

Community Development Committee

September 15, 2022

A meeting of the Community Development Committee was held this date beginning at 3:04 p.m. over video conference call.

Notice of this meeting was sent out to the news media.

Committee Members: Councilmember Robert Mitchell, Chairman, Councilmember Jason Sakran (left at 4:58 p.m.), Vice Chair, Councilmember Ross Appel, Councilmember Caroline Parker, Councilmember William Gregorie, Councilmember Keith Waring (left at 4:09 p.m.) and Mayor John Tecklenburg. **Also Present:** Michael Julazadeh, Julia Copeland, Magalie Creech, Melissa Cruthirds, Chloe Stuber, Christopher Morgan, Eric Pohlman, Geona Shaw Johnson, Ken Granata, Robert Summerfield, Mandi Herring, Florence Peters, Councilmember Peter Shahid, Jennifer Cook, and Patrick Carlson, recording.

The meeting opened with a moment of silence led by Councilmember Mitchell.

Approval of Minutes

On a motion of Councilmember Waring, seconded by Councilmember Sakran, the Committee voted unanimously to approve the minutes of the August 18, 2022 meeting.

Public Participation

1. Sam Spence said that he represented the Preservation Society of Charleston and wanted to speak about the proposed BAR policy statement. He said the community needed the City to grant more flexibility and support for existing homeowners to improve their homes in order to help guide the practical preservation of the historic neighborhoods in question. According to the architectural, urban planning, and preservation professionals at the Preservation Society, modifying the rules will relieve some of the undue pressure on the community.
2. Donna Jacobs said that it was important to manage the revitalization of West Ashley with dignity and balance. She said several gateway projects for the community were being considered that were more integrated and beautiful than the original site proposals because public participation in the design review process had improved the development process.

Jennifer Cook said that Carlton Swift, Charlie Smith, and Kenneth Marolda sent comments expressing concerns about eliminating Design Review Board oversight and said it undermined years of work from various West Ashley interest groups.

On a motion of Councilmember Waring, seconded by Councilmember Sakran, the Committee voted unanimously to amend the agenda and start the meeting with Items d(1) and d(4) of the original agenda.

New Business

- 1. A Resolution Certifying Property Located At 90 Cannon Street (Charleston County TMS No. 460-08-03-021) As An Abandoned Building Site Under Section 12-67-160 of The South Carolina Code.**

Julia Copeland said that the residents of 90 Cannon had submitted a completed application packet to receive the abandoned tax credit in order to develop the property for a mixed-use residential purpose and her team recommended approval.

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, the Committee voted unanimously to approve Item 1.

- 2. Discussion to remove Dupont Road from Sam Rittenberg to Savannah Highway and Orleans Road from Sam Rittenberg to Savannah Highway from the Design Review Corridor.**

Councilmember Waring said that he was requesting the area outlined in Item 2 to be removed from the Design Review Corridor in order to allow for more revitalization projects. The area contained 43 separate properties, 13 of which were within the City of Charleston and the rest within the County of Charleston, and 40 were zoned for commercial use. There was no occupied single-family residence in this area and had transitioned away from neighborhood usage a long time ago. At the time, developers preferred to build within County jurisdiction because the approval process was faster, which meant the City frequently missed opportunities to develop a site. He said that it was time to take more control of the area in order to facilitate more community-centric redevelopment. It was important to allow for more flexibility in development application consideration because the City would not be able to contribute any planning direction towards projects, like drainage improvements, or generate any revenue, from potential commercial sites, on properties outside of the City's purview. He said the development will continue to take place regardless of City oversight, but it would be better for the community overall if it took place within the City of Charleston's purview. He said some of the properties were purchased over twenty years ago but haven't been developed because of affordability. Now that some of the lots were seeing commercial installations being built, it was time for the City to take advantage of the opportunity to increase job opportunities and tax revenue from this area.

Councilmember Gregorie asked Councilmember Waring how many hotels were in West Ashley and how many of those were within the City of Charleston. Councilmember Waring said that there were approximately 20 hotels in West Ashley, of which 19 were within the City of Charleston. Councilmember Gregorie said that it seemed like there would be a significant revenue stream, with multiple community ripple effects, from developing this economic area. Councilmember Waring agreed and said it would be difficult to find an area in West Ashley more primed for revitalization and it simply needed an administrative incentive from the City to get started.

