INTRODUCED: November 10, 2014

# AN ORDINANCE No. 2014-242-221

To authorize the special use of the property known as the Greater Richmond Convention Center, located at 416 East Broad Street, for the purpose of permitting a rooftop wireless communications facility, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

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# PUBLIC HEARING: DEC 8 2014 AT 6 P.M.

WHEREAS, the owner of the property known as the Greater Richmond Convention Center located at 416 East Broad Street, which is situated in a Downtown Civic and Cultural Zoning District, desires to use such property for the purpose of permitting a rooftop wireless communications, which use, among other things, is not currently allowed by section 114-449.2 of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to AYES:

9 NOES:
0 ABSTAIN:

ADOPTED: DEC 8 2014 REJECTED: STRICKEN:

create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

# NOW, THEREFORE,

# THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 114-1050.1 of the Code of the City of Richmond (2004), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

# § 2. Grant of Special Use Permit.

- (a) Subject to the terms and conditions set forth in this ordinance, the property known as The Greater Richmond Convention Center and located at 416 East Broad Street and identified as Tax Parcel No. N000-0017/028 in the 2014 records of the City Assessor, hereinafter referred to as "the Special Use," substantially as shown on sheets T1, Z-1, C-1, C-2, P-1, F-1 and ST-1 of the plans entitled "Verizon Wireless, Site Name: Richmond Convention Center," prepared by NB+C Engineering Services, LLC, dated June 24, 2014, and last revised April 28, 2014, hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.
- (b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.
- § 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:
- (a) The operation of the wireless communications facility shall be in accordance with all governmental regulations that state it is the responsibility of the carrier to promptly resolve any electromagnetic interference problems created by the proposed signal source.
- (b) Any antenna, support structure or related electronic equipment that has not been used for the purpose of radio transmission for a continuous period of twelve (12) months shall be deemed to be abandoned and shall be removed from the Property within ninety (90) days of such abandonment.
- § 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of Public Utilities prior to the issuance of building permits.
- (b) Storm or surface water shall not be allowed to accumulate on the land. The owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the property so as not to adversely affect or damage adjacent property or public streets and the use thereof.
- (c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.
- (d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2004), as amended, and all future amendments to such laws.
- (e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.
- § 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:
- (a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.
- (b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

- (c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 114-1220 of the Code of the City of Richmond (2004), as amended, unless the context clearly indicates that a different meaning is intended.
- (d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.
- (e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, and all future amendments to such law, or any other applicable laws or regulations.
- (f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 24 months, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.
- § 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within

180 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.



# CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O & R REQUEST

OCT 0 1 2014

Chief Administration Office City of Richmond

# **O&R REQUEST EDITION: 1** 2014 The Honorable Members of City Council Mayor's Office City of Richmond Dwight C. Jones, Mayor (Patron: Mayor, by Request)

THROUGH:

DATE:

TO:

THROUGH: Christopher L. Beschler, Interim Chief Administrative Office

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer for Econol

Development and Planning

September 23, 2014

FROM:

Mark A. Olinger, Director, Department of Planning and Development Bev

(This in no way reflects a recommendation on behalf of the Wayor.)

SUBJECT: To authorize the special use of the property known as The Greater Richmond Convention Center at 416 East Broad Street for the purpose of installation of communications facility, upon certain terms and conditions.

ORD, OR RES. No.

OFFICE OF CITY ATTORNEY

PURPOSE: To authorize the special use of the property known as The Greater Richmond Convention Center at 416 East Broad Street for the purpose of installation of a rooftop wireless communications facility, upon certain terms and conditions.

REASON: The subject property is the Richmond Convention Center and is located in the DCC Downtown Civic and Cultural zoning district, which does not permit the location of telecommunications equipment in the DCC district. Therefore, the applicant is requesting a special use permit.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Planning Commission at its December 1, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

O&R Request September 23, 2014 Page 2 of 4

**BACKGROUND:** The subject property is located near the intersection of East Broad and North 5<sup>th</sup> Streets and consists of a parcel with approximately 97,796 square feet of land area. The property is currently improved with the Richmond Convention Center constructed in 2004.

The subject property is located in the DCC Downtown Civic and Cultural zoning district, which does not permit the location of telecommunications equipment in the DCC district. Therefore, the applicant is requesting a special use permit. The proposed telecommunications equipment will be set on the existing 71.5 feet multi-story convention center. The proposed equipment cabinets and 50kW NG generator will be located on new elevated steel platforms attached to the existing building's main roof. The proposed 12 panel antennas are to be mounted to a sled on the building's ballroom rooftop and on pipe mounts attached to the building's façade.

These attachment points are located at the intersections of East Broad and North 5<sup>th</sup> Streets and East Broad and North 3<sup>rd</sup> Streets. The equipment will be small in size and therefore not visible from the street.

The City of Richmond's Master Plan recommends Downtown Urban Core district land use for the subject property. This category includes high density, an intense mix of uses, and civic buildings of regional significance distributed along urban blocks with wide sidewalks, regular street tree plantings, and buildings that front the street. (p. 13.27).

Surrounding properties include the northern portion of the Richmond Convention Center, two hotels and commercial properties. Parcels to the south are located within the B-4 the Central Business District and parcels to the north are located within DCC Downtown Civic and Cultural zoning district.

**FISCAL IMPACT:** The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$1,800 application fee.

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** November 10, 2014.

CITY COUNCIL PUBLIC HEARING DATE: December 8, 2014.

**REQUESTED AGENDA: Consent** 

**RECOMMENDED COUNCIL COMMITTEE: None** 

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission,

December 1, 2014.

**AFFECTED AGENCIES:** Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

O&R Request September 23, 2014 Page 3 of 4

City Assessor (for preparation of mailing labels for public notice)

# RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS:

Application Form, Applicant's Letter, Draft Ordinance, Survey

STAFF:

Leigh V. Kelley, Planner I

Land Use Administration (Room 511)

646-6384

**DPDR O&R No.14-43** 



TOTALLY COMMITTED

HR-C EINGINGERING SERVICES, E.C.

