

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE: October 12, 2022

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME: 9:00 AM/ No.6a & 6b

Conditional Use Permit #21-0022
PROJECT TYPE: TowerCo IV Holdings, LLC SUPERVISORY DISTRICT #5

LOCATION: 1812 Pan American St., APN: 059-512-002-000

Calexico, CA PARCEL SIZE: +/- 2.10 acres

Gateway of the Americas
GENERAL PLAN (existing) Specific Plan Area GENERAL PLAN (proposed) NA

ZONE (existing) GI (Gateway Industrial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: 10/12/2022

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 07/28/2022

INITIAL STUDY: #21-0013

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
FIRE / OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
SHERIFF.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER				

IID, CEO, IVECA, CUPA, ASAC, USCBP

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU APPROVE CONDITIONAL USE PERMIT #21-0022 AND VARIANCE #22-0002 BY TAKING THE FOLLOWING ACTIONS:

- 1) ADOPT THE NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS RECOMMENDED AT THE ENVIRONMENTAL EVALUATION COMMITTEE (EEC) HEARING ON JULY 28, 2022;
- 2) MAKE THE DE MINIMUS FINDINGS AS RECOMMENDED AT THE JULY 28, 2022 EEC HEARING THAT THE PROJECT WILL NOT INDIVIDUALLY OR CUMULATIVELY HAVE AN ADVERSE EFFECT ON FISH AND WILDLIFE RESOURCES, AS DEFINED IN SECTION 711.2 OF THE FISH AND GAME CODES;
- 3) ADOPT THE ATTACHED RESOLUTION(S) AND SUPPORTING FINDINGS, APPROVING CONDITIONAL USE PERMIT (CUP) #22-0010 SUBJECT TO ALL OF THE CONDITIONS, AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP CONTRACT UPON RECEIPT FROM THE PERMITTEE; AND
- 4) ADOPT THE RESOLUTION TO APPROVE VARIANCE #22-0002.

Planning & Development Services
801 MAIN ST., EL CENTRO, CA 92243 442-265-1736
(Jim Minnick, Director)

STAFF REPORT
Planning Commission
October 12, 2022

SUBJECT: Conditional Use Permit #21-0022 and Variance #22-0002

PROJECT NAME: Calexico Border Crossing, Site# CA0602

APPLICANT: TowerCo IV Holdings, LLC
5000 Valleystone Drive, Suite 200
Cary, NC 27519

PROJECT LOCATION:

The proposed project site is located at 1812 Pan American Street, Calexico, California, further identified as Assessor's Parcel Number 059-512-002-000 and is legally described as Lot 64 of Tract 941-Unit No. 2, in an unincorporated area of the County of Imperial, State of California (See Attachment "A" Site Vicinity Map).

PROJECT SUMMARY:

The applicant, TowerCo IV Holdings, LLC, submitted Conditional Use Permit (CUP#21-0022) and Variance (VA#22-0002) applications and supporting documentation proposing the development of a wireless communication facility and a 100-foot co-locatable monopole tower with panel antennas and associated radio equipment within the Gateway Specific Area Plan near the Calexico East Port of Entry. The objective for this development is to increase service coverage by AT&T, who will be the first carrier, and additional carriers will be added over time.

The objective for the variance filed is to exceed the 60-foot height limitation for the Gateway Industrial zoned area by 40 feet.

BACKGROUND:

On December 13, 2021, TowerCo IV Holdings, LLC originally submitted their initial application for Conditional Use Permit #21-0022 for the development of a wireless communication facility and tower consisting of a 100-foot co-locatable monopole tower with panel antennas and associated radio equipment within a 50 feet by 50 feet chain linked leased area at 1812 Pan American Street, Calexico, CA (APN 059-512-002).

On January 20, 2022, TowerCo IV Holdings, LLC submitted an application for Variance #22-0002 to exceed the 60-foot height limitation for the Gateway Industrial zoned area by 40 feet.