Councilmember Appel asked Councilmember Waring to explain the concern about DRB oversight for this area. Councilmember Waring said that some business owners, architects, and engineers had issues with the administrative reviewing system but did not want to raise the issue for fear of reprisals concerning

future applications. Councilmember Appel said that West Ashley deserved high-quality development and it was necessary to have review boards for large-scale projects in order to help guide community growth. However, those same expectations made it difficult for small business owners to create diverse economic spaces with ease. He said that it was important to balance those expectations in order to maintain the relationship between accessibility and oversight.

Mayor Tecklenburg asked Councilmember Waring if the proposed hotel property situated on Savannah Highway was included in the proposal to remove certain lots from the Design Review Corridor. Councilmember Waring said he was asking to remove all the properties on that stretch, including the proposed hotel site, from the Corridor. Mayor Tecklenburg said that he thought it would be best if the hotel site was annexed into the City, but cautioned against shifting away from the influence of the DRB because it was important to maintain original intent by maintaining a DRB presence in important commercial areas.

Councilmember Shahid said that he was speaking both as a representative of West Ashley and as a member of the West Ashley Revitalization Commission. Several recent projects in West Ashley, such as the architectural updates to a Publix facility, shows how beneficial collaboration between revitalization groups, the County, and the City can be when they all work together. He agreed with Councilmember Appel and said that the DRB process needed to be updated and streamlined in order to help transition to more balanced oversight in more areas across West Ashley. He said that redirecting administrative efforts towards problematic areas in the community that needed development assistance, instead of making it difficult for all applicants to receive consideration, was the best way forward.

Councilmember Waring said that they should send this idea to a legal team in order to compare the concerns to the proposed benefits. He said certain developments were already taking place and the City needed to make a decision soon in order to take advantage of this opportunity.

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, the Committee voted unanimously to refer the item to the Legal Department.

Old Business

3. Discussion of ADU Ordinance Amendment

Robert Summerfield said that he would be presenting about a potential zoning ordinance revision in regards to Accessory Dwelling Units (ADUs). As a way to encourage widespread affordable housing units, the City initially allowed an 11 ft. eave height structure between 100 and 600 sq. ft. to be built within 3ft of side or rear setbacks of the main development. This allowed for small one-story ADUs on tight lots but made common garage apartment-style structures difficult to achieve. By refining the ADU standards and incentivizing property owners, over half of the City could add an additional housing unit to accommodate shifting populations. Chloe Stuber also said that since eliminating affordability requirements they had received several new ADU applications, which indicated that people were willing to participate but were not able to under the current system. Mr. Summerfield said they were proposing to increase the ADU site height to 18 ft. to the eave or two residential stories. He said this type of architectural typology already existed in multiple neighborhoods across the City and could be encouraged without fundamentally changing the aesthetic of the region.

Councilmember Appel said that just by looking south of Broad St. it was possible to see the potential that could come from this revision from the wide range of carriage houses and garage units that citizens had constructed and repurposed over the years. ADUs being built across the community showed the level of public interest, but it was being stifled by zoning expectations from the 1960s. To create the biggest impact, it was necessary to make the right adjustments to accommodate as many units as possible and try to leverage hundreds of new ADUs into being built over the next decade.

Mayor Tecklenburg asked if the amount of freeboard was accounted for in the height consideration, but Chloe Stuber said that it was not currently being included. Mr. Summerfield said it would be part of the final equation, but the presentation represented a first step in the revision process.

Councilmember Gregorie said that he approved of the idea but wanted to make sure that all potential ideas to create as many affordable housing units as possible were being considered. Other jurisdictions across the United States were creating housing opportunities on previously untapped sites, such as school properties, to create accessible and affordable housing across more income levels. Mr. Summerfield said that they could certainly increase departmental efforts but they were considering all options and national best practices to figure the best plan for the City.

4. City of Charleston Planning, Preservation and Sustainability – Presentation: Board of Architectural Review (BAR) North of Line Street Demo Policy Update

Mr. Summerfield said that the enacting language for the BAR provided them with the ability to adopt policies at the Board level in order to help implement the policy direction that was adopted by City ordinances. The proposed policy update focused on eliminating the requirements for the vast majority of the properties north of Line St. to come before the BAR in order to demolish or update certain elements of their buildings, such as windows or roofs. By granting more leeway to administrative staff to review and authorize more property updates, the City will be able to process more applications at an accelerated rate and grant more people the freedom to develop their properties in a more affordable manner.

