

# Dover, Kohl & Partners

April 17, 1996

E. Bart Daniel, Esq., President  
Bar Association of Charleston County  
7 State Street  
Charleston, SC 29401

**RE: Location of Judicial Center for Charleston County**

Dear Mr. Daniel & Colleagues:

Charleston County is currently considering locating its Judicial Center to the north of downtown, on Morrison Drive, rather than in its traditional location at the intersection of Meeting and Broad. Our firm has been asked to offer a city planning perspective on these two choices.

I have reviewed numerous background documents and maps, interviewed a sampling of local leaders and individuals involved, discussed the project with technicians in the employ of the County and City and other experts, visited both sites and their environs several times this week, conducted additional research, and compared these two alternatives.

## Conclusion

*The Judicial Center should be located at the courts' longtime location at the "Four Corners of Law" in downtown Charleston, which provides many direct and indirect benefits to taxpayers.*

The Morrison Drive site is a terribly inferior choice which will quickly result in both apparent and hidden negative impacts for taxpayers.

This conclusion is based upon several interrelated considerations:

### *1. Real Cost*

It is possible that the Morrison Drive site will appear cheaper on paper, if one adds only the land acquisition cost, site preparation costs, and construction costs. (Many questions remain about these as well). However, those numbers fail to account for factors which, over the life of the facility, will add a high public and private price to the Morrison Drive alternative. A proper economic impact analysis would include many more factors, including at least the costs of:

- damage to the downtown property tax base;
- loss of accommodation tax revenue;
- traffic congestion, road widening & maintenance;

- decrease in the value of County property downtown;
- lost wages & productivity for time spent in traffic (public employees + frequent users);
- public & private investment to date in downtown locations;
- security for visitors;
- inefficiencies of separating the Judicial Center from the OT Wallace Building; and
- another location for the Disabilities Board and other uses once slated for Morrison Drive.

On each of these factors, I expect that the downtown location would emerge as the more economical solution. Clearly the decision will not be made upon numbers alone, because many cultural and historic values are involved as well. But consider that from a business point of view the County is developing a real estate asset; if a private developer were comparing two alternative sites for a large development, he would not be surprised that a downtown option might cost more than one on Morrison Drive *because the downtown option has a higher value, a greater yield, and less risk.*

The downtown location is a smarter investment of public resources and the Morrison Drive site is probably a bad deal.

## ***2. Traffic & Transportation***

### **a. Walking:**

With the courthouse in its historic location, many trips to and from the facility will be accomplished on foot or with very short driving trips. This was the case prior to the temporary relocation of the courts to North Charleston; a large number of court visitors left their vehicles at their nearby offices and walked to the courthouse, sometimes several times each day.

With a predictable location for the courts over hundreds of years, businesses of all kinds which need access to the courts have located within walking distance to minimize the need for driving and parking at the courthouse. For example, 583 of the 1100 attorney members of the Charleston Bar Association-- *over half*-- have their place of business within the two zip codes immediately adjacent to the Four Corners of Law. A substantial number of those using the courts on a regular basis also live in the downtown area. Out-of-town visitors to the courts often secure lodging downtown (and contribute to accommodation tax revenue) because walking is convenient.

*If visitors could no longer walk to the judicial facility, then each of their visits would result in new trips on the road network in and around Charleston.* Visitors to the courts whose parking needs are already satisfied at their place of business in downtown would need parking at the Morrison Drive location. Other visits once satisfied with short driving trips would require long trips to Morrison Drive (fourteen minutes from Meeting and Broad in mid-morning traffic-- currently).

No walking is likely in the pedestrian-hostile Morrison Drive location.

## **b. Driving:**

The downtown location is a highly efficient, mixed-use, multi-purpose area that handles automobile traffic yet is not overwhelmed by it. One trip can satisfy several needs. Once arrived in downtown, visitors can conduct their court business, meet associates, eat meals, shop, visit the post office or banks, get a haircut, or carry out other errands without necessarily returning to their cars.

On the other hand, the Morrison Drive location is entirely auto-oriented and single-purpose. Judicial Center staff and visitors will likely come and go in vehicles for each of their meals, breaks, meetings, and even simple errands, adding congestion to the road network in the process. Picture the driveway at the Morrison Drive Judicial Center when each person that once *walked* in and out of the courthouse door downtown now queues up to enter traffic in a car. Once behind the wheel, they will travel further, causing commercial activities to de-concentrate into worsening strip development.

The legal and business community that has been focused in the compact Broad Street area will dissipate over a large area, worsening traffic in all directions. In addition, the void in downtown is likely to be filled by tourist-oriented eateries, entertainment and shops-- each of which generate *more* car traffic and parking demand on a per-square-foot basis than the courts, law firms, banks, and support businesses that have always been there.

## **c. Transit:**

The downtown location will grow more and more viable for public transportation over time, because transit demands short waits, a walkable and secure environment, and many things to do along the system. All of these features are provided at Meeting & Broad in a setting of great beauty and confidence. Downtown, the Judicial Center will combine with many other activities, dense residential uses, and generators of ridership. So, even as the traffic worsens regionally or activities increase, staff and visitors will have an increasingly viable alternative to the car over the long term.