# SITE NAME: RICHMOND CONVENTION CENTER





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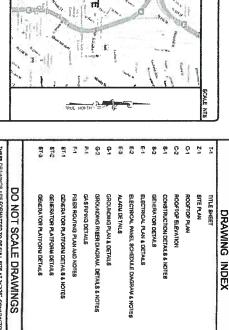
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418 E. BROAD STREET
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CITY OF RICHMOND

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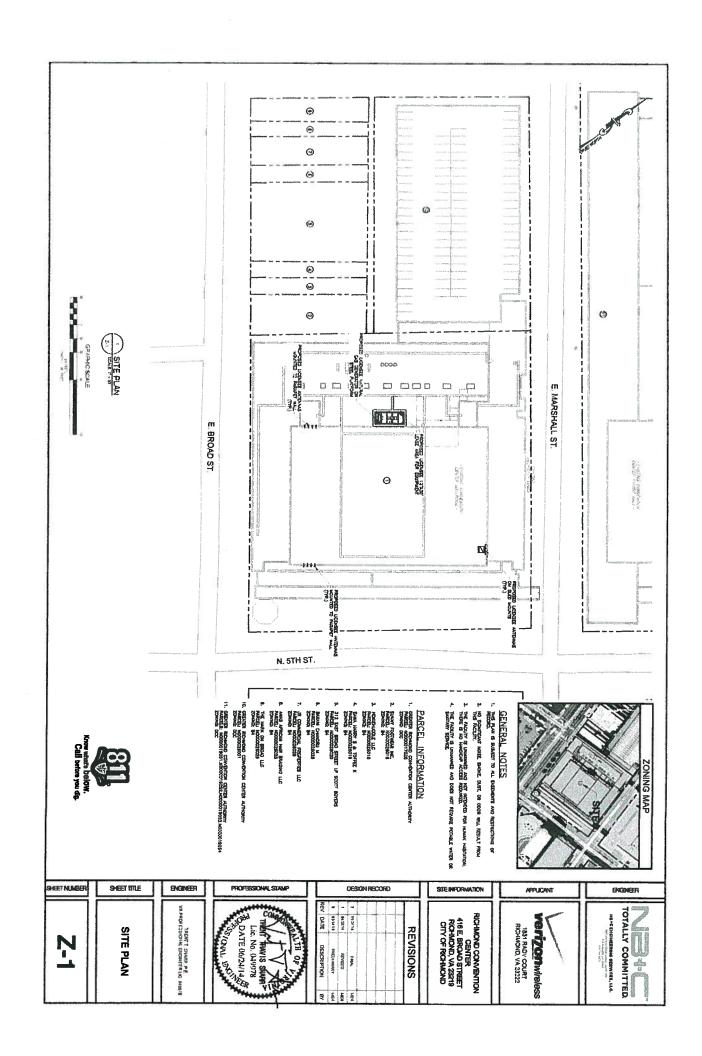
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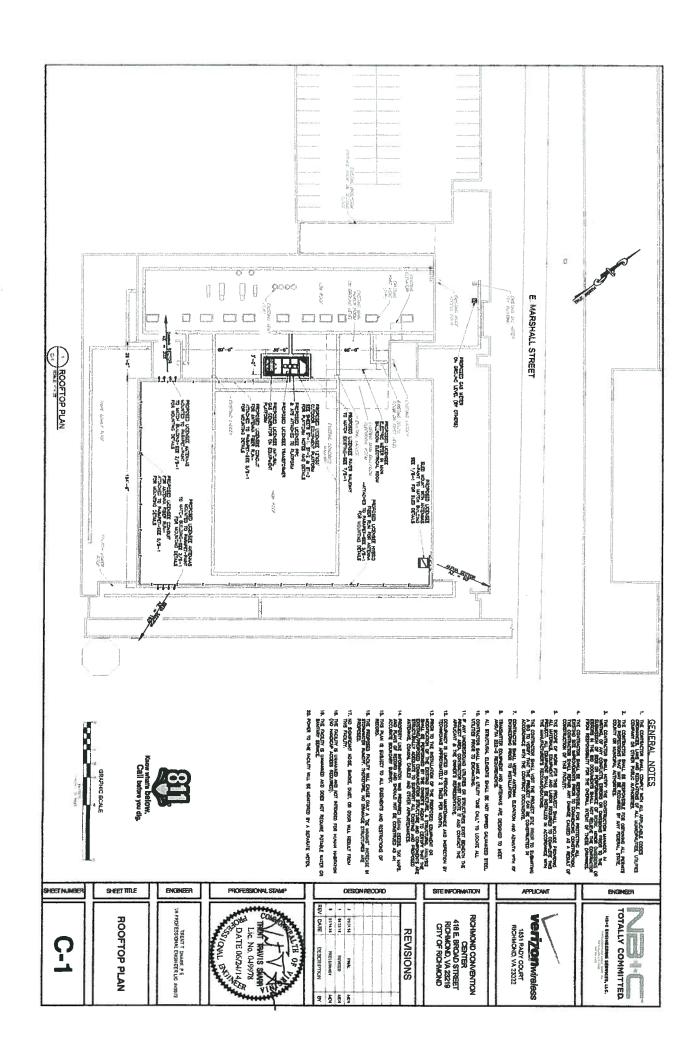
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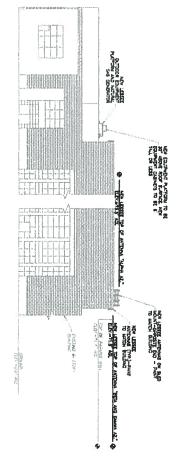
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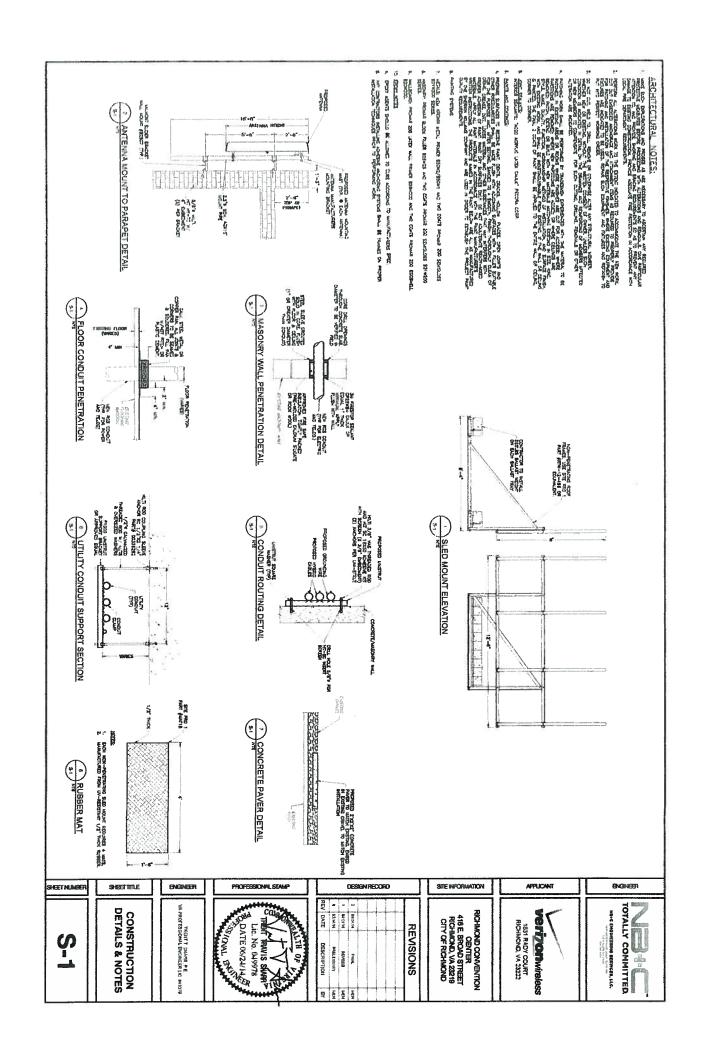


