiscernible].

4 LEONARD KRAWCHECK: Thank you, sir. Anyone else? Yes,
5 ma'am? We're going to take about two or three more and then
6 we'll cut it off.

7 IRIS: I'm Iris [Indiscernible], and I think this building
8 is going to be a beautiful building compared to what we've been
9 building [Indiscernible]. You're saying about the City the City
10 approves this, the City approves that. I don't know that I
11 would approve maybe the Millennium site. If that's going to be
12 as big as this site like this, this is a beautiful building. We
13 deserve to have it and the people who don't - - who won't agree
14 with us, they can always remember sometimes [Indiscernible].

15 [LAUGHTER]

16 LEONARD KRAWCHECK: Yes, sir? Mr. Frasier.

17 RUSSELL FRASIER: My name is Russell [ph] Frasier and as
18 some of you know aesthetics are very important to me. I've sent
19 fortunately hundreds and hundreds of paintings all around this
20 country and around the - - around the world actually all dealing
21 mostly dealing with Charleston. I've sent - - there must be at
22 least 8,000 books of mine disbursed around the country all
23 dealing with Charleston and this building is - - is
24 aesthetically probably one of the finest buildings that we will
25 see in the near past in a city that is changing rapidly.

26 It's changing for me [Indiscernible] the aesthetics are
27 changing [Indiscernible] Mike and Hank are doing with this and I

1 think they've gone beyond what the need [Indiscernible] if it's
2 not approved it would be ashamed to have and really
3 [Indiscernible] that would accommodate the [Indiscernible].
4 Anyway [Indiscernible] I think they're doing a great job and
5 they love the city and [Indiscernible] strive to make it a great
6 city as much as all of us. [Indiscernible].

7 LEONARD KRAWCHECK: Thank you very much. Anyone else?
8 One more. Yes, sir?

9 PHILLIP: My name is Phillip [Indiscernible]. I'm with
10 the [Indiscernible] South Group. My business partner and I
11 started our company about ten years ago and following
12 [Indiscernible] footsteps in the revitalization of
13 [Indiscernible]. These guys have been great mentors of ours and
14 we've learned a lot from them. We've come up here, followed in
15 their [Indiscernible] to renovate these buildings.

16 This site, as we all know, is the last remaining piece of
17 this [Indiscernible] King Street that [Indiscernible]. This
18 plan is - - has a beautiful executed design certain in keeping
19 with Marion Square as such a remarkable public ground and we
20 certainly once again are following their suit with design and
21 [Indiscernible] project on the corner of Calhoun. So on behalf
22 of [Indiscernible] South Group we would fully support this
23 project [Indiscernible].

24 LEONARD KRAWCHECK: Thank you very much.

25 PHILLIP: [Indiscernible] approval.

26 LEONARD KRAWCHECK: Thank you, sir. Okay. Anyone in
27 opposition? Mr. Prichard?

1 MR. PRITCHARD: Mr. Krawcheck, I have a quick
2 [Indiscernible]. We find ourselves in a bit of an unusual
3 posture tonight in that normally it's a [Indiscernible] approval
4 before it goes to the BAR and that didn't happen here. I don't
5 know why but [Indiscernible] situation which we find ourselves.
6 Interesting though most of the arguments I've heard in favor of
7 this building have been purely aesthetic. Have been purely BAR
8 [Indiscernible]. I've heard very little BZA arguments.
9 [Indiscernible] very different functions and question is does it
10 [Indiscernible].

11 I see [Indiscernible]. There's nothing extraordinary or
12 exceptional about this property than the [Indiscernible]
13 properties up and down King Street, up and down Main Street, all
14 around. I mean I'm looking at several right here on this board.
15 [Indiscernible] Millennium Music building. It's no
16 unreasonable to expect that this one story bank building is not
17 going to last much longer, this gas station, there are a lot of
18 properties around this square and they are all subject to the
19 exact same [Indiscernible] ordinance. There's nothing different
20 about it. There's nothing unique about it. There's nothing
21 that distinguishes this one from - - from any of these
22 properties that I just put my finger on. There are probably
23 more as you go up and down King Street.

24 We [Indiscernible] random that or the application
25 [Indiscernible] suggestions that this building is surrounded by
26 three sides by historic structures and architecturally
27 significant open spaces and what not. I don't think you can

1 find two buildings in downtown Charleston that don't have that
2 very same situation going on around it. I mean anything in
3 [Indiscernible] historic district is pretty much going to be
4 surrounded by historic buildings, architecturally significant
5 buildings, architecturally significant open spaces and
6 [Indiscernible]. I mean that - - that is absolutely not
7 different in any way, shape or form than any other building or
8 property downtown.

9 Now it's been said that this property is vacant. Actually
10 it's not. It's got the library building [Indiscernible].
11 That's not - - I don't think whether it's vacant or not is truly
12 relevant, but it's not so that doesn't make it any different
13 than these other properties that have current structures on
14 them. It's just like [Indiscernible]. So I don't think there's
15 anything exceptional or different about it. Its location is
16 actually a [Indiscernible]. There's nothing detrimental to this
17 property because of its location. It's a [Indiscernible]. I
18 only think [Indiscernible] putting this structure here gives the
19 property [Indiscernible] in a good location [Indiscernible].

20 Now what's troubled me a little bit though is the reason
21 [Indiscernible] suggestion that [Indiscernible] potential view
22 is granted conceptual approval of this project based on height,
23 scale and mass. And it seemingly implies the Board of
24 Architectural Review's finding that because fact at least the
25 height, scale and mass they can find reasonable use, and I don't
26 think the BAR has - - has the right or the ability to define
27 what a reasonable use is for BZA. Just because the BAR says

1 that its height, scale and mass is okay doesn't make it the
2 reasonable use for property. That's for this Board to find.

3 If you go with that argument, you are delegating an
4 unknown - - undelegable finding to the BAR. You have to decide
5 whether or not that use is - - that - - that variance is
6 reasonable. The height, scale and mass, the BAR finding is
7 irrelevant. It's totally up to you to make that determination
8 and I think if you go with that argument you're going to create
9 a very troubling precedent in that you're going to now allow BAR
10 to define for you what is a reasonable use for the property. I
11 don't think you can do that and I think legally I think that's a
12 problem and I don't think the court would sustain it.

13 The real problem we have with this project is not its use.
14 Its use is fine. It's probably one of the better uses you can
15 use for the property. The problem is the height. That's where
16 we're coming from. We don't think the height is appropriate
17 given the location. Recognize that this height variance - -
18 this height ordinance is [Indiscernible] came in 2004. This
19 project was pending [Indiscernible] ordinance that they were out
20 seeking a variance from was passed.

21 As y'all recall, the special exception I believe was the
22 7th of February but I know it was February of 2004, they knew it
23 was there, they knew this project was coming when they passed
24 the ordinance. There's really no distinguishing this one from
25 that one from this one from that one from that one. If you
26 allow this you have now basically taken away an ordinance that
27 was passed while this project was [Indiscernible] books

1 everybody knew it was coming.

2 They have [Indiscernible] tests. There's nothing
3 extraordinary or exceptional, there's nothing by lowering the
4 [Indiscernible] for this property that would prohibit a
5 reasonable use. I mean it was said in the main argument that
6 this allows - - zoning ordinance allows this but for the
7 variance. That's every variance that ever came before this
8 Board. I mean, you know, the zoning allows it but for the
9 variance.

10 LEONARD KRAWCHECK: I'm sorry.

11 MR. PRITCHARD: That's okay.

12 [END OF SIDE B TAPE ONE]

13 [BEGINNING OF TAPE TWO]

14 MR. PRITCHARD: [Indiscernible] we're really looking here
15 is we're looking at an economic reason [Indiscernible]. There's
16 no other reason to [Indiscernible] economics. [Indiscernible]
17 that's not a valid consideration for what's reasonable use.
18 That's not a consideration for extraordinary hardship on the
19 property. And I think we've been told over and over and over
20 again we can't consider it and we've come down to
21 [Indiscernible] we listened to the arguments, it's all
22 aesthetic, all economic. There's nothing extraordinary about
23 it, that property, that distinguishes it from the others.
24 There's nothing to prohibit it from being [Indiscernible] use
25 [Indiscernible] and I submit that this variance should be
26 denied.

27 LEONARD KRAWCHECK: Any questions for Mr. Pritchard?

1 Thank you, sir. Anyone else in opposition? Mr. Gurley?

2 ROBERT GURLEY: I'm Robert Gurley, Preservation

3 [Indiscernible] Charleston. We agree with everything Mr.

4 Pritchard said. I think he said it very well. We also

5 [Indiscernible] several approvals you need and this variance

6 test [Indiscernible] nothing unusual about this lot. In fact,

7 it's a corner lot. Historically it was the back of the street -

8 - Hudson Street [Indiscernible] corner lot [Indiscernible] has

9 [Indiscernible] Mr. Pritchard pointed out there are a lot of

10 corner lots. We don't think there's anything particularly

11 unusual or extraordinary about it.

12 We also believe that this property is a great benefit.

13 This commercial [Indiscernible] along the side [Indiscernible]

14 there are customers that enjoy the [Indiscernible] of Marion

15 Square. So I'm trying to identify the benefit from a public

16 park. It's not the other way around. [Indiscernible] federal

17 [Indiscernible] for a private hotel. So we don't believe that

18 this lot is extraordinary circumstances. We believe that this

19 lot [Indiscernible] doesn't need the variance [Indiscernible] in

20 that case.

21 We also believe that they can make reasonable use of the

22 property by [Indiscernible] most of the historic buildings here

23 [Indiscernible] four stories [Indiscernible] height district and

24 all those buildings [Indiscernible] so we don't believe that you

25 need [Indiscernible] property. I think Mr. Pritchard made a

26 good point about [Indiscernible] the view involved in

27 [Indiscernible] is also not seen in my knowledge this building

1 that you see rendered here. Conceptual approval there's no
2 height, scale and mass and scale is really considered one
3 element of this building to another element and this building is
4 very different from the other. So [Indiscernible] architect
5 [Indiscernible] is not [Indiscernible]. I think it's just a
6 building.

7 And secondly, it's not as if the BAR said to you this is
8 the side of the building that [Indiscernible]. Certainly the
9 BAR would not speak with them, but certainly it would because
10 [Indiscernible] smaller building they would be happy with a
11 small building. So [Indiscernible] Board of Architectural
12 Review is not dictating this height as appropriate for being
13 reasonable [Indiscernible] so I think Mr. Pritchard made a good
14 point there as well.

15 As to the public good, again this is a private building.
16 This isn't - - this isn't [Indiscernible] level [Indiscernible]
17 in my opinion. [Indiscernible] this part of the city. We agree
18 that this [Indiscernible] good. Our objection is that this is
19 simply overbuild in this site. The fact that they have to take
20 mass and move it around indicates it's simply too large. You
21 can create a very handsome building [Indiscernible] certainly
22 can do that, but it doesn't have to be this large
23 [Indiscernible] and it doesn't have to be this large. There are
24 small handsome hotels. So you don't need this kind of height
25 that some are making an argument [Indiscernible] always make a
26 building that has amenities.

27 And then one other part of the ordinance - - of the

1 variance [Indiscernible] character, but this - - we don't
2 believe that 105 foot hotel is in character with a district that
3 predominantly is an 18th to 19th century street scale of three
4 and four story buildings. The building alluded to earlier I
5 think [Indiscernible] the Grant building. That wasn't nearly as
6 massive as this building is, the one that's located on the
7 [Indiscernible]. We believe that this building is in
8 appropriate. We don't think that they [Indiscernible] to the
9 variance tests and we'd ask that you deny it.

10 LEONARD KRAWCHECK: Thank you, Mr. Gurley. Anyone else?
11 Yes?

12 MR. HASTING: Good evening. I'm [Indiscernible] Hasting
13 with the City of Charleston Foundation. May I - -

14 LEONARD KRAWCHECK: Sure.

15 MR. HASTING: [Indiscernible]?

16 [SHORT PAUSE WITH BACKGROUND NOISE]

17 MR. HASTING: All right. [Indiscernible]. I'd like to
18 mention I'm joined here tonight by the president of our Board of
19 Trustees, Richard Salmon [ph], by other trustees of the Pelizer
20 [ph] Helen Pat Thomas and other former trustees as well, as well
21 as our Executive Director, Kitty Robinson. I think that will
22 [Indiscernible] the significance of this project and how much we
23 are concerned about it.

24 For the record I'd like to say that we've never been
25 opposed to the proposed use of this site. We agree that a new
26 lively use for this area would be a good contribution to upper
27 King Street and to Marion Square. We have, however, been

1 consistently proposed to that proposed height and I think it's
2 useful and I might be reiterating a bit, a lot of people have
3 already touched on this, but it's useful to go over the four
4 tests for hardship over the variance [Indiscernible] and show
5 you how it does not meet that [Indiscernible].

6 As it's been said, this property really is not exceptional
7 or extraordinary. Being in the historic district really almost
8 every property is surrounded by historic property and historic
9 spaces. So that's really not different than the majority of
10 buildings in the entire historic district. Also, many parcels
11 between King and Meeting Street [Indiscernible] north and maybe
12 [Indiscernible] south, but predominantly moving north of Calhoun
13 Street all the way out to Spring Street are actually divided
14 between two [Indiscernible] districts, a lot of them are, so
15 that in itself is also not an extraordinary or exceptional.

16 And I would like to say that in the application they bring
17 something up and I think the fact that a strict application of
18 the existing height the fact is might potentially result in an
19 awkwardly master [ph] building is not really relevant and/or
20 germane for this Board.

21 So the other thing related to the second test with
22 variance I will [Indiscernible] and this parcel is split by two
23 height districts, and it is divided in such a way that would
24 make the height taller towards King Street; however, I would
25 like to reiterate the massing and the architectural design of
26 the proposed building is not an appropriate argument for the
27 variance request.

1 As Edward alluded to, the height districts for this area
2 were rezoned by the City in 2004 and if they had then see this
3 split height district or height district configuration as a
4 hardship, we feel it should have been addressed at that time
5 rather than through the variance process. Essentially what
6 they're doing is creating and maintaining a hardship or a
7 project that was known to be in the early planning stage.

8 Under the third hardship finding related to the BAR, the
9 applicant argues that they - - that if they are not granted a
10 variance for height then project will not meet the "design
11 criteria" of the BAR and it's my opinion that this is false.
12 Different massing or design schemes were not presented to the
13 BAR. The only thing that they saw was a building as Robert said
14 not quite designed the way - - the is one's actually taller than
15 what they saw, but it was presented to them as if it had already
16 received a variance which we find interesting that the Board was
17 looking at something that has not yet been reviewed by BZA and
18 not yet received approval.

19 Anyway, but I think what I feel [Indiscernible] I used to
20 work for the BAR and I have a pretty good understanding of how
21 it works and I find it interesting that of course this is the
22 zoning [Indiscernible] the absolute build out that could
23 potentially happen at this date if they were to [Indiscernible]
24 to do so and what [Indiscernible] is this which is sort of worst
25 case scenario, and then this what we have here.

26 I would venture to say that the Board of Architectural
27 Review would not approve something like this. They would

1 probably find something kind of a compromise between what we
2 have here and what we have here. So it is my opinion that they
3 are not really hindered by whether the Board has already voted
4 on. The Board is very easily [Indiscernible] scale building is
5 somewhere between that [Indiscernible] and what we're looking at
6 today. Like I said this project also is not the same project
7 that was reviewed by the BAR. It's actually a story taller and
8 configured a little bit differently.

9 So the last finding is where we have our most vehement
10 opposition over this hotel building as it is proposed because,
11 as Robert said, we do feel that the authorization of the
12 ordinance will be a substantial detriment to the character of
13 the district. As the applicant is quick to point out, the
14 building is extremely visible from many angles of the city and,
15 therefore, has the ability to negatively impact the historic
16 district more than a typical mid [Indiscernible] building and I
17 would also like to say that one of the things that makes it so
18 visible is the fact that it's so tall, and I think you need to
19 remember that. They are sort of creating a hardship by - - by
20 making the building so tall and, therefore, more visible from
21 many different vantage points in the city.

22 And related to the shifting of the mass from King Street
23 toward the interior site, it's our position that this proposed
24 shift is - - is not adequate in terms of mitigating the visual
25 impacts of this addition as far as they relate to the other
26 buildings around it and the character of the historic district.
27 Fifteen feet is really not adequate for four stories. It's

1 between the fourth and sixth floors where the setback occurs
2 [Indiscernible] fifteen feet for a building that's
3 [Indiscernible] feet is really, really quite minimal.

4 And it's our [Indiscernible] the nine story hotel is not a
5 building that is deferential to its historic neighbors, and in
6 our opinion the massing is really not being concentrated and the
7 interior site as is started in the application because as you
8 can see there's a kind of a U-shaped plan and a lot of the
9 massing is really kind of being pushed towards the
10 [Indiscernible] on the King Street side, but it's also being
11 very much pushed towards the old Citadel building and not
12 concentrated in the center as they [Indiscernible] because
13 there's a - - there's a void there. Thank you.

14 LEONARD KRAWCHECK: Thank you, Mr. Hasting. Anyone else?
15 Yes, ma'am.

16 VALERIE PERRY: I'm Valerie Perry. I live at 231 Rose
17 Street and I also serve on the Planning Commission, and I think
18 what I would like to mention is I served on this team before us
19 and my concern is [Indiscernible] we were down zoning portions
20 on King Street and on Meeting Street and this property was not
21 down [Indiscernible] and part of the concern that I had then and
22 still continue to have is [Indiscernible] very large
23 [Indiscernible] zone in the heart of our historic city.

24 I think that we all believe in Charleston's economic
25 development. We all want to see our neighbors or residents
26 become successful financially from entrepreneurship from
27 building [Indiscernible] that will function and be a part of the

1 community, but I think we need to be respectful of the other
2 buildings that are nearby and I believe that this building is
3 just too tall, the height and massing.

4 And I just also throw out to you that there is a reason
5 that [Indiscernible] we all have to work together because part
6 of what you're challenge is tonight you're facing because of a
7 decision that was made by the Planning Commission in 2004.
8 Whether that was good, whether that was bad, it was just a
9 decision that was made, but I think we are all impacted by our
10 [Indiscernible] decisions [Indiscernible]. Thank you very much
11 and I agree with Edward and Robert as well.

12 LEONARD KRAWCHECK: Thank you, ma'am. Anyone else in
13 opposition? Ms. Pelsar?

14 MS. PELSAR: I'm [Indiscernible] Pelsar. I'm
15 [Indiscernible] Planning Committee of the Historic Charleston
16 Foundation and in trying to get my thoughts together today I had
17 an opportunity to look back at the Calhoun Street
18 [Indiscernible] plan that the City Council approved in 1989, and
19 just wanted to read two brief statements from that I think
20 [Indiscernible].

21 The scale and [Indiscernible] on Calhoun were unlike any
22 other street in historic Charleston. The challenge is to design
23 and a develop a corridor that while satisfying [Indiscernible]
24 functions, still exhibits an appropriate fit [Indiscernible]
25 design quality. [Indiscernible] velocity [Indiscernible] effort
26 would be the preservation of the existing fabric and the careful
27 insertion of new construction in any manner fitting the area in

1 Charleston's architectural positions.

2 It just seems to me that this is the first of a long list
3 of very important projects getting ready to come down the pike
4 [Indiscernible] the president [Indiscernible] thing and I very
5 much agree with [Indiscernible] and Edward when they say that is
6 [Indiscernible] property. We've got probably five or six
7 [Indiscernible] on this property [Indiscernible] coming down the
8 pike in the next five years, and that we need to be very careful
9 about [Indiscernible] that happens with this one because it's
10 going to impact on the others. Thank you.

11 LEONARD KRAWCHECK: Thank you very much. Anyone else?
12 Okay. In response, Ms. Cantwell?

13 FRANCES CANTWELL: Very briefly [Indiscernible] follow me,
14 but first of all this building is not taller than what the BAR
15 saw. It's eight stories then, it's eight stories now. The
16 finding of the BAR to use whatever is put there whether it's a
17 condominium complex, whether it's a hotel, whether it is a
18 department store, the mass, the scale, the height is going to
19 have to be approved by the BAR. They're not saying anything
20 about the use. All they're saying is we approve what you've
21 done with the [Indiscernible] of this building.

22 The reason this build - - this site is different, and I
23 don't argue with the fact that there's going to be redevelopment
24 all around Marion Square, but if you look at the map that's
25 before you none of them are split down the middle by height
26 district where you shift all the height and all the mass onto
27 King Street. They're all set back. This one is not. And if

1 granted the BAR may or may not approve this, but the point is
2 this is allowed. This is allowed and what they have given a
3 blessing to is something that looks more like this and is more
4 symmetrical.

5 So I think it's a misstatement to say or I would disagree
6 with the statement that this - - this site is like anything
7 else. No other site sits on Marion Square like this one does
8 and it's very important that the building respect that public
9 open space and respect the buildings that are around it. Not
10 going to repeat all that was said before.

11 With regard to the historic character, 105 feet for better
12 or for worse is what its allowed there. If this Council had
13 wanted to change and wanted a smaller building on that site they
14 would have changed the height ordinance. They didn't. They
15 allowed it to remain and what's interesting is there is a split
16 zone [Indiscernible] on the map behind [Indiscernible] the
17 height is set back from St. Phillip Street. The massing is
18 behind the church, not on St. Phillip. The mass indicates the
19 same thing was done on King Street but it was not. It was not.

20
21 And so the point was they left the height in place for
22 this - - for this site recognizing that a significant signature
23 structure was going to go there regardless of the use. And
24 after years of study and years of meeting and years of
25 consulting and years of designing, there has been - - there's a
26 proposal now to - - to copy what someone [Indiscernible] to
27 reincorporate the height on this site, reallocate it in a manner

1 that we think make more sense, that we think fits, is much more
2 in keeping with - - with what we know Charleston [Indiscernible]
3 what the street scape is and respectful to the neighbors. So
4 with that I'll just [Indiscernible].

5 LEONARD KRAWCHECK: Thank you very much. Any - - Mr.
6 Bennett?

7 MR. BENNETT: Yes, sir.

8 LEONARD KRAWCHECK: Give you about 30 seconds.

9 MR. BENNETT: Okay. [LAUGHTER] About 30 seconds. Let me
10 just try to address a few of the questions Michael
11 [Indiscernible] and my partner, Hank Hopper, y'all know us
12 [Indiscernible] coming here about 30 years. The building that
13 we are proposing is about seven percent less volume than what
14 we're entitled to. I know a lot of the opposition does not like
15 the fact that we can build 105 feet. That's what we are
16 building.

17 And as far as why we went to the BAR first and not here,
18 the City told us to do that. So that's why we did it that way.
19 I trust that's the right way. People have been talking about
20 trying to build a big building because of the economic, but
21 hopefully everything that we do will ultimately make a profit.
22 I don't think there's anything wrong in that. If this was - -

23 SAMUEL ALTMAN: Mr. Bennett, don't do - - don't go there.
24 You don't have to go there. Property - - property - - and
25 people don't understand that and I'm sorry to interrupt you, but
26 that is not one of our considerations and what anybody says it's
27 just not - - we're talking about the property itself and what

1 you're entitled to do and not do.

2 MR. BENNETT: Okay.

3 SAMUEL ALTMAN: All right.

4 MR. BENNETT: Thank you for the interruption. [LAUGHTER]
5 I feel to a certain extent that we are - - we've got a great
6 opportunity and a great responsibility. This site is a
7 significant site. I think the - - I think the most significant
8 site in our city. The Mayor feels this way. We have been quite
9 frankly we are as much the developer for the City of this hotel
10 as we are the [Indiscernible]. We are surely trying to do what
11 we think is the right thing and [Indiscernible] find us
12 privately build this and our development [Indiscernible].

13 LEONARD KRAWCHECK: Thank you very much. Any motions?
14 Any discussion?

15 MICHAEL ROBINSON: I've got a question for Mr. Batchelder.
16 Please summarize for me what we approved a few years ago and
17 then extended a short while ago and were sued over on this
18 property. Where do we stand on that?

19 LEE BATCHELDER: Well the approval by the Board for this
20 site was for a special exception to allow the accommodations and
21 use on this site 185 room hotel, and information was presented
22 to the Board pursuant to the requirements of the zoning
23 ordinance to seek that approval and you reviewed that
24 information and ultimately granted approval. The one year
25 extension to that approval was granted early last year and a
26 suit was filed. That lawsuit was heard in Circuit Court this
27 past summer and the recent decision and the judge upheld the

1 Board's granting of the one year extension of that special
2 exception approval which will expire I think some time in
3 February unless another extension is granted. So that's what we
4 reviewed and approved originally for this site.

5 MICHAEL ROBINSON: We, this Board, gave its stamp to
6 185-room hospitality facility on the site?

7 LEE BATCHELDER: That's correct.

8 LEONARD KRAWCHECK: Any further discussion?

9 SAMUEL ALTMAN: Mr. Krawcheck, about probably four or five
10 years ago, maybe even longer than that, we had a case that came
11 before us involving the Market Pavilion which was in a split
12 zone and I don't know if any of you remember that, and I think
13 part of it was in one [Indiscernible] and part of it was the
14 other and we made the decision to go ahead and grant - - grant
15 the application, to go ahead and allow the person who was
16 developing it to go ahead and - - and go ahead and extend
17 [Indiscernible] of it to readjust it - - to actually use both
18 use the higher of the two.

19 That sort of shapes my thinking and I - - I'm going to
20 make some maybe some disjointed comments and I hope y'all can
21 bear with me on it because I know it's getting late. Whatever
22 the BAR does they do and I perhaps sort of hung up about it is
23 we're going to do what we're going to do and just because the
24 BAR says we think this is great, that doesn't mean anything to
25 me personally and I don't think it means anything to the Board
26 itself because they're going to do what they're going to do and
27 we're going to have to look at this and see how we can apply the

1 test that Mr. Krawcheck read into the record.

2 I - - I just - - just have a feeling that if you can build
3 what this little instrument is down here on the chair, it just -
4 - it's just not practical, it's not reasonable, and implying
5 what Ms. Cantwell presented to us, I just feel that the test has
6 been met and I think that I'm going to move for approval of the
7 application. I understand the argument and it concerns me and
8 I'm going to say this too. I know there are future developments
9 and height is something that concerns all of us who have been
10 around here for a long time and I'm just hoping that whatever I
11 say somebody listens to who is a developer in this. Please if
12 you're doing this work within what you have and I hope you don't
13 have the same exact situation that the applicant has here, but
14 we don't like to grant variances, and particular height
15 variances, and so nonetheless I - - I'm going to go ahead and make
16 a motion for approval.

17 LEONARD KRAWCHECK: Mr. Altman moves for approval. Is
18 there a second and a motion?

19 SANDRA CAMPBELL: Yeah I - - I concur or echo everything
20 Mr. Altman has said and I'm going to second that motion.

21 LEONARD KRAWCHECK: Ms. Campbell seconds the motion. Any
22 discussion?

23 RUSSELL ROSEN: Yes.

24 MARGARET SMITH: Go ahead.

25 RUSSELL ROSEN: Frances, if you would be so kind to put
26 the block back up on the square. Well no you don't have to
27 replace it, I just want to put the block up there because this

1 gets to be a very interesting discussion. If these were two
2 lots with a property line with a setback where the height
3 variance kicks in and two separate developments we'd be looking
4 at a totally different story, but I think that what we're really
5 talking about is the easterly portion of this development
6 because they don't need the variance for the westerly portion.
7 But the truth of the matter, the facts are that this is a single
8 piece of property and a single development and I think given
9 that it - - the - - there is that hardship in developing this in
10 a way that's going to work best for the city.

11 Along with the volume considerations that they've
12 discussed, they're going to do onsite parking. That eats up a
13 lot of volume in a building of this type so I think that affects
14 the size and what they need to have and, therefore, I believe
15 that I - - I see no reason that I should not go for approval of
16 this motion. Thank you.

17 MICHAEL ROBINSON: I think the other consideration that
18 crosses my mind is that there are going to be some other
19 projects, large projects, we look at in the future. This is the
20 only one on the Square. The other ones are separated by rights
21 of way and this is unique in that respect. It does front the
22 Square. And I thought about the same thing that Mr. Rosen said.
23 It's one piece of property and quite honestly even if it was
24 two pieces of property to develop in that fashion like the box
25 wouldn't be the most appropriate way to do it.

26 The other thing is, you know, we have given our approval
27 185 rooms already so how are 185 rooms going to be put in either

1 this way or that way, one or the other. If we're faced with the
2 situation such as that I think everyone in the room would agree
3 which is the most desirable. Those are the thoughts I'm having.

4 MALE SPEAKER: And I had similar thoughts and that design
5 and configuration on that particular site appeals to me more
6 than a box type structure.

7 MARGARET SMITH: I think it's beautiful and as one
8 proponent that we can just forget the zoning ordinance and pass
9 this it might be the best thing that could happen to Marion
10 Square and I believe that. I mean I think about wedding
11 receptions. Look at it. It's just lovely, but we just can't
12 forget the zoning ordinance and it's a big height variance. The
13 only way I could see it as was said is it is the only one on the
14 Square, it is, and at some level that makes it unique.

