

# HOUSTON TOWER COMMISSION

## Draft Agenda

**Members:**

Rob Todd, Chair  
Rodney Louis Jones  
John R. Melcher  
Ignacio Osorio  
Dr. Shin-Shem Steven Pei  
Antonio M. Salinas  
Christy B. Smidt

Patrick Walsh,  
Secretary

Monday  
April 28<sup>th</sup>, 2014

City of Houston  
City Hall Annex  
Council Chamber  
3:30 p.m.

# TOWER COMMISSION MEETING POLICIES AND REGULATIONS

## Public Participation

The public is encouraged to take an active interest in matters that come before the Tower Commission. Anyone wishing to speak before the Commission may do so. The Commission has adopted the following procedural rules on public participation:

1. Anyone wishing to speak before the Commission must sign-up on a designated form located at the entrance to the Council Chamber.
2. If the speaker wishes to discuss a specific item on the agenda of the Commission, it should be noted on the sign-up form.
3. If the speaker wishes to discuss any subject not otherwise on the agenda of the Commission, time will be allowed after all agenda items have been completed and "public comments" are taken.
4. An applicant is given first opportunity to speak and is allowed five minutes for an opening presentation. The applicant is also allowed a rebuttal after all speakers have been heard; three additional minutes will be allowed.
5. All other speakers will be given three minutes.
6. No speaker is permitted to accumulate speaking time from another person.
7. Time devoted to answering any questions from the Commission is not charged against allotted speaking time.
8. The Commission reserves the right to limit speakers if it is the Commission's judgement that an issue has been sufficiently discussed and additional speakers are repetitive.
9. The Commission reserves the right to stop speakers who are unruly or abusive.

**NOTE:** The Tower Commission may only act to approve or disapprove the placement of a tower under Chapter 41, Article III, City of Houston Code of Ordinances.

# HOUSTON TOWER COMMISSION

## Agenda

**April 28<sup>th</sup>, 2014**

Meeting to be held in the City Hall Annex  
Council Chamber Public Level  
900 Bagby

3:30 p.m.

Call to order

Secretary's Report

- I. Approve the February 25, 2013 Tower Commission Meeting minutes
- II. Public hearing and consideration of waiver request  
14-T-0652 - 12335 ½ Cullen Street
- III. Public Comment
- IV. Adjournment

**MINUTES OF THE HOUSTON TOWER COMMISSION**  
**Monday, February 25, 2013**  
**Held at City Hall Annex Building, City Council Chamber, Public Level,**  
**900 Bagby Street, Houston TX 77002**  
**3:30 p.m.**

**CALL TO ORDER**

Chairman, Rob Todd, called the meeting to order at 3.40p.m. with a quorum present. The following commission members noted with "P" were present during all or portions of the meeting and the members noted with "A" were absent.

Rob Todd	P
Rodney Louis Jones	P
John Melcher	A
Ignacio Osorio	P
Dr. Shin-Shem Steven Pei	P
Antonio M. Salinas	A
Christy B. Smidt	P

**SECRETARY'S REPORT**  
**NONE**

**I. APPROVAL OF THE December 10, 2012 TOWER COMMISSION MINUTES**

Motion was made by Dr. Pei, seconded by Mr. Jones to approve the December 10, 2012 Tower Commission minutes. Motion carried unanimously.

**II. PUBLIC HEARING AND CONSIDERATION OF WAIVER REQUEST**  
**12-T- 0648 – 3930 GIBSON STREET**

Motion was made by Dr. Pei, seconded by Ms. Smidt to approve the requested waivers. Motion carried unanimously.

Speaker(s) for Item II: Gary Beard (opposed), Shep Poland (Applicant –supportive)

**III. PUBLIC COMMENT**

**IV. ADJOURNMENT**

There being no further business before the Commission, Chairman Rob Todd adjourned the meeting at 4.10p.m. Motion was made by Mr. Todd to adjourn the meeting.

