INTRODUCED: June 27, 2016

AN ORDINANCE No. 2016-191

As Amended

To authorize the special use of the property known as 701 East Cary Street for the purpose of allowing a building to exceed the applicable height restrictions, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JULY 25 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 701 East Cary Street, which is situated in a B-4 Central Business District, desires to use such property for the purpose of a building which does not currently meet all of the requirements in section 30-440.6 of the Code of the City of Richmond (2015), as amended, concerning height restrictions; 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 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

 AYES:
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 NOES:
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 ABSTAIN:

ADOPTED: SEPT 12 2016 REJECTED: STRICKEN:

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 30-1050.1 of the Code of the City of Richmond (2015), 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 701 East Cary Street and identified as Tax Parcel No. W000-0018/025 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled "Survey," prepared by Marc Snider, and dated May 25, 2016, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to have a building that exceeds the height restrictions prescribed by section 30-440.6 of the Code of the City of Richmond (2015), as amended, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Dominion Workplace," with an unidentified preparer, and dated May 25, 2016, hereinafter referred to as "the Plans," a copy of which is 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 building on the Property may exceed the height restrictions, including those based on the inclined plane provisions, of section 30-440.6 of the Code of the City of Richmond (2015), as amended, substantially as shown on the Plans, provided that, at the Owner's request, the Director of Planning and Development Review may approve aspects of the building that are not substantially as shown on the Plans but that are otherwise consistent with this ordinance, including section 4(e).

(b) The height of the building shall not exceed $[430] \underline{525}$ feet.

(c) A plan of development shall be approved as required in section 30-440.1 of the Code of the City of Richmond (2015), as amended, prior to the issuance of a building permit.

§ 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, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(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 any other 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 (2015), as amended.

(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 30-1220 of the Code of the City of Richmond (2015), 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 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), 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 30-1080 of the Code of the City of Richmond (2015), 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 730 consecutive calendar days, 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 [730] <u>1,461</u> 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

Pre Introduction to Council: PRE. 2016-166

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.richmondgov.com

File Number: PRE. 2016-166

To authorize the special use of the property known as 701 East Cary Street for the purpose **Q** & **REQUEST** authorizing a waiver to the height restrictions, upon certain terms and conditions.

		O & R Request		JUN 8 2016
DATE:	June 7. 2016	EDITION:	ł	4-5262 Chief Administration Office
TO:	The Honorable Members of	City Council		City of Richmond
				RECEIVET
THROUGH:	Dwight C. Jones, Mayor	$\rho \alpha / \gamma$		It also a second second second second
	(This in no way reflects a	recommendation on beh	alf of the Mayor)	JUN 0 8 2016
THROUGH:	Selena Cuffee-Glenn, Chiel	Administrative Officer	SHO	OFFICE OF CITY ATTOHNED
THROUGH:	Peter L. Downey, Deputy C Development and Planning	hief Administrative Offic	er for Economic	
FROM:	Mark A. Olinger, Director,	Department of Planning a	nd Development Review	NOF.
ORD. OR RES	. No.			

PURPOSE: To authorize the special use of the property known as 701 East Cary Street for the purpose of authorizing a waiver to the height restrictions, upon certain terms and conditions.

REASON: The applicant has requested a Special Use Permit, which authorize a waiver to the incline plane provisions in the B-4 Central Business District.

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 Commission at its June 20, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is an improved lot located on the block bounded by East Cary Street to the north, South 8th Street to the east, East Canal Street to the south, and South 7th Street to the west. The existing building is the headquarters for Dominion Resources.

The proposed Dominion Workplace project will be one of two towers proposed for the two blocks located within South 6th Street, East Cary Street, South 8th Street, and East Canal Street. A plan of

development (POD) has been filed for Tower 1, which will be located on the South 6th Street block.

The building proposed for the subject property is Tower 2 with a total height 424.4 feet. Approximately 3.83 percent of the building's façade is not in compliance with the height restrictions. The ordinance requires that no portion of a building shall penetrate an inclined plane originating at the centerline of each abutting street and extending over the lot at an inclination of one foot horizontal for each four feet vertical and provided, further, that such inclined plane may be penetrated by a building wall adjacent to a street for a horizontal distance not exceeding 50 percent of the length of the property line along such street. In all other respects, the proposed building shall meet the B-4 zoning requirements.

