

HOUSTON TOWER COMMISSION

To download the full agenda package visit:

https://www.houstontx.gov/planning/Commissions/commission_tower.html

Members

Rob Todd, Chair
John R. Melcher
Kerrick Henny
Yulanda Campbell
Linda Smith
Asim Tufail

Secretary

Margaret Wallace-Brown

Agenda

Monday, January 24, 2022
3:30 pm

In-Person Meeting Location: Council Chamber, City Hall Annex

Join Microsoft Teams Meeting or via web at: <https://bit.ly/3tHhGWA>

Phone: [+1 936-755-1521](tel:+19367551521), 502948712#
Conference ID: 502 948 712#

Submit Written Comments to:
planning.tower@houstontx.gov

Make Comments by Phone to:
832-393-6624

SPEAKERS GUIDELINES

WELCOME to a meeting of the City's Planning and Development Department. Your input is valued. Board members act according to established standards; see rules or policies for details. Staff is available to help orient you on meeting procedures. For the City's I SPEAK language line, including traducción en español, call 832-393-3000

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 for virtual meetings:

1. Anyone wishing to speak before the Commission should sign up to speak via phone **832-393-6624** or email **planning.tower@houston.tx.gov**, 24 hours in advance preferred.
2. Please note what item you wish to speak on, or if it is for general public comments.
3. You may also sign up to speak in the chat feature of Microsoft Teams, and either ask to speak, or write your comments there, which will be read into the record by staff.
4. All comments submitted in writing or by phone will be read into the record by staff.
5. If participating virtually, keep your phone or computer on "MUTE" unless identified by the Chair to speak. When your name is called, unmute your phone by pressing your mute button or *6, or unmute your computer. State your name, spell your last name, and make your comments. When you are done, please mute yourself.
6. If the speaker wishes to discuss any subject not otherwise on the agenda, time will be allocated or allotted after all agenda items have been processed and "public comments" are taken.
7. Applicants will be allowed to speak first and are allowed **five** minutes for an opening presentation. The applicant is also permitted a two-minute rebuttal after all speakers have been heard. If there are no speakers other than the applicant, there is no rebuttal period.
8. All other speakers will be permitted two minutes to address the Commission.
9. No speaker is permitted to accumulate speaking time from another person.
10. Time devoted to answering any questions from the Commission is not charged against allotted speaking time. The Commission may extend any speaker's speaking time if it is the Commission's judgment that additional time is needed to sufficiently discuss an item.
11. The Commission reserves the right to limit speakers if it is the Commission's judgment that an issue has been sufficiently discussed and additional speakers are repetitive.
12. 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 28, Article XVI, City of Houston Code of Ordinances.

2022 TOWER COMMISSION DATES

The City of Houston's Tower Commission meetings (and public hearings) normally occur on the **fourth Monday** of each month at 3:30 p.m. Meetings are at the City Hall Annex, Council Chamber, 900 Bagby, public level, with a Microsoft Teams virtual option.

https://www.houstontx.gov/planning/Commissions/commiss_tower.html

A posted agenda confirms scheduled meetings. Known meeting dates and exceptions are noted below. Meetings are not held when there are no items for consideration. Please call 832-393-6600 for more information.

Scheduled Meeting Dates

Jan 24 (4th Mon at 3:30 unless noted)

Feb 28

Mar 28

Apr 25

May 23

June 27

July 25

Aug 29

Sept 26

Oct 24

Nov 28

Dec 19 (3rd Mon)

Ratified by the Tower Commission 01/24/22

HOUSTON TOWER COMMISSION

AGENDA

Monday, January 24, 2022 3:30 p.m.

The Houston Tower Commission will conduct this meeting both in-person and virtual via Microsoft Teams. The Commission will have the option of participating by videoconference using Microsoft Teams in accordance with the provision of Section 551.127 of the Texas Government Code that have not been suspended by order of the Governor. This platform will allow for two-way video/audio communication with the members of the Houston Tower Commission who choose to attend virtually.

