



September 21, 2017

Saint Paul Planning Commission  
25 West Fourth Street, Suite 1400  
Saint Paul, MN 55102

Re: Proposed Text Amendments to Zoning Code Chapter 65

Dear Planning Commission Members,

Verizon Wireless ("Verizon") appreciates that the Comprehensive Planning Committee has proposed revisions to Section 65.310 of Article IV of the Saint Paul Zoning Code, regarding cellular telephone antennas, to reflect the recent amendments to Minnesota's Telecommunications Right-of-Way User Law, Minn. Stat. §§ 237.162, 237.163 (the "Law"). As you know, the Law creates a separate, streamlined permitting system for placement of "small wireless facilities" on structures in the public right-of-way. Therefore, to avoid any confusion, we recommend clarifying in Section 65.310 that small wireless facilities are not subject to zoning when they are being placed in the right-of-way. We believe this clarification can be accomplished through the following language (underlining denotes the Comprehensive Planning Committee's proposed text amendment, and red denotes Verizon's recommended revision):

**Sec. 65.310. Antenna, cellular telephone.**

A device consisting of metal, carbon fiber, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of radio waves in wireless telephone communications. "Small wireless facilities," as that term is defined in the Minnesota Telecommunications Right-of-Way User Law, placed in the public right-of-way and meeting the requirements of Minnesota Statutes Sections 237.162 and 237.163, are exempt from this definition and the requirements of this Section 65.310.

*Standards and Conditions:*

- (a) In residential, traditional neighborhood, Ford and business districts, a conditional use permit is required for cellular telephone antennas on a building less than forty-five (45) feet high or on a freestanding pole, except for existing utility poles or replacement utility poles required for structural reasons that match the size and appearance of the existing utility pole it replaces. In residential and traditional neighborhood districts, existing utility poles or replacement utility poles to which cellular telephones antennas are attached shall be at least sixty (60) feet high unless the antennas are located within a canister of a maximum three (3) feet in height and eighteen (18) inches in diameter that is colored to blend in with the pole, in which case the pole shall be at least twenty-five (25) feet high. Conditional use

permit review for such antennas will take into account not only the request made by the application, but also any future eligible facility modifications allowed under 47 CFR § 1.40001, such as antennas of a more obtrusive design or placement than the subject application. A conditional use permit is not required for any eligible facility modification allowed under 47 CFR § 1.40001, ~~nor for any “small wireless facility” placement in the public right-of-way that meets the requirements of Minnesota Statutes 237.162 and 237.163.~~

This change would clarify that small wireless facilities covered by the Law are not only exempt from the condition use permit requirement, but also from the design standards and conditions set forth in Section 65.310. Such standards, if any, applicable to small wireless facilities placed in the right-of-way would need to be established through the City’s right-of-way ordinance.

In addition to the above revision, Verizon also encourages you to consider a streamlined administrative review process for small wireless facilities placed outside the right-of-way. The conditional use permit review process is disproportionate to the minimal impact of small wireless facilities. As noted in the Comprehensive Planning Committee’s comments to the proposed text amendments, a small wireless facility blends more easily into the environment mitigating aesthetic concerns. Often, small wireless facilities are attached to an existing structure, so it is just an extension of an existing use. In addition, the structural and engineering reviews are minimal compared to macro telecommunication sites.

Finally, streamlining the review process for small wireless facilities in the Ford District in particular would enable the District to become a model of connectivity and lay the groundwork for a variety of smart cities solutions. Today, just over half of American households only have a mobile voice connection.<sup>1</sup> For Millennials, the number increase to over two-thirds.<sup>2</sup> More than 75% of prospective homebuyers are concerned about a strong cellular connection.<sup>3</sup> In 2015, the average smartphone in North America consumed 3.7 GB of data per month, and this is expected to increase to 22 GB per month by 2021.<sup>4</sup> Small wireless facilities serve this increasing demand by enhancing capacity in high traffic areas, dense urban areas, and suburban neighborhoods. Adopting a streamlined permitting process would enable Saint Paul to be at the forefront of small wireless development.

Thank you for considering our revisions. We look forward to working with the City of Saint Paul to deliver the promise of the digital age.

Sincerely,

*Courtney Bednarz*

Courtney Bednarz

Verizon Network Representative

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<sup>1</sup> 2017 CTIA Wireless Snapshot, May 2017 (available at <https://www.ctia.org/docs/default-source/default-document-library/ctia-wireless-snapshot.pdf>); FCC, Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless, Nineteenth Report, DA 16-1061 (Sep. 23, 2016) (available at <https://www.fcc.gov/document/19th-mobile-wireless-competition-report>).

<sup>2</sup> *Id.*

<sup>3</sup> Money, *The Surprising Thing Home Buyers Care About More than Schools*, June 2, 2015 (available at <http://time.com/money/3904761/buy-home-good-cell-mobile-reception/>).

<sup>4</sup> Ericsson Mobility Report, June 2016 (available at <https://www.ericsson.com/res/docs/2016/ericsson-mobility-report-2016.pdf>).