On May 18, 2022, the tower project was heard before the Airport Land Use Commission and was found to be consistent with the 1996 Airport Land Use Compatibility Plan.

On July 28, 2022, the project was environmentally assessed by the Environmental Evaluation Committee and recommended a Negative Declaration.

LAND USE ANALYSIS:

The project site is designated as Gateway Specific Plan Area per Imperial County General Plan and zoned as "GI" (Gateway Industrial). Per Gateway Specific Plan, Chapter IV, Section (D)(3) Land Use Designations-Gateway Industrial, communication towers may be allowed with an approved Conditional Use Permit. The 60-foot height limitation for the Gateway Industrial zone may be allowed with an approved Variance. The proposed project is consistent with the County's General Plan and zoning ordinances.

SURROUNDING LAND USES, ZONING AND GENERAL PLAN DESIGNATION:

DIRECTION	CURRENT LAND	ZONING	GENERAL PLAN
Project Site	Tower Site/Industrial	GI-Gateway Industrial	Gateway Specific Plan
North	Industrial	GI-Gateway Industrial	Gateway Specific Plan
South	Vacant	GI-Gateway Industrial	Gateway Specific Plan
East	Vacant	GI-Gateway Industrial	Gateway Specific Plan
West	Industrial	GI-Gateway Industrial	Gateway Specific Plan

ENVIRONMENTAL DETERMINATION:

On July 28, 2022, the Environmental Evaluation Committee (EEC) determined that Conditional Use Permit (CUP#21-0022) and Variance (VA#22-0002) for the development of a wireless communication facility and a 100-foot co-locatable monopole tower with panel antennas and associated radio equipment would not have a significant effect on the environment and recommended a Negative Declaration (ND) to be prepared. The EEC Committee consists of seven (7) member panel, integrated by the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and the Director of Planning and Development Services. The EEC also made the De Minimus Finding that the project would not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Codes.

On August 2, 2022, the public notice for the Negative Declaration was filed with the Imperial County Clerk-Recorder, posted and circulated for a 30-day comment period from August 2, 2022 to September 1, 2022. Comments received were made part of this package.

STAFF RECOMENDATION:

Staff recommends that the Planning Commission hold a public hearing and hear all the proponents and opponents of the proposed project and then take the following actions:

1. Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing on July 28, 2022; and,
2. Make the De Minimus findings as recommended at the July 28, 2022 EEC hearing that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Game Codes; and
3. Adopt the attached Resolution(s) and Supporting Findings, Conditional Use Permit (CUP) #22-0010 subjected to all the conditions, and authorize the Planning & Development Services Director to sign the CUP upon receipt from the permittee; and
4. Adopt the resolution to approve Variance #22-0002.

PREPARED BY:



Gerardo A. Quero, Planner I

REVIEWED BY:



Michael Abraham, AICP
Asst. Planning and Development Services Director

APPROVED BY:



