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**COLUMBIA ECONOMIC DEVELOPMENT SUBCOMMITTEE MEETING AGENDA  
TUESDAY, NOVEMBER 20, 2018**

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**The Columbia Economic Development Subcommittee will conduct a meeting on Tuesday, November 20, 2018 at 9:00 a.m. in the Mayor's Conference Room at City Hall, 1737 Main Street, 2nd Floor, Columbia, SC 29201.**

*Prior to entering the meeting please turn all electronic communication devices to the silent, vibrate or off position. All presenters are asked to speak directly into the microphone for recording purposes.*

**CALL TO ORDER**

**DISCUSSION OF CONSTRUCTION STRATEGIES AND GROWTH**

1. Proposed Demolition Delay Ordinance - Ms. Amy Moore, Principal Planner for the Planning and Development Services Department
2. Real Estate Development Process Study

**ADJOURNMENT**



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**MEETING DATE:** November 20, 2018

**DEPARTMENT:** City Clerk

**FROM:** *Erika Moore, City Clerk*

**SUBJECT:** **Proposed Demolition Delay Ordinance - Ms. Amy Moore,  
Principal Planner for the Planning and Development Services  
Department**

**FINANCIAL IMPACT:**

**STRATEGIC GOALS:** **Foster a healthy quality of life, Provide high quality municipal  
services**

**ATTACHMENTS:**

- NovemberDemoDelayPacket (PDF)



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## MEMORANDUM

TO: Members of the Economic Development Subcommittee  
From: Amy Moore, Principal Planner, Historic Preservation  
Date: November 20, 2018  
RE: Proposed Demo Delay Ordinance

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Summary: The demolition delay ordinance has been updated to include clarified language and comments from the subcommittee.

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Since the October subcommittee meeting in which the demolition delay proposal was discussed, staff has been working on addressing any items of concern raised, as well as editing criteria and language to provide as much clarity as possible. Most of the items below were included in last month's memo, but the items in red are new:

- Narrowed criteria for determining significance;
- Clarified criteria for review of demolition;
- A recommended documents checklist for demolition;
- Revised penalties for demolition done without a permit;
- Required evidence of secured funding and re-development plans for approved demolitions;
- A meeting with staff at the 90-day mark;
- Staff level approval for some limited demolition;
- **Added language to clarify that if a property is protected, then demolition delay would no longer apply;**
- **Ten business day review time by staff included in ordinance;**
- **General clarification of items in ordinance.**

More detailed information on these items is available on the following pages.

### **Narrowed Criteria for Determining Significance**

Rather than including all potentially contributing structures, these criteria restrict demolition delay review to those structures that would meet the criteria for landmark status as delineated below. Aside from narrowing the scope of review to these structures, applicants could apply for landmark status and become eligible for tax incentives.

1. Individually listed in or has been determined eligible for listing in the National Register of Historic Places.
2. Contributes to a Historic District listed in the National Register of Historic Places.
3. Distinctive characteristics in architectural design.
4. Somewhat rare type within Columbia.
5. Belonging to a group or style of buildings of which it is a good example.
6. The work of an architect of local or national importance.
7. A good example of a style or type of building which is becoming, or in danger of becoming, extinct locally.
8. The site of events, homes of people, etc., having significantly contributed to local or national history.

### **Clarified Criteria for Review of Demolition**

Based on feedback from Council, staff has worked to clarify the review criteria:

1. The historic or architectural significance of a building or structure as delineated in the criteria for determining significance.
2. Whether the building or structure is a contributing property to the area.
3. Whether the building or structure is one of the last remaining examples of its kind in the neighborhood, city, or region.
4. The existing structural condition as assessed by a licensed engineer or architect with extensive experience in historic rehabilitation projects in a report with visual and written documentation of any structural issues, whether it endangers public safety, and whether the building or structure is under orders from the city to be demolished due to severe structural deficiencies.
5. Whether the property has been adequately maintained. Applicants shall supply a building maintenance history which answers the following questions:
  - 1) Is the building free of a history of serious, continuing code violations? 2) Has the property been properly maintained and stabilized? Failure to adequately maintain and protect the property shall be considered demolition by neglect and shall not be considered a reason for granting demolition approval. Long term deferred maintenance and/or a history of continuing code violations not addressed by the owner, or other proper persons having legal custody of the structure or building shall constitute a violation and not be considered as a part of the bottom line of the economic viability report (see submittal requirements, item 7)
6. Whether there are definite plans with secured funding for the reuse of the property within the next year if the proposed demolition is carried out, and whether those plans would enhance or detract from the surrounding area.
7. A determination of the building use and economic viability. The applicant shall submit a market analysis prepared by an architect, developer, real

estate consultant, appraiser, or other real estate professional with extensive experience in both real estate and historic rehabilitation that demonstrates all of the following:

- a. The current use does not generate a reasonable economic return (may include a report of like uses and building scale in the same or similar neighborhood).
- b. That appropriate and reasonable alternate uses in the building could not generate a future reasonable economic return.
- c. That alterations or additions to the existing building could not make the current or future use generate a reasonable economic return.
- d. Potential Federal tax credits, transfer of development rights, local abatements or incentives, or other funding sources are not feasible to bridge the gap identified above.