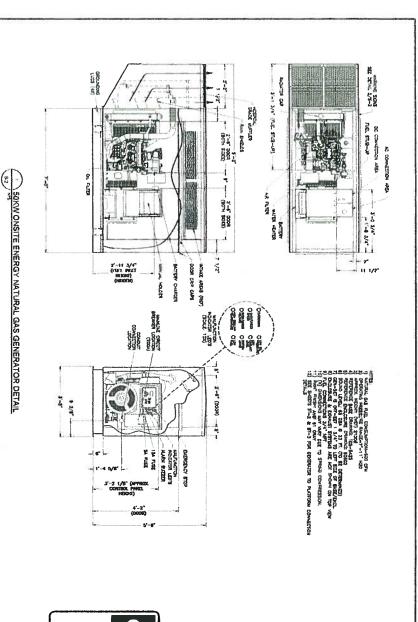






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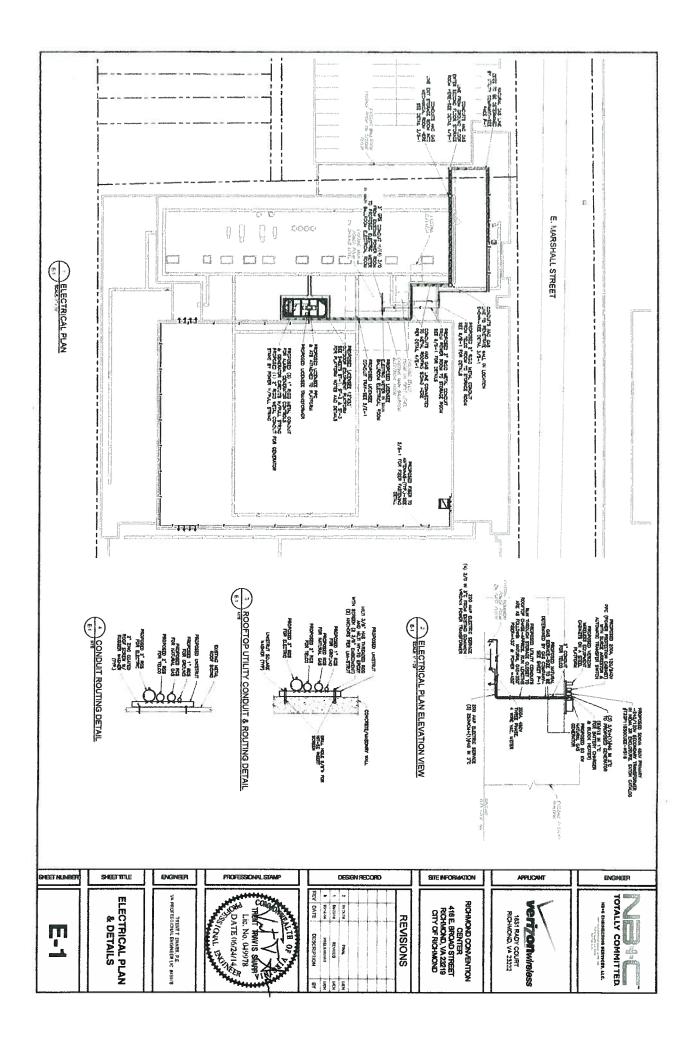
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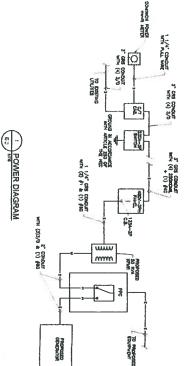
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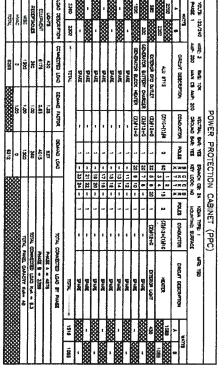