To join the January 24 Tower Commission, please see the following options:

- Attend in person at City Hall Annex, Council Chamber, City Hall Annex
- Join via Microsoft Teams by installing the Microsoft Teams app; or
- Join via Web Browser: <https://bit.ly/3tHhGWA> ; or
- Join via Phone: [+1 936-755-1521](tel:+19367551521), 502948712# Conference ID: 502 948 712#

Please visit https://www.houstontx.gov/planning/Commissions/commiss_tower.html to download the full agenda package.

Call to Order

Secretary's Report

- I. Approve the May 24, 2021 Tower Commission Meeting minutes
- II. Public hearing and consideration of a waiver request
 - A. 21-T-0748 5075 2/3 Eastland Street for a waiver of Section 28-524 (g): Fall zone, 28-524 (b) residential area, 28-524 (h) Existing Tower within 1000 feet, 28-528 Landscaping, 28-527(a) Fence Screening, of the Code of Ordinances of the City of Houston, Texas.
- III. Public Comment
- IV. Adjournment

Minutes of the Houston Tower Commission

(A recording of the full proceedings is on file in the Planning and Development Department)

May 24, 2021

Telephonic/Videoconference Meeting held via Microsoft Teams <https://bit.ly/2XW3xFd>
3:30 p.m.

CALL TO ORDER

Chair Rob Todd called the meeting to order at 3:35 p.m., with a roll call vote and a quorum present.

Rob Todd, Chair

Yulanda Campbell
minutes

Arrived at 3:41 p.m. during approval of

Bobby De La Rosa
minutes

Arrived at 3:42 p.m. after the approval of

Kerrick Henny

John R. Melcher

Arrived at 3:45 p.m. before item II A

Linda Smith

Asim Tufail

SECRETARY'S REPORT

The Secretary's Report was given by Hector Rodriguez, Planner Manager, Planning and Development Department.

Chair's Report

The Chair's Report was given by Rob Todd, Chair of the Houston Tower Commission.

I. APPROVAL OF THE FEBRUARY 24, 2020 TOWER COMMISSION MEETING MINUTES

Motion was made by Commissioner Tufail, seconded by Commissioner Campbell, to approve the February 24, 2020 Tower Commission meeting minutes. Motion carried unanimously.

II. PUBLIC HEARING AND CONSIDERATION OF WAIVER REQUEST

A. 21-T-0747 909 2/3 N Shepherd Drive

Motion was made by Commissioner Tufail, seconded by Commission Melcher, to approve the waiver request of section 28-524(g): Fall zone, 28-524 (b) residential

area and 28-524 (h) existing tower within 1000 feet, of the Code of Ordinances of the City of Houston, Texas for item II-A. Motion carried unanimously.
Speaker(s): Vincent Huebinger – supportive.

III. PUBLIC COMMENT

Commissioner Todd spoke about 911 response to the Memorial Park is very specific to his location also, asked about any changes to the regulation from the Federal level.

IV. ADJOURNMENT

There being no further business before the Commission, Chairman Rob Todd adjourned the meeting at 4:10 p.m. Motion was made by Commissioner Melcher and seconded by Commissioner Campbell. Motion carried unanimously.

Rob Todd
Chair

Hector Rodriguez
Secretary

AGENDA ITEM: II - A

TOWER APPLICATION AND WAIVER REQUEST - STAFF REPORT

Location:	File No.	Zip	Lamb. No.	Key Map
5075 2/3 Eastland St	21-T-0748	77028	5659A	455T

Applicant: Steve Hedges, VB BTS, LLC

Application Date: 12/13/2021

Location: east of N. Wayside Drive and north of Liberty Road.

Existing Use: Vacant

Proposed Use: 120' Monopole tower

Proposed Tower Users: Vertical Bridges

Waivers Request: 28-524 (g): Fall zone, 28-524 (b) residential area, 28-524 (h)

Existing Tower within 1000 feet, 28-528 Landscaping, 28-527(a) Fence Screening, of the Code of Ordinances of the City of Houston, Texas.

Relevant Tower Ordinance Waiver Provisions:

28-524 (b): In a residential area, a tower permit shall not be approved for the construction or alteration of a tower structure.

28-524 (g): A tower permit shall not be approved for the construction or alteration of a tower structure unless the distance between the center of the base of a tower and the nearest residential lot is at least one and one-half times the height of the tower or tower structure.