### **Recommended Documents Checklist**

Staff detailed a list of documents (included in packet) that are recommended to be submitted for DDRC review. These have more exacting language included for clarity.

### **Added Staff Level Review**

Staff may review features not visible from the public right-of-way or features which are not historically or architecturally significant. This should ensure that these demolitions do not trigger a submittal for demolition delay.

### **Added a Requirement to Submit Evidence of Secured Funding and Redevelopment Plans**

Concerns were raised by committee members and attendees at the previous sub-committee meeting regarding demolition without feasible plans for redevelopment or funding. Based on these concerns, a requirement to supply this information has been added to the proposal.

### **Added a 90-Day Meeting Between Staff and Applicant**

In the current draft, applicants are required to meet with staff to discuss document submissions and the progress of the delay at the 90-day mark. This meeting is intended to prevent a delay of a final decision because of insufficient information.

### **Revised Penalties for Demolition Conducted without the required Permit**

Based on Council and community feedback on the previous draft, staff has revised the language for penalties.

### **Added Ordinance Language for Staff Review Period**

Staff has included the initial ten business day review time shown on the flow chart to the ordinance language.

### **If Designated a City Landmark or Incorporated into a Historic District, Demolition Delay Does Not Apply**

If a property is designated a City Landmark or incorporated into a historic district administered by the city of Columbia, then the demolition delay overlay would be superseded by the guidelines and/or ordinance which governs that area.

## Article V. Historic Preservation and Architectural Review

### DIVISION 1. GENERALLY

#### Section 17-651. Purpose of article.

The purposes of this article are to:

- (1) Protect the beauty of the city and improve the quality of its environment through identification, recognition, conservation, maintenance and enhancement of areas, sites, structures and fixtures which constitute or reflect distinctive features of the economic, social, cultural or architectural history of the city and its distinctive physical features;
- (2) Limit or mitigate the detrimental effect on the city's existing character and heritage that may result from the demolition of architecturally or historically significant properties;
- (3) Foster appropriate use and wider public knowledge and appreciation of such features, areas, sites, structures and fixtures;
- (4) Resist and restrain environmental influences adverse to such purposes;
- (5) Encourage private efforts in support of such purposes; and
- (6) By furthering such purposes, promote the public welfare, strengthen the cultural and educational life of the city, and make the city a more attractive and desirable place in which to live and work.

(Code 1979, § 6-8001; Ord. No. 98-079, 11-18-98)

...

(g) *Delay of demolition.* The delay of demolition is intended to limit or mitigate the detrimental effect on the city's existing character and heritage by postponing whole or partial demolition of architecturally or historically significant buildings or structures in the Design/Development Area (-DD), the Devine Street corridor, the Gervais Street Corridor, the North Main Corridor (exact ranges to be determined), and the eligible landmark list as produced by Historic Columbia that constitute or reflect the architectural, cultural, economic, political or social history of the city. The -DD is defined in Sec. 17-253 of the ordinance. [exact range of other corridors to be determined and defined in ordinance].

- (1) An architecturally or historically significant building or structure is defined as being fifty (50) years old or older and meeting at least one of the following criteria:
  - a. Individually listed in or has been determined eligible for listing in the National Register of Historic Places.
  - b. Contributes to a Historic District listed in the National Register of Historic Places.
  - c. Distinctive characteristics in architectural design.
  - d. Somewhat rare type within Columbia.
  - e. Belonging to a group or style of buildings of which it is a good example.
  - f. The work of an architect of local or national importance.
  - g. A good example of a style or type of building which is becoming, or in danger of becoming extinct locally.