RICHMOND CONVENTION CENTER 418 E. BROAD STREET RICHMOND, VA 23219 CITY OF RICHMOND

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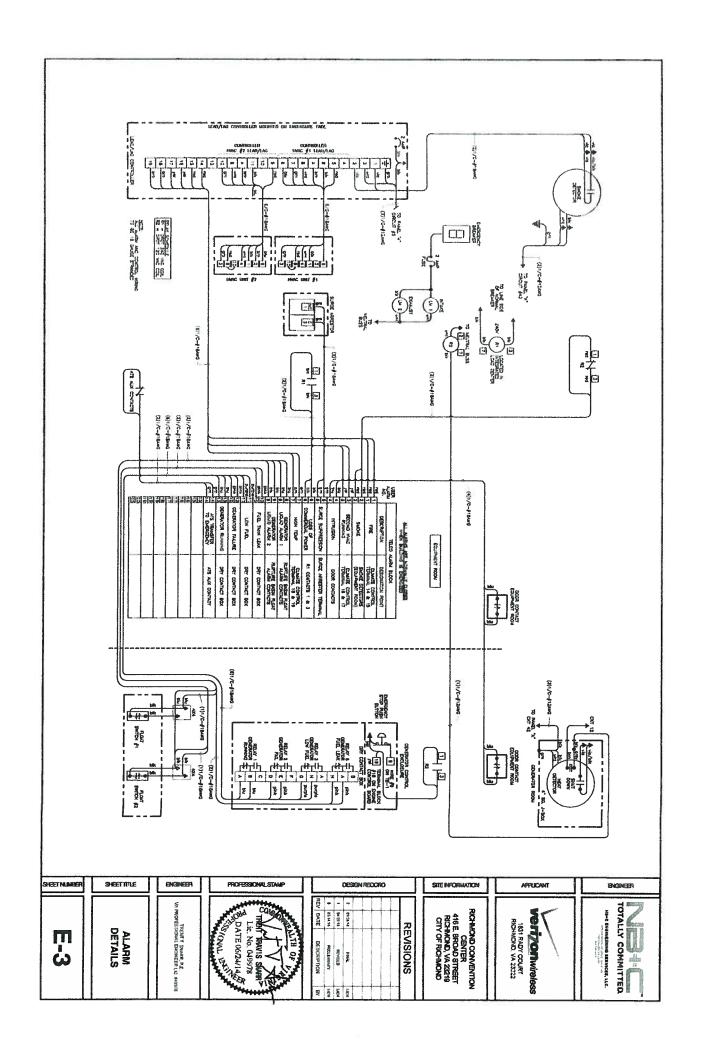
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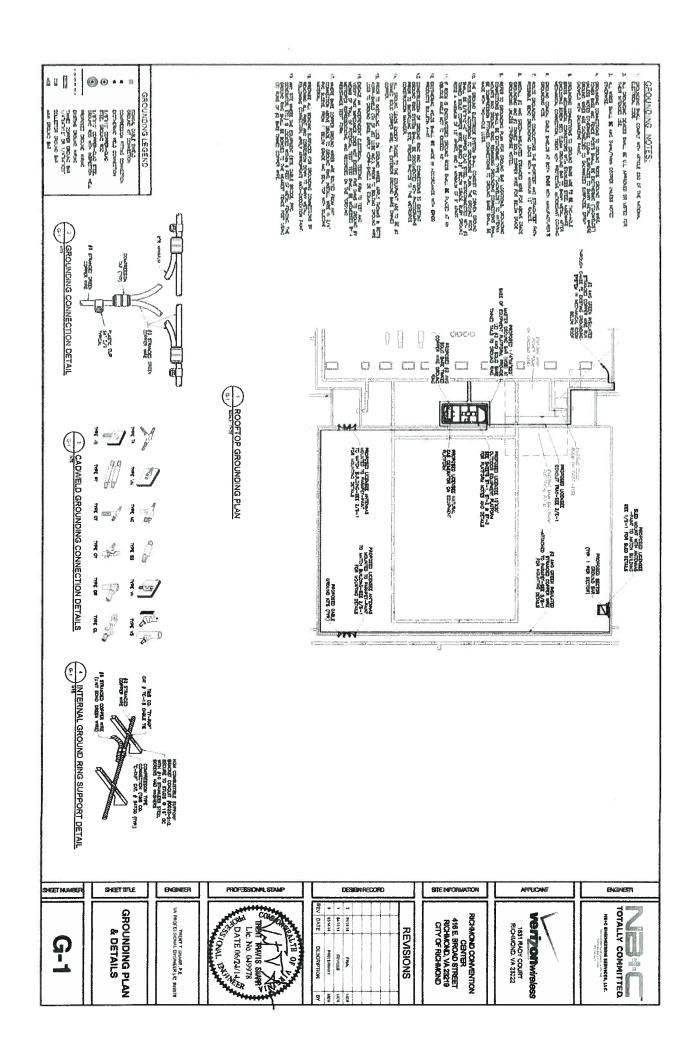
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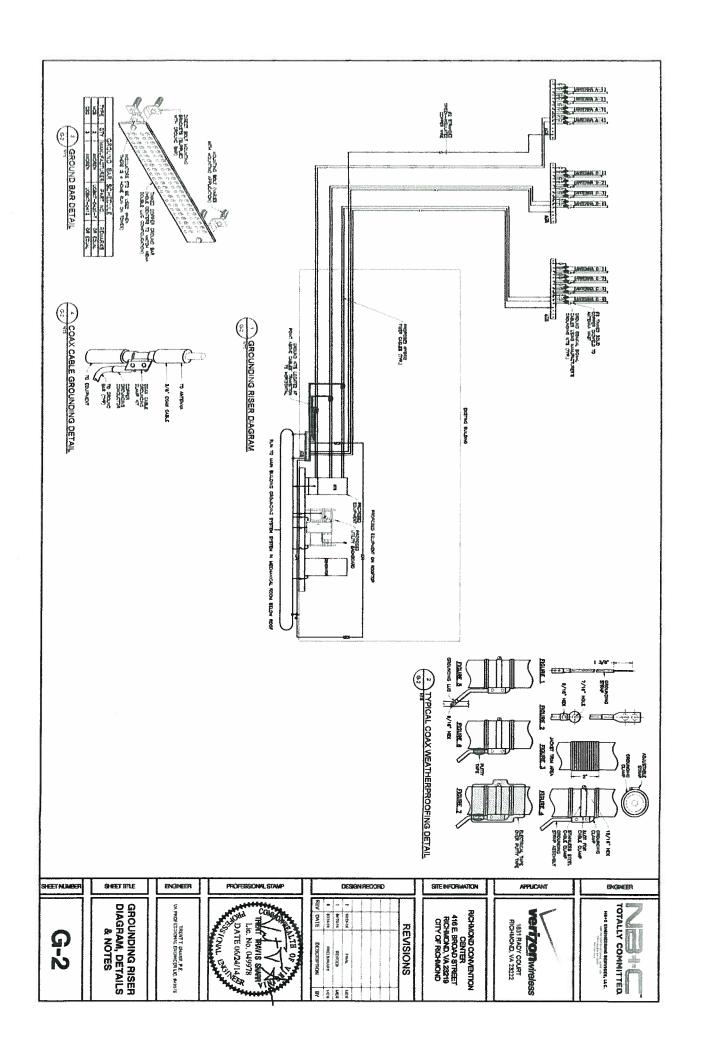