The Downtown Master Plan designates this area as an Urban Core Area. The Plan states that, "The Urban Core Area is the most urban Character Area. This area is characterized by 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. City Center is an ex - ample of the urban core condition in Downtown Richmond, with tall buildings that contain a range of office, residential and retail space. Continued pedestrian-oriented development will support a vibrant street realm in City Center" (p.3.27).

FISCAL IMPACT / COST: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

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

BUDGET AMENDMENT NECESSARY: No budget amendment is necessary.

REVENUE TO CITY: \$2,400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: June 20, 2016

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, July 20, 2016

AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft ordinance); City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734

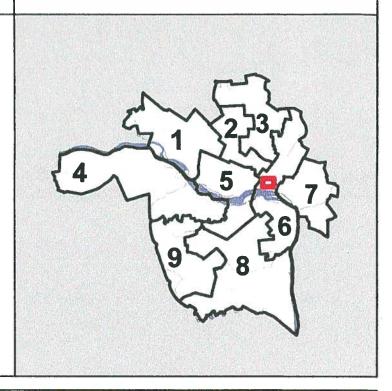


City of Richmond Department of Planning & Development Review

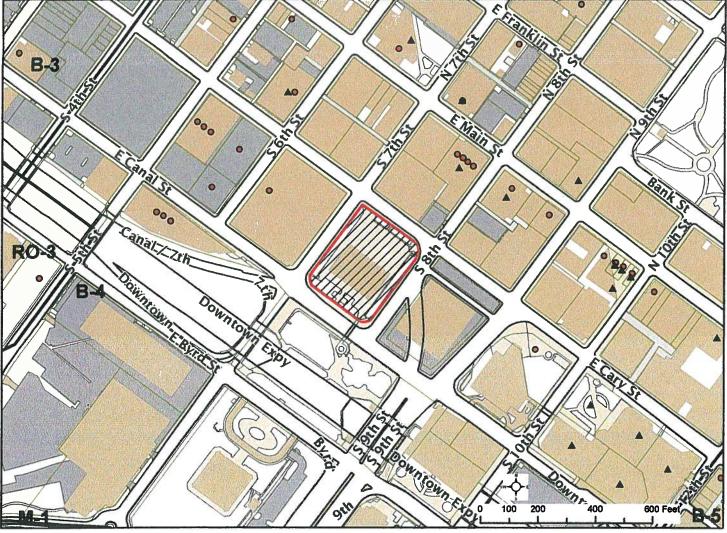
LOCATION: 701 East Cary Street

COUNCIL DISTRICT: 6

PROPOSAL: Special Use Permit to authorize waiver of height restriction.



For questions, please contact Lory Markham at 646-6309 or Lory. Markham@richmondgov.com



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	Application is hereby submitted for: (check one) Special use permit, new Special use permit, plan amendment Special use permit, text only amendment Project Name/Location Project Name:Dominion Workplace Project Property Address: 701 E Cary St. Richmond, VA 23219 Fee:2.400 Total area of affected site in acres: 1.98 (See page 3 for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning:B-4 Existing Use: Office Building, Parking Deck Is this property subject to any previous land use cases? Kit is property subject to any previous land use cases? Ves No If Yes, X please list the Ordinance Number:
n I	Applicant/Contact Person: Brian K. Jackson, Esq. Company: Hirschler Fleischer Mailing Address: 2100 E Cary St.
	City: Richmond State: VA Zip Code: 23223
	Telephone: 804 771-9545 Fax: Email: bjackson@hf-law.com
	Property Owner: Dominion Resources Inc.
	If Business Entity, name and title of authorized signee: Mark O. Webb, SVP, General Counsel & Chief Risk Officer
	(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)
	Mailing Address: 707 E Main St. (attn: Jim Ferrara, 6th Floor)
	City Richmond State: VA Zip Code: 23219
	Telephone: (804) 771-3480 Fax: ()
	Emailjlm.ferrara@dom.com
	Property Owner Signature:
	The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as



Brian K. Jackson d. 804.771.9545 | bjackson@hf-law.com

2100 E. Cary Street Richmond, Virginia 23223 t: 804.771.9500 | f: 804.644.0957 www.hf-law.com

May 26, 2016

BY HAND

The Honorable Council of the City of Richmond c/o Department of Planning and Development Review Land Use Administration Division **Attention: Mr. Mark A. Olinger** 900 East Broad Street, Room 511 Richmond, Virginia 23219