15 Does it make it unique enough so that the precedent
16 wouldn't carry it across the street? I don't think it does. I
17 can't support the motion, and I would like to because I think
18 it's a beautiful building, but I just - - I don't know what
19 we're going to do with Millennium Music which is also a split
20 zoning lot, the federal building, the bank building come to us
21 when City Council redid these height districts and they didn't
22 allow for this. I - - I can't support it.

23 LEONARD KRAWCHECK: Anybody wants a crack at this thing?
24 This is one of the - - [LAUGHTER] - - this is one of the most
25 important sites in the city of Charleston, one of the most
26 important zoning variance requests that I ever recall coming
27 before this Board. And I first of all I think that Mr. Altman

1 said it and everybody said it, the Planning and Zoning
2 Commission has its own function. It doesn't affect us. City
3 Council has its function. It doesn't affect us. BAR does its
4 job. It doesn't affect us.

5 So what we're here to do apply the zoning variance test.
6 The issue is whether there's a hardship. The zoning variance
7 test, the hardship test is where extraordinary and exceptional
8 conditions pertaining to this particular piece of property. I
9 do not believe that the fact that the height ordinance divides
10 this property is of its - - in and of itself an extraordinary
11 exceptional condition, but I do think that this property suffers
12 from a hardship in that its next to the old Citadel, it's
13 surrounded on two sides by King Street and Hudson, and it's on
14 Marion Square, and I don't think there's another piece of
15 property that I can think of that fits this situation.

16 I think it is extraordinary and I think it is exceptional.
17 It's the exception to the rule and I think when you add that
18 fact to the - - to the zoning ordinance - - to the height
19 district subdividing this property, now I think it becomes a
20 factor and I think when you go down this zoning variance test
21 and that's what all we can do, even if we wanted to do something
22 else we couldn't, these conditions do not generally apply to
23 other properties in the vicinity, well obviously they don't.

24 Because of these conditions, the application to the
25 ordinance to a particular piece of property would effectively
26 prohibit or unreasonably restrict the utilization of the
27 property, I think that statement is tailor-made for this

1 property. You can build it up to 105 feet on King Street, but
2 you can't build it in the back. It does restrict the
3 utilization of this property in my opinion. The authorization
4 of the variance will be of substantial detriment to adjacent
5 property, nobody's - - nobody yet in this room has said that it
6 would be a detriment to adjacent property.

7 For the public good, I think that pretty much that - - I
8 think it is for the public good to build this project. The
9 character of the district will not be harmed by the granting of
10 the variance, Mr. Copeland addressed that. Ms. Murphy addressed
11 that and a host of others addressed that. I think it - - I
12 think the character of the district not only won't be harmed but
13 it will be helped and it's a wonderful area.

14 I think that the purpose - - the reason that this Board
15 exists is for situations just like this and I - - I do respect
16 indeed Mr. Pritchard, Mr. Gurley and Ms. Pelsar and historic
17 Charleston and all the others and I respect their opinions
18 particularly when it comes to - - to architecture like this, but
19 most of the arguments we've heard are BAR arguments and not BZA
20 arguments and I think it is an exceptional extraordinary
21 condition.

22 Anybody else?

23 SAMUEL ALTMAN: I'd like to congratulate everybody because
24 everybody spoke this time.

25 [LAUGHTER]

26 LEONARD KRAWCHECK: It's important. Okay. There is a
27 motion for approval. All in favor of the motion please say aye.

1 [MANY PEOPLE SAY "AYE"]

2 LEONARD KRAWCHECK: Any opposed? Okay. By a vote of 6-1
3 to motion carried. The application is approved. Thank y'all
4 very much.

5 [END OF RECORDING]

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March 10, 2009

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 BOARD OF
ZONING APPEALS-ZONING AND
LIBRARY ASSOCIATES, LLC,

Defendants.

CASE NO.: 2007-CP-10- 451

Appeal Hearing before the
Honorable Mikell R. Scarborough, reported by Bernadette A.
Cali, CSR and Notary Public, at 9:30 a.m. on March 10, 2009
at 100 Broad Street, Charleston, South Carolina.

A P P E A R A N C E S

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1 (Court convenes, 10:00 a.m.)

2 THE COURT: We're here now today -- this should be
3 a separate matter; is it not?

4 MR. WALKER: It is.

5 THE COURT: Case number 2007-CP-10-451. It is
6 captioned Historic Charleston Foundation and The
7 Preservation Society of Charleston versus City of
8 Charleston, City of Charleston Board of Zoning Appeals
9 dash Zoning and Library Associates LLC.

10 We are here today for the purposes of entertaining
11 the appeal from the variance that was granted by the
12 City of Charleston Board of Zoning Appeals. Looks like
13 the hearing was February 20, 2007. And the Appellants
14 would be Historic Charleston Foundation and
15 Preservation Society.

16 Yesterday we were in trial in the rezoning case.
17 Today it's an Appellate matter, so I'm hearing the
18 appeal to the Circuit Court from the Board of Zoning
19 Appeals and the City's decision. Appellants, for the
20 record, Mr. Trenholm Walker for the Preservation
21 Society.

22 MR. WALKER: That is correct, Your Honor.

23 THE COURT: With you?

24 MR. WALKER: Sarah DeWolfe, Your Honor.

25 THE COURT: Mr. Pritchard for Historic Charleston

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1 Foundation, Sam Hanafi; and for the Library Associates.

2 MS. CANTWELL: Frances Cantwell here for Library
3 Associates and Trevor Cangelosi is pinch hitting today
4 for Tim Domin on behalf of the City and the BZA.

5 THE COURT: Mr. Cangelosi, welcome to the fray.
6 All right. Who wishes to proceed? Mr. Walker?

7 MR. WALKER: Thank you, Your Honor.

8 As the Court just pointed out, this is an appeal
9 of a variance that was granted by the Board of Zoning
10 Appeals and the BZA for the City of Charleston. The
11 hearing on the variance was on January 2cd, 2007. The
12 appeal by the Appellant was filed with the Court on
13 February 1, 2007. We would refer the Court to our
14 Complaint for the specific allegations of error. I'm
15 not going to go over the Complaint line by line with
16 the Court.

17 The Court is aware of the background facts related
18 to this project by virtue of the hearing that the Court
19 conducted over the last two days. The last two days
20 were spent in a related matter that was a challenge by
21 the Plaintiffs to a zoning ordinance that was adopted
22 by the City roughly seven months after the granting of
23 the variance.

24 If Your Honor doesn't have a copy of the Complaint
25 I would be happy to hand it up.

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1 THE COURT: Let's see if I've got it. Looks like
2 it's dated October 19th and filed October 19th, 2007?

3 MR. WALKER: That would have been the Complaint in
4 the challenge to the zoning ordinance. The one in 451
5 was filed February 1st.

6 THE COURT: Better hand me one up.

7 MR. WALKER: All right.

8 THE COURT: We do, in fact, have two different
9 case numbers?

10 MR. WALKER: Yes. They were consolidated for the
11 purposes of discovery and consolidated, essentially,
12 for trial. The parties, with the Court's permission,
13 bifurcated the issues. The way we bifurcated is we
14 tried the zoning case first. Here is a stamped copy of
15 the Complaint.

16 THE COURT: Thank you.

17 MR. WALKER: As I said, the allegations of the
18 Complaint set forth the involvement of both the
19 entities, the background of both the entities and their
20 interest in the community that gives the basis for
21 standing here.

22 As Your Honor knows from the prior case, my
23 client, the Preservation Society, holds an easement on
24 the Aimar Building which is directly across the street
25 from the Library, and also an easement on a building

1 that's two doors down from the Aimar Building. We also
2 have easements on a number of historic properties in
3 the general vicinity.

4 Attached to the Complaint should be, as Exhibit 1
5 or A, a copy of the Application that was submitted by
6 Library Associates. I think B would be the Summary
7 Decision signed by Chairman Krawcheck granting the
8 variance, and C would be a Motion for Rehearing that
9 effectively is not involved and you don't have to pay
10 any attention to.

11 You should have a copy of a transcript.
12 Mr. Domin, in July of 2007, certified to the file and I
13 think filed with the Court the transcript of the BZA
14 hearing, and if you don't have that I've got a copy of
15 that as well.

16 THE COURT: Looks like I found the original.

17 MS. CANTWELL: There should be two transcripts.
18 One is for the case for rehearing; one page, two page
19 transcript.

20 MR. WALKER: You've got it.

21 THE COURT: I've got about a two page transcript
22 dated -- filed June 11, 2007. And this one is
23 significantly larger and that's a transcript filed May
24 3, 2007.

25 MR. WALKER: That's right. That would be the

1 transcript of the hearing on January 2cd.

2 THE COURT: Very good.

3 As Your Honor knows, this appeal involves a
4 proposed project for the old Charleston County Library
5 site at the corner of Hutson and King Street; which
6 proposed is a hotel of approximately eight stories and
7 I believe 185 rooms with some conference facilities and
8 some retail. The Application, I think, indicates
9 550 -- excuse me, 5500 of conference facilities and a
10 small amount of retail.

11 The property owner applied for a variance from the
12 height zoning for this property. This property is
13 split zoned. In other words, part of the property is
14 within one height district and the other part of the
15 property is in another height district.

16 I'm going to show you what was Plaintiff's Exhibit
17 3 in the zoning case that was tried yesterday, the
18 second day of the trial. We would also ask this be an
19 exhibit in this matter.

20 The reason this exhibit is important is it lays
21 out, for the Court, the zoning districts as they were
22 on January 2cd the date of the hearing.

23 MS. CANTWELL: Can I be heard on that for a
24 second? There is, in the record, this -- a small
25 hand-held version of the exhibit that Mr. Walker is

1 holding, and I don't have a problem --

2 THE COURT: Is that attached to the BZA documents?

3 MS. CANTWELL: Yes, sir. I don't have a problem
4 with him using this exhibit for the purposes of
5 argument but because it's been marked in the rezoning
6 case I would prefer to rely on what's in the record
7 already.

8 MR. WALKER: That's great. I agree with
9 Ms. Cantwell. I'll withdraw the tender of this as an
10 exhibit, since we've got the color copy in there.
11 We'll go with the color copy. This is just a
12 demonstrative exhibit.

13 It shows, Your Honor, the split zoning you've
14 heard so much about and on the property in question,
15 which is the corner of Hutson and King Street, we've
16 got a little over half of the property within a
17 district known as 3X and the remainder of the property,
18 including the remainder of Marion Square, save for
19 what's adjacent to King Street, and that district is
20 55/30. 55/30 is a district that allows the building up
21 of 55 feet and requires a minimum of 30 feet in
22 elevation.

23 The 3X, as Your Honor knows, is a district that
24 allows height as a factor of the distance from the face
25 of the building to the middle of street, in this

1 instance King Street. The height would allow three
2 times the distance from the center of King Street to
3 the face of the building. So, in other words, if that
4 distance were 35 feet then the building could be
5 105 feet.

6 The Applicant had submitted a design to the BAR
7 for a building that went up to 105 feet based on the 3X
8 district. The Application for the variance illustrated
9 that the Applicant desired to carry that elevation of
10 roughly 105 feet over to the 55/30 side of the property
11 where it would be adjacent to the Old Citadel
12 building. The Old Citadel building is a historic
13 National Register building which is roughly 60 feet, 55
14 to 60 feet in elevation.

15 The variance requested would allow the building to
16 go up to 105 feet in the 55/30 area. In other words,
17 the variance requested was 50 feet over the maximum
18 elevation that was allowed in that zoning district.

19 It's very important to recognize that the
20 remainder of Marion Square, save for this little sliver
21 along King Street, the 3X, is 55/30. Also it's
22 important for the Court to recognize that split zoning
23 is not just effecting this particular property but
24 effects every other property on King and Meeting Street
25 from Columbus Street down to Burns Lane, except for the

1 properties to the west of King Street between Calhoun
2 and Vanderhorst.

3 Our appeal is really based on three grounds, Your
4 Honor, in summary. The Appellants would submit that
5 the BZA erred, as a matter of law, in three
6 particulars.

7 Number one, the statute, as well as the ordinance,
8 requires that the Board, if it grants a variance, set
9 forth its findings and conclusions in writing. Which
10 it did not do.

11 Number two, the law is clear that if a property
12 owner acquires a property with the restriction that it
13 later claims it's a hardship it cannot seek a variance
14 based on that, because the property owner accepted the
15 property with knowledge of the hardship. I think it's
16 been sometimes characterized as moving to the hardship.
17 In this instance the zoning was in place at the time of
18 the acquisition of the property. It was not a
19 subsequently passed ordinance. Also there is no
20 contention it was a subsequently passed ordinance.
21 They moved to it and, therefore, they cannot get a
22 variance in order to correct what they knew was the
23 state of affairs at the time they acquired the
24 property.

25 And the third major grounds for the appeal is that

1 the Applicant failed to satisfy, as a matter of law,
2 the four requirements of both the local ordinance and
3 the Enabling Act that are required in order to grant a
4 variance.

5 I'm going to take them up in that order. First
6 with respect to the requirement that there be a writing
7 setting forth the findings and conclusions. I handed
8 to the Court earlier a copy of Section 6-29-800 of the
9 Code. This is, essentially, the enabling statute for
10 boards of zoning appeals.

11 Also attached to that was a copy of the City's
12 version of that, which is very close to verbatim in
13 terms of the requirements, and that is Section 54-924
14 of the City's Zoning Ordinance.

15 If you look -- we can go first to the City Zoning
16 Ordinance. It requires at 54-924 in the opening
17 paragraph, that a variance may be granted in an
18 individual case if unnecessary hardship, if the Board
19 makes and explains in writing the following findings.
20 Then it goes on to list the four that are required to
21 be found.

22 If Your Honor takes a look at Tab B or 2 to the
23 Complaint you will see what was the form of the
24 decision of the Board of Zoning Appeals. It was a
25 standard form that was signed by Chairman Krawcheck

1 where he checked the box that simply said we find and
2 then the language parrots exactly these four
3 requirements.

4 It's important to note that the statute doesn't
5 say that they not just have to make the finding, they
6 have to explain in writing the finding. There is no
7 explanation in writing of their findings. We don't
8 know what was the basis for granting the variance. We
9 don't know what were the facts in the record they
10 relied upon to demonstrate or to find, to their
11 satisfaction, extraordinary exceptional conditions. We
12 don't know what were the facts in the record that the
13 Board determined created conditions with respect to
14 this property that don't generally apply to other
15 property in the vicinity. I won't go over all four,
16 but there were -- there is no statement of the facts
17 that were found and relied upon by the Board to
18 constitute the basis for a variance. It is, as a
19 matter of law, insufficient and cannot stand.

20 I'm anticipating, because we've been round and
21 round in this and other cases, that the Respondents are
22 going to say hey, man, we got a transcript in this case
23 and the transcript constitutes the findings and
24 conclusions.

25 There is a single case in South Carolina, and I

1 think it's the Vulcan Materials case, where the Court
2 did find that a transcript could constitute the
3 findings and conclusions for the purposes of satisfying
4 the statute. However, in that case the Court also
5 noted that in the transcript the Board itself stated
6 what the findings and conclusions were. In other
7 words, there was a distinct delineation of the findings
8 and conclusions on the record stated by the Board as to
9 the basis for its decision. There is no such
10 elaboration or enumeration of reasons for this
11 decision.

12 THE COURT: That's not in the transcript?

13 MR. WALKER: It's not in the transcript. There is
14 discussion. There is deliberation. I think you'll
15 find when you look at the discussion and deliberation,
16 which was extensive, it's seventy pages I think, but
17 the last ten pages are pretty much the discussion of
18 the motions and what the Board members' positions are,
19 and in there you will see -- and I'm going to
20 characterize it, this isn't every Board members'
21 position but it's generally to the effect that they
22 liked the design of this building and they think the
23 design of this building is better for the space than an
24 L-shaped design and, therefore, for aesthetic reasons
25 they believe that the variance should be granted.

1 Now, the second major reason why the Board of
2 Zoning Appeals' decision should be reversed is that the
3 property owner purchased this property with the zoning
4 in place. The zoning, the split zoning was there. It
5 was nothing new. The City didn't enact split zoning on
6 this lot after the acquisition by the property owner.
7 There is abundant case law to the effect that a
8 property owner who purchases with knowledge of a
9 particular regulatory restriction cannot then come back
10 and say, I've got hardship.

11 A couple of the cases we would site to the Court
12 on that particular point are Georgetown County Building
13 Official versus Lewis, 351 Southeast 2cd 584. That was
14 a Court of Appeals decision in 1986. And La Quinta
15 Motor Inn, Inc. versus Greenville County Board of
16 Zoning Appeals, 310 Southeast 2cd 438, a 1983 Board of
17 Appeals case.

18 We also have the Restaurant Row case which is
19 the zoning case that's cited for a number of different
20 reasons that involved the Doll House in Myrtle Beach.
21 Restaurant Row, 517 Southeast 2cd 442. That was
22 decided by our state Supreme Court in 1999.

23 The final reason. Now, it's an alternative one
24 because any one of these three would require reversal.

25 THE COURT: What was the terminology? Cannot move

1 to the hardship?

2 MR. WALKER: You cannot move to the hardship, but
3 the terminology used in the cases is a little bit
4 different. In Rush versus -- I'm quoting now from La
5 Quinta. In Rush versus City of Greenville our Supreme
6 Court recognized that a claim of unnecessary hardship
7 cannot be based upon conditions created by the owner,
8 nor can one who purchases property after the enactment
9 of a zoning ordinance complain that refusal to permit a
10 non-conforming use would work an unnecessary hardship
11 upon him.

12 That was an instance where the variance was a use
13 variance, but it also applies to dimensional variances
14 as well.

15 The last major ground deals with satisfying the
16 conditions that are necessary in order to obtain a
17 variance. A variance, by law, is extraordinary relief.
18 If there is any doubt the law says the variance should
19 not be granted. The four requirements both in the
20 Enabling Act and in the Ordinance are, first, that
21 there are extraordinary and exceptional conditions
22 pertaining to the particular piece of property.

23 In this instance the Applicant argued the split
24 zoning created an extraordinary and exceptional
25 condition, because it required an L-shaped building

1 that it said was aesthetically unpleasing.

2 Well, there is plenty of property to the north to
3 the south and to -- that is split zoned. So that
4 alone, split zoned, is not sufficient to constitute an
5 extraordinary condition.

6 Another argument that was made was that this
7 property would have four facades that are visible. All
8 four facades that are visible. There is no law that
9 says that that creates an extraordinary condition. A
10 house on a lot has four facades that are visible. That
11 doesn't mean that it's entitled to get a height
12 variance. That's just simply a facet of the property
13 and a facet that existed at the time the property was
14 acquired.

15 Also, we would point out, and this is what we
16 would submit is a fundamental fallacy of the
17 Applicant's position. The Applicant has taken the
18 position because the BAR gave conceptual approval to a
19 design of the building that, therefore, the variance
20 had to be granted. In fact, the BAR has no power to
21 grant variances and Chairman Krawcheck mentioned in his
22 comments that the Board could not be influenced by what
23 the BAR did. An owner cannot bootstrap itself into a
24 variance by going to the BAR, getting concept approval,
25 running over and saying hey, they approved my design,

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1 now you have to give me the variance. That's not the
2 law. Well, here there has been this argument all along
3 that this design has to go on this lot and the variance
4 is necessary to do this particular lot and this
5 project. The law doesn't require that there be an
6 accomodation of the owner's desire just because the
7 owner and even the City likes this particular project.
8 That doesn't mean that the variance has to be granted
9 in order to accomodate it.

10 Moving to Section B, these conditions do not
11 generally apply to other property in the vicinity. As
12 previously stated split zoning applies to all the
13 properties for seven blocks north of this on King and
14 Meeting Street.

15 C, and this is really important. All these
16 conditions are in conjunction. Every single one has to
17 be met before a variance can be granted. C: Because
18 of the these conditions the application of the
19 ordinance to a particular piece of property would
20 effectively prohibit or unreasonably restrict the
21 utilization of the property.

22 Another false premise that has been put forward by
23 the Applicant is that they are entitled, as a matter of
24 right, to build out to the volumetric dimensions of the
25 building envelope. In other words, they're entitled to

1 use every cubic centimeter of the building space.

2 Well, there is no law that says that a property owner
3 is entitled to do that. There are enumerable buildings
4 that could have been built within this building
5 envelope. It doesn't have to be 105 feet at the
6 street. It could be 65 feet at the street. There is a
7 limitless number of buildings that could be built there
8 and there are also a limitless number of uses,
9 commercial, office, even hotel. We're not saying a
10 hotel can't be there. Even hotel, that use could be in
11 a smaller building.

12 One of the arguments made is that it has to be a
13 full-service hotel. That deals with the money that's
14 generated. Case law is clear that the financial
15 benefit to the owner or anybody else is not for the
16 Court to consider.

17 There is no unreasonable restriction if the
18 property owner is not granted a variance. There are
19 plenty of other uses, plenty of other buildings. The
20 authorization will not create substantial detriment to
21 the adjacent property owners of the public good.

22 You heard yesterday, and I'll have to repeat into
23 the record in this case with apologies to the court
24 reporter and you, our position that there is
25 substantial detriment to the public.

1 First and foremost is we have a building of 105
2 feet that is roughly 30 feet away or 40 feet away from
3 the Old Citadel building which is roughly 55 to 60
4 feet, in that vicinity. It dwarfs the Old Citadel
5 building. It is not referential to the Citadel nor is
6 it referential to the Aimar Building at 409 King Street
7 where we have our easement. In fact, it's going to
8 shade out, at certain times of the day, the front of
9 the Aimar Building.

10 Also, Your Honor, it is totally out of keeping
11 with the rest of the buildings on King Street with the
12 exception of the Francis Marion that everybody in
13 Charleston recognizes is a total anomaly and should not
14 be the standard for building other buildings. It is
15 against the City Comprehensive Plan. The City
16 Comprehensive Plan and the Downtown Plan adopted in
17 November 1999 specifically states that the skyline
18 should be preserved and in this area the height should
19 be in accordance with the neighborhood and that there
20 should only be slight variances from the zoning, maybe
21 a story or two. Of course, this is commanding over
22 that; much higher than that.

23 The public good is also harmed because a building
24 like this could potentially jeopardize the historic
25 status and designation that's granted to the City that

1 is the basis for all facade conservation easements and
2 gives the tax benefit resulting from them.

3 For those many reasons, Your Honor, we would
4 submit that the Board of Zoning Appeals erred as a
5 matter of law and that it's variance should be vacated.

6 We don't mean to abandon any arguments. We have
7 them in our Complaint, but I don't want to go on ad
8 nauseam with the Court. I think I've hit the main
9 points.

10 THE COURT: Rely on your briefs and Complaint?

11 MR. WALKER: The briefs we submitted and our
12 Complaint.

13 THE COURT: Is there a brief? I have a Complaint.

14 MR. WALKER: We submitted a combined pretrial
15 brief for both cases and we can break it out and give
16 it to you later as a separate brief.

17 THE COURT: I'm looking to decide these cases
18 separately, not in one. When I do that -- if you can
19 do that, that would be helpful.

20 MR. WALKER: May I have permission to break out
21 that part and provide it to you?

22 THE COURT: Yes.

23 MS. CANTWELL: What?

24 THE COURT: I'm looking to decide these cases --
25 I'm trying to keep them separate in my head. There are

1 two totally different legal standards. It's my
2 practice to request proposed orders. I'll do that, but
3 I'll have one address the variance and one address the
4 rezoning rather than combine it all in one.

5 MR. WALKER: Based on that, Your Honor, we would
6 like to submit and will submit the Downtown Plan that
7 you're familiar with, a copy of it, into the record.

8 MS. CANTWELL: I object to supplementing the
9 record in the variance case.

10 MR. WALKER: I understand you object to it but
11 it's as a matter of law, the Downtown Plan.

12 THE COURT: Okay. Your objection is as to
13 supplementing the record?

14 MS. CANTWELL: Correct. You cannot supplement the
15 record on a variance appeal.

16 MR. PRITCHARD: We think it's just an issue of
17 law. We're submitting --

18 MR. WALKER: This is the Downtown Plan.

19 MS. CANTWELL: I object for the record.

20 MR. PRITCHARD: We don't care how you sort the two
21 cases as long as we win.

22 (Laughter)

23 MR. PRITCHARD: The Foundation adopts Mr. Walkers
24 eloquent and well articulated argument. There are a
25 couple of points I would like to make.

1 First, if you actually read through the record on
2 pages 28 and 29 Mr. Batchelder in presenting the case
3 said: The exceptional and extraordinary conditions of
4 the split zoning need to be sensitive to the important
5 buildings near the site and it's location adjacent to
6 the Old Citadel building which cannot be built up next
7 to. That's in quotes.

8 On page 30 Mr. Batchelder says: The conditions,
9 split zoning, proximity to the Old Citadel, and
10 important buildings next to it do not apply to other
11 property in the vicinity and reiterates that the
12 exceptional conditions are the way the site backs up to
13 the Old Citadel building.

14 Ms. Cantwell, on pages 33 and 34 pages, 37 and 38
15 says: The exceptional conditions is split zoning and
16 the conditions do not apply to other properties
17 surrounding because it is a vacant lot. All right?

18 I want to address that argument because -- and
19 Mr. Krawcheck, incidentally, agrees with my argument if
20 you look on page 74 and page 75. He states the split
21 zoning is not a hardship.

22 The reason is essentially they're arguing the
23 zoning is the hardship. The fact that it's split zoned
24 cannot in and of itself be a hardship. The property --
25 the hardship itself has to be specific to the property.

1 It can't be something that's imposed upon it by zoning.
2 It's got to be the property itself has to suffer the
3 hardship as the zoning is applied to it, but the zoning
4 itself can't be a hardship. Because if you take that
5 standard, every single piece of property ever zoned is
6 suffering under some sort of a hardship.

7 I mean, candidly, my office building at the corner
8 of Broad and Legare Street would make a great liquor
9 store. There are no liquor stores on the west side of
10 the Peninsula. I could do a killing. I'm across from
11 the Catholic Church, I'm at Legare Street, but I can't
12 do it because I'm zoned. It's a hardship. If that
13 argument flies, Mr. Batchelder will get an application
14 next week because, I mean, it would -- just think about
15 what I can do right there. It's got storefront, makes
16 me different. But zoning itself isn't a hardship.
17 Mr. Krawcheck acknowledges that.

18 THE COURT: Hardship has got to be applicable to
19 the property itself?

20 MR. PRITCHARD: The property itself.

21 The other argument is that it's adjacent to the
22 Old Citadel. Well, the fact that it's adjacent to the
23 Old Citadel building doesn't make it a hardship. Why
24 would you need a height variance because you're
25 adjacent to the Old Citadel building? I mean,

1 literally any other property that labors under a height
2 ordinance could say I'm adjacent to this, that or the
3 other and so I need my height variance. It's an non
4 sequitur; doesn't make sense. So I would argue that
5 doesn't have anything to do with it and it's surrounded
6 by Hutson and King Street. It's a corner lot? They
7 need a height variance because it's corner lot? None
8 of that makes any sense.

9 I want you to read that record and I've pointed to
10 those references. The split zoning can't do -- and the
11 fact we're adjacent to the Old Citadel building and the
12 fact we're on a corner lot, King and Hutson, doesn't
13 justify a height variance. It's just not a unique, not
14 a specific hardship in any form or fashion.

15 The other point that was brought out in the record
16 was that it fronts on Marion Square. Again, I'm not
17 certain how the fact -- I mean, I don't see any logic
18 in the fact it fronts on Marion Square and that that in
19 and of itself justifies a height variance as a
20 hardship.

21 Just to touch on one point Mr. Walker made, it's
22 the reasonable use argument. You can build within that
23 building envelope without a variance. You may not get
24 what you want. But I think the undercurrent there is
25 that it's an economic hardship. They feel like they

1 want a full-service hotel there and perhaps from an
2 economic standpoint a full-service hotel makes more
3 sense than a non-full-service hotel but that's not the
4 test that can be applied here. The question is, is it
5 a hardship specific to the property not specific to the
6 economic viability of the project? That goes to
7 reasonable use.

8 THE COURT: Economic questions, aren't those
9 specifically forbidden by the statute?

10 MR. PRITCHARD: Yes. Well, the case law. The
11 courts have said over, and over, and over again, and in
12 the Doll House case referred to, that's brought it up
13 again, you cannot --

14 THE COURT: I'm citing you to A, Section 629-800,
15 Capital letter A, number 2, Section D and letter I.
16 The fact property may be utilized more profitably if a
17 variance is granted may not be considered grounds for a
18 variance. That's established in the case law but it's
19 stated specifically in the statute.

20 MR. PRITCHARD: Thank you. You can make
21 reasonable use of that property without this height
22 variance. I think the record adequately reflects that.
23 If you read through that and apply these four factors
24 it certainly can't meet A, B, and C. And there is
25 evidence, frankly, it's contrary to the public good.

