



## DEVELOPMENT CODE DECISION APPEAL

Permit info: CUPFY2023-0002

Application Date: 10/17/2022

Rec'd by: CW

FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921

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### APPELLANT

<b>Name:</b> New Cingular Wireless PCS, LLC (AT&T Mobility)	<b>Company:</b> Vendor: Crown Castle USA, Inc. Vendor: Gary Abrahams, GMA Network Services
<b>Address:</b> 590 - 1st Ave. South, #705	<b>City:</b> Seattle
<b>State:</b> WA	<b>Zip:</b> 98104
<b>Tel.:</b> 206-349-4279	
<b>E-mail:</b> Gary@gmanetworkservices.com	

### APPEAL

**Application File No., Name and location:**

CUPFY2023-0002 - AT&amp;T, 8247 W. State Street, Garden City, ID

**Date of Decision:**

12/21/2022, received 12/27/22

**Whose Decision are you appealing?**
☐ Staff☐ Design Review Committee☒ Planning & Zoning Commission
**What specific decision(s) and or conditions are you appealing? (please attach if necessary)**

*Appealing all Conditions Prior to Issuance of Building Permit, Conditions Prior to Occupancy and Site Specific Requirements for the Duration of the Use*

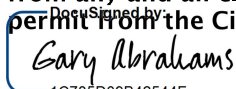
**How are you adversely affected by the decision? (please attach if necessary)**

*Permit conditions are preempted by the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455) ("Section 6409"). The challenged conditions adversely affect AT&T Mobility by contravening its rights under Federal law.*

**Please identify any evidence or supporting information to support your position that code was misinterpreted or misapplied. (please attach if necessary)**

*Modifications proposed do not constitute a "substantial change" as defined by Section 6409 and the decision does not provide any health or safety basis for these conditions. Therefore, the application must be approved as-proposed, without conditions. See Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies, 29 FCC Rcd. 12865 (2014), ¶ 201.*

I consent to this application and hereby certify that information contained on this application and in the accompanying materials is correct to the best of my knowledge. I agree to be responsible for all application materials, fees and application correspondence with the City. I will hold harmless and indemnify the City of Garden City from any and all claims and/or causes of action from or an outcome of the issuance of a permit from the City.

Signed by:  
  
 Gary Abrahams

1/11/2023

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Signature of the Applicant (date)

AT&amp;T Mobility

 by its agent Crown Castle USA, Inc, by Gary  
 Abrahams, GMA Network Services, LLC