Jim Minnick, Director
Planning and Development Services

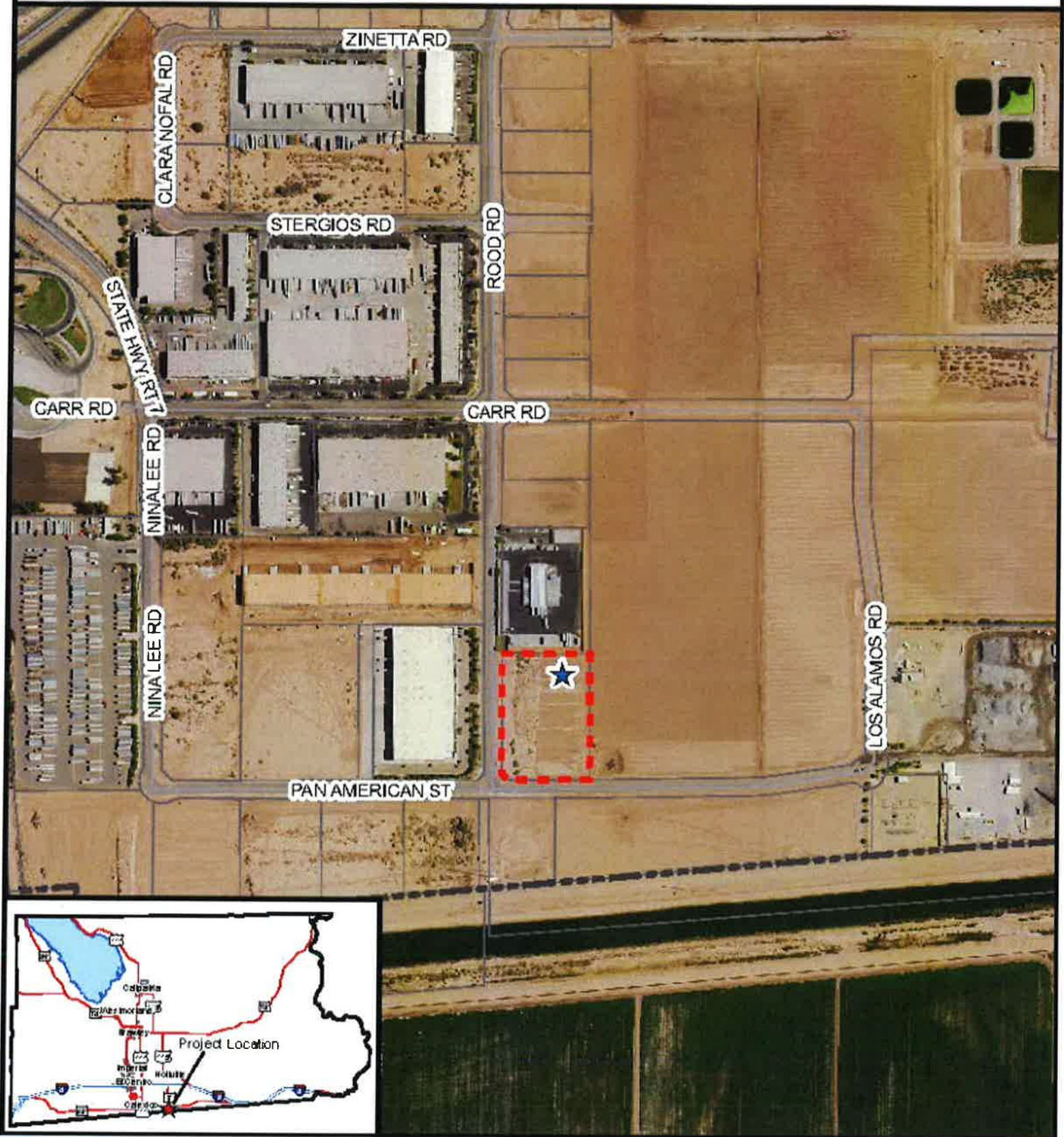
Attachments:

- A. Vicinity Map
- B. Site Plan /Plot Map
- C. CEQA Resolutions CUP#21-0022
- D. Variance Resolutions VA#22-0002
- E. Planning Commission Resolutions
- F. CUP#21-0022 – Conditions of Approval
- G. EEC Package
- H. ALUC Package
- I. NOI Comment Letters






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ATTACHMENT "A" – VICINITY MAP

PROJECT LOCATION MAP



TOWER CO IV, LLC
CUP #21-0022 / V #22-0002
APN 059-512-002-000

-  County Boundary
-  Project Location
-  Centerline
-  Parcels
-  Tower Location