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**Rob Todd, Chairman**

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**Marlene L. Gafrick, Secretary**

**HOUSTON TOWER COMMISSION  
AGENDA ITEM: II**

MEETING DATE: April 28,2014

**TOWER APPLICATION AND PUBLIC HEARING REQUEST - STAFF REPORT**

<b>LOCATION:</b>	<b>File No.</b>	<b>Zip</b>	<b>Lamb No.</b>	<b>Key Map</b>
12335 ½ Cullen Street	14-T-0652	77007	5452	573M

**APPLICANT:** Sprint  
Nick Longo

**APPLICATION DATE:** March 10, 2014

**NORTH OF:** Orem Drive

**EAST OF:** Scott Street

**EXISTING USE:** Non-residential

**PROPOSED USE:** 150' monopole tower

**PROPOSED TOWER USERS:** Sprint and others

**WAIVERS REQUESTED:**

- 1) To allow placement of a tower within 1000' of a permitted tower

**RELEVANT TOWER ORDINANCE WAIVER PROVISIONS:**

41-53(h): A tower permit shall not be approved for the construction or alteration of a tower structure within 1000' of an approved tower structure, other than a tower structure for which a permit would not be required under this article.

**BASIS OF REQUEST:**

Applicant states that there is no location in the area to place a tower that will provide sufficient coverage to customers as required per Sprint's FCC license. The area currently has coverage gap in Sprint's network. The nearby Centerpoint tower is not of sufficient height and is currently at capacity and will not support additional equipment.

**STAFF COMMENTS:**

**Approval Criteria**

**Staff Findings**

Tower is not prohibited by deed restrictions	Property is not deed restricted
Tower is not located in a residential area Residential test area is a 600' radius measured from the base of the tower. <ul style="list-style-type: none"><li>▪ Less than 50% of the tracts or parcels are used or restricted for residential purposes</li></ul>	Tower is not located in a residential area  44% of the tracts or parcels in the residential area are used for residential purposes.
Tower is not within a scenic area, in a park or on a tract of land surrounded by a park	No
Tower must setback 1-1/2 times the height of the tower from residential (225')	Distance to the nearest residence is approx. 300'
Must not be within 1,000' of an approved tower structure	There is an approved tower structure within 615''

**CRITERIA FOR CONSIDERATION OF A TOWER APPLICATION WAIVER REQUEST:**

Per 41-59 (d): The commission is authorized to consider and grant a waiver from the provisions of this article, following a public hearing, when the commission finds that each of these conditions exist:

- (1) That a literal application of this article will result in undue and unnecessary hardship to the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business
- (2) The waiver, if granted, will not be contrary to the public interest as implemented in this article;
- (3) Consistent with the city's police power authority over towers, the waiver, if granted, will not be detrimental to the public health, safety, or welfare;
- (4) the waiver, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the city;
- (5) the waiver, if granted, will not result in the violation of any applicable deed restriction or zoning regulation or the location of a tower in a park;

**ADDITIONAL CRITERIA FOR CONSIDERATION OF TOWER APPLICATION WAIVER REQUEST (1000'):**

Per 41-59 (e): A waiver from the requirements of section 41-53(h) of this Code for an antenna tower shall not be granted unless, in addition to finding that each of the conditions expressed in subsection (d) above is satisfied, the commission, after public hearing, finds that no approved tower or tower structure can accommodate the applicant's proposed antenna because the applicant has demonstrated any of the following:

- (1) The approved tower or tower structure located within 1,000 feet of the proposed tower will not meet the applicant's engineering requirements;
- (2) The approved tower or tower structure located within 1,000 feet of the proposed tower is not of sufficient height to meet the applicant's specific engineering requirements;
- (3) The approved tower or tower structure located within 1,000 feet of the proposed tower does not have sufficient structural strength and cannot reasonably be reinforced to provide sufficient structural strength;
- (4) The antenna array of the approved tower or tower structure located within 1,000 feet of the proposed tower would cause electromagnetic interference with the antenna array of the proposed tower, or the antenna on the proposed tower or tower structure to be located within 1,000 feet of the approved tower would cause interference with the antenna array of the approved tower;
- (5) The approved tower or tower structure located within 1,000 feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;
- (6) The approved tower or tower structure located within 1,000 feet of the proposed tower is not available for co-location because the owner of the approved tower or tower structure or the owner of the tract on which the approved tower or tower structure is located refuses to agree to reasonable terms necessary to accommodate the requirements for the proposed antenna; or
- (7) The approved tower or tower structure located within 1,000 feet of the proposed tower is not suitable for the specific requirements for the proposed antenna due to other factors as demonstrated by the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business.

## APPLICANT JUSTIFICATION:

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### CRITERIA FOR CONSIDERATION OF A TOWER APPLICATION WAIVER REQUEST:

Per 41-59 (d): The commission is authorized to consider and grant a waiver from the provisions of this article, following a public hearing, when the commission finds that each of these conditions exist:

(1) That a literal application of this article will result in undue and unnecessary hardship to the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business

***There is no location within Sprint's search area for a new 150' tower that would meet the requirement. Sprint is unable to co-locate onto either nearby existing tower inside the Centerpoint substation because these towers are at capacity, as confirmed by a Centerpoint representative (See Exhibit 3). This area currently has a significant coverage gap in Sprint's network (See Exhibit 4). Sprint has an FCC license to operate in this area in order to provide coverage to customers and is unable to provide the coverage mandated by this license without a site in this area.***

(2) The waiver, if granted, will not be contrary to the public interest as implemented in this article because...;

***The proposed tower placement is the most effective location to fill Sprint's network coverage gap maintaining a minimum setback of at least 1 - 1/2 times the proposed tower height. A new tower facility will also help to offload data usage from surrounding Sprint antenna facilities. The proposed tower location is near existing transmission towers / lines, therefore not significantly affecting the surroundings aesthetically.***

(3) Consistent with the city's police power authority over towers, the waiver, if granted, will not be detrimental to the public health, safety, or welfare

***The installation of the proposed tower facility will adhere to Federal standards and local building codes and standards. Therefore, it will not be detrimental to the public health, safety or welfare.***

(4) the waiver, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the city

***Sprint would apply for plan review and obtain all applicable permits through the City, if approved by Tower Commission.***

(5) the waiver, if granted, will not result in the violation of any applicable deed restriction or zoning regulation or the location of a tower in a park

***There are no deed restrictions or zoning regulations that prohibit the construction of the tower at this location. The site is not in a park.***

## APPLICANT JUSTIFICATION:

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### **ADDITIONAL CRITERIA FOR CONSIDERATION OF TOWER APPLICATION WAIVER REQUEST (1000'):**

Per 41-59 (e): A waiver from the requirements of section 41-53(h) of this Code for an antenna tower shall not be granted unless, in addition to finding that each of the conditions expressed in subsection (d) above is satisfied, the Commission, after public hearing, finds that no approved tower or tower structure can accommodate the applicant's proposed antenna because the applicant has demonstrated any of the following:

(1) The approved tower or tower structure located within 1,000 feet of the proposed tower will not meet the applicant's engineering requirements;

***The existing towers within 1,000 feet are outside of the search area provided by RF Engineering to the network coverage needs, as demonstrated in the attached RF Search Area map (See Exhibit 4).***

(2) The approved tower or tower structure located within 1,000 feet of the proposed tower is not of sufficient height to meet the applicant's specific engineering requirements;

(3) The approved tower or tower structure located within 1,000 feet of the proposed tower does not have sufficient structural strength and cannot reasonably be reinforced to provide sufficient structural strength;