1 Specifically, I think the fact it's next to the Citadel
2 building in and of itself defeats D.

3 Thank you.

4 THE COURT: Thank you. Ms. Cantwell?

5 MS. CANTWELL: Thank you, Your Honor. May it
6 please the Court. I will address the arguments in the
7 order Mr. Walker presented them, so I'll start out with
8 the argument as to whether or not the Board's order
9 sufficiently complies with the requirements of law that
10 findings and conclusions be stated in writing. Now --

11 THE COURT: Can you show me where in the record
12 that is?

13 MS. CANTWELL: The Order of the Board is a form
14 order. It is what it is. But Vulcan Materials should
15 not be as lightly dismissed as only one instance as
16 Mr. Walker suggests. Vulcan stands for the
17 proposition, if you read the transcript of proceedings
18 from the Board and you can discern what the Board found
19 as facts to support their ruling, that the transcript
20 can be used to augment, if you will, or supplement or
21 become the order of the Board.

22 Now, if you read this transcript it is
23 seventy-some odd pages. The Board was very patient.
24 They heard arguments from all sides on this issue.
25 Pages 70 to 78, perhaps, the last 10 or 12 pages of the

1 transcript is when the Board itself is not just
2 discussing, they are debating, and they are making
3 findings with respect to why they think this site is
4 exceptional, why they believe the application of the
5 height districts in their current configuration
6 unreasonably restricted it, why they believed that it
7 was not harm to the public good. Even referenced
8 testimony, or Mr. Krawcheck did, that he heard earlier
9 in the proceedings and why they thought the conditions
10 that existed at 404 King did not apply to other
11 properties in the vicinity.

12 So I would suggest to Your Honor that if you read
13 the transcript you will understand exactly where the
14 Board came down and why.

15 I would offer, although I don't think this is
16 necessary and you should do it, but if, in fact, you're
17 not sure why they ruled, the more appropriate remedy
18 would be to send it back to them and say give me an
19 order and let me compare this order with what's in the
20 record and see if your findings are, in fact,
21 supported. I don't think you need to do that, but I
22 think that is an option, more viable option for the
23 Court.

24 THE COURT: That would be a remand, in other
25 words?

1 MS. CANTWELL: Just to write an order, not to have
2 a hearing. If you think it's necessary.

3 What Mr. Walker referred to as moving to the
4 hardship rule, I refer to it as the prior knowledge
5 rule. That's how most of the zoning treatise I've read
6 talk about it. What they say is that if you know what
7 the zoning is coming in, you can't go buy a piece of
8 property with the intent of asking for a use that's not
9 permitted because you knew the use wasn't permitted
10 when you bought it.

11 What's interesting about that rule is a couple of
12 things. One, it was born, if you will, from the tact
13 that many people would take to pay premium price for
14 land and then come in and say, I really need to get
15 this thing rezoned so I can use it for something
16 different otherwise I'm not going to get my money out
17 of it. The Court says, no, you came to the hardship.
18 That was almost a self-created situation. You're not
19 entitled to a variance.

20 I believe the law -- and there is law in South
21 Carolina. I don't refute what Mr. Walker said about
22 the cases that he cited with respect to the prior
23 knowledge rule. But something very significant
24 happened in the year 2000 which I think clarifies and
25 puts the appropriate spin and interpretation on that

1 rule. That's because finally, finally in 2000 the term
2 use was defined in the context of zoning. It's in the
3 matter of Heilker, a Court of Appeals decision, Heilker
4 versus Board of Zoning Appeals out of Beaufort. It's
5 552 Southeast 2cd 442. Actually, it was decided in
6 2001.

7 What the Court said there was --

8 THE COURT: How spell do you spell the Plaintiff?

9 MS. CANTWELL: H-E-I-L-K-E-R versus Board of
10 Zoning Appeals -- or Zoning Board of Appeals, excuse
11 me.

12 What the Court said in the Heilker case, I'm
13 reading, it says a use, quote, use, end quote, in the
14 zoning context is, quote, the purpose or activity for
15 which land or buildings are designed, arranged or
16 intended or for which land or buildings are occupied or
17 maintained, end quote.

18 As applied here the use is not the height. The
19 use is the hotel. The hotel is a permitted use in the
20 accomodation district that overlays 404 King Street.

21 The comment that was made by Mr. Walker earlier
22 that uses -- that the prior knowledge rule applies to
23 uses and dimensional variances, well, I would
24 respectfully disagree. I don't think that was the
25 intent of the prior knowledge rule. I think the intent

1 of the prior knowledge rule was to prohibit an activity
2 or purpose that was not allowed and it did not reach
3 site or dimensional or aspects of development which
4 things like height, setback, lot coverage are.

5 Let me tell you why I think that even further
6 buttresses this argument. If you think about it, Your
7 Honor, there are all sorts of regulations that apply to
8 property. They just don't germinate from the City
9 Zoning Ordinance. You have DHEC regulations. You have
10 FEMA regulations. I do not believe that the prior
11 knowledge rule was designed to preclude somebody from
12 getting relief when, for example, a DHEC regulation
13 requires you to do something in the setback that the
14 City says you can't do anything in. That is exactly
15 what variances are designed to do, to relieve you from
16 hardship. If it's not self-created and if you're not
17 asking for a use or activity or purpose that the zoning
18 doesn't otherwise allow, I don't believe that the
19 cases, line of cases that Mr. Walker has cited are
20 applicable.

21 Yesterday it took me by surprise but -- when
22 Mr. Walker was cross examining the Mayor he stated
23 height is not a use standard. Well, I agree. So,
24 therefore, not being a use standard, not fitting within
25 the definition of use, the most recent definition, the

1 only one I've been able to find in South Carolina juris
2 prudence in 2001, that this height alteration or
3 variance is not the type of use that the rule was
4 designed to prevent variances from being obtained.

5 THE COURT: When or why would you seek one, then?
6 For some other factor? You mentioned DHEC, you
7 mentioned proximity to the Old Citadel.

8 MS. CANTWELL: Well, this -- I'll get to why we
9 needed a height variance in this case.

10 THE COURT: Clearly that's what was driving this
11 train; wasn't it. The height?

12 MS. CANTWELL: We needed height, absolutely. But
13 what I was using as an example to carry the rule to the
14 extreme that's being urged that you can't get any
15 variance from any aspect of -- if you buy it, it's
16 subject to zoning, you can never get a variance because
17 you knew what was coming. Well, there are things that
18 can alter that.

19 THE COURT: That's why people to go the BZA.

20 MS. CANTWELL: Exactly. Think about it. If that
21 were the case nobody would ever get a variance from
22 anything. You would have to get everything rezoned.
23 If you wanted to step an inch into the setback you
24 would have to get the property rezoned, because you
25 bought it knowing what the setbacks were. I don't

1 think that's the intent of the rule. I think the
2 intent of the rule is as I've argued before.

3 THE COURT: You've just got to meet those four
4 criteria the statute and the ordinance provide.

5 MS. CANTWELL: That's right. That's where I want
6 to go now.

7 I also want to talk about the standard of review
8 because while a variance is an unusual remedy or relief
9 to give, the courts are very deferential to the
10 findings and decisions of boards. In fact, the statute
11 says that the findings of fact by the board are
12 equivalent to the findings of a jury. Courts have said
13 if there is any evidence to exist -- that exists,
14 you've got to affirm their decision.

15 It was fun yesterday when you quoted from the
16 Talbot versus Board of Myrtle Beach case; one of my
17 favorite cases when defending what the government did.
18 Because not only did the Talbot court say you can't
19 substitute, the court can't substitute its judgment for
20 that of the planning board and the court's aren't going
21 to become planners, but they say if there is any
22 evidence you must support it even if you disagree with
23 their reasoning and, quote, think it is a substandard
24 piece of logic and thinking. That's the degree of
25 deference that has to be accorded the findings of the

1 Board.

2 Now, let's talk about the exceptional conditions
3 to this property that don't apply to others in the
4 vicinity. There is no question but that the argument
5 was made that this property has split zoning. There is
6 no question but that bunches of property all around it
7 have split zoning districts, but there is one big
8 difference; that being on this piece of property, which
9 is a relatively small piece of property, the height --
10 the max was 105 feet height and was all on King Street
11 and rather than stepping from King Street going back
12 into the interior of the site it was all on the
13 exterior of the site backing down into the Citadel. It
14 creates an awkward design challenge. Nobody contests
15 that. Also nobody says that's what type of building
16 envelope should be put on that site.

17 The real argument with respect to this site was
18 not just that it was split zoned or how the split zones
19 applied to it but more importantly was the location of
20 this site. Because whatever is built on this
21 building -- if you look at the height district map that
22 is part of the record and for the Court's benefit I'll
23 reference to --

24 THE COURT: You're going to use that thing you
25 objected to?

1 MS. CANTWELL: That's right. If you notice there
2 is no other site in this area where a building is going
3 to be constructed where you would have to have -- be
4 respectful to the park on your south, you've got the
5 church and the historic Aimar Building to your west;
6 Hutson Street to a lesser degree but still a
7 thoroughfare to the north, and the Citadel to your
8 east. As Mr. Batchelder described on page 28 of the
9 record, this site had no back side. So the building
10 here, rather than have to respect one facade, one
11 street or even two streets, if it was a corner street,
12 it's got to have the facades on at least three of its
13 sides, and I would submit to you all four of the sides
14 have to be respectful to its environs. And an L-shaped
15 building that amasses height all along King Street
16 doesn't cut it. And the Board found that because
17 whatever's built on this property, whether it's a
18 hotel, whether it's an office building, whether it's a
19 retail facility, whatever is built there the design of
20 that building has got to be respectful to four fronts
21 as opposed to one or two. There is no other property
22 in the vicinity of 404 King Street that comes even
23 close to having to meet that requirement.

24 In fact, Mr. Krawcheck made that finding on the
25 record. He said I don't think the split districts in

1 and of itself constitute a hardship. He said but this
2 building has got the Citadel, got King Street, got the
3 park. He said I can't think of another piece property
4 like it. I think that sums it up in a nutshell.

5 So this property by virtue of its location and
6 because its location is going to demand exacting design
7 requirements on not just one facade but four, makes it
8 different from any of its neighbors.

9 The Board did not apply economics. In fact when
10 the discussion was getting ready to go there by
11 somebody from the audience, the Board -- I think it was
12 Mr. Altman called them down, said we're not going
13 there. The Board was not driven by what the BAR did
14 and if you read the discussion of the Board when they
15 were deliberating they said the BZA does what it does,
16 the Planning Commission does what it does and the BAR
17 does what it does. So they were very clear on what
18 their rule was.

19 The unreasonable restriction. First of all, the
20 fact that somebody could design a building that was
21 55 feet, that did not violate the 55/30 portion--
22 height that applied to the site is not dispositive.
23 Restaurant Row, the Doll House case, where I think it
24 was cited to you by either Mr. Walker or Mr. Pritchard,
25 is very clear on that. I'm quoting. It says, various

1 applicants are not required to prove that without the
2 variance there exists no feasible conforming use for
3 the property in question in order to show unnecessary
4 hardship. So just because you could build something
5 that conforms doesn't mean there is not a hardship. The
6 South Carolina Supreme Court has said that.

7 So how does this split zoning district, how did it
8 unreasonably restrict the use of this property? Again,
9 whether you want to talk about a hotel or you want to
10 talk about an office building or anything else, the way
11 that the height would be distributed on this site
12 results in a building envelope that nobody wants and
13 it's unreasonable to apply that.

14 And also it's sort of unreasonable and
15 schizophrenic on the one hand for the zoning to say,
16 well, we acknowledge you can have 105 feet, we think
17 that's good for your site but, on the other hand, we're
18 not going to let you have it because of how our
19 ordinance distributes the height to the site. So this
20 was the classic case of where a variance would be
21 warranted.

22 The Court should know that the proposal is to
23 redistribute the height, if you will, across the site
24 to avoid the very awkward and unattainable design that
25 the zoning -- the height zoning creates by virtue of

1 the building envelope that results.

2 So I think that if you look at how those districts
3 would effect whatever goes there, it unreasonably
4 restricts the site because it gives you height but
5 won't let you have it. If that's not unreasonable I
6 don't know what is.

7 As far as the detriment to the district and other
8 properties, again, I would direct the Court's attention
9 to the Board's deliberations. And Mr. Krawcheck
10 referenced testimony that he had heard from a
11 Ms. Murphy and Mr. Copeland both of which talked about
12 the historical context of not just this site but the
13 area where there were large buildings that was part of
14 its history, that's part of the heritage there, whether
15 you like it or not, and was not just the Francis
16 Marion. You had the old orphan house, big buildings.
17 W.T. Grant building, big buildings. They were all
18 there.

19 And there was discussion that this -- the variance
20 with the effect of allowing for the height to be
21 redistributed across the site as opposed to having it
22 all amassed on King Street, there was findings and
23 discussion that that would be better for the Aimar
24 Building or the church and better for the Citadel to
25 have the building up to a height of 63 feet or so and

1 then step back in as -- I didn't use this word and I
2 don't know if it was mentioned at the BZA hearing but
3 it's been described as the building is courtesying back
4 to the Citadel and to the German Lutheran Church across
5 the street.

6 So Your Honor I think that the record is replete
7 with evidence. Doesn't have to be replete just has to
8 be any, but I think there is plenty of evidence to
9 support every one of the findings that the Board made
10 which you have to give deference to that this is an
11 exceptional piece of property by virtue of its
12 location, that the conditions don't apply to other
13 properties in the vicinity. If you strictly applied
14 the height to this property it unreasonably restricts
15 it because you can't attain it. Nobody claims you can.
16 And that they did give consideration to, not just the
17 area of where the site was but the district as a whole,
18 and they found that the variance helped rather than
19 harmed that, and I would submit to you that those
20 findings should be affirmed and I hope you would uphold
21 the decision of the Board.

22 THE COURT: Thank you, Ms. Cantwell. Do you read
23 the Vulcan Materials case to say you can look to the
24 transcript to support the findings?

25 MS. CANTWELL: I do. I can already see Mr. Walker

1 ready to get up and say, no, you have to say I find as
2 fact, I conclude at law. I don't read the case that
3 way. I think if you can discern what the reasoning of
4 the Board was and why, then that's all you need. I
5 think that's a reasonable reading of the case.

6 THE COURT: You agree it would be a better process
7 to have it written down?

8 MS. CANTWELL: I don't disagree with that.

9 THE COURT: Mr. Cangelosi, anything?

10 MR. CANGELOSI: I respectfully concur, Your Honor.

11 THE COURT: Good job.

12 (Laughter)

13 THE COURT: Second best argument I've heard this
14 week.

15 MR. WALKER: Ms. Cantwell said defer to the
16 findings. What findings? There aren't any findings.
17 I'm ready to defer. But show me a finding. I'm full
18 of deferral, but there aren't any findings.

19 Let's talk about Vulcan Materials. That case
20 specifically said, at page 495, that would be 342 South
21 Carolina 45. Because the August transcript was a
22 writing and contained findings of fact and conclusions
23 of law separately stated, we find the trial court did
24 not err in viewing the August transcript of the Board's
25 final decision.

1 So, yes, you can look at the transcript, but it
2 only suffices if there are separate findings and there
3 are separate conclusions. All we have now are comments
4 by members. I don't know who agreed with what
5 comments. It may be one member thought this was a
6 better design. May be another member thought it was an
7 unusual circumstance that it was visible from four
8 sides. We don't have the concurrence. I don't know
9 what it is. I'm guessing at what they found. At this
10 point we just have discussion. We just are left to
11 guess about what they found persuasive.

12 Essentially that's what happened in a separate
13 case, which I didn't mention earlier, but goes into the
14 question of this sufficiency of the transcript. Massey
15 versus City of Greenville Board of Zoning Adjustments,
16 532 Southeast 2cd 885, a 2000 case.

17 There, there was a letter issued and after that
18 the letter didn't contain all the findings. It had
19 some reasons. The zoning administrator went back and
20 created a document, findings of fact and conclusions of
21 law and had the chairman and another member sign off on
22 it. The Court said hey, two members can't do that. It
23 has to -- a Board has to act as a body. I won't go
24 over all the discussion of the case. There is
25 exhaustive discussion about the reasons why but,

1 essentially, what it comes down to is that in this case
2 the comment of a member may not ultimately be the
3 comment of another member. That's why you have to have
4 findings and conclusions, and that's why it's essential
5 in order for the Board -- excuse me -- this Court to
6 have a record.

7 The last thing I'll say, if the Court decides upon
8 the remand, that the remand needs to be for a de novo
9 hearing. That's what they did in Massey. It doesn't
10 go back for the Board to go back in the room and put
11 together a document after having heard all these
12 arguments that it now says are its findings of fact and
13 conclusions of law. Just as in Massey it has to go
14 back for a full de novo hearing.

15 With respect to the arguments as to whether the
16 Applicant satisfied the elements -- four elements.
17 Again, the false premise here is that there is a
18 mandate to build to the outer extremities of what would
19 be allowed. There is no mandate. A four-story
20 building would be within 55/30. Fifty-five feet would
21 be allowed in 3X. A four-story building is in keeping
22 with the other buildings on King Street. There is some
23 mention of the W.T. Grant building, that's two stories.
24 The building across the street is two, three stories.
25 There is nothing wrong with a four-story building. A

1 four-story building is not an unreasonable use. It
2 would be the preferred.

3 Your Honor, you've had several days and you know
4 the facts. I'm not going to go through everything I
5 said earlier. I think Mr. Pritchard wants to respond
6 to the moving to the hardship argument.

7 THE COURT: Okay.

8 MR. PRITCHARD: Yes, Your Honor. With regard to
9 the hardship -- moving to the hardship argument, I
10 don't read case law nearly as restrictively as
11 Ms. Cantwell does. I'll give you a very real example.
12 If you take her argument it shows how clearly the
13 courts didn't intend that.

14 A very real example, that used to come up on
15 occasion, is parking. We would have a situation where
16 someone would have a proper use and wouldn't have any
17 restrictions in terms of the height setback, et cetera,
18 so forth. All of the parameters of the property work
19 except they didn't have sufficient parking for the
20 particular use they sought. So they can legally use
21 that use but the square footage of the building is such
22 it required parking, given the use they proposed for.
23 If you take Ms. Cantwell's restrictive reading of it,
24 that you purchased the property knowing you didn't have
25 sufficient parking on the property to meet square

1 footage, you're, per se', entitled to a variance. I
2 just don't think the courts ever intend that
3 restrictive a reading of it. And I could go through a
4 number of other examples. I think that illustrates the
5 point.

6 You move -- you come to the property knowing what
7 the zoning is. And you can't come in and say, well,
8 we're permitted this use, but we need this setback
9 variance or this parking variance or this height
10 variance or this -- you know, ad nauseam -- in order to
11 accomodate the use that we're proposing. I don't think
12 that at all is what the case law is intend to get at
13 even with that definition of use in the 2001 case
14 cited, which I've read on several occasions.

15 Again, I want to reiterate the fact that
16 Mr. Walker just rose. This sort of notion that you
17 have to build to the envelope of what's permitted by
18 the ordinance. You don't. Frequently people don't.
19 You've got all sorts of lot occupancy. People
20 frequently don't build to the extremities of the
21 variance. And the question is what's reasonable given
22 what the ordinance permits. This is a four-story
23 building we're in right now. It's quite large. Now, I
24 don't know what -- the footprint is probably larger but
25 still you get the idea. The permitted height under the

1 ordinance creates a sufficient building. This goes to
2 the question of whether or not you can put a
3 full-service hotel within the envelope. Perhaps you
4 can't. I don't know. But the question is the fact you
5 want to put a full-service hotel on there, is that
6 sufficient to create hardship to allow an exception to
7 the height, because you can certainly put a
8 non-full-service hotel. You can put an office
9 building. You can put another use there. It's
10 perfectly reasonable given the context of where we are.
11 Golly, think about a four-story building. Retail on
12 the bottom, restaurant on the bottom, whole number of
13 street level uses and then office space on top. Or a
14 hotel on top. There's alot of things you can put in
15 there that would work beautifully. I can't think of
16 any other instance of a building going to maximum
17 height allowed being 3X. I can't think of a single
18 incident where another building used the full 3X. I
19 can't think of one.

20 But what I find most interesting about
21 Mr. Krawcheck's comments was he talked about the
22 property being bounded by four sides, being a corner
23 lot, being next to the Citadel, et cetera. And having
24 sat on the Board with him a numbers of times, I mean,
25 he constantly talked about things like that as being an

1 advantage, not a disadvantage. The fact it's a corner
2 lot, it sits adjacent to the park and next to the
3 Citadel building, I think that's an advantage to the
4 property, not a disadvantage that would justify a
5 variance, under the facts scenario presented.

6 I think the fallacy continuously has been they
7 have to build an L-shaped building to maximize use.
8 This goes to nothing more than the economics of the
9 proposed project. I don't care what angle you look at
10 it from, I don't care what's in the transcript, I don't
11 care what is said. When you distill it to it's
12 essence, purely and simply it's about economic
13 viability of this project and nothing else. I think
14 when you read between the lines, read the evidence,
15 even if you go to applying the tests, I don't care how
16 you distill it, it still comes down to the economics of
17 this project. I think that's an impermissible
18 consideration and I think the Court has no alternative
19 but to reverse this variance.

20 THE COURT: Your argument, again, being that all
21 these are cumulative. It's an and test and not an or
22 test.

23 MR. PRITCHARD: Absolutely.

24 THE COURT: All right. Ms. Cantwell? You want to
25 put that document into evidence now?

1 MS. CANTWELL: No. Just wanted to show so you
2 could see.

3 Judge, I've got a memo to hand up to the Court,
4 but I want to respond quickly.

5 THE COURT: Okay.

6 MS. CANTWELL: No matter how badly Mr. Pritchard
7 wants this case to turn on economics, it doesn't. He
8 came back to the Board after they made their decision
9 and every person on the Board affirmatively said that
10 wasn't part of my decision, that played no role in my
11 determination on this issue.

12 THE COURT: Was that on the motion to reconsider?

13 MS. CANTWELL: It was.

14 THE COURT: Okay.

15 MS. CANTWELL: If, in fact, it is true that if you
16 come to the hardship you can't get a parking variance
17 then you better watch out what's going to happen -- or
18 you can't get a setback variance. Let's use parking.
19 You have a use. Somebody moves out. Another tenant
20 moves in. Use is permitted, but he needs more parking
21 because a retail store needs more parking than did an
22 art gallery but, guess what, you can't use it for
23 retail use because you can't get a variance because you
24 knew what the parking requirements were when you bought
25 the property or leased the property. I don't think

1 that's the intent of the rule.

2 Finally, on this issue of mandate to build out.

3 Well, you know, it goes both ways. There might not be

4 a mandate to build out but there is also a right to

5 rely on what the law allows you to do. The law did

6 give the owner of 404 King Street the opportunity to

7 put a substantial building with height on that site.

8 And it's a little bit contradictory to say or to argue

9 that even though it really says you can have 105 feet

10 on the site we really don't think you can have it,

11 should have it because you can build within 55. Point

12 is if the zoning -- if it gives you the zoning you

13 ought to be able to make reasonable use of it. We

14 think the variance we asked for did that. The fact

15 that a four-story building could be built, would be

16 preferred, I have all the respect in the world for

17 everybody on the other side of the case both

18 professionally and personally and particularly the

19 parties, because I know they have contributed so much

20 to this community over the years, but most respectfully

21 they don't have the market or they're not the exclusive

22 arbiters of what fits in a community. That is a

23 collective decision that needs to be made not just with

24 their input but other people and other disciplines as

25 well. And this Board made a decision that the height,

1 that the Zoning Ordinance -- how the height -- how the
2 Zoning Ordinance allocated height to this site resulted
3 in it being unreasonably restricted. You would have to
4 get a variance to do anything of any significance on
5 the site. Nobody disagrees that you shouldn't have a
6 good looking building on that site. So when your
7 Zoning Ordinance sets you up for a variance, then they
8 say but you can't get one, there is something -- there
9 is a disconnect in that equation. And just because a
10 four-story building could be built there Restaurant Row
11 says that Library Associates didn't have to come in and
12 prove that there wasn't a feasible conforming use; just
13 had to show that the use they proposed and the
14 application of the zoning to it unreasonably restricted
15 the property use of the property, and I think that's
16 what they did.

17 THE COURT: Thank you.

18 MR. WALKER: Your Honor, may we have until
19 tomorrow morning to submit a brief that separately
20 breaks out the --

21 THE COURT: Did you have something?

22 MS. CANTWELL: Mine are together. You want me to
23 separate it?

24 (Discussion off the record.)

25 THE COURT: If you-all would do that. Break it

1 out.

2 MR. WALKER: I would say in doing that if the
3 Court allows us we can respond to the points that were
4 argued today in more detail, both of us.

5 THE COURT: I don't want that.

6 MR. WALKER: The law --

7 THE COURT: Put the law in there, if you would
8 like, but just really what you've indicated is you
9 previously briefed it but you did it as one document.
10 I intend to take one at a time and issue a ruling.
11 Because I think they are just two separate legal
12 questions, two totally different standards.

13 MS. CANTWELL: Do you want proposed orders or do
14 you want briefs?

15 THE COURT: I would like -- I think you've done
16 the work product. If you can do that by the end of
17 this week, whatever, is fine. I'll ask if you would
18 submit -- my usual scenario is to request proposed
19 orders within 30 days. Is that something that's doable
20 for both of these cases or I can stagger them, whatever
21 you think. I think the record is smaller in the
22 appeal. So I would like to get that one sooner than
23 later whether that's 15 or 20 days or 30 days. I
24 intend to address them. I will read this entire
25 transcript and read the cases you have cited me to,

1 then I intend to break into some of this other stuff.
2 Ms. Cali is good about getting these transcripts
3 together in pretty short order, so I don't know if
4 you've gotten it from the first hearing. I had a
5 chance to read it before yesterday's trial so that
6 brought me back up to speed before we started in
7 yesterday.

8 MS. CANTWELL: You want a proposed order in 30
9 days and then, like, whatever briefs we do by the end
10 of the week?

11 THE COURT: Is that doable?

12 MR. WALKER: That's fine.

13 MR. PRITCHARD: Sure.

14 THE COURT: Say Monday. Take a week to get that
15 to me, if you could. Proposed orders within 30 days
16 would be great.

17 MR. WALKER: Thank you, Your Honor.

18 MS. CANTWELL: Thank you.

19 THE COURT: Thank you.

20 MR. PRITCHARD: Thank you, Judge.

21 (Court adjourned.)

22

23

24

25

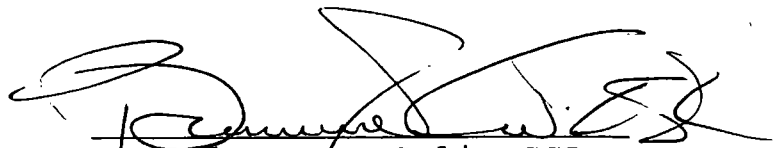
STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

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

**BOARD OF ZONING APPEALS HEARING
FEBRUARY 20, 2007**

BOARD MEMBERS PRESENT:

- **LEONARD KRAWCHECK**
- **MICHAEL ROBINSON**
- **SAMUEL ALTMAN**
- **SANDRA CAMPBELL**

LEONARD KRAWCHECK (CHAIR): UH, 1717 WAPPOO ROAD HAS BEEN DEFERRED. UM, THE NEXT ITEM ON THE AGENDA IS 404 KING STREET. RECONSIDERATION OF BOARD'S DECISION ON JANUARY 2, 2007 AND REQUEST FOR A VARIANCE TO ALLOW CONSTRUCTION OF A HOTEL WITH A MAXIMUM BUILDING HEIGHT OF 105 FEET IN A 5530 HEIGHT DISTRICT. IT'S ZONED GBA. UH, HEIGHT DISTRICT 3X 5530. MR. PRITCHARD?