28-524 (h): A tower permit shall not be approved for the construction or alteration of a tower structure within 1,000 feet of an approved tower structure, other than a tower structure for which a permit would not be required under this article. For purposes of this requirement, a tower is considered to be "approved" when a tower permit has been issued pursuant to this article and the tower structure has been constructed or any building permit issued thereunder remains in effect. The director shall promulgate rules and procedures for establishing precedent to the extent of conflict between two or more tower structures.

28-527 (a) The base of a tower, including all mechanical equipment and accessory structures, shall be screened from view of residential lots by a wooden, substantially opaque screening fence designed and built to provide privacy with a minimum height of eight feet.

BASIS OF REQUEST:

The proposed tower structure will be a 120-foot (top of steel) monopole telecommunications tower (the "Proposed Tower Structure") which will be constructed and operated on the 0.1915 acre parcel owned by Vertical Bridge AM II, LLC (the "Property Owner") and identified on Sheet 2 of the submitted Survey (the "Property Owner's Parcel").

The submitted July 1, 2021 "Affidavit, Sworn Statement Of Need For A New Mobile Service Support Structure, In Support Of New Cell Tower Construction In City Of Houston" (the "DISH Affidavit") by Steven Harkness, dated RF Engineering Manager, for DISH Wireless L.L.C. ("DISH"), confirms that,

"DISH and Vertical Bridge desire that Vertical Bridge build the Tower and lease space thereupon to DISH as part of improving DISH's wireless telecommunications network in the City of Houston."

Further, the submitted DISH Radio Frequency Maps indicate the significant gap in its "signal strength, in- building penetration, and reliable, high-speed wireless data capability" (See RF Slide 1 "Overall Coverage Area Without HOU00593B") and how the collocation of the DISH antennas and equipment on the proposed Tower Structure will resolve this gap in service (See RF Slide 2 "Coverage Plot With HOU00593B @120 Feet).

Waiver Justification

- 1) A literal application of this article will result in undue and unnecessary hardship as noted in the DISH Affidavit,

"The proposed Tower is a necessary infrastructure addition and will become an integral part of DISH's wireless network. The primary functions of the proposed site are to provide enhanced, reliable wireless coverage and capacity which will help ensure seamless data capabilities and connectivity to DISH's customers in the area. Without this Tower at the Proposed Location, the signal strength and data capacity in the area will not be adequate for a reliable DISH network. I have evaluated coverage and data capacity capabilities of other possible locations. There are no existing towers or other viable tall structures that could accommodate DISH's equipment to achieve these network improvements, and placement of the new Tower is substantially needed for DISH's wireless network."

- 2) The waiver, if granted, will not be contrary to the public interest as implemented in this article. In fact, as noted in the DISH Affidavit,

"DISH is building and improving its network's wireless coverage and capacity in Harris

County, specifically in the City of Houston, to provide much needed improvement to its signal strength, in-building penetration, and reliable, high-speed wireless data capability. In order to accomplish these objectives, DISH and Vertical Bridge are proposing the Tower at the Proposed Location.

“The proposed Tower is a necessary infrastructure addition and will become an integral part of DISH's wireless network. The primary functions of the proposed site are to provide enhanced, reliable wireless coverage and capacity which will help ensure seamless data capabilities and connectivity to DISH's customers in the area.”

- 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.

In fact, as noted above, the Dish Affidavit confirms that,

“Without this Tower at the Proposed Location, the signal strength and data capacity in the area will not be adequate for a reliable DISH network.”

- 4) The waiver, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the city; and
- 5) As noted in the submitted “Deed Restriction Affidavit,” the requested waivers, 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.

STAFF COMMENTS:**Approval Criteria****Staff Findings**

Tower is not prohibited by deed restrictions	The proposed tower will not violate deed restrictions.
Tower is located in a residential area Residential test area is a 600' radius measured from the base of the tower. More than 50% of the tracts or parcels are used or restricted for residential purposes	Tower is located in a residential area 94% of the properties within the residential test area are single family.
Tower is not within a scenic area, in a park or on a tract of land surrounded by a park	The tower is not within a scenic area, park or in a tract of land surrounded by a park as defined by the ordinance.
Tower must setback 1-1/2 times the height of the tower from a residential lot (180')	Nearest residential tract is less than 77' away. The nearest residential structure is approximately 126' from the proposed tower.
Must not be within 1,000' of an approved tower structure	There is an (3) approved tower structure within 1000'