***As confirmed by the representative of Centerpoint Energy who owns the towers (See Exhibit 3).***

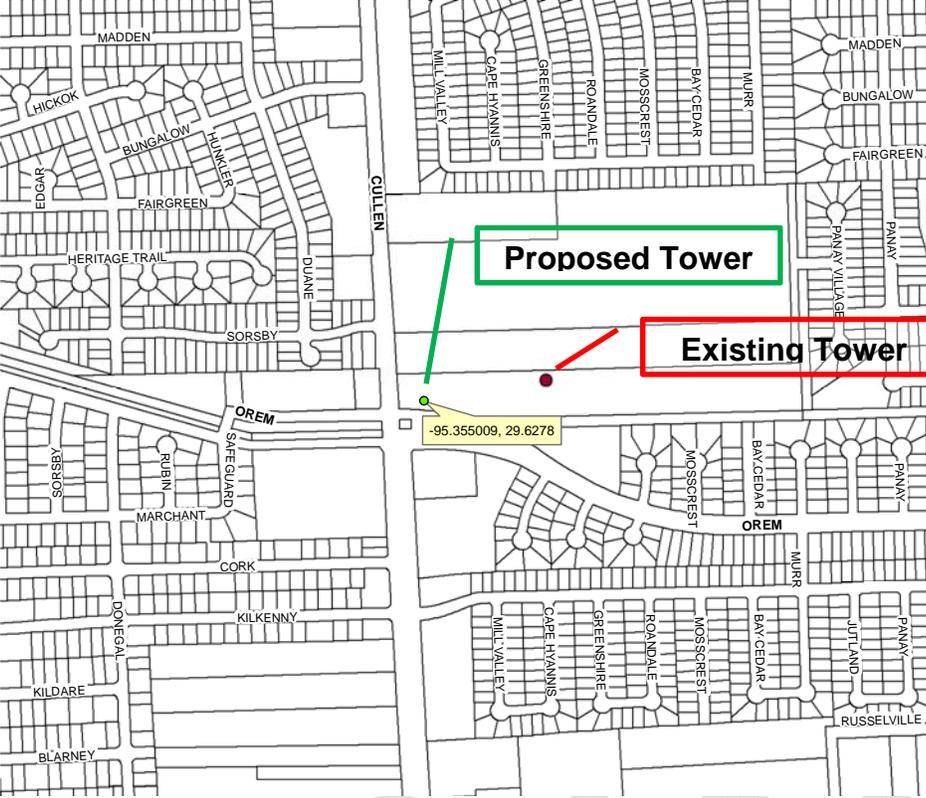
(4) The antenna array of the approved tower or tower structure located within 1,000 feet of the proposed tower would cause electromagnetic interference with the antenna array of the proposed tower, or the antenna on the proposed tower or tower structure to be located within 1,000 feet of the approved tower would cause interference with the antenna array of the approved tower;

(5) The approved tower or tower structure located within 1,000 feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;