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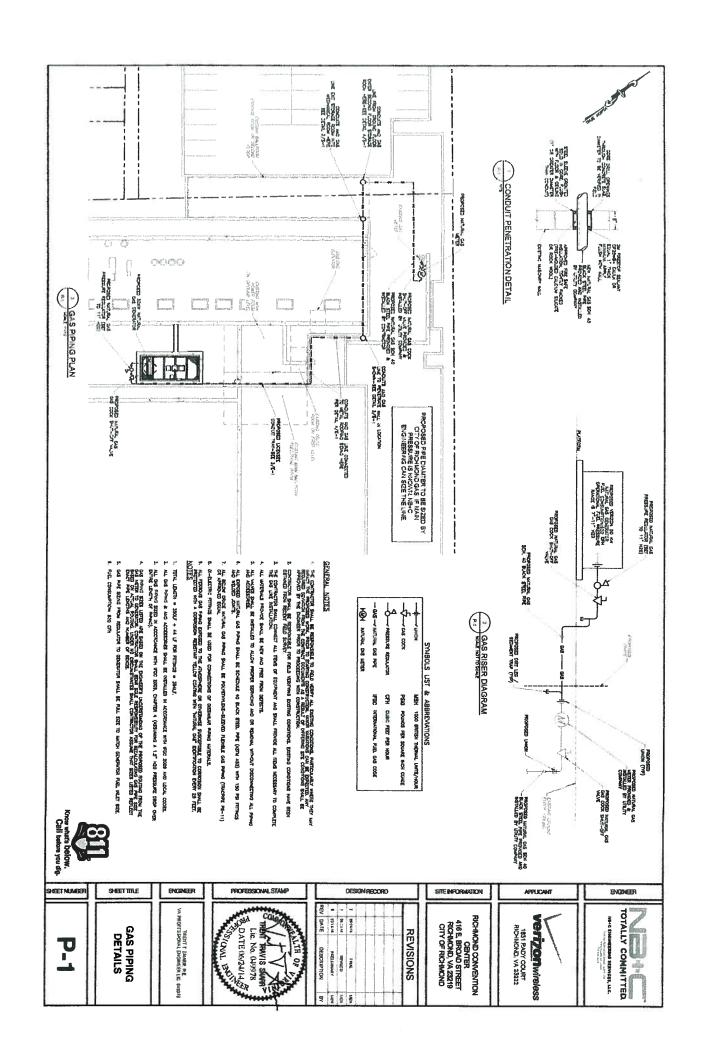
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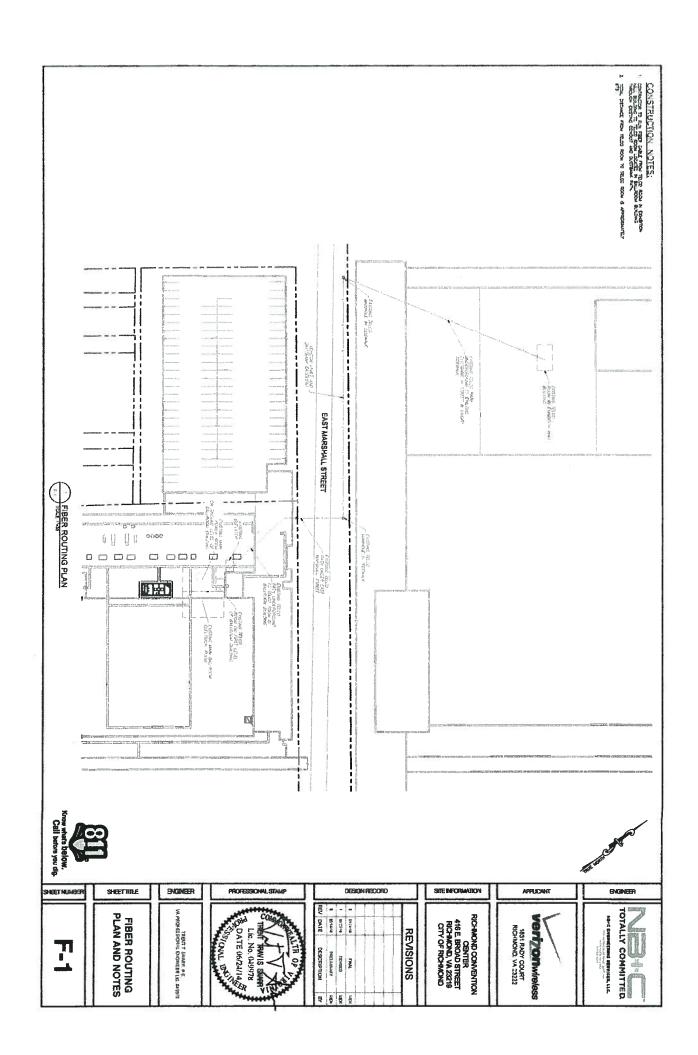
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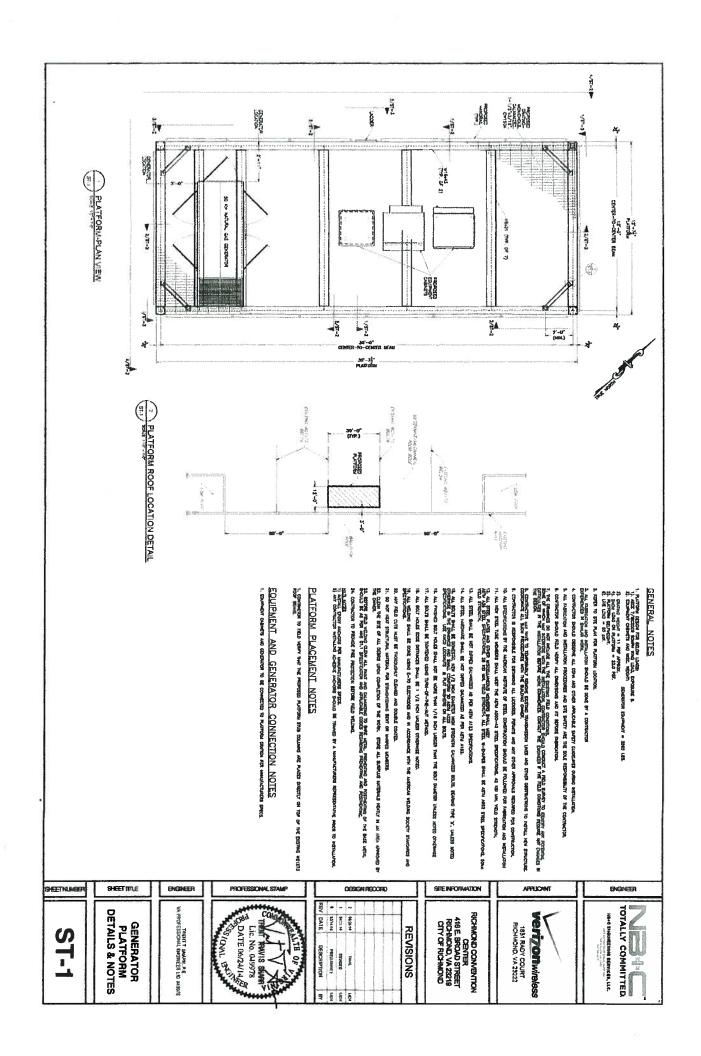