- h. The site of events, homes of people, etc., having significantly contributed to local or national history.
- (2) Upon receipt of a permit for demolition which falls into the areas defined in the demolition delay ordinance, staff shall have 10 business days in which to review a property for historic or architectural significance (see criteria g(1)(a-h).
- (3) For properties which do not meet the criterion of g(1) and one criterion of (a-h), ~~deemed “noncontributing” in accordance with subsection 17-652,~~ a CDA for demolition may be written by staff immediately. Staff may issue an approval for removal of features not visible from the public right-of-way or for features which are not historically or architecturally significant to the structure. Additionally, a structure may be approved for demolition by staff if it constitutes a life safety hazard and has been deemed beyond repair by the City of Columbia Building Official.
- (4) In addition to complete demolition of a building or structure, reduction of a building’s footprint shall also be considered demolition for the purposes of this section and shall be subject to delay of demolition.
- (5) The City shall not issue a permit for demolition for any architecturally or historically significant building or structure (as determined by criteria g(1) (a-h) visible from the public right-of-way without prior review and approval by the Design Development Review Commission (DDRC).
- (6) Age shall be established by the records maintained by the Richland County Assessor’s Office or additional research. If age cannot be established by the records maintained by the Richland County Assessor’s Office, the applicant for a demolition shall present other documentation to the city to establish date of construction. If the age is unknown, not indicated, or in dispute, it shall be assumed to be at least 50 years.
- (7) Upon receipt of an application for a request for demolition, **the Design/Development Review Commission shall use the following criteria for review:**
- a. The historic or architectural significance of a building or structure as delineated in item g(1)(a-h);
  - b. Whether the building or structure is a contributing property to the area;
  - c. Whether the building or structure is one of the last remaining examples of its kind in the neighborhood, city, or region;
  - d. The existing structural condition as assessed by a licensed engineer or architect with extensive experience in historic rehabilitation projects in a report with visual and written documentation of any structural issues, whether it endangers public safety, and whether the building or structure is under orders from the city to be demolished due to severe structural deficiencies;
  - e. Whether the property has been adequately maintained. Applicants shall supply a building maintenance history which answers the following questions: 1) Is the building free of a history of serious, continuing code violations? 2) Has the property been properly maintained and stabilized? Failure to adequately maintain and protect the property shall be considered demolition by neglect and shall not be considered a reason for granting demolition approval. Long term deferred maintenance and/or a history of continuing code violations not addressed by the owner, or other proper person having legal custody of the structure or building shall constitute a violation and will not be considered as a part of the bottom line of the economic viability report (see submittal requirement ‘g’ below).
  - f. Whether there are definite plans with secured funding for the reuse of the property within the next year if the proposed demolition is carried out, and whether those plans would enhance or detract from the surrounding area;
  - g. A determination of the building use and economic viability. The applicant shall submit a market analysis prepared by an architect, developer, real estate consultant, appraiser, or other real estate

professional with extensive experience in both real estate and historic rehabilitation that demonstrates all of the following:

- i. The current use does not generate a reasonable economic return (may include market report of like uses and building scale in the same or similar neighborhood);
- ii. That appropriate and reasonable alternate uses in the building could not generate a future reasonable economic return;
- iii. That alterations or additions to the existing building could not make the current or future use generate a reasonable economic return; and
- iv. Potential Federal tax credits, transfer of development rights, local abatements or incentives, or other funding sources are not feasible to bridge the gap identified above.

- (8) For applications requiring DDRC review, if the DDRC does not find the property architecturally or historically significant, a Certificate of Design Approval (CDA) shall be granted to allow the demolition permit to be issued. Demolition may be conditional upon the detailed recordation of the subject property.
- (9) Should the DDRC find the subject property to be architecturally or historically significant, a delay of demolition of up to one hundred eighty (180) days may be imposed at their meeting to allow the applicant time to find viable alternatives to demolition.
- (10) No permits for demolition, new construction or alterations shall be issued during the delay period. Permits for repairs may be issued including emergency stabilization repairs to a property whose structural integrity has been compromised. Approval for such repairs must be approved in writing by the DDRC or DDRC staff.
- (11) In order to avoid or mitigate the anticipated effects of demolition, staff shall, in conjunction with the property owner, accommodate reasonable requests from any interested parties for information about or access to the building or structure for the purpose of evaluating alternatives to demolition. Due consideration shall be given to all possible alternatives to demolition, including but not limited to the preservation, restoration, rehabilitation, relocation or sale of the property.
- (12) After the 90<sup>th</sup> day of the delay of demolition, City Staff shall meet with the applicant(s) or agent(s) to assess the progress of the delay and ensure that applicants are compiling the necessary documentation to help reduce the possibility of further delays.
- (13) By the end of the 180-day demolition delay period, the applicant must submit documentation to the DDRC that details and verifies any efforts to secure viable alternatives to demolition including but not limited to the preservation, restoration, rehabilitation, relocation or sale of the property. If provided with insufficient or incomplete data critical to the evaluation of the demolition request, the DDRC may impose up to an additional 180- day delay. Upon a complete submittal, the DDRC may either grant or deny the demolition request.
- (14) Responsibilities of the applicant and staff during the delay period including, but not limited to documentation, assessments, estimates, plans, resource identification, and notification shall be set forth in the D/DRRC bylaws, which require approval by City Council.
- (15) If the DDRC approves a request for demolition, they may require as a condition of their approval that the building or structure be documented by the property owner prior to the demolition. Required documentation will minimally include photographs and a site plan.

- (16) The removal or demolition of any building or structure within the designated demolition delay overlay without an approved demolition permit ~~two~~ five-year stay in the issuance of a building permit for any new construction at the site previously occupied by the historic building or structure.
- (17) For any property which falls within a demolition delay overlay but which subsequently is designated as a landmark or which is incorporated into the boundaries of design protection district (-DP), the demolition delay review process will be removed and the demolition review as delineated in Sec. 17-674(e) of the City of Columbia Zoning Ordinance will apply.

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**MEETING DATE:** November 20, 2018

**DEPARTMENT:** City Clerk

**FROM:** *Erika Moore, City Clerk*

**SUBJECT:** Real Estate Development Process Study

**FINANCIAL IMPACT:**