On Morrison Drive, the prospects of truly practical transit options for large numbers of court users are dim for the foreseeable future. There is not a concentration of functions to generate other riders to the destination. The environment both on and around the site is unfriendly to pedestrians and is likely to remain so, especially with the Judi-plex surrounded by surface parking. Transit users and pedestrians will be hot, bored and scared there. Morrison Drive needs for all this to change, but the Judicial Center cannot overcome these problems as one stand-alone project.

## **d. Consequences:**

*Traffic is not likely to decrease with the Morrison Drive alternative.* I expect that traffic problems would worsen in every sphere: downtown, in the Neck, between, and in the surrounding region. In all probability a clamor will rise for more road-widening (often euphemistically called "improvements") in an expensive, futile attempt to make car use easier. From a traffic planning point of view, removing a key institution from downtown and reshaping it into a suburban car destination reflects the kind of thinking that has formed modern traffic / pollution nightmares like those in Southern California, Atlanta, and South Florida. Charleston can avoid this mistake.

The auto-oriented Morrison Drive site is not a business-like choice or a free-market response. It may look cheaper because of all the *subsidy* government pours into road building and sprawl, or it may look cheaper if cost analysis omits economic impact on the tax base.

### ***3. Urban Design***

Public buildings should be afforded sites of significance, which speak by their prominence and geometry of the importance we place on the institutions within. The most special sites in any good master plan are reserved for the civic buildings, as they have long been in Charleston. The Four Corners of Law is recognized by planners worldwide as the emblem of this concept and proof of its practicality. It has been affirmed in the successive Master Plans for the City. The historic importance of this location for the County Courts cannot be underestimated. In this location the Judicial Center will do exactly what our forefathers intended that it should: it will convey great dignity, in both new and restored structures; it will be placed where the watchful eyes of the citizenry will be upon it and where it can send a message about our Constitution.

By contrast, the Morrison Drive site is remote, insignificant, and demeaning to the institution. Surrounded by parking and highways, it will feel like it is in the desert or on the moon. In the tragic experiments other cities have undertaken with such complexes, they have emerged almost every time as lonely, eerie non-places.

### ***4. Neighborhood Planning***

Broad Street today is sober, dignified, and nearly intact architecturally. One experiences it today much as it has always been. It is very *real*; Charleston is not a museum or theme park, but a working city. This is exemplified by the legal / business scene and civic institutions that occupy the historic buildings and streets. (Notably, these relatively quiet uses also form a natural layer of protection between the residential area south of Broad and the bustle of Market Street.)

But if the courts move, and the legal focus disperses, then tourism-driven businesses will attempt to fill the void. However, the trinket-selling and entertainment functions are probably not infinitely expandable-- they too will be distributed over too much area and will begin to lack focus. The likely response from a community so totally dependent on tourism (which would then find itself in need of so much more) will be attempts to artificially stimulate more visitation. An endless parade of festivals and flash could overtake the old and historic district, as it has much of Old Town in Key West to tragic effect.

I predict that the legal / business community will *not* follow the judicial center to Morrison Drive; the unique Broad Street scene cannot be "recreated" outside the downtown, even over many decades, but it can be unraveled.

Morrison Drive does need to be redeveloped and given new life, and the City appears committed to that goal and has a plan in place. That plan should be given a chance to work.

## ***5. Economic Impact***

**Predictability is the most potent force at work upon the real estate in any city. It is one of the main reasons for city planning. In Charleston, hundreds of years of accumulated investments have been directed by the *certainty* that the courts will always be where they've always been.**

**The Four Corners of Law tradition, continually re-validated in the successive Master Plans for Charleston, has had a powerful effect in shaping real estate decisions and sustaining property values. This is not a sentimental, nostalgic or aesthetic notion, but a practicality. So much of that money must be re-spent if the courts move-- not on new jobs or new ventures, but to replace what already exists as a base of business. The negative economic impact on the businesses in downtown Charleston will be wasteful and shameful**

**Note that it is not merely the law firms who are in place and affected by this decision. I spoke with a number of small business operators in the area around the Four Corners of Law. One small printer told me 60-75% of her business is directly attributable to the law firms that have remained in the area awaiting the Judicial Center. A restaurateur tells of losing 40% of his business when the courts moved temporarily to North Charleston, and never regaining it so far; he nevertheless attributes 35% of the sales that remain to the staff from the legal firms. One restaurant has a "frequent diner" program-- an excellent barometer of their non-tourist business in two locations. In their location near the Visitors Center (not nearly so remote as Morrison Drive), they have 300 members in that program after a year; in their Broad Street location, they have 1300 after only six months.**

**Moving the County Courts out would lobotomize the area around Meeting and Broad for no good reason and do irreparable harm to the longtime businesses there.**

## ***6. Experience of Other Cities***

**Other cities have experimented with removing key institutions from the city core. In the 1960's through late 70's, many City Halls were moved to become suburban "municipal complexes," leaving their central areas moribund or contrived. Other counties experimented, too, relocating court functions from downtown to "judi-plexes" outside the downtown. Charleston resisted that trend of abandonment, and remains vital and genuine; now the other cities are coming to regret their decisions as the perceived benefits failed to materialize and their downtowns sank economically. Downtown Richmond is one often-cited example of a place that declined after the loss of key public facilities.**

**Please call if you have any questions or if I can be helpful to those in Charleston County who are working with this issue.**

**Sincerely,**

**Victor Dover AICP**