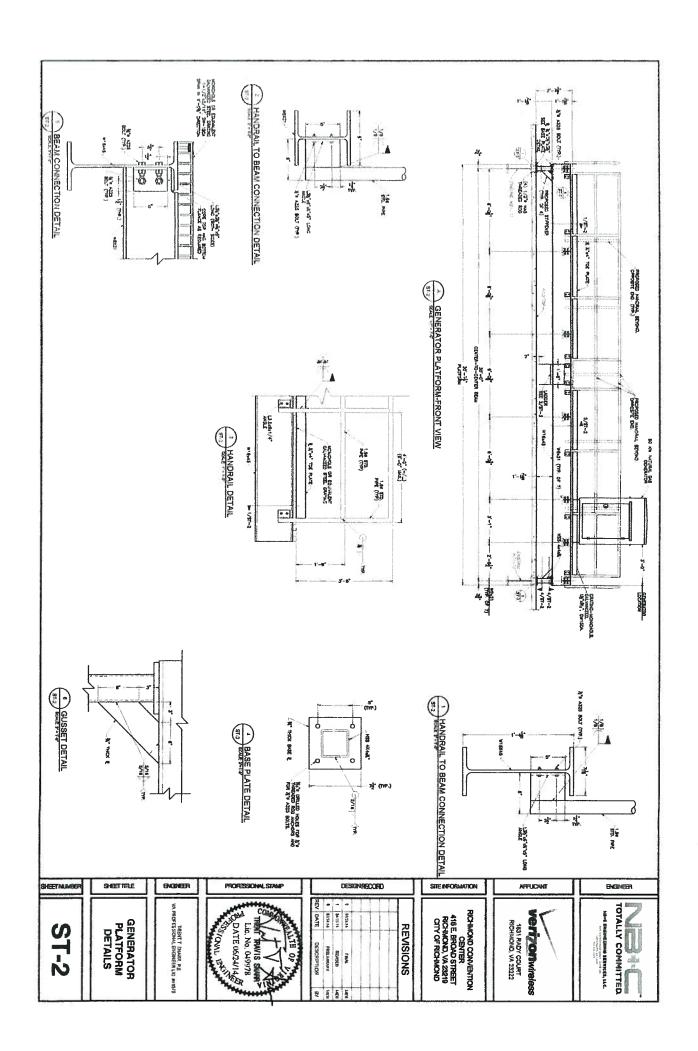


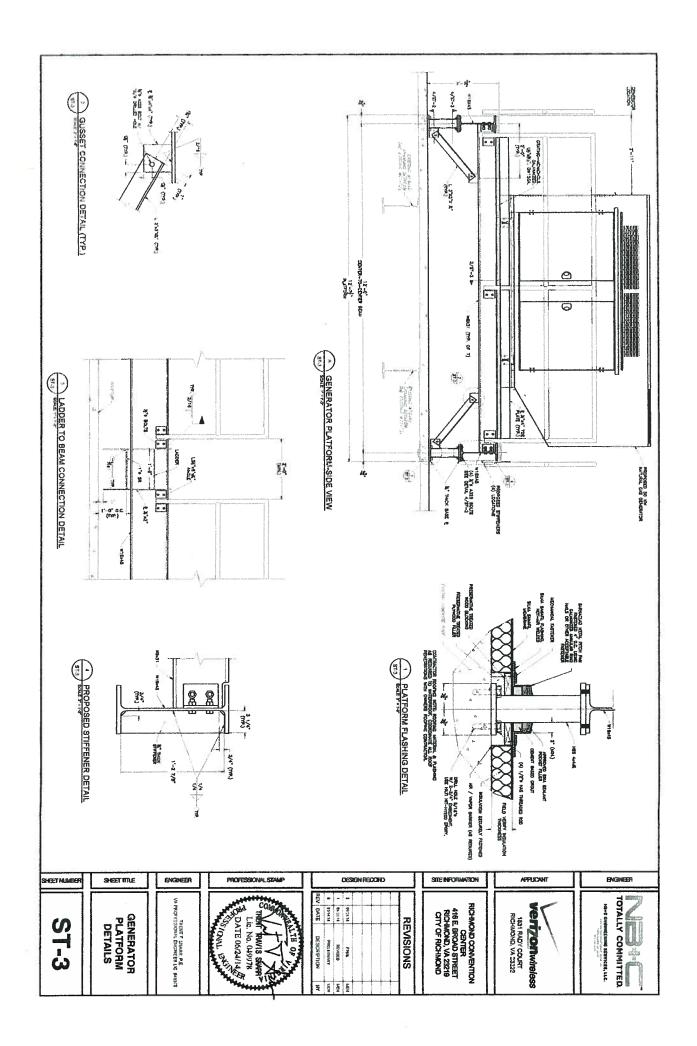














Department of Community Development Land Use Administration Division Room 511 City Hall 900 East Broad Street Richmond, Virginia 23219