MR. PRITCHARD: UM, AS I RECALL, EVERYONE WAS HERE FOR THE MEETING ON JANUARY 2 SO UNLESS SOMEBODY FEELS THE NEED FOR ME TO REFRESH THEIR RECOLLECTION REGARDING OF FACTS, I'LL JUMP STRAIGHT INTO THE ARGUMENT. DOES ANYBODY WANT A REHASH BACK? OKAY, GENERALLY RECALL THIS I [INDISCERNIBLE] CORNER OF HUTCHINSON AND KING STREET, WHICH IS THE OLD LIBRARY BUILDING WHERE THERE IS A PROPOSED HOTEL AND A SPECIAL EXCEPTION THAT WOULD ALLOW 180 FEET HOTEL IN THAT AREA, UH UNDER THE SPECIAL ACCOMMODATIONS OVERLAY ZONE. THERE IS A UH, SPLIT ZONING ON THE PROPERTY, IN THAT THE KING STREET SIDE ALLOWS A CERTAIN HEIGHT AND THE SIDE AWAY FROM KING STREET REQUIRES A STEP DOWN, IF YOU WILL RECALL THE HILL. UM, THIS BOARD GRANTED A VARIANCE MIDST ON THE, ON THE BACK PART OF THE LOT, AN INCREASE IN THE HEIGHT VARIANCE. THIS BOARD MADE AN ERROR IN SEVERAL, SEVERAL REGARDS. FIRST, YOU FOUND THE PROPERTY EXCEPTIONAL BECAUSE IT FRONTED ON MARION SQUARE AND OTHER PROPERTIES FOR ACROSS THE STREET. I DON'T THINK THAT'S HUGELY SUFFICIENT TO MEET THE EXCEPTIONAL AND EXTRAORDINARY CONDITIONS. SECOND AND UM, IN MORRIS DISCUSSION, MAYBE IT FELT UNCLEAR THAT THE BOARD FELT THAT THE ONLY REASONABLE WAY TO MAKE REASONABLE USE OF THAT PROPERTY IS TO ALLOW HEIGHT VARIANCE. THERE IS NO REASON WHY A HOTEL CAN'T EXIST. WHY, UM, UM, WITHIN THE, WITHIN THE HEIGHT VARIANCE, UNLESS ITS ECONOMIC. THAT'S THE ONLY WAY THAT A HEIGHT VARIANCE WOULD BE NECESSARY TO ALLOW A HOTEL HERE. OTHERWISE, A HOTEL CAN CERTAINLY BE LOWER. ITS, ITS JUST A SIMPLE QUESTION OF NOT [INDISCERNIBLE] NOT MORE ECONOMICALLY. [INDISCERNIBLE] TOLD THIS BOARD OVER, AND OVER, AND OVER AGAIN THAT IT CAN'T CONSIDER ECONOMIC STATUS. SO I THINK THERE IS NO WAY THAT YOU CAN GET THE BELIEVABLE USE MEETING THE VARIANCE. UM, ITS, IT'S CRYSTAL CLEAR THAT THEY CAN PUT A HOTEL IN THE

MIDDLE OF A HEIGHT RESTRICTION AND POSE THAT IT'S JUST PURELY A QUESTION OF ECONOMICS AND IF THAT'S -- THEY [INDISCERNIBLE] BOARD CAN'T DO THAT. AND UH, THAT'S OFFICIALLY MY ARGUMENT. IF YOU WOULD LIKE TO ASK ANY QUESTIONS, I'LL BE HAPPY TO ANSWER

LEONARD KRAWCHECK: ANY QUESTIONS OF MR. PRITCHARD? THANK YOU. ANY MOTIONS OR ANY DISCUSSIONS?

SAMUEL ALTMAN: I, I, I JUST DON'T KNOW IF, IF -- NOW, NOW THIS WAS PRETTY FRESH. I DON'T KNOW IF ECONOMICS WAS REALLY AN ISSUE AT ALL. IT WAS JUST THE PRESENTATION WAS MADE AS TO THE LOCATION OF THE FACILITY. UM, THE UNUSUAL, UM, SITUATION AS FAR AS THE PROPERTY IS CONCERNED. AND I, I, FEEL, UM, THE BOARD DID NOT MAKE A MISTAKE IN IT'S RULING AND, AND I, I WOULD UM MOVE TO DENY THE REQUEST FOR RECONSIDERATION.

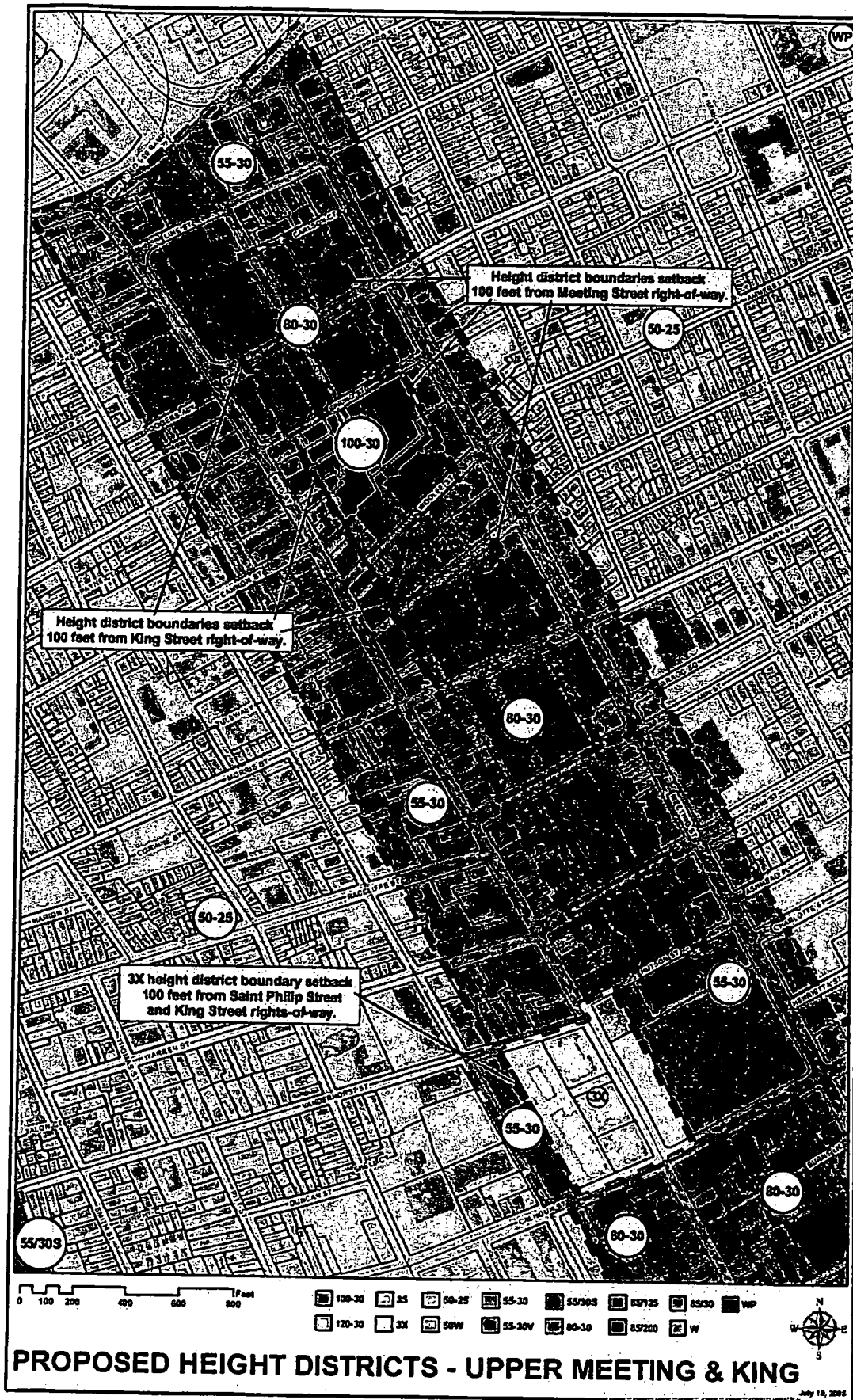
SANDRA CAMPBELL: I, YOU KNOW I, I AGAIN ECHO WHAT MR. ALTMAN SAID. ECONOMICS JUST DID NOT COME INTO MY THOUGHTS WHEN I MAKE DECISIONS. SO I SECOND THE MOTION.

LEONARD KRAWCHECK: OKAY, MR. ALTMAN, UM, MOVES THAT WE DENY THE MOTION TO RECONSIDER, SECONDED BY MS. CAMPBELL AND I, I SECOND THAT THOUGHT. I JUST, THIS IS THE FIRST TIME I'VE HEARD OF ECONOMICS. I -- NEVER OCCURRED TO ME IN MY DECISION. I THINK THAT, NOW I THINK THERE'S A, WAS A PRETTY-STRONG ARGUMENT MADE THAT THE UM, THE UM, CONDITIONS, UH, UNREASONABLY RESTRICTED UTILIZATION OF THE PROPERTY AND I THINK THAT WAS CENTRAL TO THE DECISION OF THE BOARD. UM, I UNDERSTAND HOW SOME CAN DISAGREE ABOUT EXCEPTIONALLY EXTRAORDINARY CONDITIONS PERTAINING TO THE PROPERTY. I THINK THE BOARD THOUGHT THERE WERE AND, AND THAT THE TEST WAS MET, BUT I, WE RESPECTFULLY DISAGREE WITH YOUR ARGUMENT MR. PRITCHARD. I DO ANYWAY. ANY OTHER COMMENTS? UM, ALL IN FAVOR FOR THE MOTION FOR DENIAL PLEASE SAY I.

[MANY PEOPLE SAY "AYE"]

LEONARD KRAWCHECK: ANY OPPOSED? OKAY THE MOTION IS UNANIMOUSLY CARRIED. THANK YOU SO MUCH.

[END OF RECORDING]

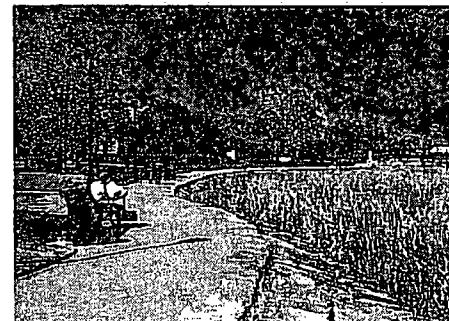
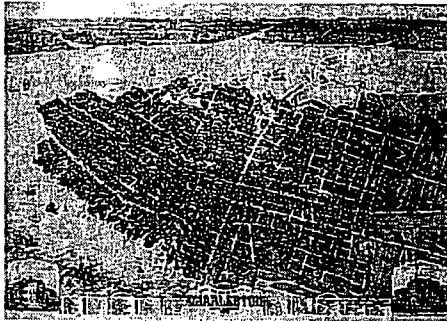


The Charleston Downtown Plan

Achieving balance through strategic growth

including:

**Real estate and
economic development**



Urban Strategies Inc. • Development Strategies Inc. • SBF Design



The Charleston Downtown Plan

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economic development 93

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Adopted November 23, 1999

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The Charleston Downtown Plan

**Achieving balance
through strategic growth**

Adopted November 23, 1999

Urban Strategies Inc. • Development Strategies Inc. • SBF Design



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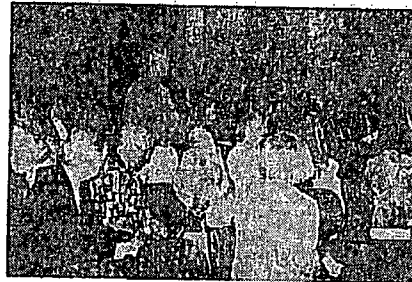
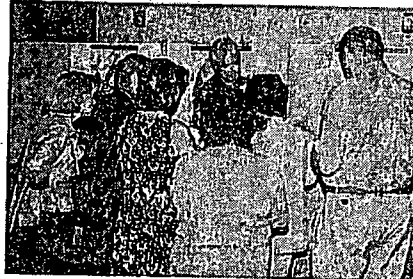
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the downtown plan

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.

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

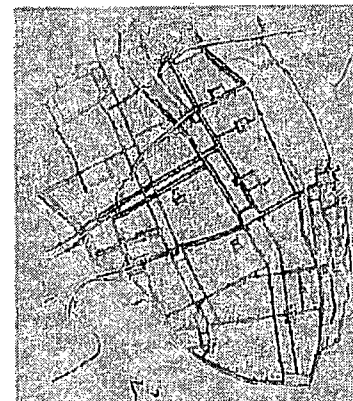
Street; Morrison Drive; and, the area occupied by the existing Cooper River Bridge.

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 Crasstown 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.



Directing growth

There are ways to accommodate growth that will protect established neighborhoods while strengthening the lower peninsula's structure.

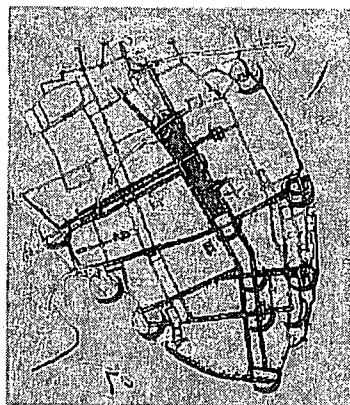
- Stable area
- Transition area
- Redevelopment area

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.

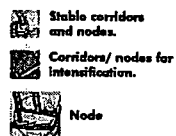
Urban Structure:

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.



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:

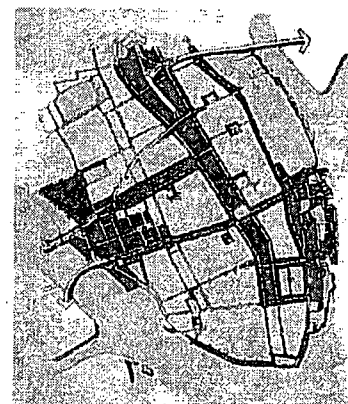
The land use strategy is intended to be highly transit-supportive by placing greater amounts of employment (work-

ers), 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.

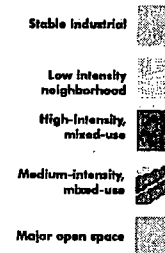
Built Form:

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.



Proposed land use

The distribution of uses largely does and will continue to relate directly to the lower peninsula's urban structure.



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.

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 headquarters 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.

Hempstead Park Terrace

River Side

Cannon Hill Borough

Springwood Park

Brittlebank Park

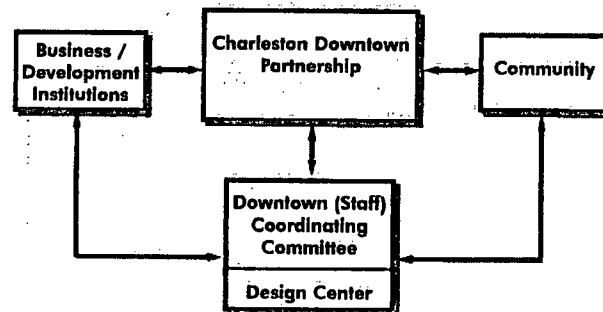
MUSC

Ashley River waterfront case study area

Cooper River waterfront case study area

Growth will be directed away from the city's neighborhoods.

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.

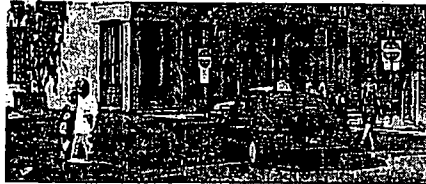
Introduction and overview

1. 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.

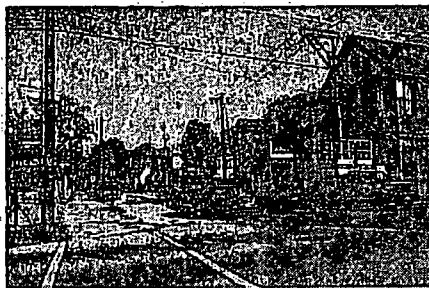
1. Introduction

The Charleston downtown plan

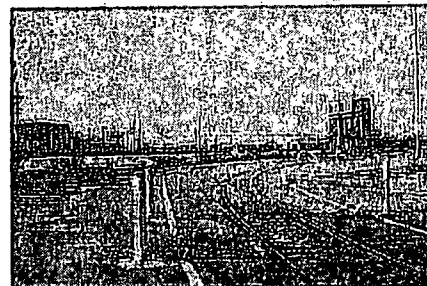
The Downtown Plan is built upon an understanding that the lower peninsula comprises three distinct types of areas:



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 deflected 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 under-

standing 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 its western edge.

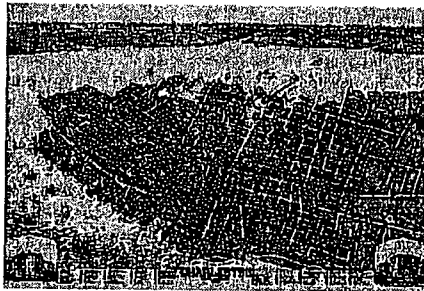


more urban character. However, the issues and opportunities extend well beyond the Crosstown. When neighborhoods, commercial activities and institutions lie in such close proximity, their existences are very much intertwined.

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.



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.

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.

2. 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

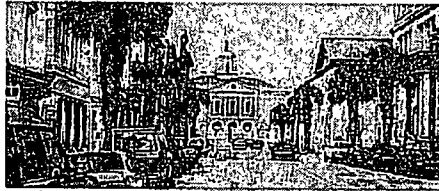
Since WWII, a world-wide trend has seen cars take priority over all other forms of transportation. The lower peninsula is now grappling with the legacy of this trend: how to move

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:

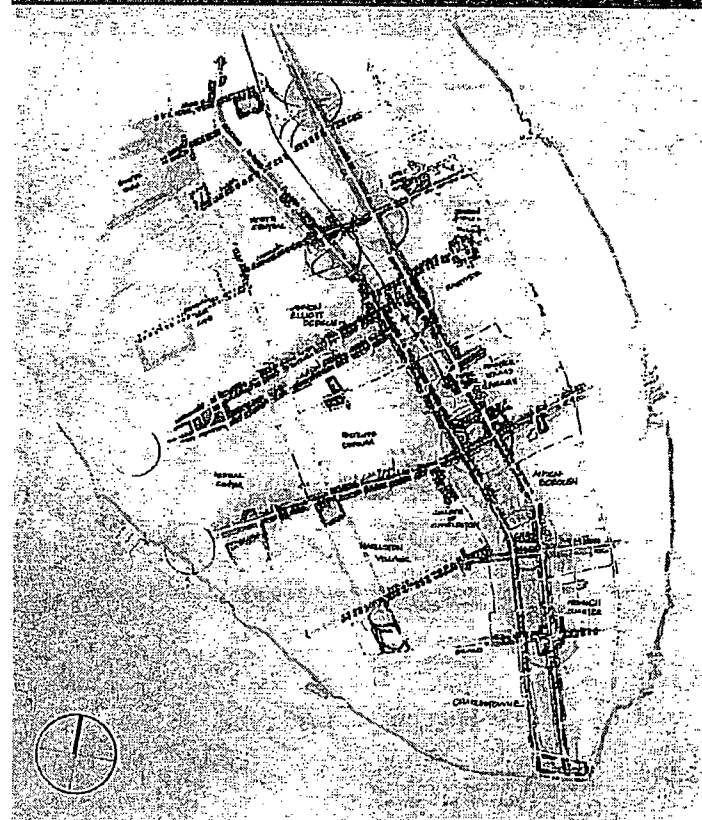
Corridors and nodes: Gaps along the corridors will be redeveloped with low- to mid-rise, dense structures and supported by transit. Retail corridors will be reinforced as downtown's shopping streets.

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

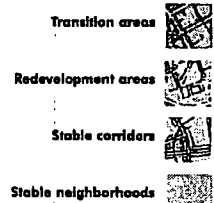
The corridors, or spines, of the peninsula are reinforced



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.

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.

A vision for the lower peninsula



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.

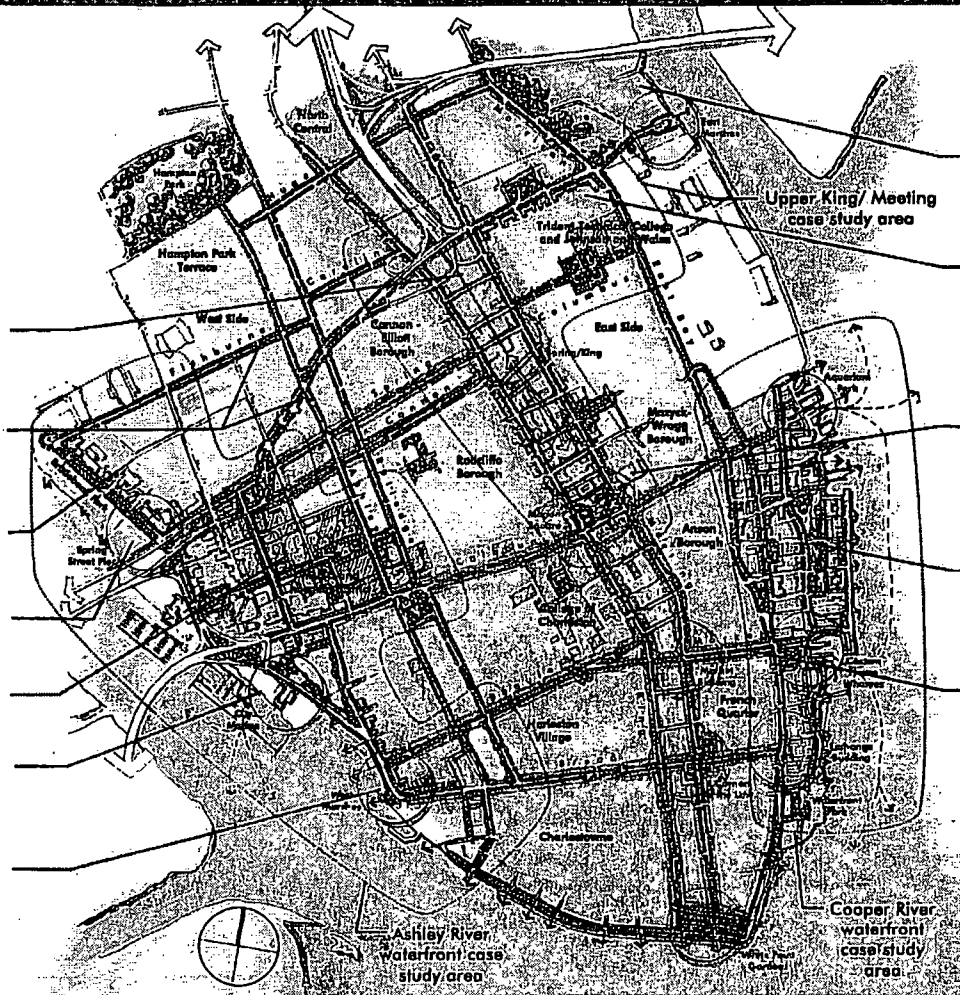
Upper Lockwood will contain new employment uses such as corporate head quarters and high tech research and development.

Brattlebank 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.

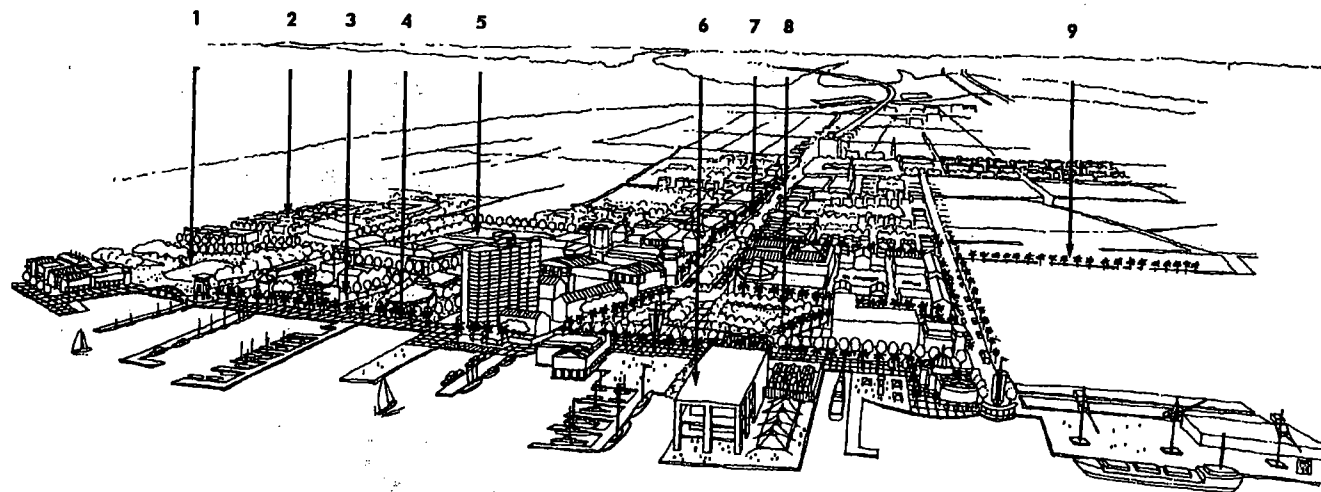
The Federal Building site, one of the most prominent on the peninsula, could accommodate a major new public use and housing.

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.

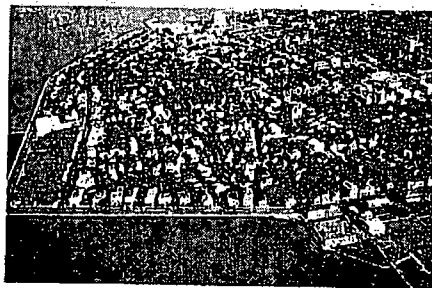
Growth will be directed away from all of the city's neighborhoods.



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.

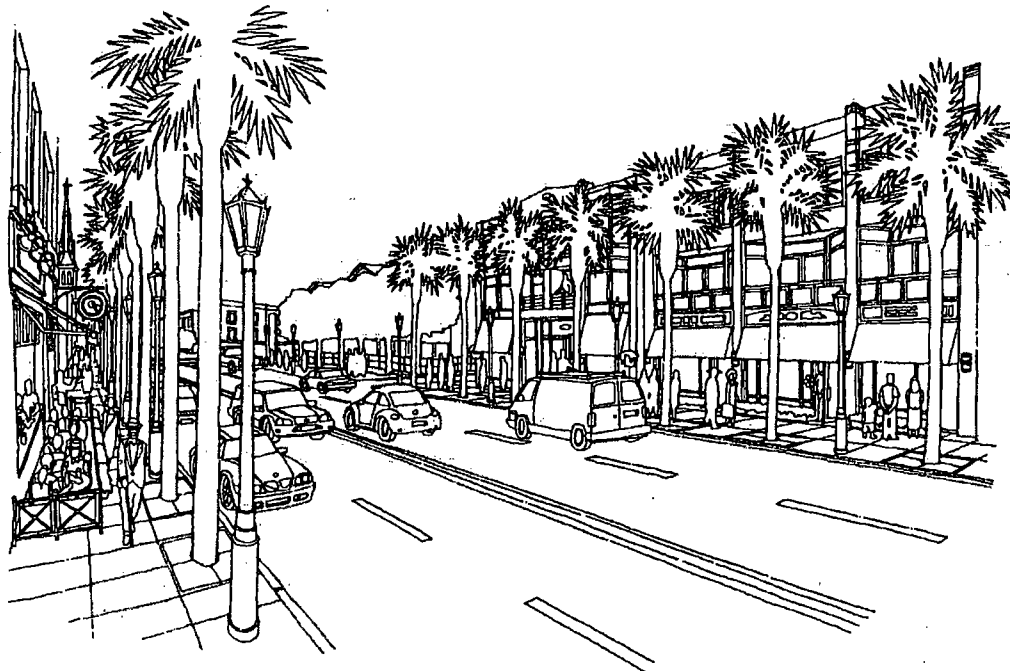
Moderately priced housing will be created in dense, mixed-use projects along the downtown corridors: King and Meeting Streets, Cannon Street and Calhoun Street are all appropriate areas. Singles, young couples, the elderly, and lower-income earners will find attractive housing and a range of unit sizes 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.



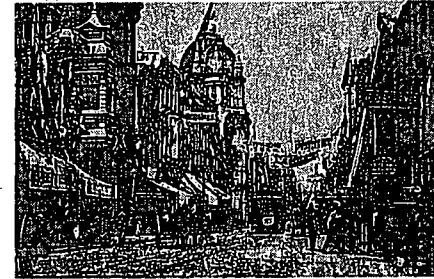
Upper Meeting Street looking south

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.



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.

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.



Upper Lockwood Boulevard and Brittlebank Park looking south

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.

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, run-

ning 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

The Charleston downtown plan

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 latter, 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, Rodcliffeborough, 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 eco-

nomical 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.

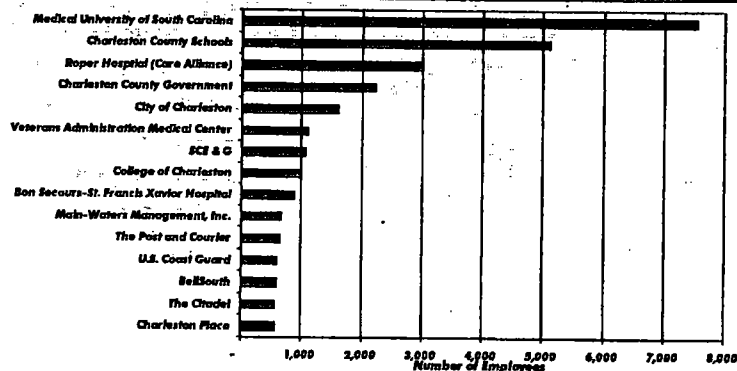
The key is to ensure that a range of housing options continue to be available on the peninsula to ensure that downtown remains a place where a diverse population can visit, work and live at every stage in the life cycle.

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.

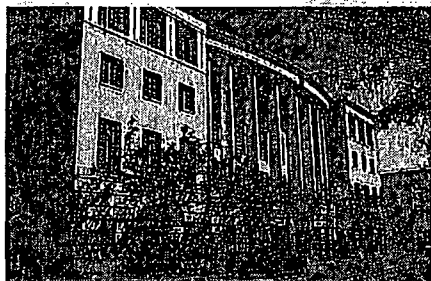
At the same time, many employees and faculty of these employers have chosen to live in the historic neighborhoods, thereby contributing to their restoration and value. This economic gain has led to growth of the city's labor force and a remarkably low city-wide unemployment rate, just 3.1 percent in 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.

Office space, 1998 (square feet)



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.