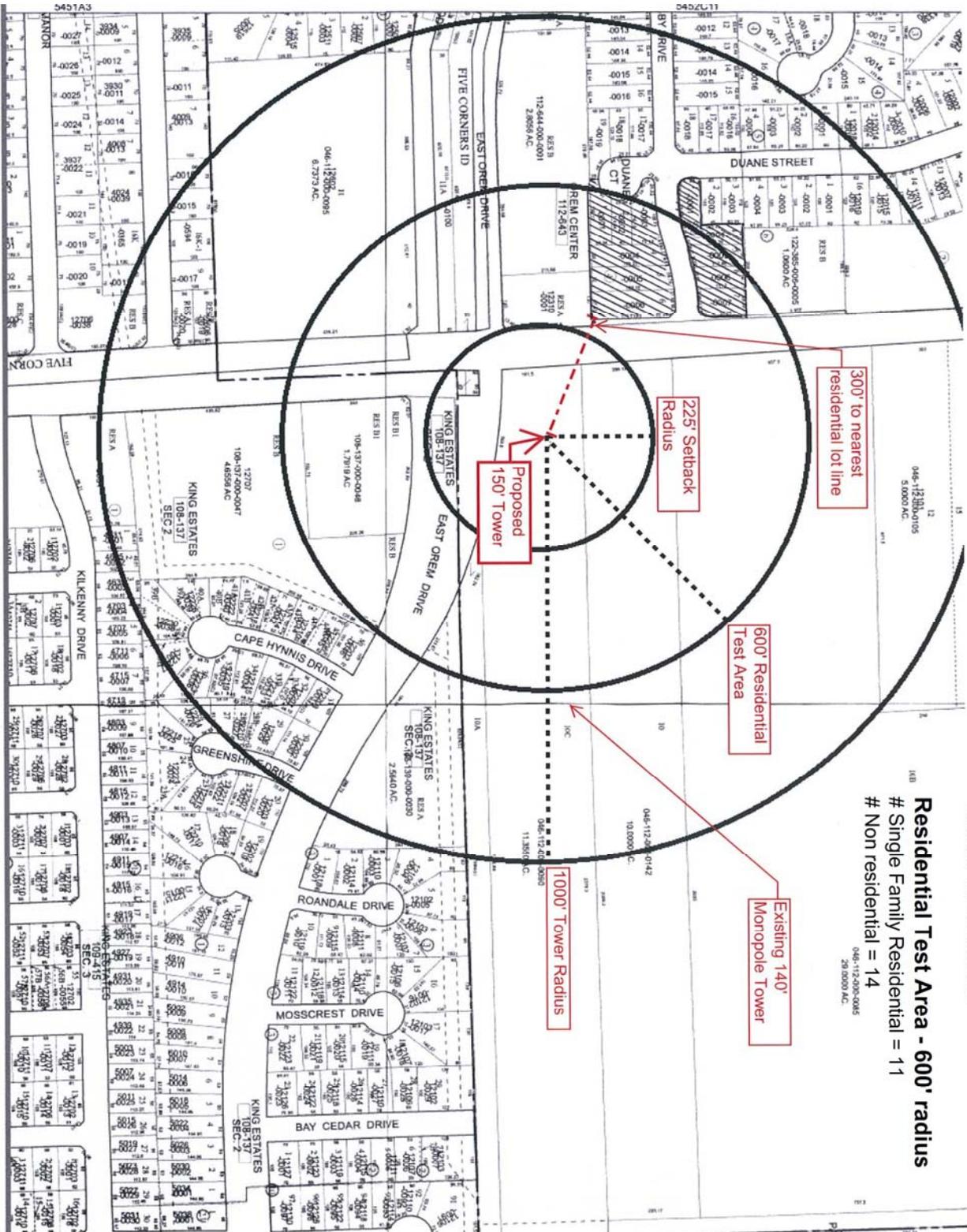
(6) The approved tower or tower structure located within 1,000 feet of the proposed tower is not available for co-location because the owner of the approved tower or tower structure or the owner of the tract on which the approved tower or tower structure is located refuses to agree to reasonable terms necessary to accommodate the requirements for the proposed antenna; or

(7) The approved tower or tower structure located within 1,000 feet of the proposed tower is not suitable for the specific requirements for the proposed antenna due to other factors as demonstrated by the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business.

**Exhibit 1: Area Map & Aerial**



**Exhibit 2: Site Map**



**12335 1/2 Cullen**  
**Residential Test Area - 600' radius**  
 # Single Family Residential = 11  
 # Non residential = 14  
 046-112-005-0045  
 28.0000 AC

## **Exhibit 3: Centerpoint Communication**

### **Nick Longo**

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**From:** Barrera Jr, Alex E. [alex.barrera@centerpointenergy.com]  
**Sent:** Wednesday, February 26, 2014 10:17 AM  
**To:** Nick Longo  
**Cc:** Hinze, John S [NTK]; 'Laskowski, Edward P [NTK]'  
**Subject:** RE: Cullen and Oren New tower proposed on Centerpoint property (Sprint HO85XC833)  
**Attachments:** B070-001.pdf

Nick, the deed was sent to you already (21 August 2013) when we were trying to use the SST inside the substation, but here it is again. You will see that this is a large tract of land, in which the fenced substation is only a small part. You are correct in that we are pursuing this new tower since the concrete pole and SST inside the substation fence are at capacity loading.