> RE: Applicant's Report for Special Use Permit Application for Dominion Resources, Inc. (the "Applicant" and "Dominion"), Seeking a Waiver of the Height Restrictions Imposed by the City of Richmond (the "City") Inclined Plane Rule as applied to Proposed Construction of a New Building on the Current Site of One James River Plaza located at 701 East Cary Street (the "Building Site")

Dear Ladies and Gentlemen:

In compliance with the administrative policy of the Department of Community Development and on behalf of Dominion, the undersigned submits this Applicant's Report in connection with the Special Use Permit Application seeking a waiver of the inclined plane rule in the City's zoning ordinances (specifically, §30-440.6 - Height).¹ Additionally, the Applicant requests a 48-month time period in which to apply for a building permit to implement the Special Use Permit. The waiver would apply to the Building Site which is intended as part of the recently announced Dominion Workplace Project, potentially including two new buildings. Other than the above referenced waiver, the Applicant is not requesting any other deviations from the requirements for the B-4 Business district (Central Business) as set forth in the City's Zoning Ordinance.

1. Special Use Permit Request.

Approval of the Special Use Permit for the waiver of the inclined plane rule height restrictions will allow Applicant, an organization which has reputably served individuals and businesses in the City for many years, to proceed with its master plan for downtown office space. Dominion is committed to downtown Richmond as an efficient and effective work environment conducive to engaging more than 2,200 employees, promoting teamwork and collaboration, and supporting the community now and in the

¹ Section 30-440.6: "There shall be no maximum height limit in the B-4 central business district, provided that no portion of a building shall penetrate an inclined plane originating at the centerline of each abutting street and extending over the lot at an inclination of one foot horizontal for each four feet vertical and provided, further, that such inclined plane may be penetrated by a building wall adjacent to a street for a horizontal distance not exceeding 50 percent of the length of the property line along such street."

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future. This plan will provide enough room for expected growth. There will be sufficient parking for employees and visitors. The building designs incorporate elements desired by the City's Downtown Master Plan, promoting retail development and engagement with the public by bringing the public and the building closer together. Dominion is not seeking special incentives from the City to complete this project.

2. Background.

(a) <u>Dominion Ownership</u>. The applicant, Dominion Resources, Inc., is a public utility holding company that has served the Richmond area and beyond for over 100 years as Virginia Electric Power Company, dba Dominion. In the late 1970's, Dominion constructed the building at One James River Plaza – located at 701 E. Cary Street (hereinafter "OJRP") as its headquarters in downtown Richmond. Today, the Building serves as office space for over 1200 Dominion employees occupying the majority of the Building's 21 floors.

(b) The Dominion Workplace Project.

The Dominion Workplace project is planned for the two blocks located within S. 6th Street, E. Cary Street, S. 8th Street, and E. Canal Street. The full development being considered would include two new towers as depicted on the attached photo illustration entitled **"Tower Scheme"** and incorporated herein. On May 12, Dominion and its design team filed with the City for approval of a Plan of Development for a new office tower at 111 S. Sixth Street ("Tower 1").

The Building Site that is the subject of the Special Use Permit Application would be developed for a second tower (hereinafter referred to as "Tower 2"). The Building Site and Tower 2 are more particularly shown on the Survey plat, Site Plan and Elevations included with the Special Use Permit Application Plans. Dominion is contemplating a decision to build Tower 2 on the Building Site or significantly renovate the existing building. OJRP needs an overhaul, including new electrical, HVAC and other systems, and would require gutting the entire interior of that building. If built as envisioned, the second tower in Dominion's Workplace Plan would not comply with the inclined plane rule found in the City of Richmond's zoning ordinances (specifically §30-440.6). The envisioned Tower 2 would complement the height of Tower 1, and without the waiver sought by the Special Use Permit, Tower 2 would be limited in height to 7 floors including only 5 floors of workspace. The inclined plane rule limits are triggered by the planned width and placement of Tower 2 along the 8th Street property line. See the impact of the inclined plane rule on the planned Tower 2 as depicted on the attached illustration entitled **"Inclined Plane Study – Height Restriction"** and incorporated herein.