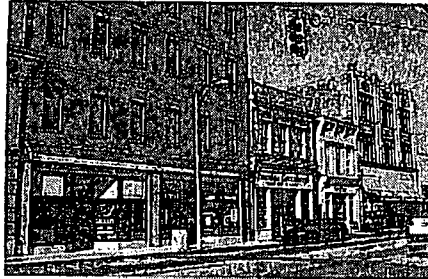
The recent decision of a major law firm to depart the downtown for a signature building in a planned business park across the Cooper River, however, should be considered an important wake up call. While it is understood that there were special circumstances that drove this particular location decision, 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

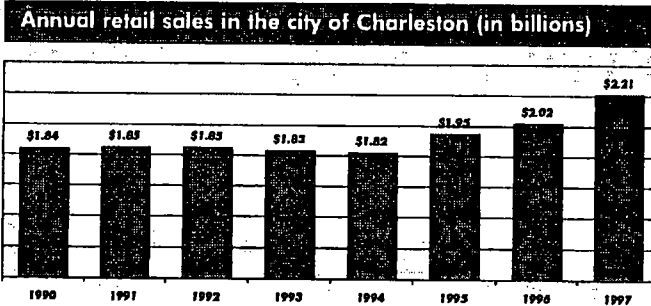
needs to be proactive in attracting the office sector. The economic analysis indicates significant potential in this domain – between 1,500,000 to 2,900,000 square feet, depending on how aggressively the city pursues new development.

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.



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, Lerner's, 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.

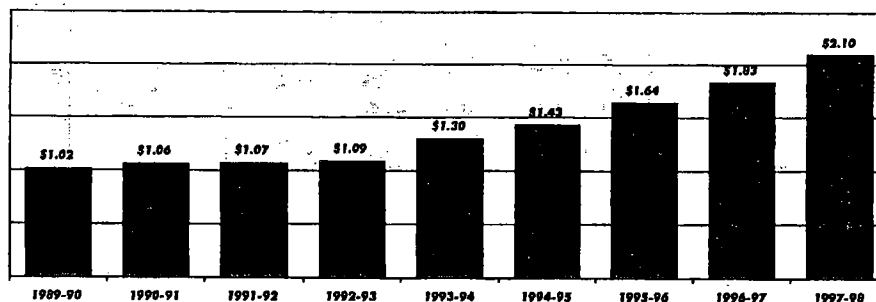
A review of the market power of downtown residents and of the existing retail facilities catering to convenience goods (food, drug store items, hardware, and home improvement), certain hard goods (furniture, appliances), and lower priced shopper goods, suggests an opportunity for further retail business 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 hotel 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.

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 accommo-

date 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.

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.

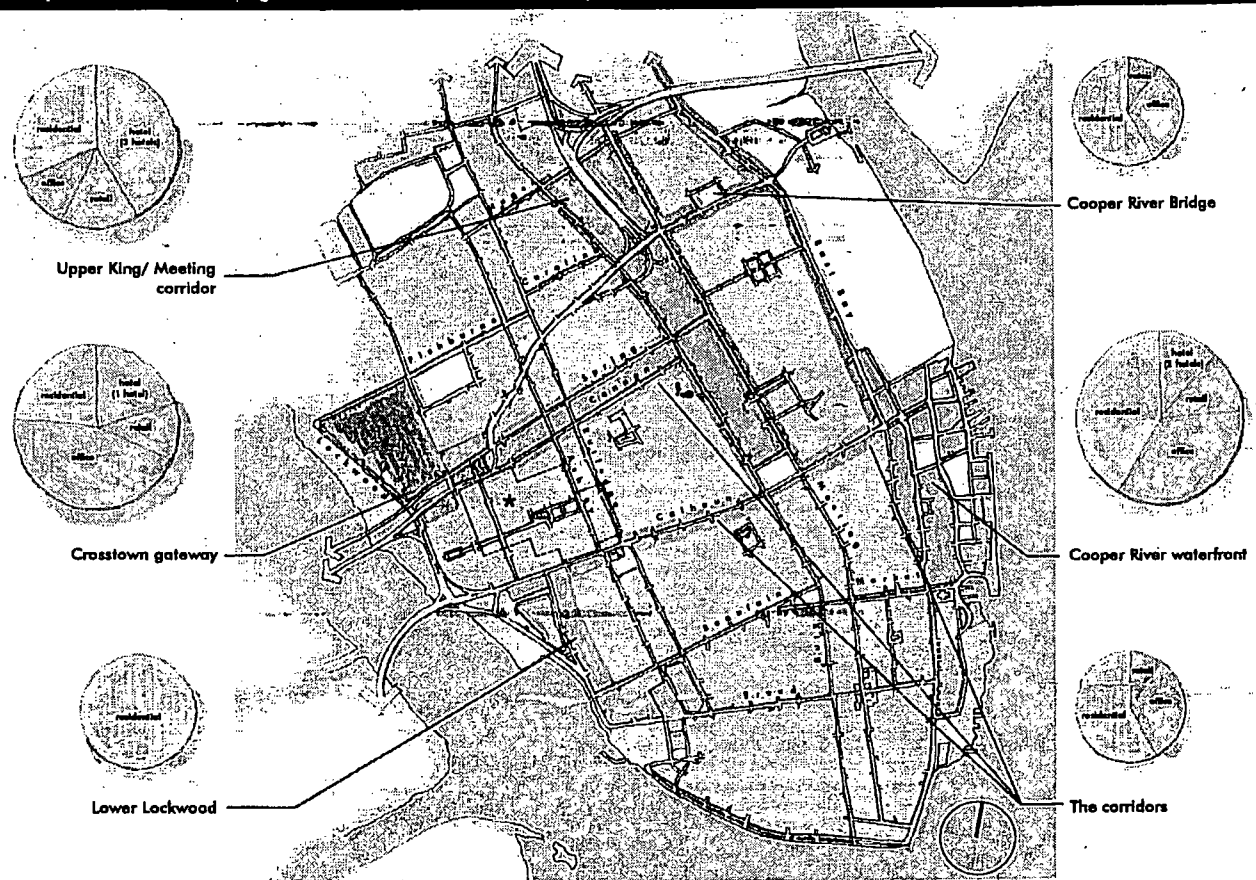
Much of the retail growth should occur in the Upper King / Meeting corridor.

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.

Proposed distribution of growth in transition and redevelopment areas



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.

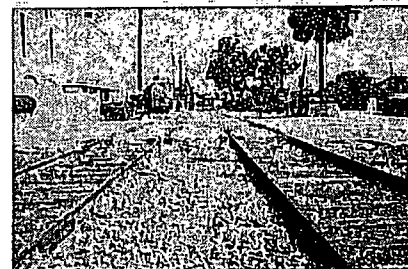
30% Monthly income available for housing

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.

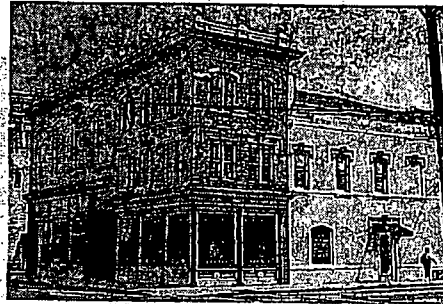
Each new housing development over a certain size (for example 20 units) should incorporate a certain percentage, perhaps 20%, of affordable housing. If required through zoning regulations, affordable housing can be created throughout downtown. The goal is to ensure that a full range of income levels 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.

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 homeownership.

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 homeownership. 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 can-

The changing senior citizen population (65+)

	1980	1990	% change
Trif-County	29,694	43,470	46
Downtown	5,895	3,442	42
Total	34,589	46,912	44

not 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.

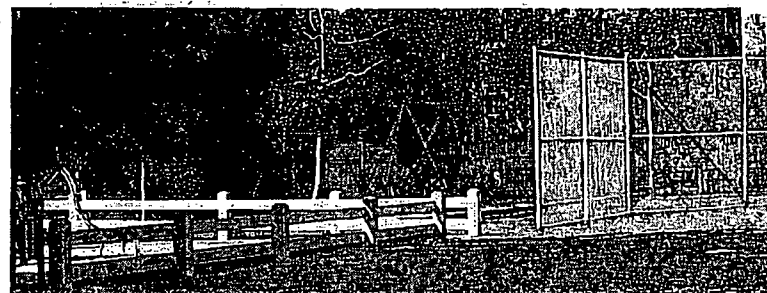
Smaller units that are incorporated into mixed use or higher density projects are inherently more affordable, by virtue of economies of scale, and reduced per unit land price. Smaller units are appropriate for segments of the population such as students, young professionals or empty-nesters who are at 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:

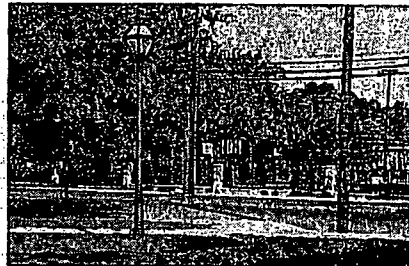
Goal: Improve the public schools

Strengthen the public school system.

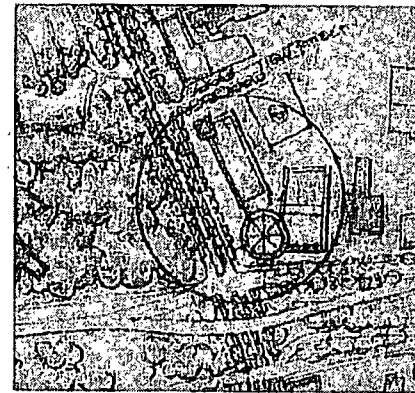
Public schools form a fundamental part of the community and are an intrinsic and crucial element in retaining downtown's existing population and attracting young families back to the downtown. Good public schools can also leave a family more income for housing. The quality of public education is a key 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.

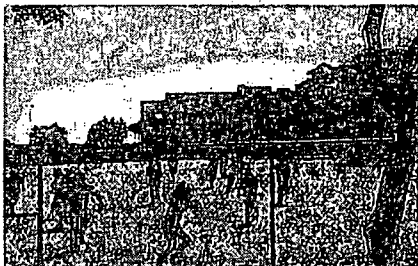
The parks plan should identify opportunities for passive and active open spaces that meet the broad community needs (as

identified ideally through resident surveys) and are closely connected with the neighborhoods. Active parks should include opportunities for small children (bat 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.

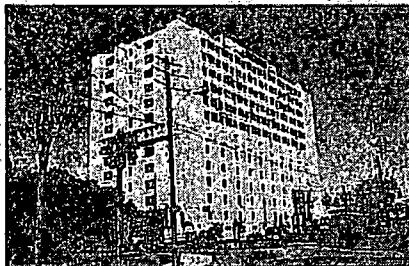
With this in mind, the parks plan should aim to achieve a number of specific objectives including:

- 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 Bluffs 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 Devins 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.



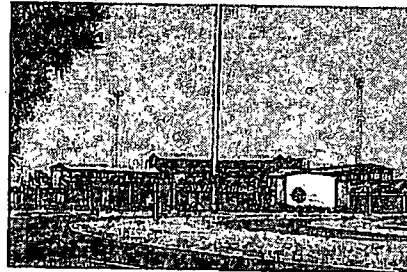
Goal: Continue cooperative efforts to enhance institutional - neighborhood relations

Reiterate and adhere to institutional boundaries.

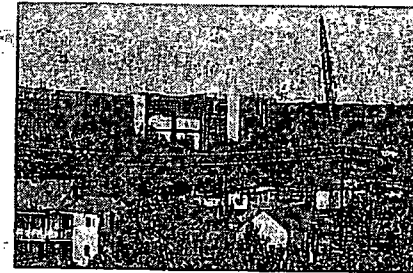
The issues related to institutional boundaries and intrusion into neighborhoods are amongst the most contentious. Both the College of Charleston and the MUSC have established growth boundaries, which must be adhered to and enforced in order to provide certainty and to lessen conflict between institutions 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 R. Riley Jr. Park



The SC Aquarium (under construction)

Joseph R. 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.

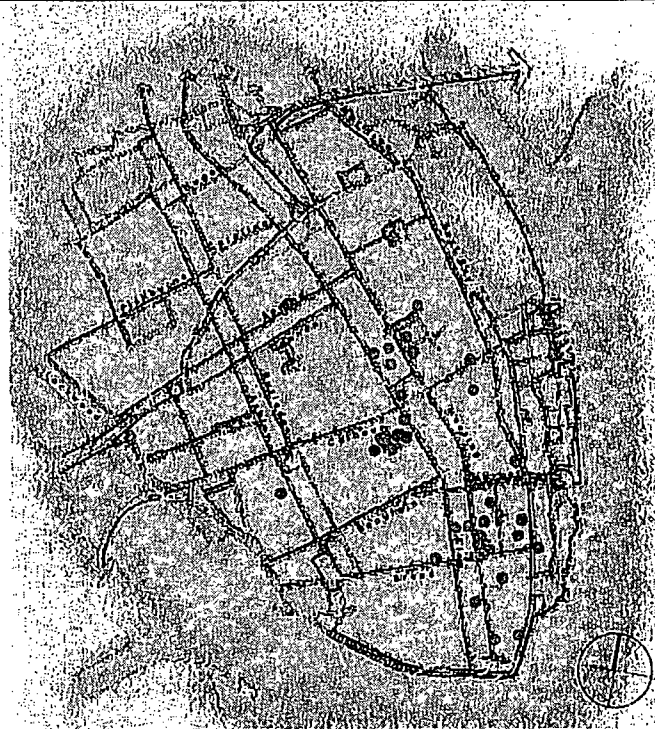
The enforcement of existing ordinances will make the neighborhoods more comfortable to live in. Both the *Town and Gown Technical Report* and the *Tourism Management Study*

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



cultural facility locations
(historic and cultural sites, museums, libraries and entertainment centers)

A comprehensive plan for the fine and performing arts should be prepared.

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

Goal: opportunities:
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.

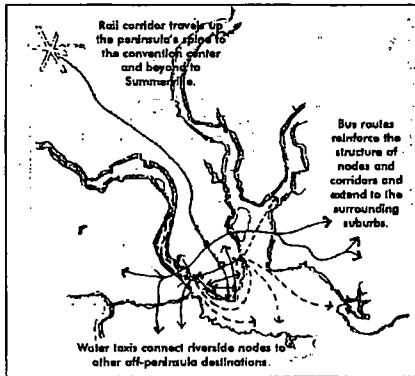
5.5 Reduce the reliance on cars

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.

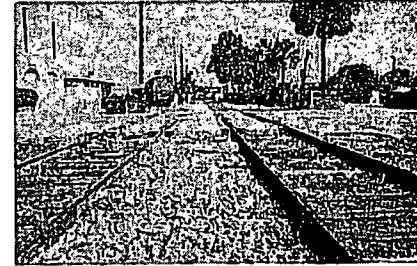
The demand for parking - a by-product of the reliance on cars - impacts the quality of life. Local streets are congested, making it difficult for residents to park. Valuable land is dedicated to surface parking lots. The quality of the pedestrian environment is diminished by the number of surface parking 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 (CATS) 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:

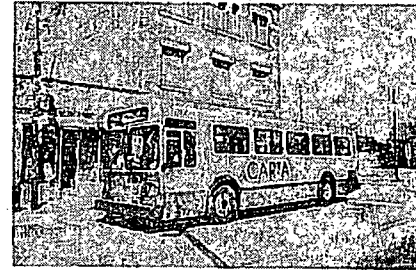
Goal: Support public transit, bicycling and walking

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

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 into 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 pro-



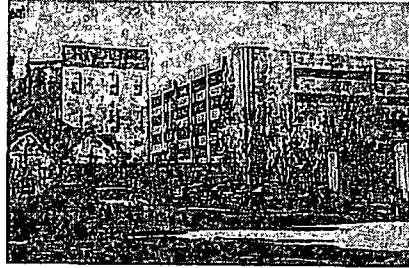
Increasing traffic capacity in some areas of the peninsula will only lead to more congestion in other areas. The road capacity in many parts of downtown is already limited and alternatives to the private automobile should be pursued.

jected 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 exac-

erbates 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.

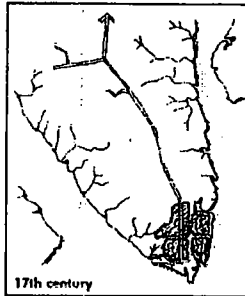
A minority business "round table" organization should be created to facilitate communication between business owners and aspiring entrepreneurs. The focus should be on minorities serving the minority community and minority businesses competing across racial lines. Minority businesses should be encouraged 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.

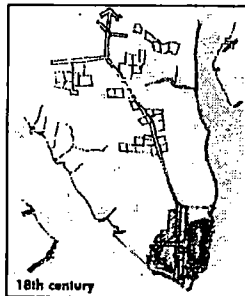
Directing growth to reinforce the city's character

The Charleston downtown plan

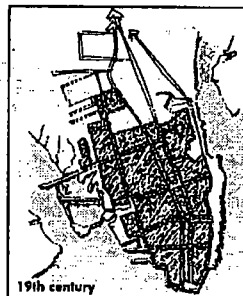
6. The urban structure



17th century



18th century



19th century

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.

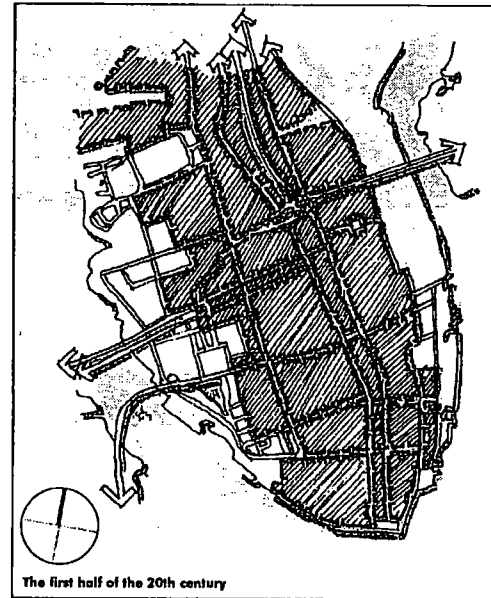
Charleston emerged from its early form as a walled, port town on the Cooper River. Growth occurred along the Cooper River waterfront, followed by King and Meeting Streets - parallel spines on higher ground. Wetlands were filled in to create wharves and other port-related activities. The principal north-south 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.



The first half of the 20th century

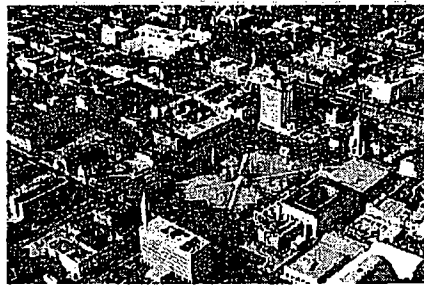
Before WWII growth occurred along a series of parallel and perpendicular spines between which neighborhoods grew. The most intense urban fabric continues to follow the King and Meeting Corridor. The waterfront is less intensely developed.

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.



Marlon 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.

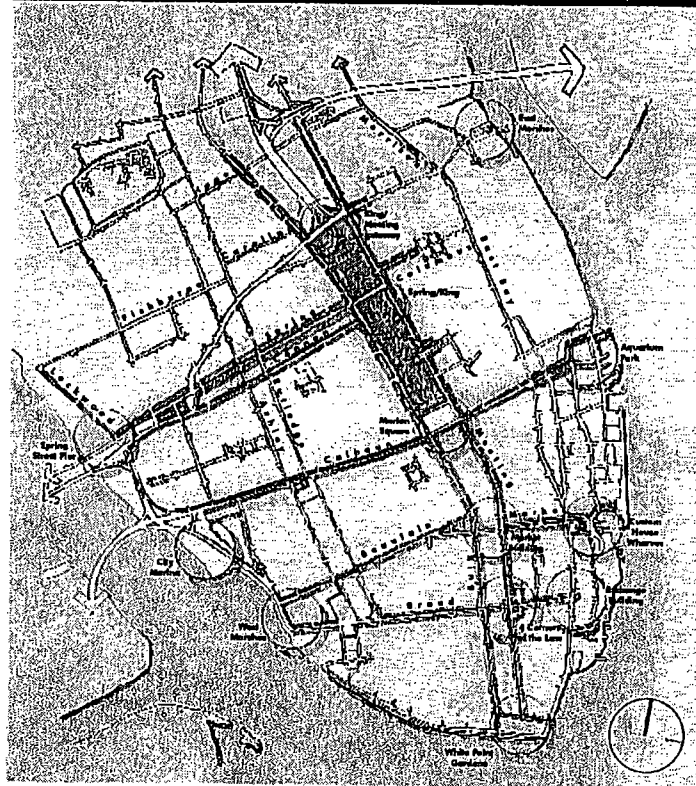
Along the Ashley River waterfront, new focal points should be created at the following termini:

- 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

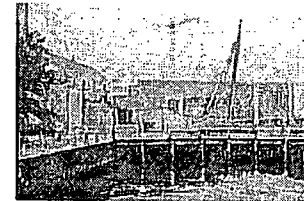


- Corridors/nodes for intensification.
- Stable corridors and nodes.

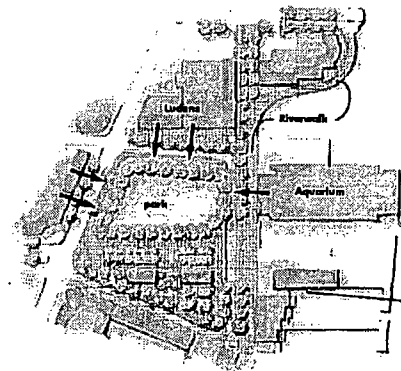


Node

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.

Your best and potential water taxi dock.

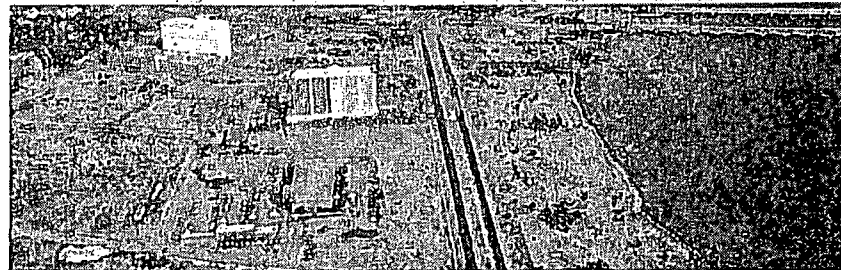
c. The urban structure

The Charleston downtown plan

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.



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.

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 undeveloped. 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.

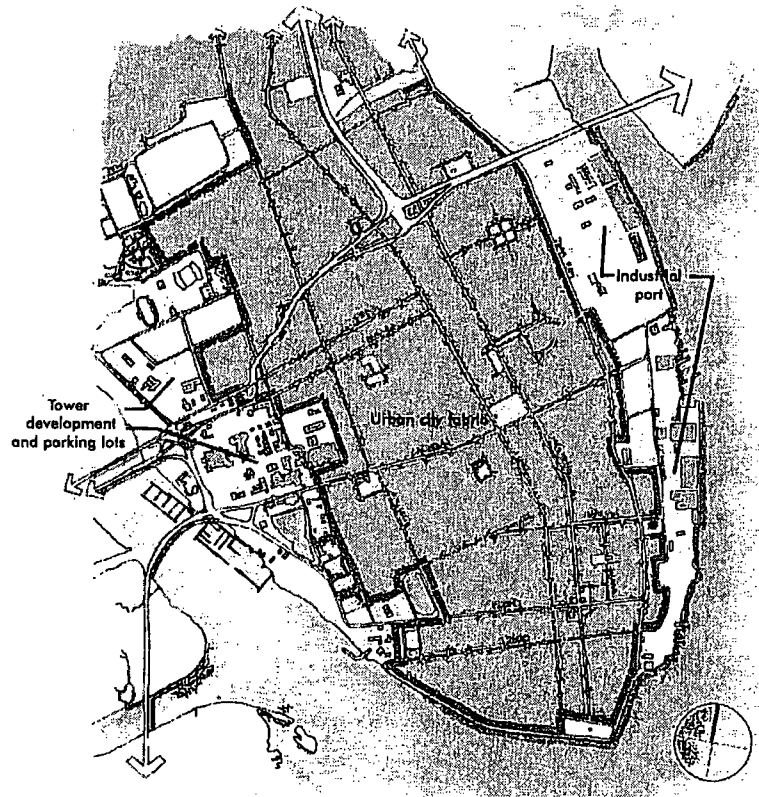
Extend the streets and blocks.

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.

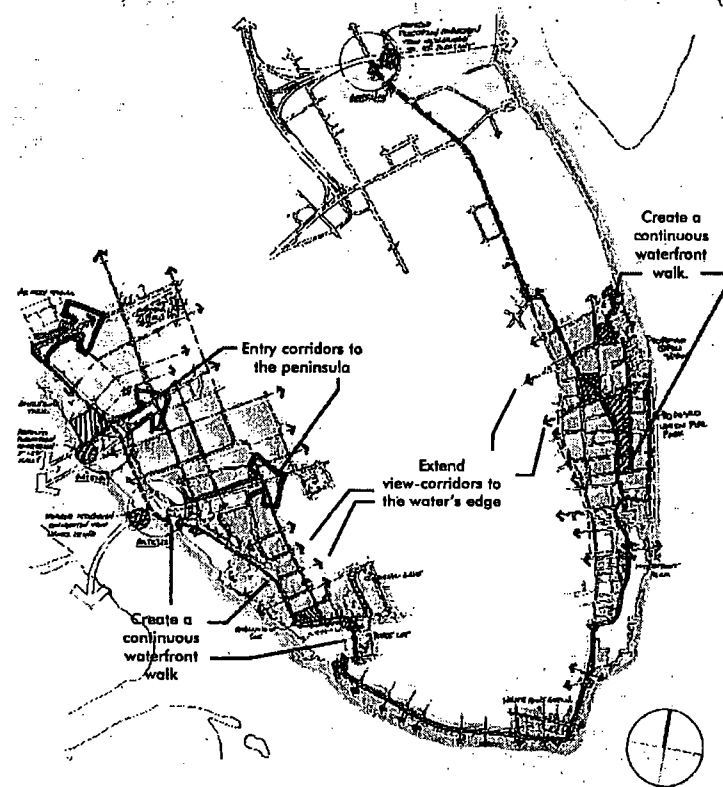
Along the Ashley River waterfront, first the marshes and now Lockwood Boulevard and the medical complex, create the perception that the river is inaccessible.

Existing extent of the urban fabric

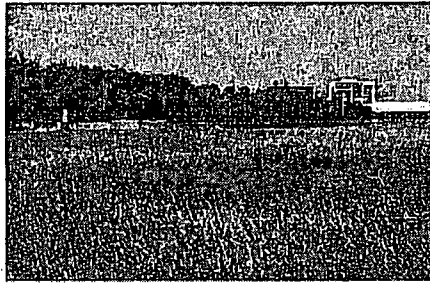


Much of the land at the rivers' edges is developed as industrial port or surface parking lots. This pattern of development is out of character with the densest urban fabric of the peninsula and isolates the city from the water's edge.

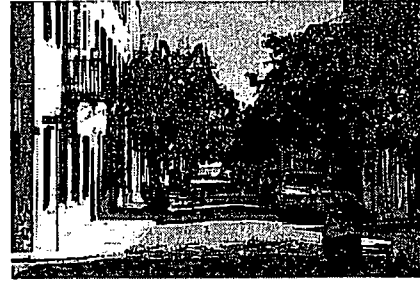
Proposed extension of the city fabric to the water's edge



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.

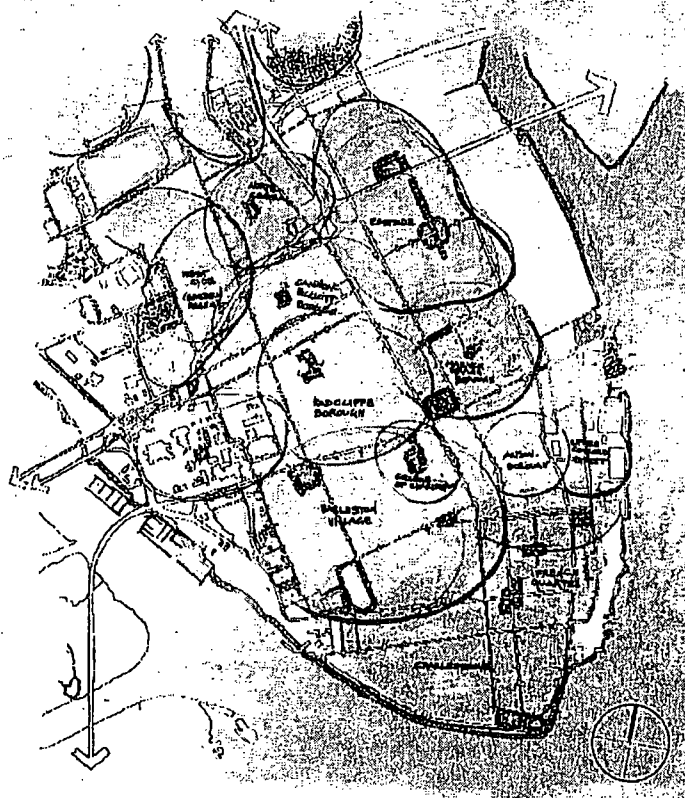
Fill in vacant sites with development that respects the neighborhood form.