Let me know how I can assist in moving this project forward.  
Alex

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**From:** Nick Longo [<mailto:nlongo@fmhc.com>]  
**Sent:** Wednesday, February 26, 2014 9:12 AM  
**To:** Barrera Jr, Alex E.  
**Cc:** Hinze, John S [NTK]; 'Laskowski, Edward P [NTK]'  
**Subject:** RE: Cullen and Oren New tower proposed on Centerpoint property (Sprint HO85XC833)

It is still a possibility. It only determines that there will be an extra waiver process through COH Tower Commission. We already have to go through the 1 waiver process for the Residential Test Area, but it will supposedly be done simultaneously so I don't think it will add to our timeline significantly.

What I would need from you (besides the deed), is written confirmation that the existing MP and SST are at capacity as they stand. I think I have that in past emails, but if you can confirm that again, it would be helpful.

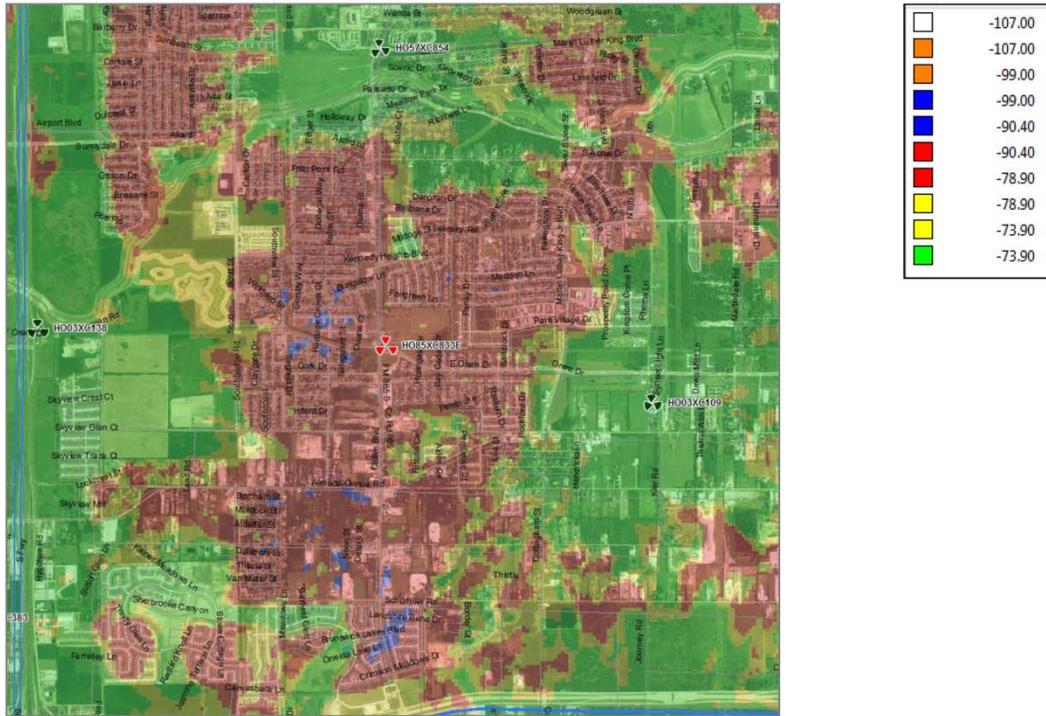
**Nick Longo**  
FMHC, now part of the JACOBS group  
(512) 814-6036 mobile  
[nlongo@fmhc.com](mailto:nlongo@fmhc.com)

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[PREVIOUS CORRESPONCE REMOVED]

**Exhibit 4: RF Coverage Maps**

**HO85XC833 – Coverage without the Candidate**



**HO85XC833 – Candidate @150'**

