



DEVELOPMENT CODE DECISION APPEAL

Permit info: CUPFY2023-0003

Application Date: 10/17/2022 Rec'd by: CW

FOR OFFICE USE ONLY

6015 Glenwood Street ▪ Garden City, ID 83714 ▪ 208.472.2921
 ▪ www.gardencityidaho.org ▪ planning@gardencityidaho.org

APPELLANT

Name: T-Mobile West LLC (T-Mobile)	Company: Vendor: Crown Castle USA, Inc. Vendor: Gary Abrahams, GMA Network Services
Address: 590 - 1st Ave. South, #705	City: Seattle
State: WA	Zip: 98104
Tel.: 206-349-4279	
E-mail: Gary@gmanetworkservices.com	

APPEAL

Application File No., Name and location:
 CUPFY2023-0003 - T-Mobile, 8247 W. State Street, Garden City, ID

Date of Decision: 12/27/2022

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 T-Mobile 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.

Gary Abrahams 1/11/2023

Signature of the Applicant (date)

T-Mobile West LLC
 by its agent Crown Castle USA, Inc, by Gary
 Abrahams, GMA Network Services, LLC