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.

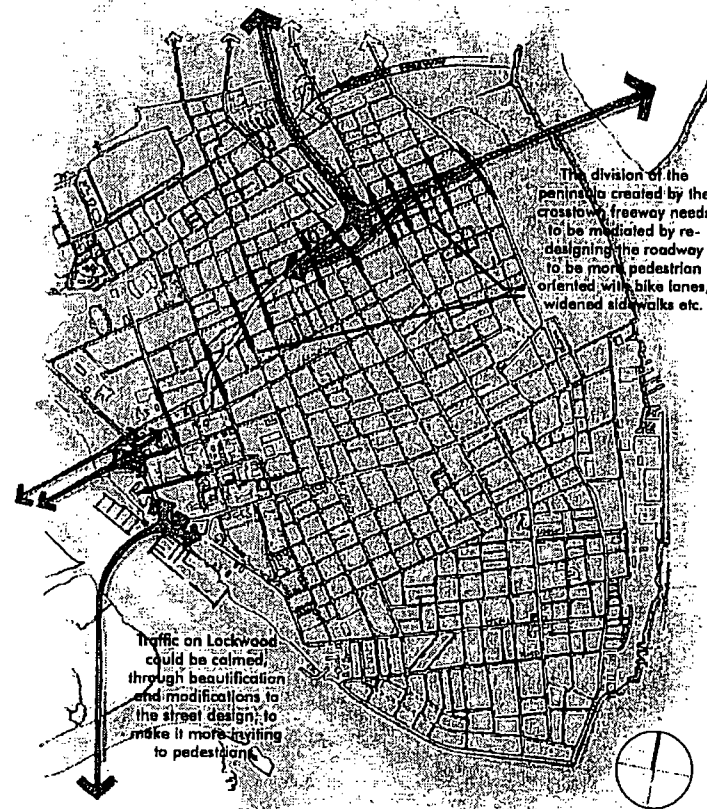
The downtown incorporates a broad mix of uses. Retail corridors, such as King and Meeting Streets, border the edge of most of the neighborhoods. The French Quarter, together with Charleston Village, embrace a wide diversity of uses and represent perhaps the most mixed neighborhoods.

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.



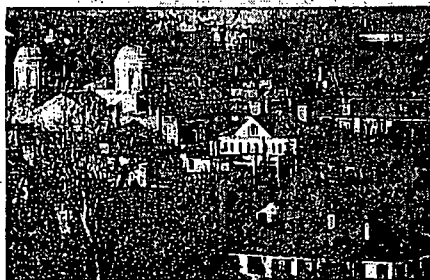
Charleston is made up of a collection of neighborhoods.

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. Charleston 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.

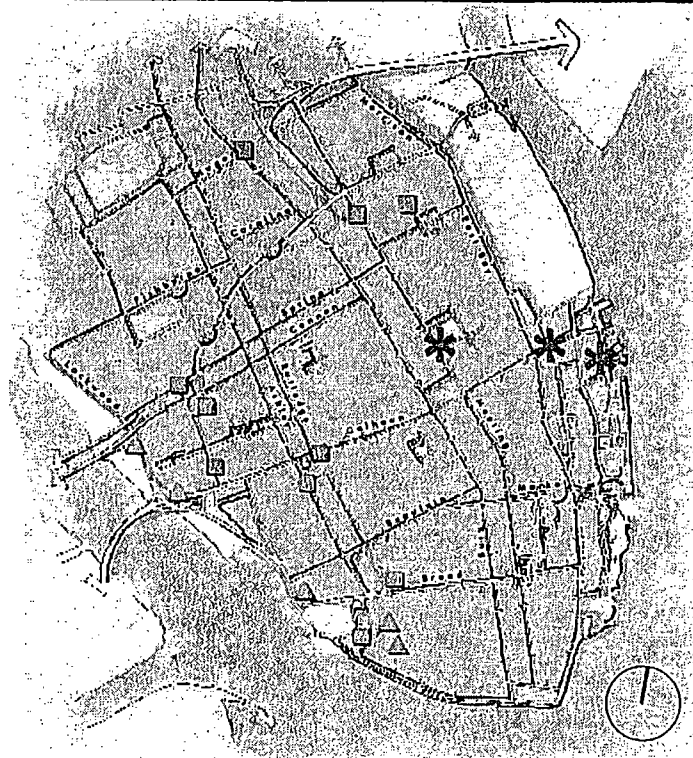
Drainage needs to be improved downtown. Because of downtown's vicinity to sea level and the amount of filled land within the study area, drainage is a challenge. Flooding can occur based on intense rainfall events, extreme high tides or a combination of the two.

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.



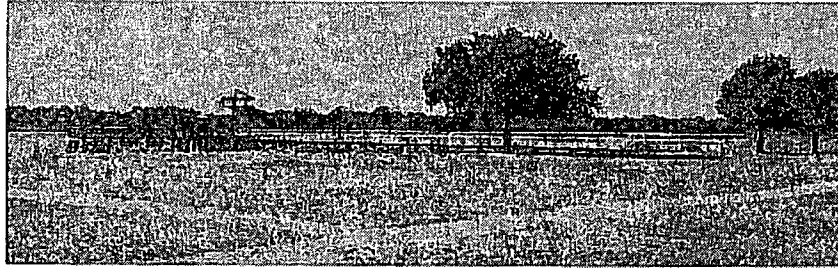
6.5 The public realm: streets, parks, trails and open spaces

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:

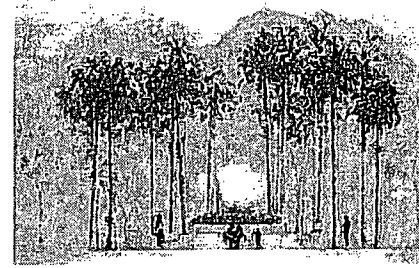
Goal: Enhance the public realm.

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 Cannon, 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 incor-

porating 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:

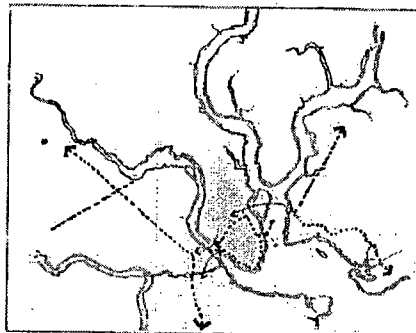
- some of the lands vacated by the relocation of the Cooper River Bridge in the East Side (long-term plans include a pier and boat ramp in the vicinity of the old Cooper River Bridge),

- 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 be connected to a regional network.



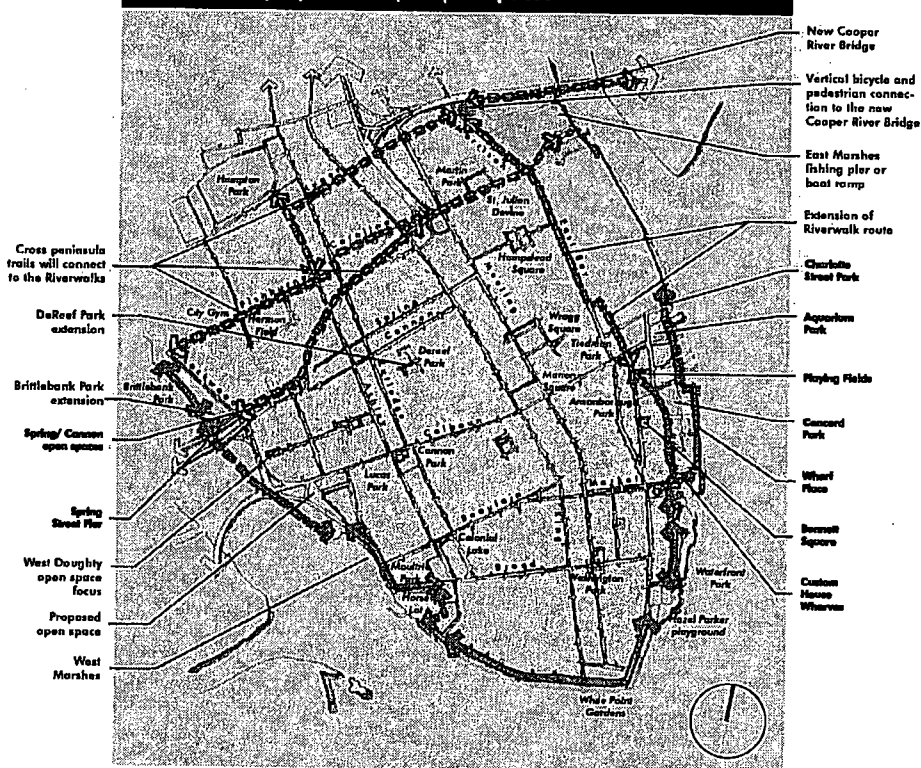
peninsula. A master plan for the park, prepared by Michael VanValkenburgh and now being implemented through tax increment financing, will take maximum advantage of this important civic space, while providing a focal point for public activities. Sites around the edges of this park will soon be among the 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

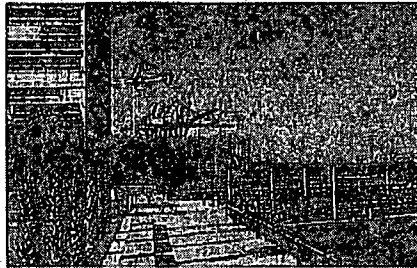
Existing and proposed major open spaces



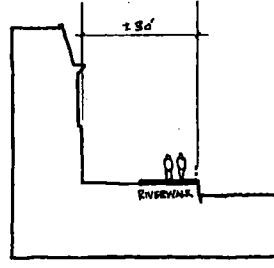
- Existing waterfront trails.
- Previously proposed waterfront trails.
- Newly proposed waterfront trails.

Major open spaces:

- Red text indicates newly proposed open space
- 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.

7. 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?

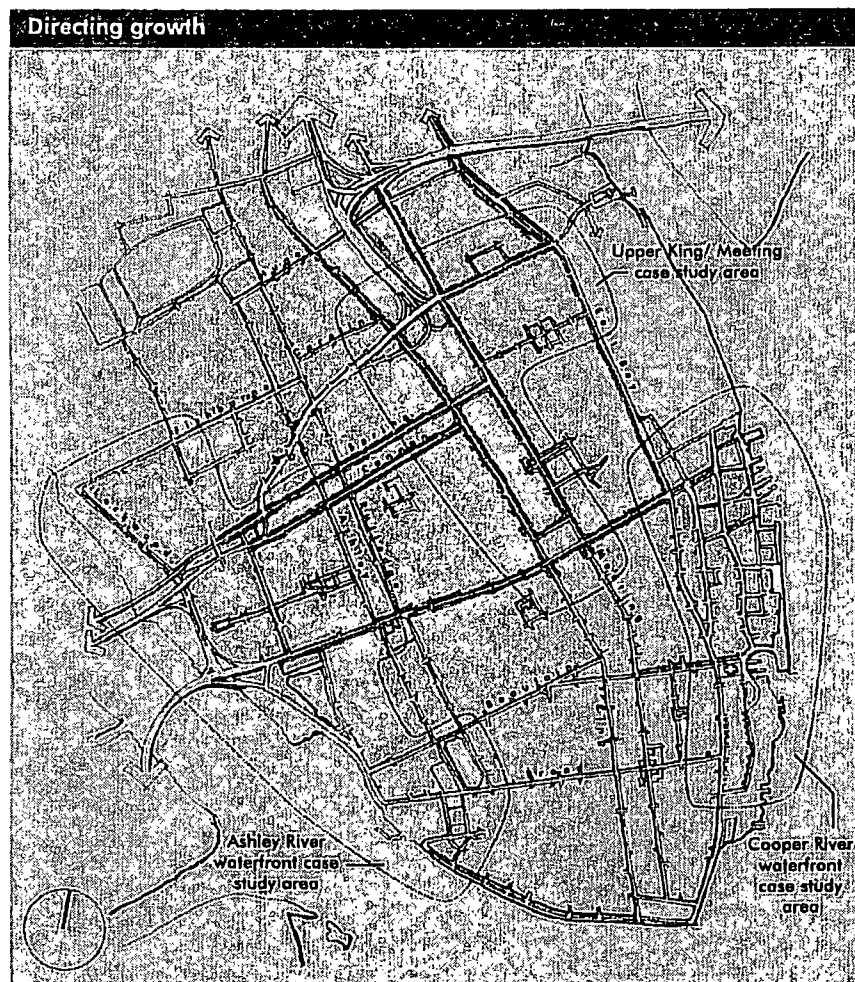
Within the broad urban structure, downtown Charleston currently has areas that are *stable*, *in transition*, and *suitable for larger scale redevelopment*. The *stable* areas are mostly comprised of residential neighborhoods, treasured communities that should remain largely as they are in form and use. 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.



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.

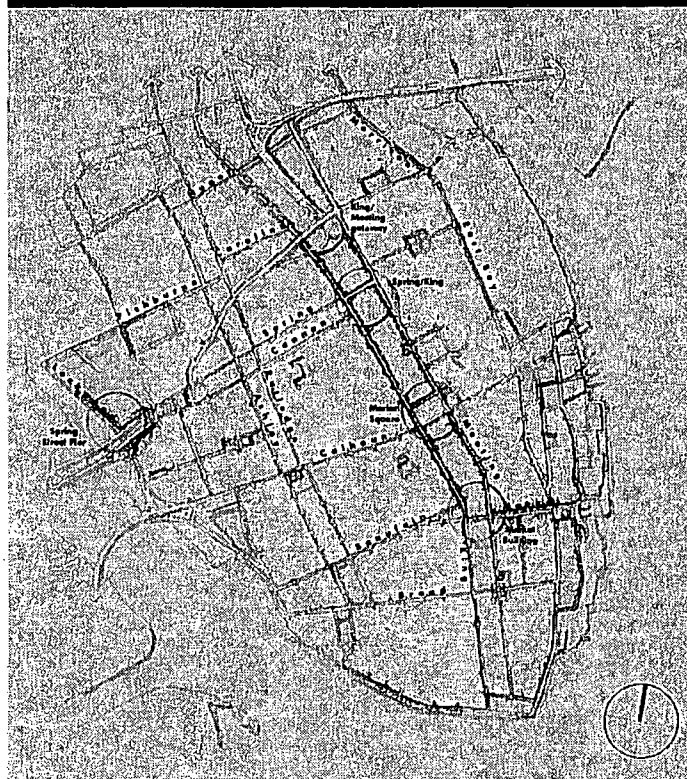
Direct hotels generally north of Calhoun Street

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 Colhoun Corridor is emerging as a mixed-use area with an emphasis on cultural attractions and facilities. The Colhoun 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.

- Stable industrial
- Low-intensity neighborhood
- High-intensity, mixed-use
- Medium-intensity, mixed-use
- Major open space
- Institutional boundaries

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.

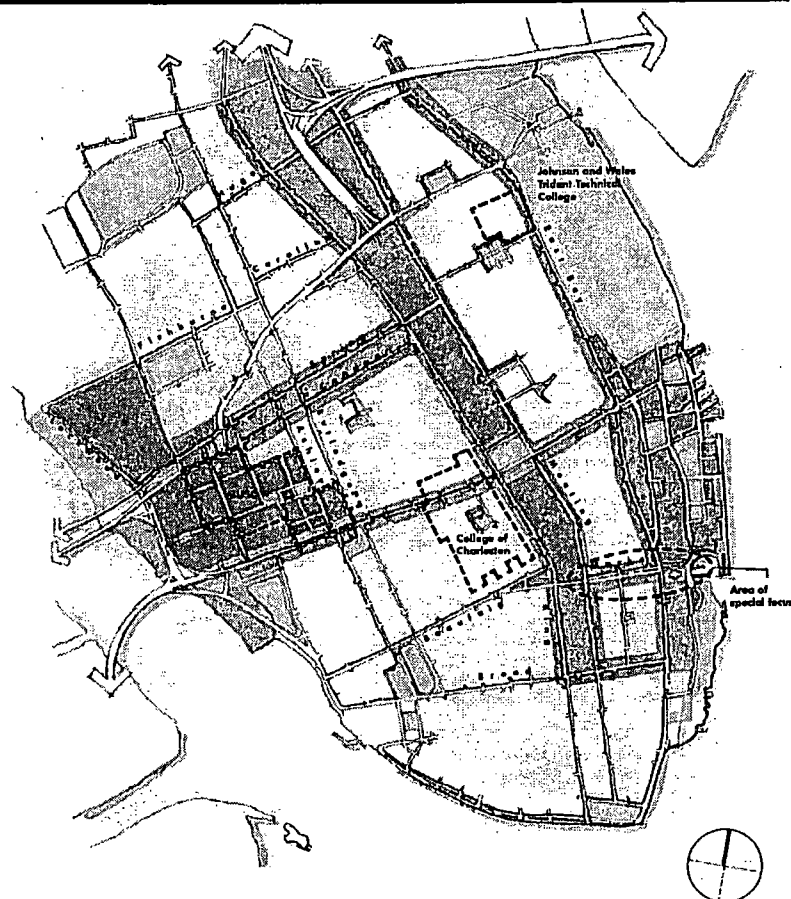
The creation of land use categories and associated policy directions provides the framework for future land use decisions in the downtown and facilitates achievement of the Plan's underlying principles and vision.

Goal: Create a supporting land use strategy

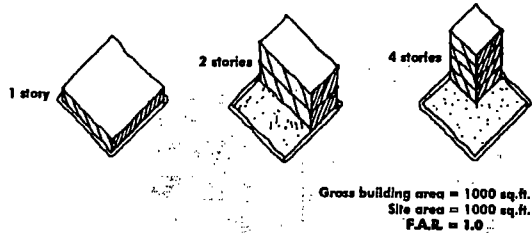
Designate neighborhoods as "low intensity neighborhood."

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.

Proposed land use



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 campus, 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 campus 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.

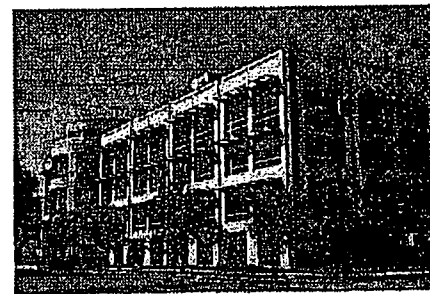
The King and Meeting Corridor, incorporating a mix of uses, functions as the premier downtown shopping district, a role that the Plan confirms and reinforces. A full range of uses is anticipated: additional retail, hotel, office, entertainment, cultural, and residential development. Retail use should 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.

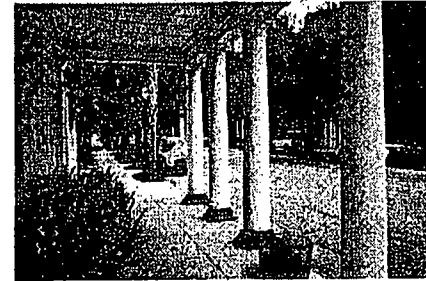
The grain and scale of city streets, open spaces, blocks, lots sizes, buildings and the pattern of use reveals an intimate, human scale.



Almost every kind of use can be found in the French Quarter neighborhood. Sometimes all on one block, as reflected 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.

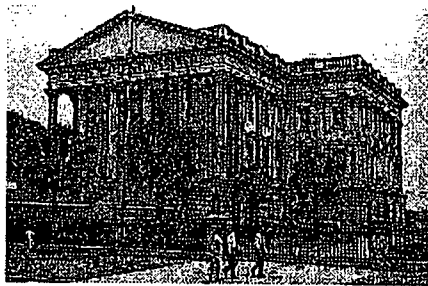
8.3 Grain and scale of development

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.

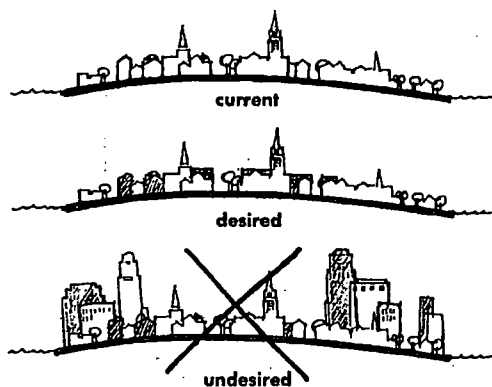
There is also room for buildings that are truly outstanding objects. Places of worship, public structures, certain locations adjacent to the waterfront or important parks all warrant exceptional treatment and design. Downtown Charleston should contain all of these types of buildings.

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 separate 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 Naiton'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:

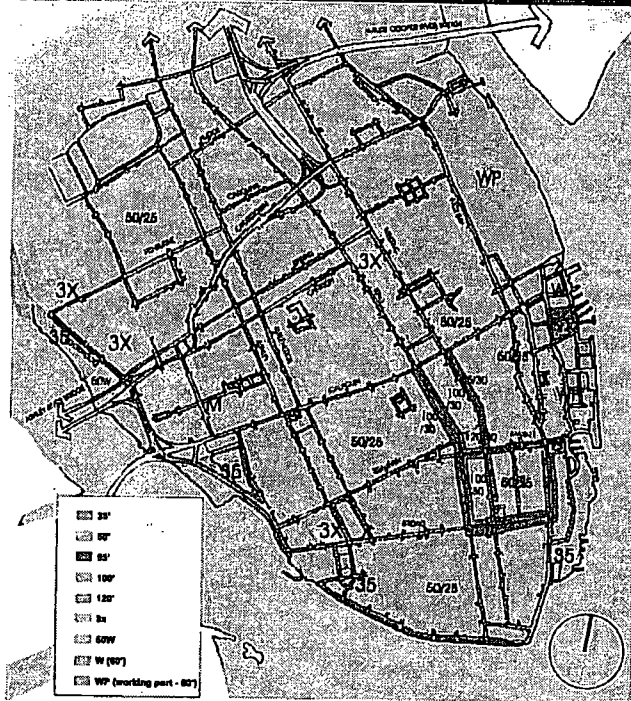
- 35:** 35' maximum.
- 50/25:** 50' maximum, 25' minimum
- 55/30:** 55' maximum height, 30-foot minimum
- 100/30:** 100' maximum height, 30-foot minimum
- 120/30:** 120' maximum height, 30-foot minimum
- 50W:** 50' maximum, 25' setback from high water mark.
- M:** Maximum height determined by setbacks 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.

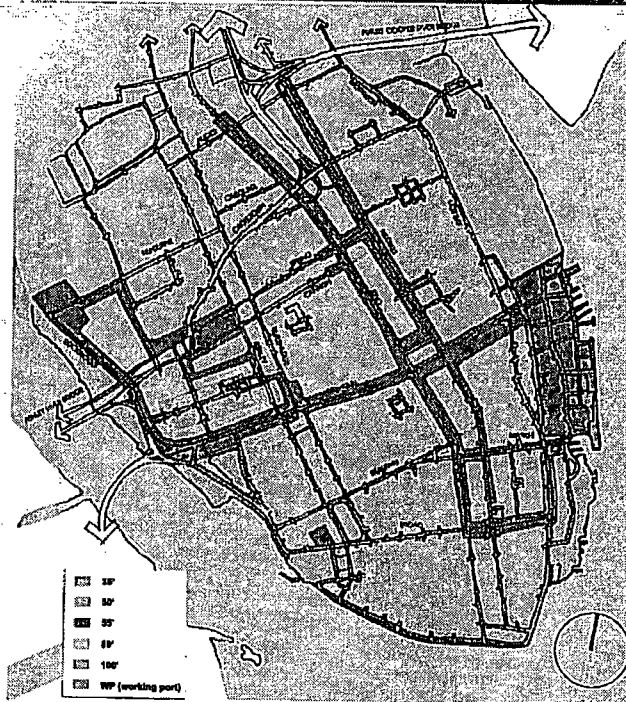
Some of these categories respect existing building heights and should be retained. Others are redundant due to changes in land uses. In those areas where the height limits are based on the lot size or setback (the 3X and W zone), the heights are potentially too high to be compatible with the existing 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

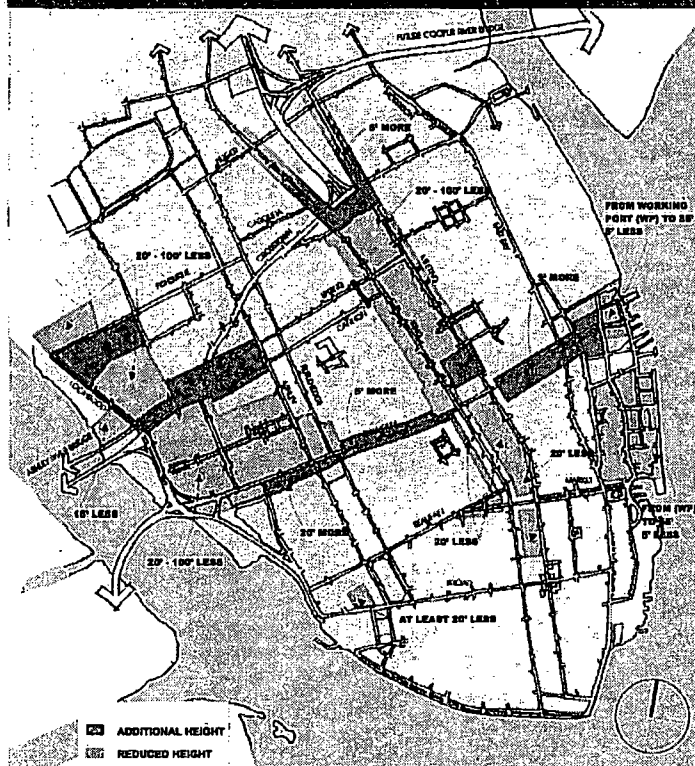


Heights in the King/Meeting Corridors and the hospital complex area will become more restricted with graduated transitions in scale to the surrounding neighborhoods.

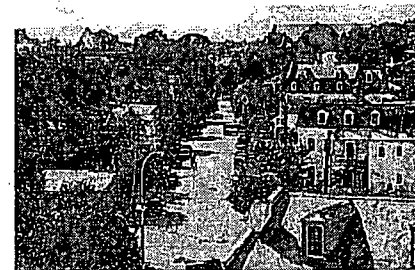
Heights in the Union Pier area will be adjusted to fit with heights of adjacent waterfront neighborhoods.

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. Height 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:

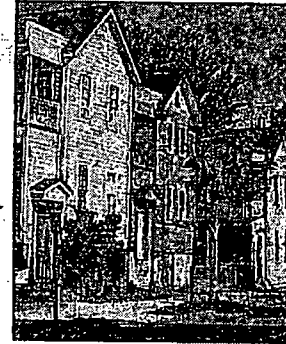
35' height zone along the downtown water's edge. This zone is similar to the existing 35' zone, establishing a maximum height of 35 feet (2 1/2 stories) with a provision to add the extra feet required by FEMA flood plain regulations to a maximum of 45'. In most cases, this provision will increase the 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 its 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)

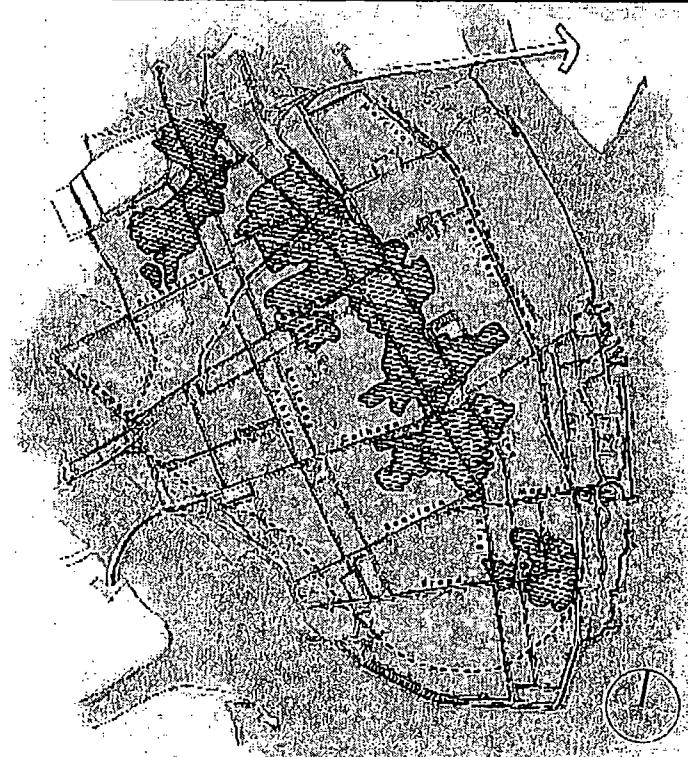
Through the Federal Insurance Administration, FEMA makes flood insurance available provided that flood plain management regulations that meet the national requirements are adopted and enforced. After 1989's Hurricane Hugo, the Federal government revised the flood plain management regulations to respond 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

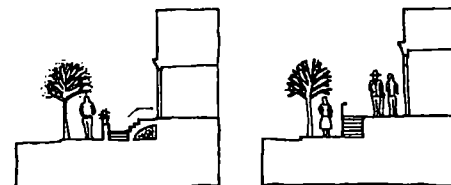
Most of the
reinvestment
areas fall
within the
FEMA velocity
flood zones and
will be subject
to more design
regulations.



