



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2016-293:** To authorize Cellco Partnership, doing business as Verizon Wireless, to encroach upon the City of Richmond's rights-of-way with cell antennas and related equipment to be mounted on designated utility poles approximately located at 3545 West Cary Street, 3025 Parkwood Avenue, 1920 West Cary Street, 1520 Lakeview Avenue, 1928 Rosewood Avenue, 3336 Cutshaw Avenue, and 3101 Grove Avenue, respectively, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** December 5, 2016

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#### **PETITIONER**

Verizon Wireless

#### **LOCATIONS**

3545 West Cary Street, 3025 Parkwood Avenue, 1920 West Cary Street, 1520 Lakeview Avenue, 1928 Rosewood Avenue, 3336 Cutshaw Avenue, and 3101 Grove Avenue

#### **PURPOSE**

To authorize Cellco Partnership, doing business as Verizon Wireless, to encroach upon the City of Richmond's rights-of-way with cell antennas and related equipment to be mounted on designated utility poles.

#### **SUMMARY & RECOMMENDATION**

The applicant requests permission to install small cell antenna and their related equipment (all will be attached to utility poles owned by others) at seven different locations that are within the City's public rights-of-way. The Applicant has provided documentation of attachment agreements from the owners of these poles (Dominion and Verizon).

The antenna will be attached on top of new utility poles. The existing wooden utility poles are scheduled for replacement in coordination with the installation of the antenna. The height of these new poles will vary (between 39 to 49 feet above grade) based upon individual location. The attached antenna will add an additional 3.5 to 4.0 feet to the overall height. Additional appurtenances and equipment (cabinets and meters) will be also be attached on an individual pole. Exhibit A presents an elevation view of a typical antenna location. Elevations and dimensions may vary between locations.

The purpose of the project is to improve wireless communications for Verizon Wireless customers throughout the city and the commuting public that may utilize coverage from these facilities. Each small cell antenna will help relieve cellular traffic congestion from existing antennas and reduce the possibility of dropped calls.

The applicant has presented the proposed antenna locations and construction to the UDC. UDC recommended approval at their August 4, 2016 meeting.

The Department of Public Works offers no objections to the proposed encroachment; however, the following terms and conditions will apply:

1. The encroachment request is for seven facilities (includes small cell antenna and their related equipment) which will all be attached to utility poles owned by others. All fiber, materials, and conduit, etc. being used to network these facilities is being leased to Cellco Partnership from Verizon. Verizon currently has a Franchise Agreement with the City; therefore, an encroachment permit for these Verizon facilities is not needed. If any change is made to the lease agreement between Cellco Partnership and Verizon regarding these network facilities, the applicant(s), owner(s), successor(s) agree to immediately notify the Department of Public Works Right of Way Division of this change.
2. All costs incidental to this encroachment shall be borne by the applicant(s), owner(s), successor(s), including, without limitation, realignment, restoration and/or replacement of street, pavement and sidewalk infrastructure; utilities; signals, signs and pavement markings; right-of-way monumentation; and maintenance of the approved encroachment(s), etc., as directed by City agencies.
3. The applicant(s)/owner(s)/successor(s) shall provide liability insurance as set forth in Section 24-62 of the City Code and shall be maintained in effect for the life of the encroachments.
4. As set forth in the City Code (Section 24-64), the applicant(s)/owner(s)/successor(s) may be subject to an annual encroachment assessment of \$0.25 per linear foot for cable/conduit/guy wires and anchors *and* \$0.25 per square foot for other specific facilities including cell antennas and related telecommunication equipment mounted on utility poles
5. As set forth in the City Code (Section 24-62); the applicant(s)/owner(s)/successor(s) shall provide a removal bond which shall be maintained in effect for the life of the encroachments.
6. The applicant(s)/owner(s)/successor(s) shall bear all cost for removal, repair, relocation, or replacement of the encroachments in the event of damage or movement due to, but not limited to, vehicular travel, alterations or failure of City utilities, or due to the public's use of the right-of-way.
7. The applicant(s)/owner(s)/successor(s) shall secure the proper permits, and the encroachment shall be maintained in a manner satisfactory to best management/construction practices and to the Directors of Public Works and Planning and Development Review.
8. The ordinance shall authorize DPW staff to make minor adjustments to the locations of the encroachments administratively. Detailed plans of all encroachments are on file with DPW in Room 600.
9. The applicant shall apply to "Miss Utility" underground utility prevention program per Virginia Code Sec. 56-265.14 et. seq.
10. Upon completion of the project, the applicant shall provide as-built drawings to include dimensions showing specific location of all encroachments relative to identifiable physical features to Director of Public Works or designee.
11. The applicant(s)/owner(s)/successor(s) shall provide written notification to the Assessor, Director of Finance and the Director of Public Works of any new owner's name and mailing address immediately upon transferring ownership or encroachment rights to another individual or party.

12. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence that all conditions of the ordinance have been satisfied. Should this written evidence not be submitted to the said offices prior to the expiration date, twelve months after final approval of the ordinance, the ordinance will become null and void automatically.

Therefore, staff recommends approval of the proposed request.

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## **FINDINGS OF FACT**

### **Proposed Use of the Sites**

To authorize Cellco Partnership, doing business as Verizon Wireless, to encroach upon the City of Richmond's rights-of-way with cell antennas and related equipment to be mounted on designated utility poles.

### **Master Plan**

The Master Plan designates these areas for the following land uses:

1. 3545 West Cary Street
  - Land Use is Community Commercial
2. 3025 Parkwood Avenue
  - Land use is Singl- Family low density
3. 1920 West Cary Street
  - Land Use is Community Commercial
4. 1520 Lakeview Avenue
  - Land Use is Single-Family Medium Density
5. 1928 Rosewood Avenue
  - Land Use is Single-Family medium density
6. 3336 Cutshaw Avenue
  - Land use is Single-Family medium density
7. 3101 Grove Avenue
  - Land use is Single-Family medium density

### **Zoning**

1. 3545 West Cary Street is B-3
2. 3025 Parkwood Avenue is R-5
3. 1920 West Cary Street is UB-PO3
4. 1520 Lakeview Avenue is R-48
5. 1928 Rosewood Avenue is R-5
6. 3336 Cutshaw Avenue is RO-2
7. 3101 Grove Avenue is R-6

### **Surrounding Areas**

1. 3545 West Cary Street
  - Properties are B-3 to the north, UB and R-5 to the east, R-5 to the south and R-1 to the west.
2. 3025 Parkwood Avenue
  - Properties are R-5 to the north, south, east, and west.

3. 1920 West Cary Street
  - Properties are UB-PO3 to the north, south and east, and R-63 to the west.
4. 1520 Lakeview Avenue
  - Properties are R-48 to the north, south, east, and west.
5. 1928 Rosewood Avenue
  - Properties are R-5 to the south and east, R-48 to the north and R-6 to the west.
6. 3336 Cutshaw Avenue
  - Properties are B-3 to the north, RO-2 to the east, R-48 to the south and west.
7. 3101 Grove Avenue
  - Properties are R-6 to the north, south, east, and west.

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