July 10, 2014

SPECIAL USE PERMIT (SUP) APPLICATION RE:

VERIZON WIRELESS – RICHMOND CONVENTION CENTER

416 EAST BROAD STREET

TAX #N0000017028

Dear Director:

Enclosed you will find the following materials to support the SUP application filed on behalf of the applicant, Cellco Partnership d/b/a Verizon Wireless, with respect to their proposed colocation of antennas on the roof of the Richmond Convention Center building at the above referenced address:

- SUP application form;
- Application fee: Check in the amount of \$2000.00 and made payable to "City of Richmond";
- Applicant's report;
- Nine (9) sets: passing structural analysis;
- Nine (9) sets: 11" x 17" site plans, drawn to scale.

If you have any questions or require any additional information, please contact me at any time. Thank you in advance for your consideration of this matter.

Sincerely

Drew Patterson, Zoning Manager Network Building & Consulting, LLC

Consultant to Verizon Wireless

# VERIZON WIRELESS ROOFTOP COLOCATION – RICHMOND CONVENTION CENTER SPECIAL USE PERMIT – APPLICANT'S REPORT

# REQUEST

The applicant, Cellco Partnership d/b/a Verizon Wireless (hereinafter "VZW"), is licensed by the Federal Communications Commission ("FCC") to provide state-of-the-art wireless communications services within the City of Richmond. The proposed colocation on the roof of the Richmond Convention Center building located at 416 E. Broad Street will enhance VZW's coverage along E. Marshall Street, N. 5<sup>th</sup> Street, N. 3<sup>rd</sup> Street, Broad Street as well as in-building coverage for the Convention Center and surrounding businesses. Specifically, per the attached site plan, VZW proposes the following modifications:

- Collocate rooftop antennas per the following:
  - O Antennas attached to a new sled mount located on the northeast corner of the rooftop (generally facing corner of E. Marshall Street and N. 5<sup>th</sup> Street). The existing parapet is 71.5' AGL and the top of the antennas will be at 75.5' AGL; therefore, the antennas will only extend four (4) feet above the existing roofline. The sled and antennas will be painted to match the existing building.
  - O Attach antennas to the east and west side of the existing parapet wall (generally facing N. 5<sup>th</sup> Street and N. 3<sup>rd</sup> Street). The antennas will be painted to match the existing building.
- Locate equipment cabinets and generator on a raised platform on existing (lower-level) rooftop. This equipment will not be visible from the street due to its central location on the lower-level roof.

# ORDINANCE REQUIREMENTS

# City Master Plan

The subject property is located within the Downtown Convention Center (DCC) zoning district. "Wireless communications facilities, microwave relay facilities, and radio broadcast antennas, on alternative support structures" is not listed as a principal or accessory use in the DCC district; therefore, it is only allowed with an approved SUP. SUP applications are reviewed for compliance with the City's Master Plan to ensure the proposal is compatible with the surrounding area and that it is an appropriate use for the site. Specifically, applications are reviewed to ensure that the City Charter conditions for granting SUP's have been met. The City Charter requires that prior to City Council approval, it must be shown that the proposed special use will not:

1. Be detrimental to the safety, health, morals and general welfare of the community involved;

This request will not be detrimental to the safety, health, morals and general welfare of the community involved. The proposed antennas will enhance safety and general welfare in the area by providing improved wireless service to citizens and businesses in the area.

2. Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;

All antenna and equipment will be located on the roof of the Richmond Convention Center building; therefore, this request will not create congestion in any way.

3. Create hazards from fire, panic or other dangers;

This request will not create hazards from fire, panic or other dangers. This request will comply with all applicable governmental regulations (including those adopted by the FCC) regarding Radio Frequency (RF) emissions.

4. Tend to cause overcrowding of land and an undue concentration of population;

This request will have no effect on the overcrowding of land.

5. Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or

This request will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements. The proposed antennas will provide much improved wireless service, which will assist students working in the area and enhance the overall experience for those visiting the Richmond Convention Center and surrounding businesses.

6. Interfere with adequate light and air.

This request will have no effect on light and air.

### Division 11, Wireless Telecommunications Facilities

Division 11 of the Zoning Ordinance regulates wireless sites. The submission requirements listed in §114-692.2(a)(1) are as follows:

- (1) The applicant's narrative containing the following information:
- a. The address and latitude/longitude of the proposed location;

The address is 416 E. Broad Street and is at a latitude/longitude of 37° 32' 36.0N, -77° 26' 15.2W.

b. A description of communications/broadcast services which the applicant intends to provide at the site;

VZW currently provides enhanced wireless service offering consumers and local businesses the latest technology, high-quality, all-digital code division multiple access or CDMA (IS-95 and IX), Long Term Evolution (LTE) and evolution data only or EV-DO (1xEV-DO) wireless network.

c. The methodology behind the site selection (i.e., describe alternative sites considered in the site selection process and why the proposed site is the most suitable);

In building out its network, VZW first looks to collocate on existing structures (telecommunications towers, power transmission towers, rooftops, etc.) within a search ring. VZW places a strong emphasis on co-location for two reasons: 1) it is the desire of most local governments and 2) it is typically cheaper than building a new site. For this search ring, the height and location of the Richmond Convention Center rooftop meets 1) the City's desire for carriers to use "alternative support structures" and 2) VZW's network design objective.

d. A description of any other regulatory review required for the site and the status of that review (Federal Communications Commission, Federal Aviation Administration, NEPA impact report);

As a federal licensee, VZW will comply with all federal requirements. VZW obtained its license from the FCC to operate in the Richmond market in 1990.

e. The measures that will be taken to ensure compatibility with surrounding properties;

This site will remain compatible with the surrounding properties for the following reasons:

- All antennas will be placed on the rooftop (alternate support structure), therefore, blending with the existing commercial environment;
- The top of the sled mounted antennas will only extend four (4) feet above the existing rooftop parapet; therefore, having very limited visibility;
- The sled mounted antennas as well as the building mounted antennas will be painted to match the existing building; therefore, having very limited visibility;
- The equipment cabinets and generator will be located on a lower level rooftop where they will not be visible from any adjacent streets.
- f. A statement acknowledging removal of antennas upon termination of the use;

VZW will agree to remove its antennas upon termination of the use.

g. A statement indicating compliance with NIER standards;

VZW will operate this facility in compliance with all applicable governmental regulations (including those adopted by the FCC) regarding RF emissions.

h. A noninterference statement;

VZW will operate this facility in compliance with all applicable governmental regulations (including those adopted by the FCC) regarding interference.

i. A statement indicating willingness to allow and the feasibility of collocation of other users at the site; and

This is a colocation on the Richmond Convention Center rooftop; therefore, VZW does not have the authority to allow others to collocate. However, should the Richmond Convention Center allow others to collocate, VZW has no objections so long as they do not interfere with VZWs' equipment.

i. A statement indicating whether the site will be shared with the city if needed for public safety purposes.

This is a colocation on the Richmond Convention Center rooftop; therefore, VZW does not have the authority to allow others to collocate. However, should the Richmond Convention Center allow others to collocate, VZW has no objections so long as they do not interfere with VZWs' equipment.

(2) A map showing the location of the proposed site and the location of existing facilities operated or owned by the applicant within the city and within three miles of the corporate limits, with an accompanying description of each facility (address, latitude/longitude, height of support structure, mounting height of antenna array, and willingness to allow and feasibility of collocation of other users at site).

A vicinity map of the existing site is located on Sheet T-1 of the enclosed site plan. Enclosed you will also find a map showing the location of existing facilities operated or owned by VZW within the city and within three miles of the corporate limits, with an accompanying spreadsheet describing each facility.

Plans required for applications shall also clearly depict the following:

a. The location of the facility within the overall property, the access point from a public street, the location of other structures within 100 feet.

See Sheet Z-1 of the enclosed site plan.

b. A detailed layout plan consisting of a site plan, roof plan, floor plan, as applicable to the specific proposal.

See Sheets Z-1 and C-1 of the enclosed site plan.

c. Detailed elevation drawings showing the location and type of antenna array, the structural element to which the array will be affixed, and for mounts using alternative support structures, any architectural device used to incorporate the array into building/structure design, the location and materials of any security fencing where required.

See Sheet C-1 of the enclosed site plan for the location of the antenna sleds and Sheet S-1 for the structural details of the sled. Since this is a rooftop colocation, there will be no security fencing.

d. The location and details of lighting when required.

No additional lighting is proposed.

e. The location, type of equipment, noise suppression measures and operational procedure for any emergency power supply.

VZW is proposing to install an emergency natural gas generator with this application. Noise should not be an issue for the following reasons:

- The generator will be located on the roof and will only be used in emergencies and during testing situations;
- The subject property is in a high traffic, noisy area and the generator should generate much less noise than the existing environment.
- f. The color of antennas, cables, support structure.

The proposed sled and antennas will be painted to match the existing building.

g. Landscape plans-minimum evergreen hedge for the base of the support structure and ground-mounted equipment, with additional trees for support structure screening.

Not applicable for a rooftop colocation. The sled and antennas will be painted to match the existing building and the equipment cabinets and generator will be located in an area where they will not be visible.

(3) Any antenna, support structure, and/or related electronic equipment which has not been used for the purpose of radio transmission for a continuous period of 12 months shall be deemed to be abandoned and shall be removed from the premises within 90 days of such abandonment.

Any antenna, support structure and/or related electronic equipment proposed herein which has not been used for the purpose of radio transmission for a continuous period of 12 months by VZW shall be removed from the premises within 90 days of the end of such 12-month period.

(4) Statement regarding the need for a traditional array.

Not applicable for a rooftop colocation.

#### CONCLUSION

In conclusion, VZW requests approval of this SUP application as it (1) meets the requirements of the City of Richmond Zoning Ordinance and (2) does not adversely affect the character of the surrounding neighborhood, adjoining properties or the environment. This proposal reflects a solution that will allow VZW to provide improved wireless service to citizens, businesses and emergency officials while minimizing adverse impacts to the surrounding community.



# Application for SPECIAL USE PERMIT

Department of Ptenning and Development Review
Land Use Administration Division
900 E. Broad Breet, Room 511
Richmond, Virginia 23219
(804) 646-6304
<a href="http://www.richmondoov.com/">http://www.richmondoov.com/</a>

Application is hereby submitted for: (check one) special use permit, new special use permit, plan amendment LAND USE ADMINISTRATION: special use permit, text only amendment Project Name/Location GREATER Project Name: RICHMOND CONVENTION CENTER Property Address: 4/6 E. BROAD ST. Tax Map #: NO00 - 0017 - 028 Fee: \$ 2,000 2.25 AC Total area of affected site in acres:\_ (See page 3 for fee schedule, please make check payable to the "City of Richmond") Proposed Use Current Zoning: DUNTOLIN CONVENTION CENTER (Please include a detailed description of the proposed use in the required applicant's report) Existing Use: CONVENTION CENTER VERIZON WIRELESS ROOFTOP is this property subject to any previous land use cases? ☐ Yes ☐ No If Yes, please list the Ordinance Number: COLOCATION Applicant/Contact Person: DREN PYTTERSON Company: VERIZON WIRELESS Mailing Address: 1831 RITOY CT. City: RICHMOND Telephone: (804) 363 - 089/ doctterson enbelle. Com Property Owner: GREATER RICHMOND CONVENTION CENTER AUTHORITY If Business Entity, name and title of authorized signee: Mailing Address: 40 N. 3RD ST. State: VA City: RICHMOND Zio Code: Telephone: (804) 783-7400 Email TBERRY D RICHMOND VA . OFQ **Property Owner Signature:** (The names, addresses, telephone numbers and signatures of all owners of the proneeded. If a legal representative eight for a property owner, please attach an executed power of atterney. Faxed or phy tures will not be accepted.) NOTE: Please attach the required plane, checklist, and a check for the application fee (see Fiting Procedures for special use permits)