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:

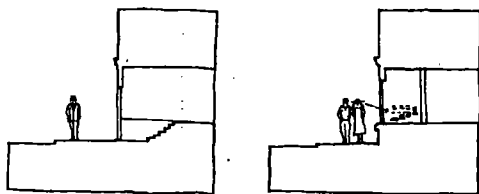


On streets where buildings are setback or sidewalk room is ample, change in level should accommodate porches and landings which overlook the street. This is particularly appropriate on residential buildings.

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.

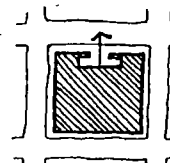
In addition, a certain percentage of ground floor space in newly developed buildings should be required to accommodate appropriate active uses. This initiative would challenge developers and architects to find opportunities for limited retail, lobbies, and foyers to animate the street level.

Amend height regime to respond to FEMA flood plain regulations.

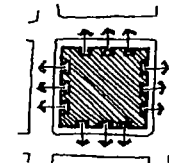
Where FEMA flood plain regulations apply, the height limits need to be studied and potentially revised. The intent is to ensure consistency with respect to the treatment of height within the downtown and to reduce the number of height variances required simply to deal with the flood regulations.

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 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

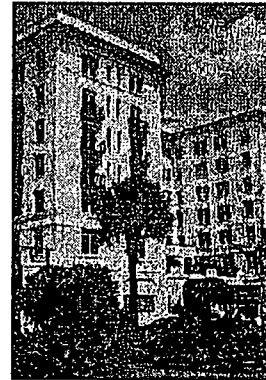
Modify commercial zones to permit increased residential density.

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.



The Fort Sumter House condominium is a good example of housing which could be built in the high intensity areas.

8.8 Heritage Preservation

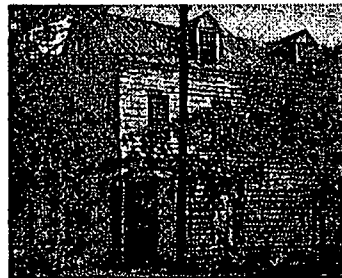
Through the coordinated efforts of private, non-profit and government sectors, Charleston has preserved and restored an extraordinary architectural legacy. Through the excellent work of the Board of Architectural Review (BAR) and developers, Charleston has ensured that new development fits well within 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, archeology 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.

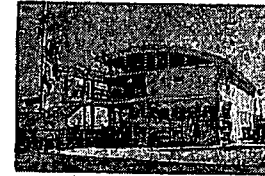
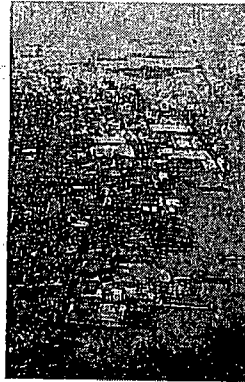
Create an historic building maintenance manual.

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.

9. 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.

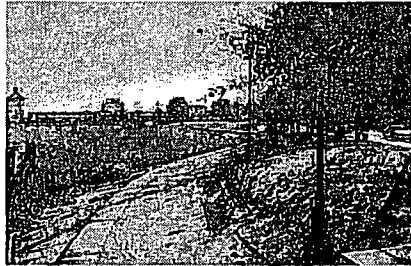
To ensure that the waterfront emerges with the type of atmosphere and activity level that is envisioned, a number of issues need to be addressed. As some of these projects are very close to being realized, there is some sense of urgency.

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:

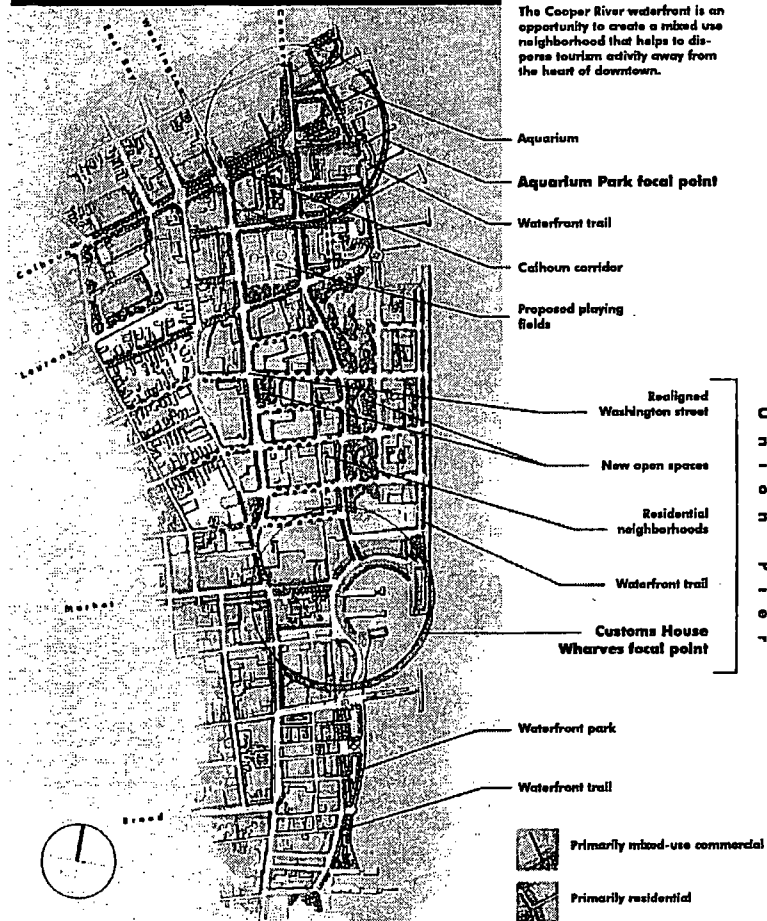
The waterfront trail: Securing the waterfront trail is the single most important initiative in this area. It cannot be left to chance. The City is already planning the extension of the riverwalk. In order to be successful, a high level of coordination is required.

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.

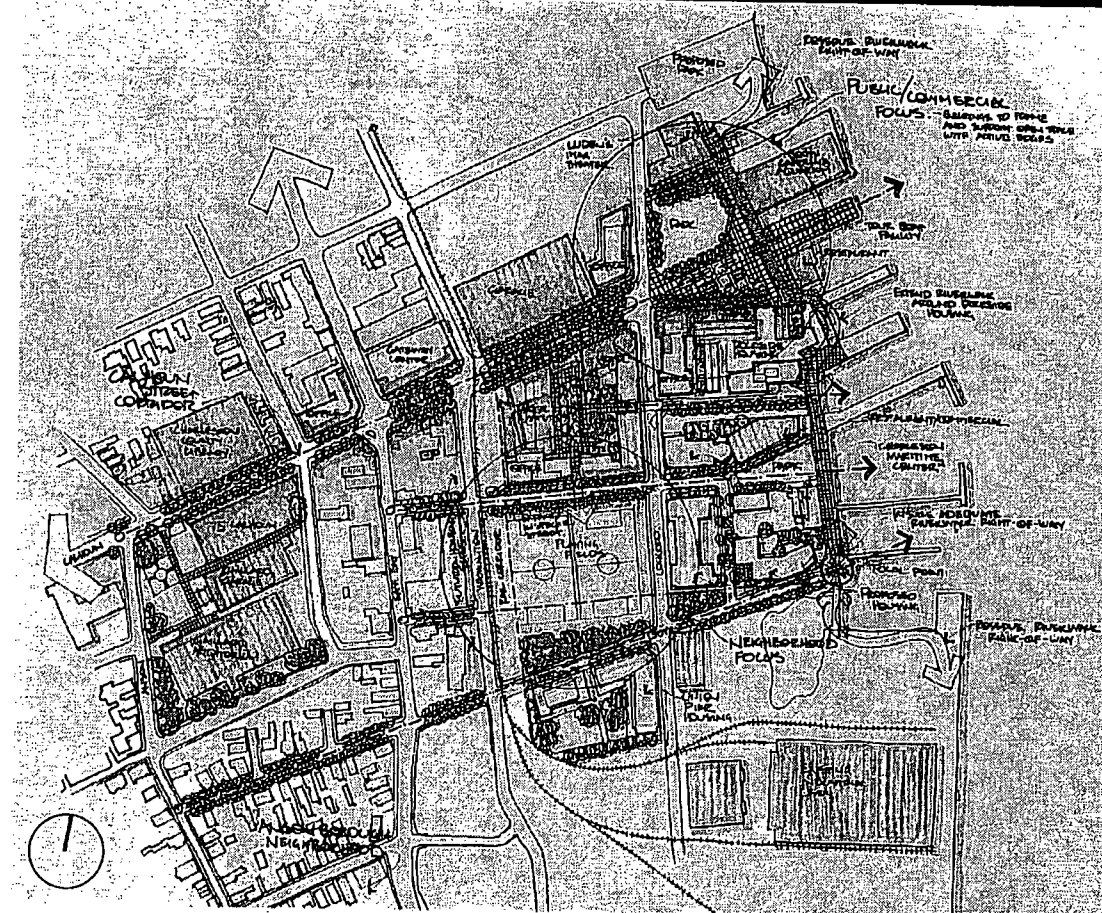
Currently, the waterfront trail is planned to extend north from the existing Waterfront Park and wind its way through the Union Pier Plan. Although in this section of the waterfront, the trail exists only on paper, it appears to be well-considered and clearly accommodated.

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.

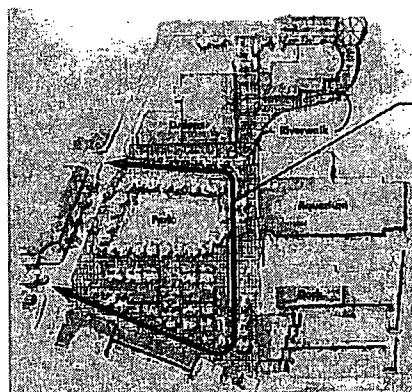
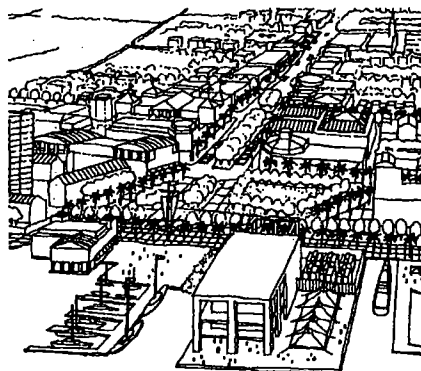


Calhoun Street presents an opportunity to create a mix of institutional uses that will attract local and out-of-town visitors. Development must blend with the residential uses proposed to the south. Clearly defining the waterfront trail is essential in this area.

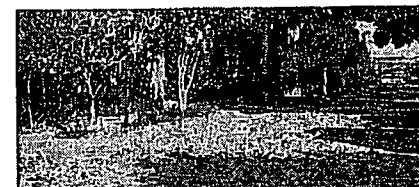
Primarily mixed-use commercial

 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.

ally 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.

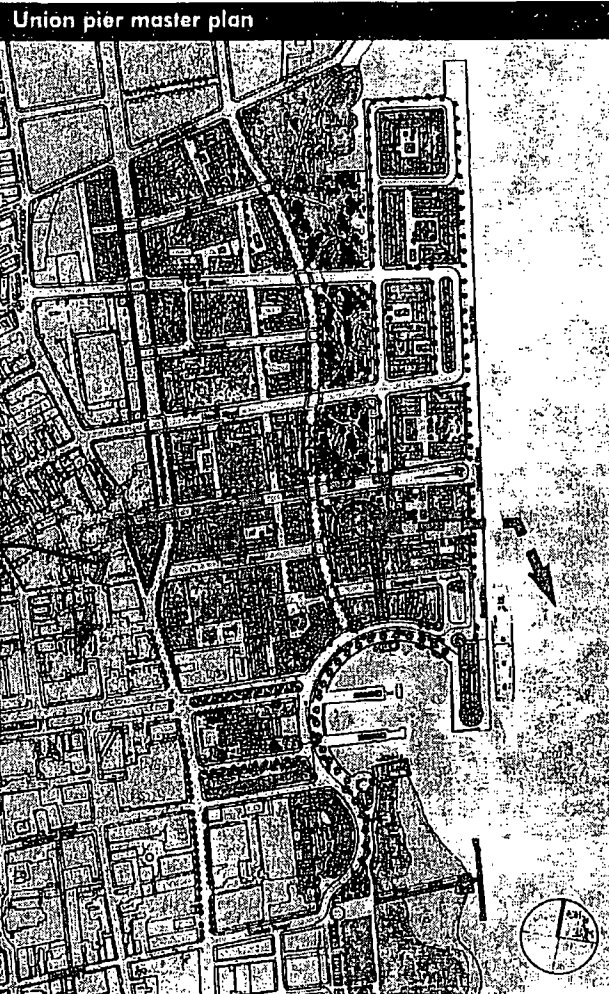
However, care must still be taken to ensure enough office development, namely in the order of 500,000-600,000 square feet, or approximately four office buildings the size of the Bank of America building at 200 Meeting Street. This will create the synergy of office uses critical in attracting new employers. 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



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

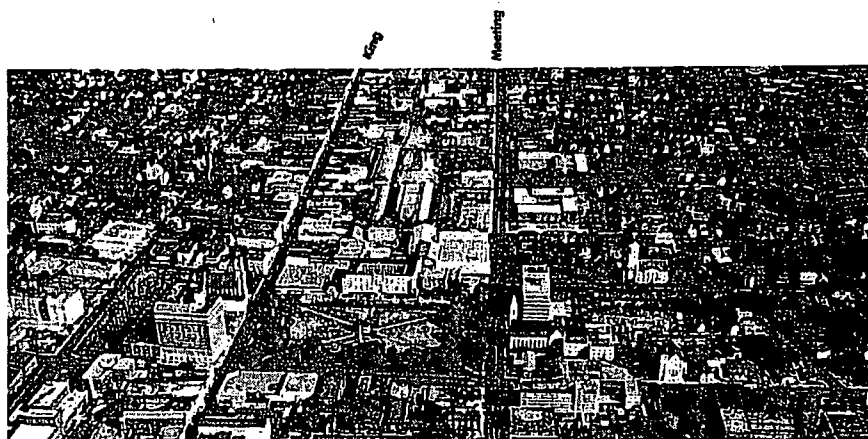
The opportunity

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.

Calhoun



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

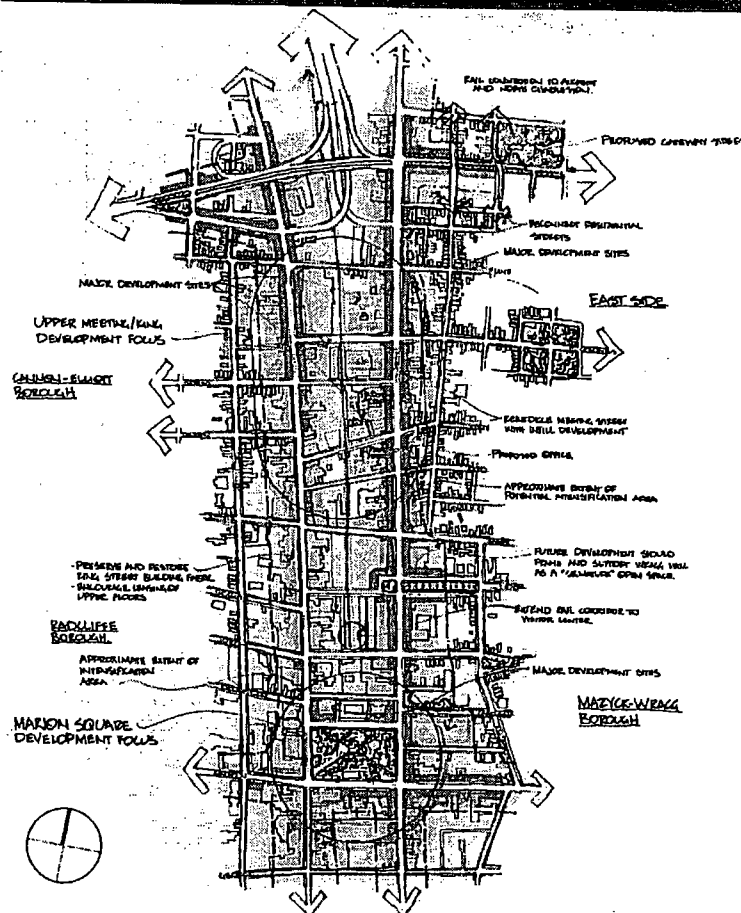
this important civic square. The rear portion of the property should be dedicated for housing to integrate the new development into the existing residential community.

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 be 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.

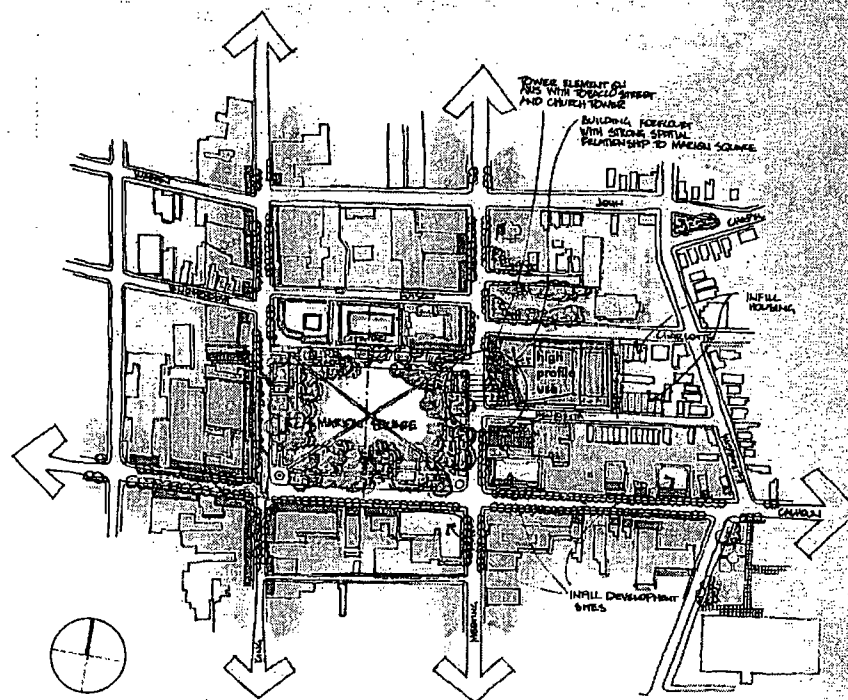
This facility should serve the College and the local communities. Outreach programs or shared community space should be considered part of the programming of the arena and a way of assisting East Side, Elliottborough, and Cannonborough residents.

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

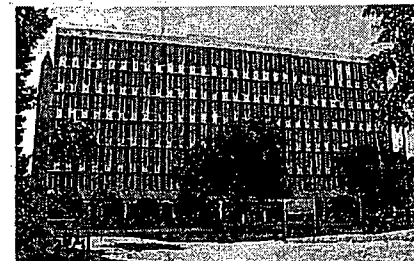


Marion Square is one of the most important open spaces in downtown Charleston.



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.

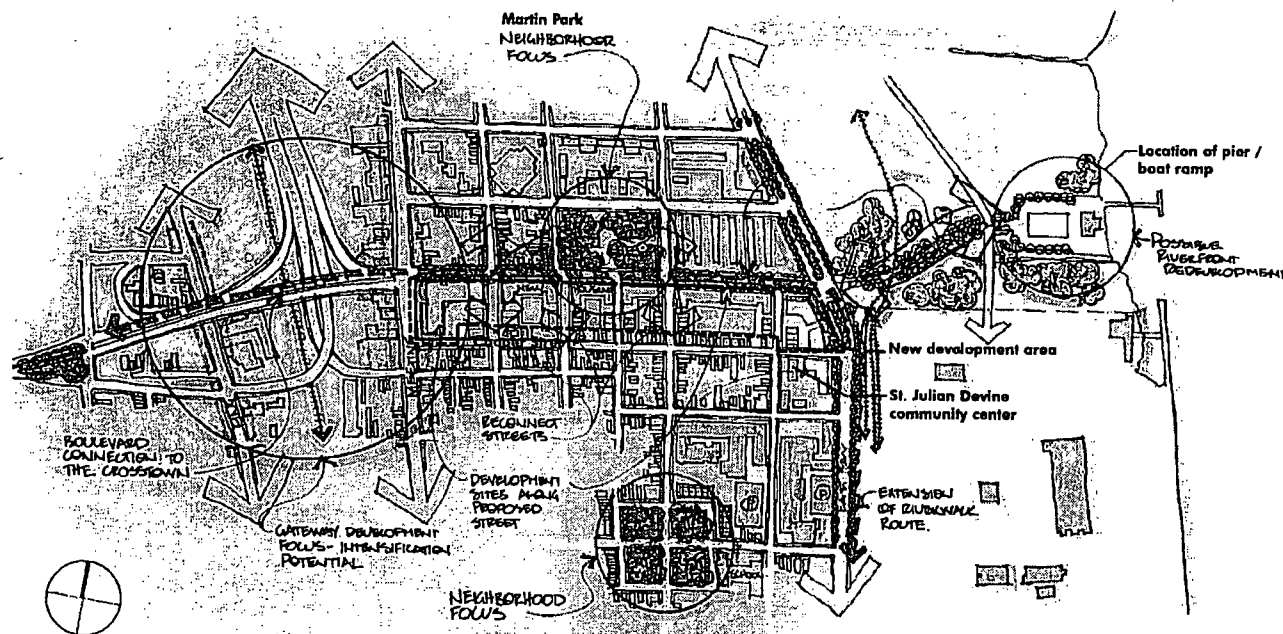
As many of the existing north-south streets should be reconnected as possible, including Nassau and Hanover Streets. A cross peninsula pedestrian/bike route connecting the Ashley and Cooper Riverwalks should be put in place. The potential for the reconfiguration of the highway access should be carefully 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 free-way. 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 Beaulain 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.

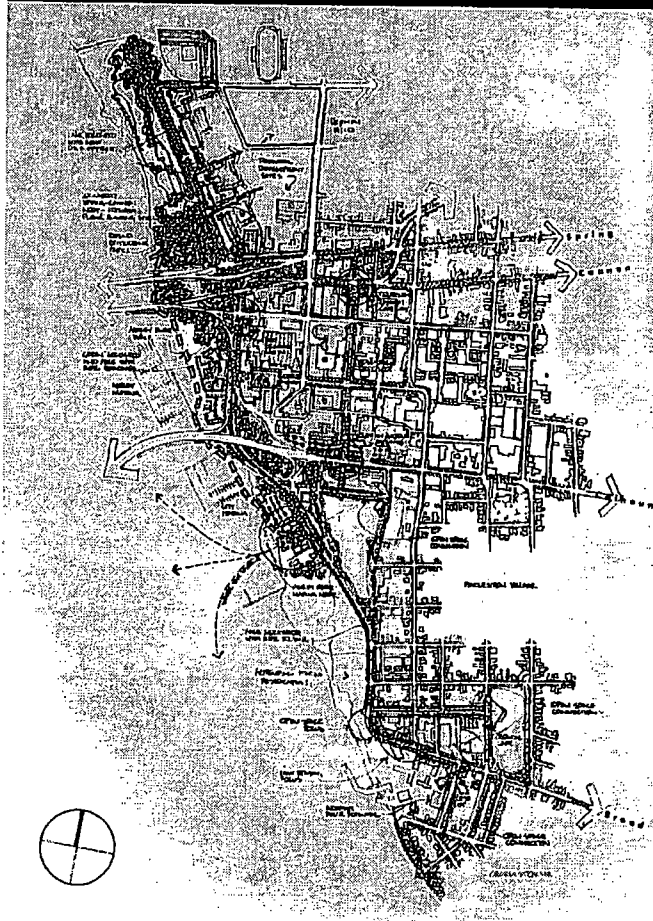
Recommendations

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.

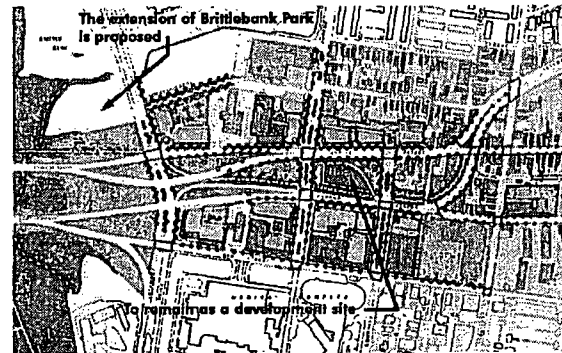
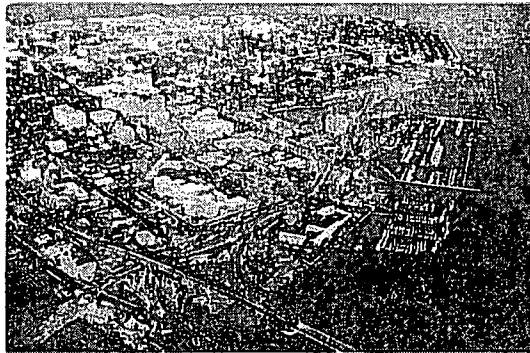
Three distinct areas exist along the corridor.

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. Doughly 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.

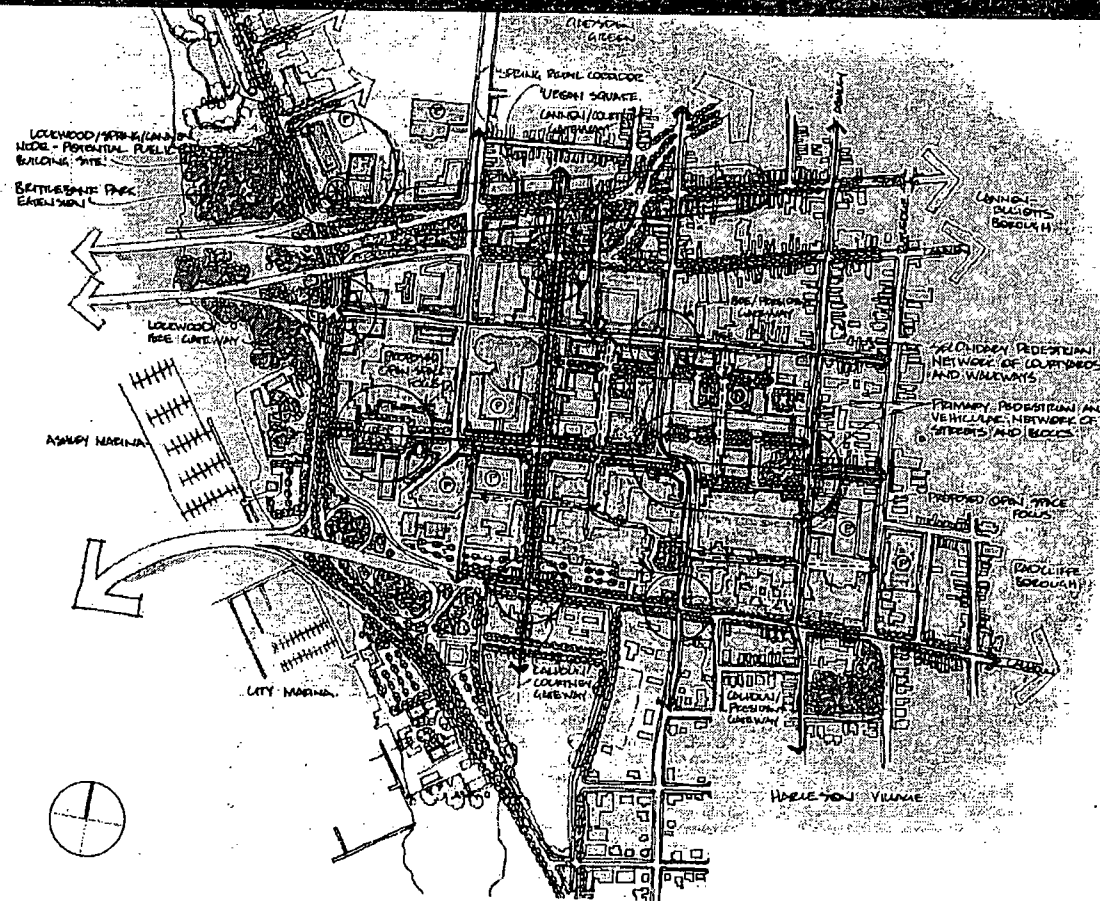
Where pedestrians need to have priority, traffic calming measures should be used to control traffic rather than closing streets. Driveways and lanes, such as those to the north of Roper Hospital, should be rebuilt into real streets.

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 Doughly 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



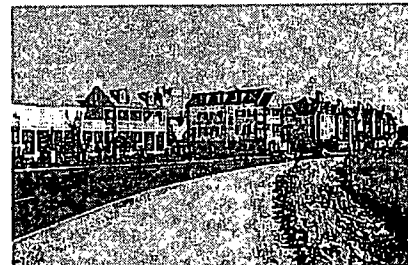
In the hospital district area, new open spaces are proposed along Doughty Street. Connections through the area help blend the campus with the surrounding neighborhood.

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 flexlines, 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.