The overall project site is located 1 block from the Downtown Expressway, allowing easy access and exit to both of the towers. It is anticipated that Dominion Workplace Tower 2 will allow for over 1000 employees. Tower 2 would include 4 levels of underground parking with approximately 836 total spaces. Parking is located completely below grade, allowing the ground level to serve as accessible lobby space and active uses, outdoor seating (associated with Dominion dining) and retail with window frontage to engage the adjacent streets and pedestrians. Tower 2 will create a human scale environment

with active uses at street level including retail space on E. Cary Street, S. 7th Street and S. 8th Street, inviting south-oriented pedestrian level lobbies facing Kanawha Plaza and complementing E. Canal Street setback of Gateway Plaza.

The design and placement of Tower 2 will allow for large efficient parking floor plates and integrates four levels of below grade parking. This results in a lower podium height and eliminates above grade parking. Orienting the tower towards the center of the block will significantly reduce the parking efficiency resulting in an increase in the podium height. This allows for a strong presence of the tower meeting the ground plane at the street rather than being located in the center of the block (similar to Dominion's current One James River Plaza) and strengthens the relationship of the Tower 2 podium terrace to Kanawha Plaza, achieving a balanced solar exposure for the terrace through the seasons.

Tower 2 is oriented to complement the surrounding buildings and preserve the views to the river for each of the property owners located along Cary Street (see the depiction of the envisioned Tower 2 on the photo illustration entitled "Elevations" attached hereto and incorporated herein). The ground floor and main entry of Tower 2 at the intersection of S. 8th Street and E. Canal Street, would be an aesthetically pleasing and pedestrian friendly space with the interaction of the main lobby for Tower 1 to the west and to the Gateway Plaza just across the street to the east. Tower 2 will also be coordinated with the proposed improvements to Kanawha Plaza that will increase visual appeal and encourage pedestrians to utilize the shared open space and creating the opportunity for a vibrant environment on both sides of the street. Both towers will establish a strong architectural presence on the Richmond skyline from the south and provide views to two acres of landscaped terrace and green roof for adjacent neighbors.

The completion of this project will not create interference with current utility services such as water and sewage disposal, and a full utility plan will be submitted through the Plan of Development process. Included with the Special Use Permit Application is a indicative and preliminary civil site plan, survey plat and elevation plans. A full Plan of Development submittal will be made after a construction date is determined and will include floor plans, landscape plan, signage plan, lighting plan, grading plans, storm drainage and utility plans, and additional calculations required for the Plan of Development.

3. <u>Neighborhood</u>. The area surrounding the Building consists of a mix of urban commercial and office uses with the adjacent area dominated by high-rise office buildings.

4. <u>Community Benefits</u>. Approval of the Special Use Permit will allow for the most practical, attractive and logical location and height of Tower 2 on the Building Site. Moreover, the proposed Tower 2 (along with Tower 1) will complement the existing skyline by enhancing the aesthetic quality of the downtown community. The waiver requested by the Special Use Permit will only have beneficial effects on the community.

5. <u>Jurisdictional Requirements</u>. All of the jurisdictional requirements for approval of the requested Special Use Permit are satisfied for the following reasons:

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(a) The Special Use Permit <u>will not</u> be detrimental to the safety, health, morals and general welfare of the community.

(b) The Special Use Permit <u>will not</u> tend to create congestion in the streets, roads, alleys and other public ways and places in the area involved. The placement and height of Tower 2 on the Building Site should have no impact on congestion in the area. A traffic study will be completed in connection with the Plan of Development to confirm no excessive vehicular congestion will be created by the completion of this project.

(c) The Special Use Permit <u>will not</u> result in hazards from fire, panic and other

(d) The Special Use Permit <u>will not</u> tend to overcrowd the land and cause an undue concentration of population. The height waiver for Tower 2 will have no such impact.

(e) The Special Use Permit <u>will not</u> adversely affect or interfere with public or private schools, water supplies, sewage disposal, transportation or other requirements, conveniences and improvements. The height waiver for Tower 2 will have no negative impact on any of the foregoing.

(f) The Special Use Permit <u>will not</u> interfere with adequate light and air. No improvement will be constructed on the Building Site that would create such impediments or that will have any impact on the supply of adequate light and air.

6. <u>Summary</u>. The Special Use Permit granting a waiver of the inclined plane rule height restriction will allow the Applicant to develop fully an integrated two tower office and retail development that will have only beneficial effects on the community. Furthermore, no deviations from the zoning requirements are being requested except for the referenced waiver and the 48-month time period in which to apply for a building permit to implement the Special Use Permit. In light of the foregoing report and analysis, we respectfully request that City Council grant the Special Use Permit to allow the waiver with the 48-month time period as requested.