Mr. Summerfield said that his team was trying to get accurate pricing expectations from local contractors, but it was difficult because of the shifting supply chain issues. He said they would continue trying to create an updated list of potential materials and the associated pricing.

Councilmember Sakran said that he had a constituent who had issues with replacing some windows on her property because of the architectural restrictions. He clarified that, under the proposed policy changes, she would have had other options for a replacement that still maintained the character of the building and surrounding area. He supported the efforts to secure accurate pricing comparisons in order to give citizens all of the available possibilities. He said he wanted to continue tweaking the policy in the most transparent manner possible to create a more equitable, affordable, and flexible system.

Councilmember Appel said that the policy changes should reduce the cost burden, but another way to provide financial relief for those seeking property updates could be to provide a financial hardship waiver for applicants. Mr. Summerfield said that they actually included that option in the latest policy update proposal in addition to providing contact information for legacy property owners to reach out to

help navigate grant applications. Councilmember Gregorie said that this kind of work was already happening as Ms. Shaw Johnson's team recently helped with an affordable housing opportunity for a legacy property with historic architectural value on Alexander St.

Councilmember Sakran said that he wanted to see cost analysis and comparisons integrated into the updated application process before he would approve the policy update. Mayor Tecklenburg said he agreed with the objections but it was important to move the conversation forward in order to provide relief to citizens.

On a motion of Councilmember Sakran, seconded by Councilmember Appel, the Committee voted unanimously to allow Mr. Summerfield to make the proposed changes to the update and move it to the BAR for approval.

New Business

5. Discussion of SC Senate Bill 233 – Property Tax Exemption

Councilmember Gregorie said that this bill allowed for additional unrestricted revenue and asked for a legal perspective on its potential. Julia Copeland said that the Governor of South Carolina signed the bill into law recently and allowed for a good discussion with Councilmembers about how the City could take advantage of the opportunity. Councilmember Gregorie said it was a good idea to attach the fee structure to all construction in the City and see if any other jurisdictions were applying it in a similar sense. By applying a linkage fee, like other jurisdictions in Michigan and California, the City could begin to gather more revenue for housing opportunities.

Councilmember Appel said that this is one of the most pro-home rule pieces of legislation that the South Carolina General Assembly had adopted on behalf of local governments in a long time. He said it essentially loosens the nexus requirement for service and user groups. Previously, in order for the government to charge a citizen or business fee, it had to be in payment for a specific and individualized benefit that the payroll received. Essentially, the fee had to be built to the precise cost of the government service so there were not any opportunities to gather fees that benefited the general public. This bill allowed for more flexibility to create more tailored revenue schemes. The associated legislation benefited every department in the City as they considered new budgets and areas for creating a more efficient financial generation process.

6. Discussion of City of Charleston Code Sec. 21-52. – Constituting a Public Nuisance and Sec. 21-61. – Structures that pose a danger to human life and a hazard to public health.

Ms. Shaw Johnson said that she had Ken Granata, the City's Chief Building Official, and Mike Julazadeh, the City's Fire Marshal, present to give clarity about the two codes outlined in Item 6. Mr. Granata said that he becomes administratively involved in a situation when a building becomes a public nuisance in regard to public safety, focusing on building stability and investigating whether a structure is in a state of active collapse. Ms. Shaw Johnson said that if any members of the Committee had further questions about the two codes they could contact Mr. Granata or Mr. Julazadeh directly.

7. Executive Session pursuant to S.C. Code 30-4-70(a)(2) to receive a legal update on 8 Peecksens Court

On a motion of Mayor Tecklenburg, seconded by Councilmember Appel, the Community Development Committee voted unanimously to go into Executive Session at 5:16 p.m.

On a motion of Councilmember Gregorie, seconded by Councilmember Appel, the Community Development Committee voted unanimously to come out of Executive Session at 5:29 p.m.

Adjourn

Having no further business, the Committee adjourned at 5:29 p.m.

Patrick Carlson
Clerk of Council's Office