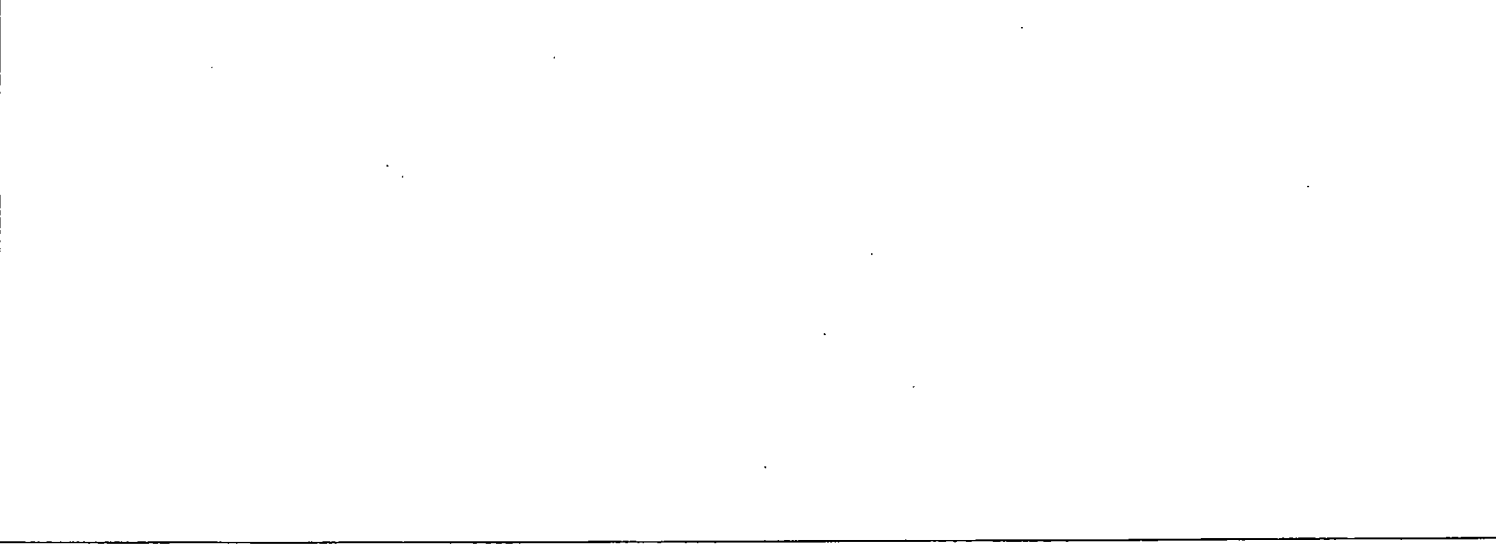
There is a focal point, appropriate for high profile housing, that offers the opportunity to celebrate the arrival at the water's edge. The Customs House and the new aquarium are examples of these focal points. This site is where Broad and Beaufain Streets meet Lockwood Drive. An open space focus or 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 Moutre 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.



Next steps

The Charleston downtown plan



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

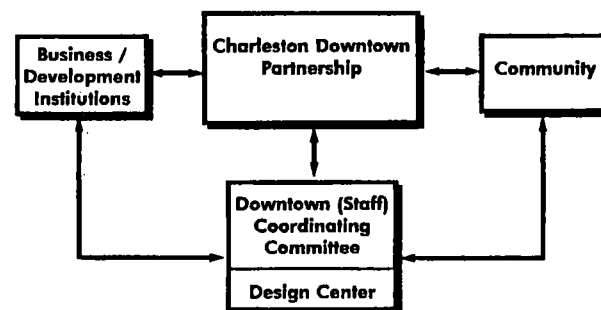
The group should be manageable in size and include representation from a cross-section of the community. The role of the Partnership should be two-fold: to ensure that public and/or private initiatives achieve the Downtown Plan's principles and to facilitate community outreach, through ongoing education 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-needed 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

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Section 1:

Charleston's economic trends

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	144,856	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.

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.

- 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

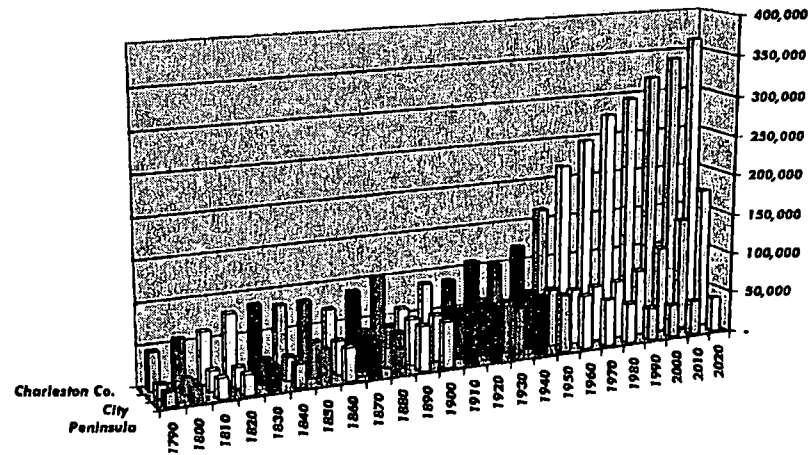
exhibit 2

Industry	Charleston MSA			annual avg. change		South Carolina			annual avg. change	
	1980	1990	1998	1980-1990	1990-1998	1980	1990	1998	1980-1990	1990-1998
non-farm jobs										
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	-0.2%	-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	3.0%	-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	424,600	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.

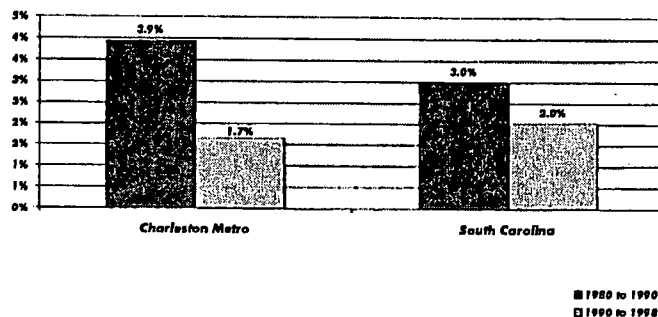
Population trends 1790 to 2020

exhibit 3



Average annual growth in total jobs

exhibit 4



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,

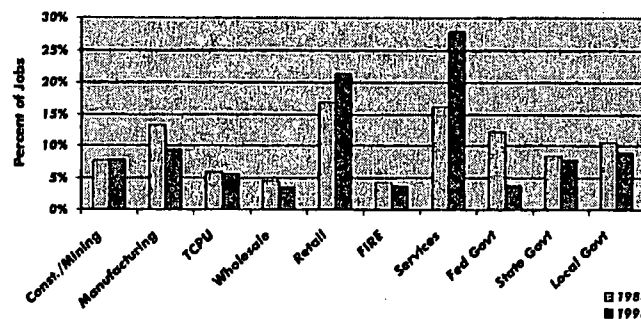
outpacing the city, although the city has countered this lack of growth in its original boundaries by annexing large areas of the county since 1960.

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

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.

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.

* 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.

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 Chadel*	educational services	555
Charleston Place*	retail and hotel	550
total		50,680

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 metro-

politan 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

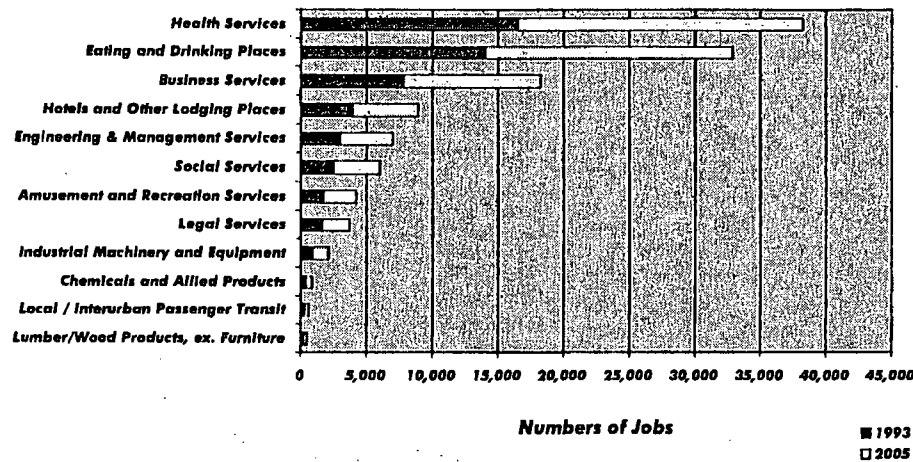
exhibit 7

	employment		projected growth	percent change
	1993	2005		
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%	22,140	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%	14,020	5.2%	3,280	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 through 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.

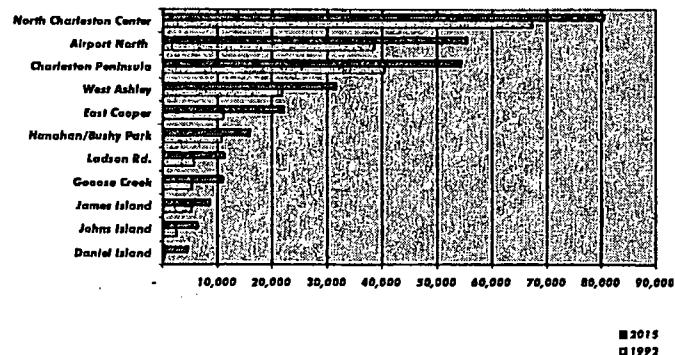
2. Population and housing market

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 particular, 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/ Calhoun
1990	\$175,000	68,875	77,500	88,500	73,000	63,800	NA
1991	205,000	74,500	82,000	74,500	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.

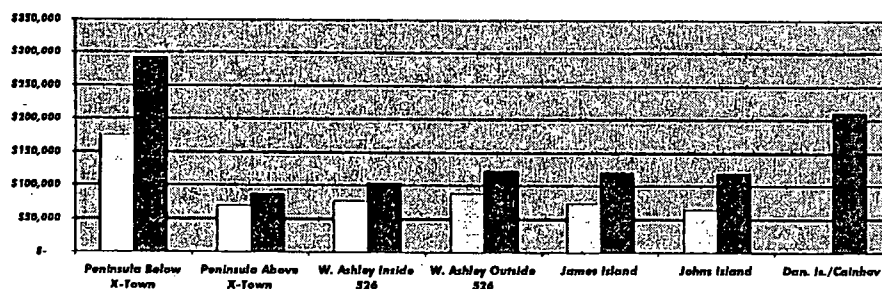
A well-tested solution is affordable rental housing which is designed, both on the interior and the exterior, to look and function like higher density owner housing but, in fact, is subject to central management (typically on a modest scale of 150 units or more) which budgets for regular maintenance 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

Charleston MSA (areas)	1991				1998			
	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 employ-

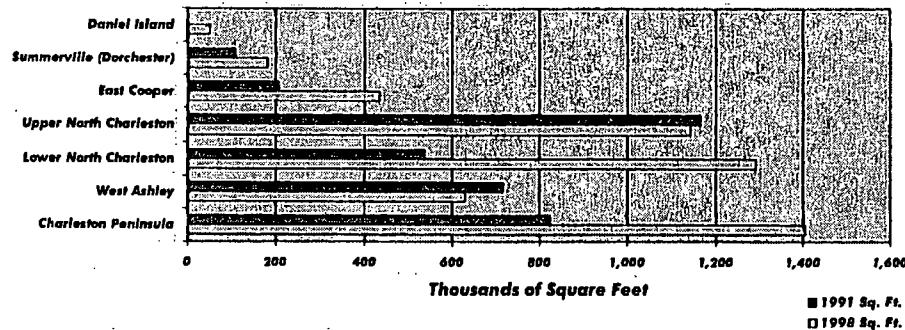
ment which, in turn, means that the peninsula would have to increase its supply of office space more rapidly by the allocation of 75,000 square feet of net new space.

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 Marison 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 sq. ft.).

Comparison of retail centers, Charleston MSA 1991-1998

exhibit 16

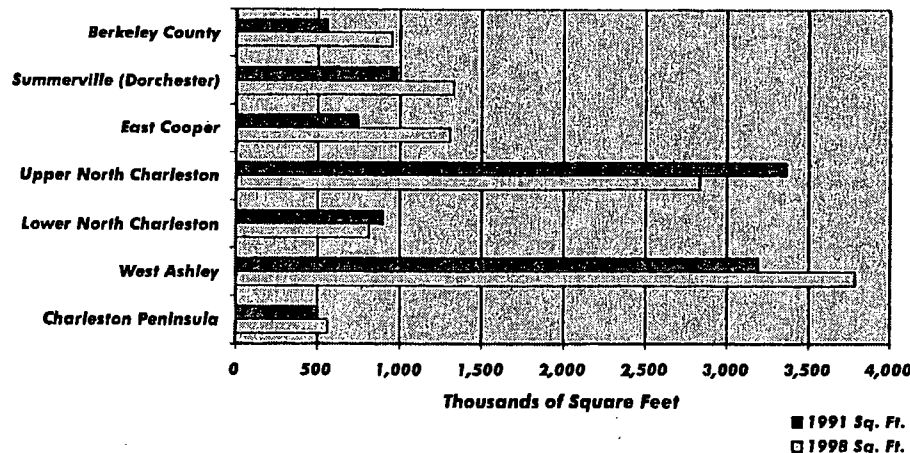
Charleston MSA (areas)	1991				1998			
	GLA	available space	vacancy	market share	GLA	available space	vacancy	market share
Charleston peninsula	500,000	NA	NA	5%	555,700	109,200	* 19.6%	5%
West Ashley	3,193,200	237,200	7.4%	31%	3,785,100	300,100	7.9%	33%
North Charleston Subtotal	4,252,400	429,500	10.1%	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 1991 and 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-

Source: 1982, 1997
Visitor Accommodations
Studies, Charleston
Department of Planning
and Urban
Development. Numbers
include Bed &
Breakfasts.

Charleston visitor accommodation by area, 1982 & 1997

exhibit 19

	1982		1997		1982-1997 percent change
	rooms	Pct. of market	rooms	pct. of market	
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			total
			0-5 years	5 - 10 years	10 - 20 years	
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.

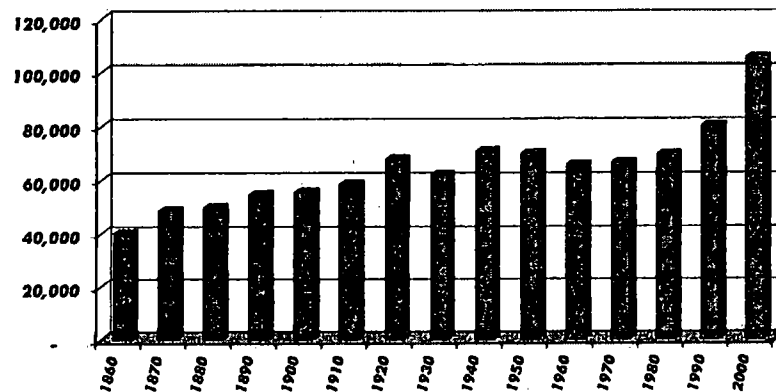
Vigorous development opportunities in downtown Charleston: 5, 10 and 20 years

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 III

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.

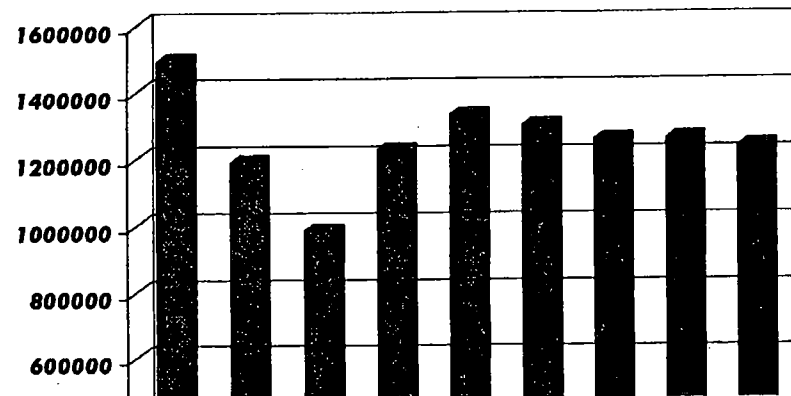
The Second World War, and then the Cold War that followed, brought successive waves of change. A large part of the region's economy then became tied to employment and procurement connected to defense establishments, especially those linked to the port. Federal funds at the same time helped to create 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

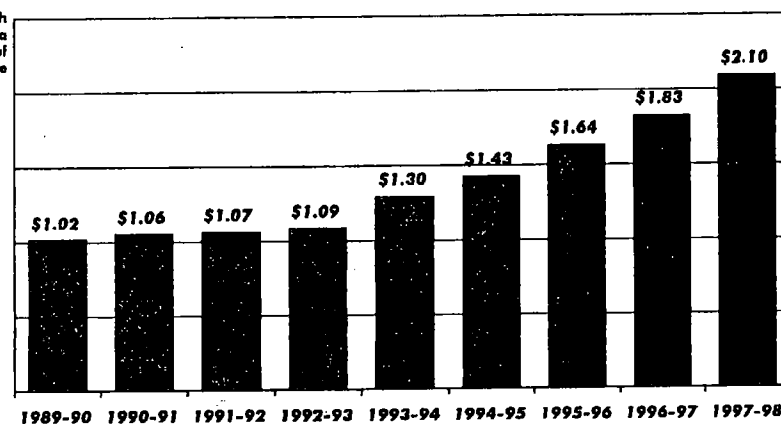
The reporting attractions include: Ft. Sumter, Ft. Moultrie, Charleston Museum, Heyward-Washington House, Joseph Manigault House, Aiken-Rhett House, Charles Towne Landing, Middleton Place, Gibbes Museum of Art, Nathaniel Russell House, Edmondston-Alston House, Drayton Hall, and Patriots Point. Sources: Charleston Metro Chamber of Commerce.



South Carolina visitor accommodations tax revenues from Charleston (\$ millions)

exhibit 24

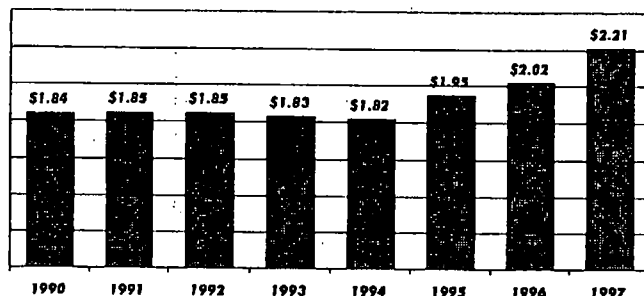
Source: South Carolina Department of Revenue



Annual retail sales in the City of Charleston (\$ billions)

exhibit 25

Source: South
Carolina
Department of
Revenue



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.

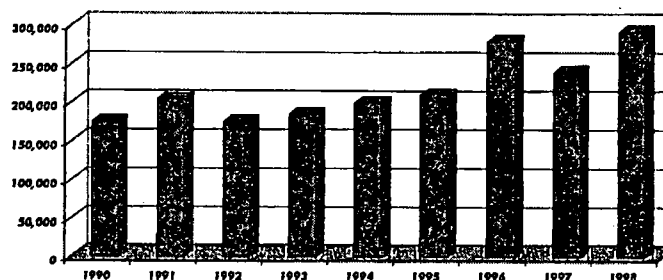
Within the Charleston region, and especially in downtown, this new aggressiveness has been expressed in a dramatic increase in tourism and in the marketing to the nation and the world the qualities of the preserved historic environment. At the same time, the region's reputation as a vacation haven for 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.

Median home values: peninsula below Crosstown

exhibit 26

Source: Charleston
Trident Board of
Realtors



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).

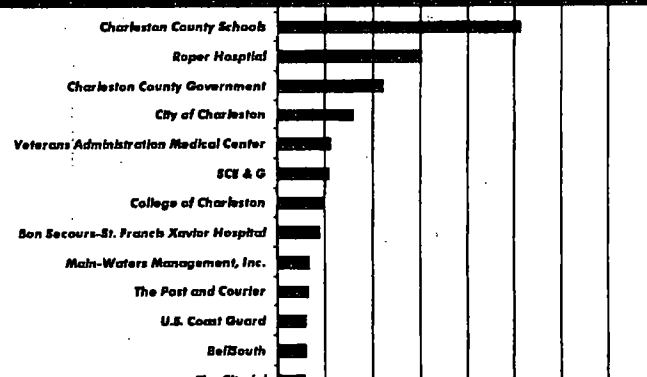
Intense investment in preservation and restoration with rising property values and "new money"

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

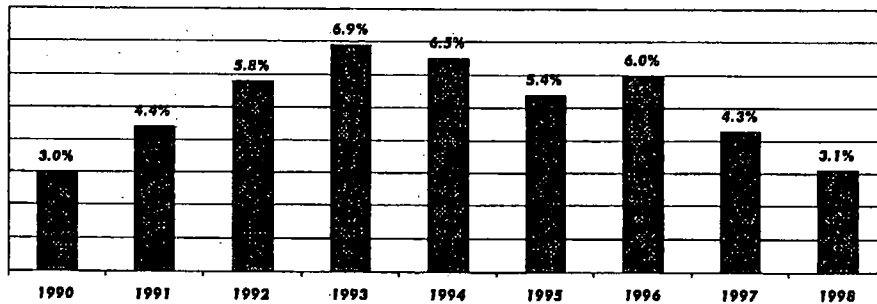
The dramatic growth of both the Medical University of South Carolina, with its health care delivery institutions and medical school, and the College of Charleston has led to further economic prosperity and diversity of the lower peninsula as well as the region. In addition to bringing students, patients, 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 immigration 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

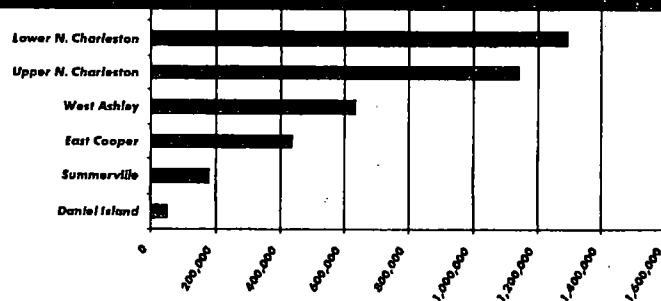
exhibit 28



Source:
South Carolina
Employment
Security
Commission

Office space, 1998 (square feet)

exhibit 29



Source:
Charleston
Metro Chamber
of Commerce

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, Lerner's, 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 environ-

ment, 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 businesses 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(a) 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.

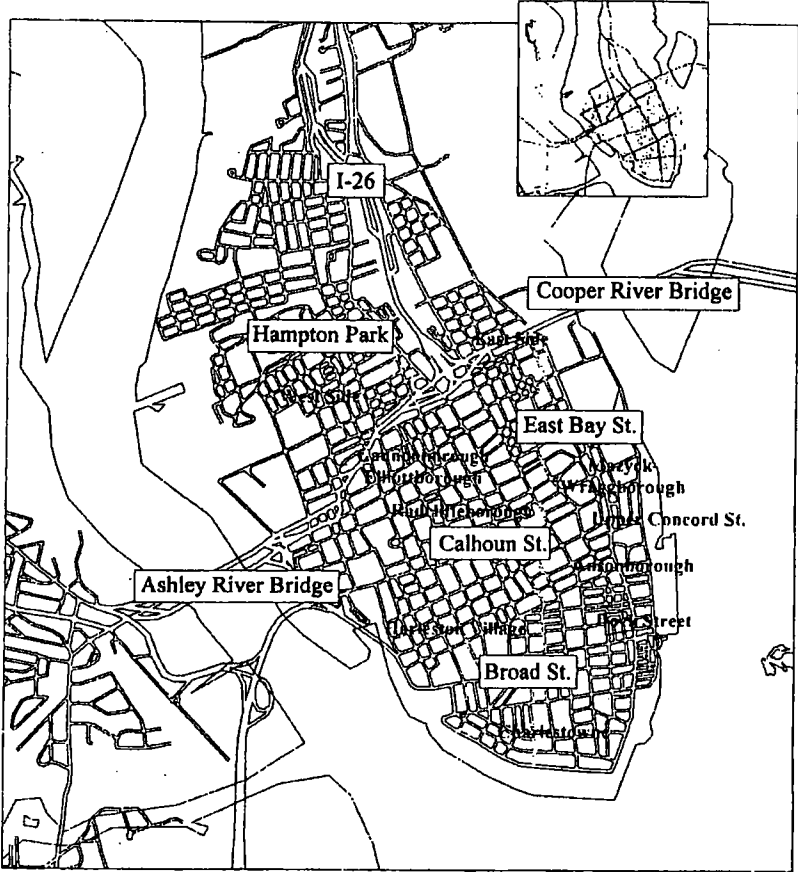
Institute more programs to recognize the accomplishments of entrepreneurs. However, these should be carefully designed not to stigmatize failure while celebrating success. The city, business associations large and small (Charleston peninsula Business Association, regional Chamber of Commerce), public 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.

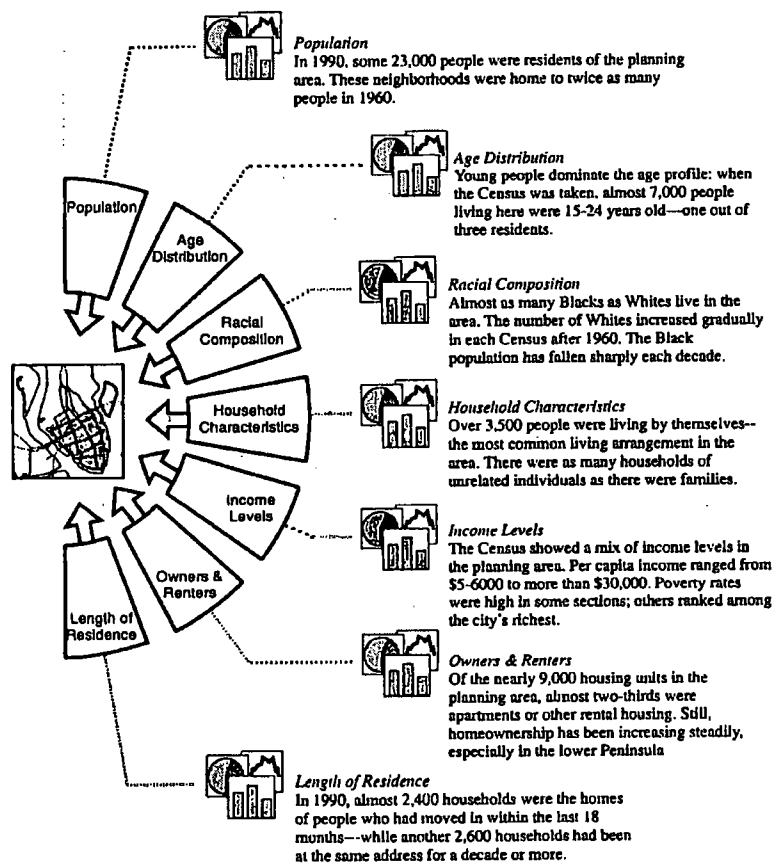
Finally, the current proposals of the City's Office of Industrial Development and Annexation relative to tax abatement, amendment of business license fees, building inspection sign-off, development permitting process and zoning amendments designed to induce investment in industrial development, corporate 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



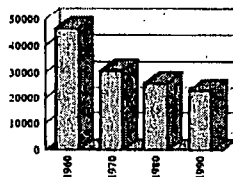
Population

In 1990, 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

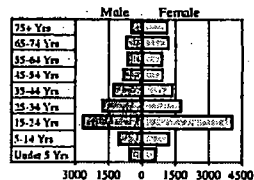


Number of Residents	
1960	46,690
1970	30,684
1980	25,955
1990	23,205

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

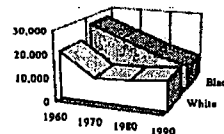


Age Distribution		
	Male	Female
Less than 5 Years Old	616	678
5-14 Years Old	1,086	1,187
15-24 Years Old	2,692	4,018
25-34 Years Old	1,734	1,739
35-44 Years Old	1,273	1,364
45-54 Years Old	864	950
55-64 Years Old	631	910
65-74 Years Old	680	1,187
75 Years Old or Older	441	1,135
Total	10,037	13,168

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

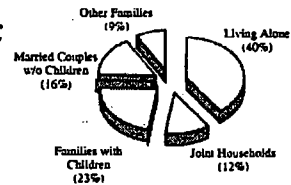
	White	Black
1960	20,169	26,448
1970	10,265	20,382
1980	11,221	14,604
1990	12,625	10,387

Households

In 1990, when the Census was taken...

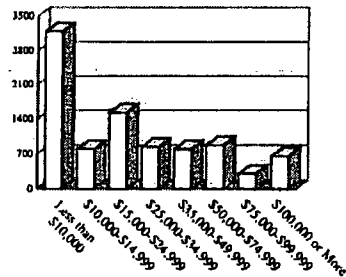
In the Census, households are divided into two broad categories: *Family* households and *Non-Family* households. A Family household consists of a married couple, with or without children, or a man or woman with children, or any combination of relatives living together...such as two sisters. A Non-Family 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