Respectfully submitted,

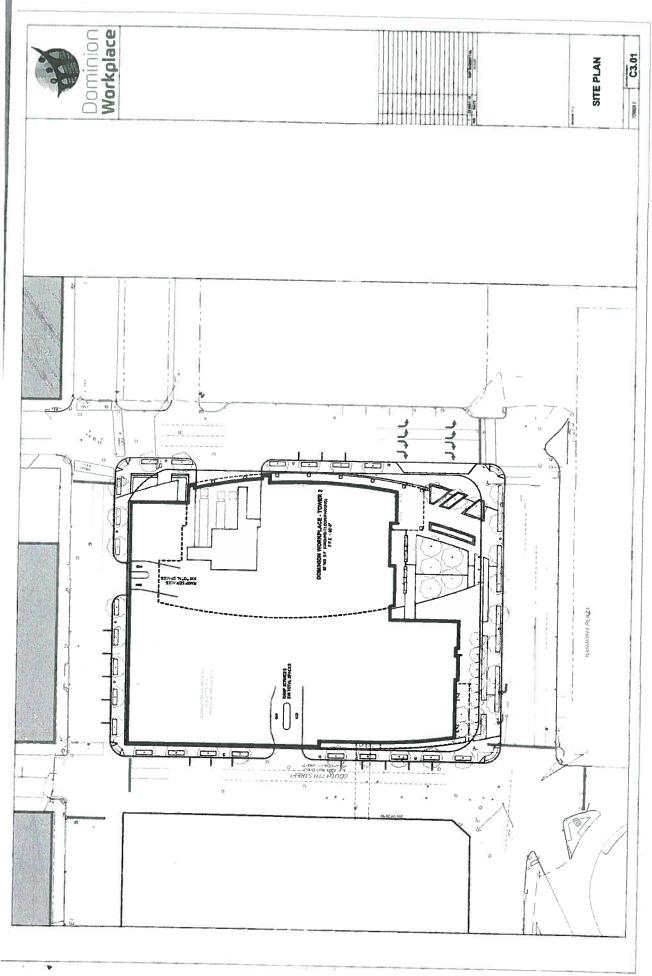
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Enclosures

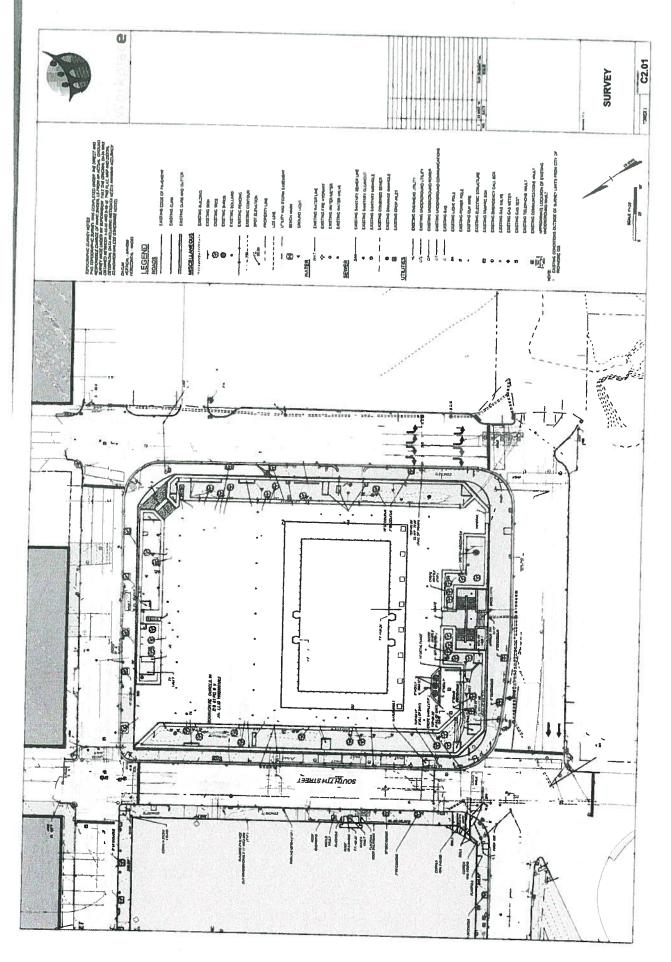
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