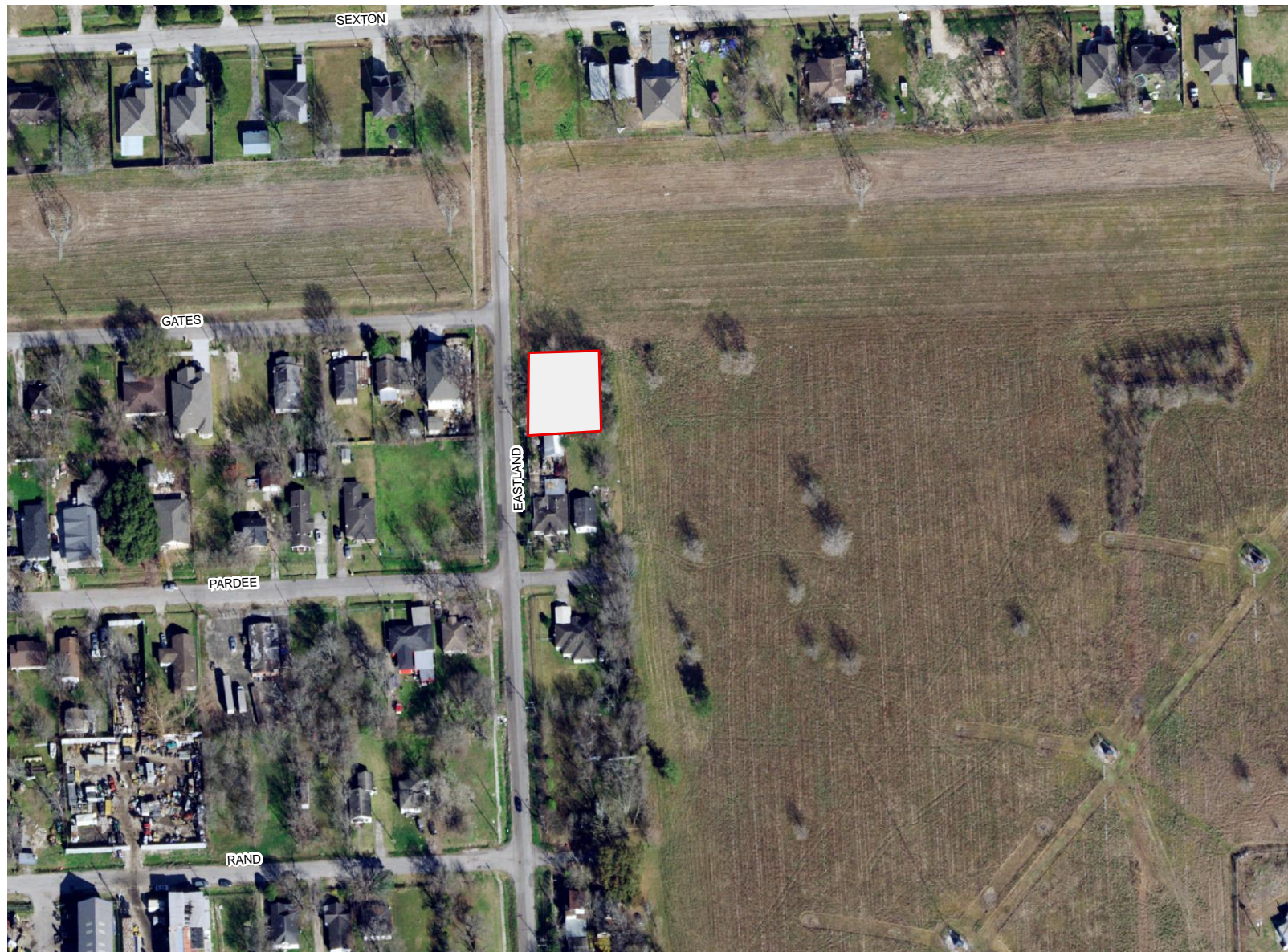
Meeting Date:01/24/2022



Houston Tower Commission ITEM:II - A

Planning and Development Department

Meeting Date:01/24/2022



Exhibit

Aerial

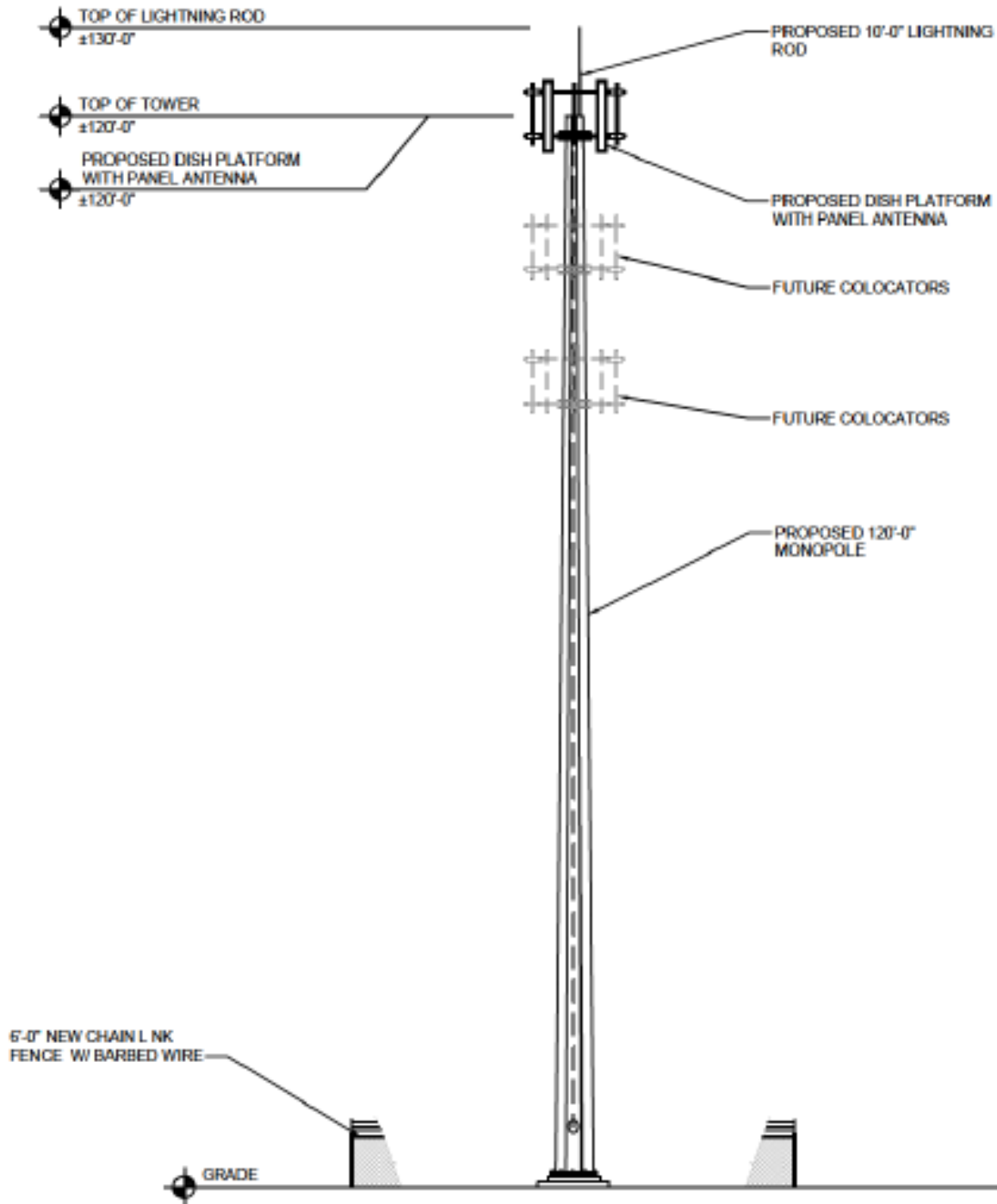


NORTH

Houston Tower Commission ITEM:II - A

Planning and Development Department

Meeting Date:01/24/2022



Houston Tower Commission ITEM:II - A

Planning and Development Department

Meeting Date:01/24/2022