ATTACHMENT "B" – SITE PLAN

REV	DATE	DESCRIPTION	BY
1	10/20/23	INITIALS	
2	10/20/23	INITIALS	



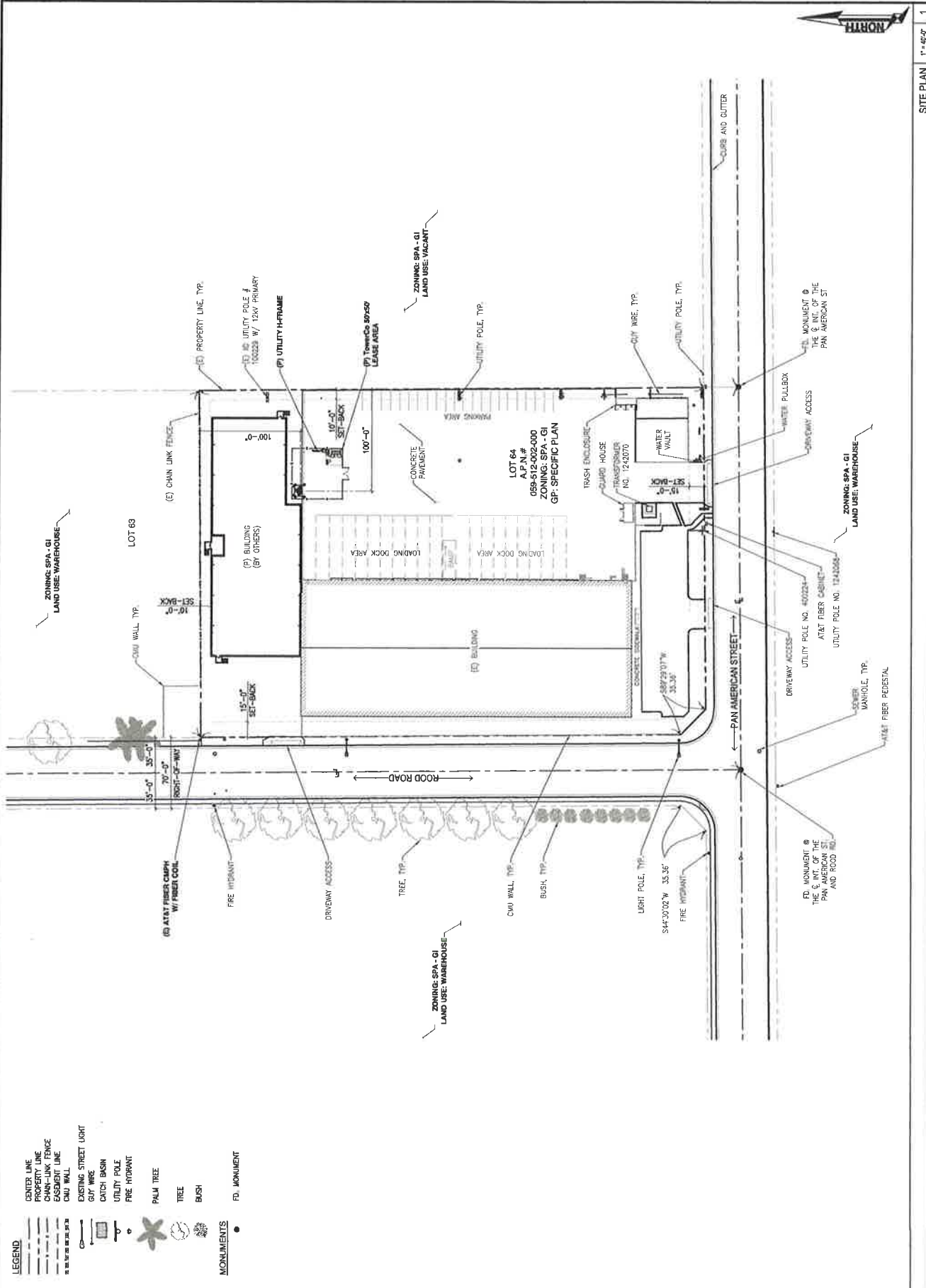
SITE PLAN

CAD002
 CALEXICO BORDER CROSSING
 1812 PAN AMERICAN ST.
 CALEXICO, CA 92231



PROJECT NUMBER:
 DRAWN BY: BDO/JPB
 CHECKED BY: EBD

12



- LEGEND**
- CENTER LINE
 - PROPERTY LINE
 - - - CHAIN-LINK FENCE
 - - - EASEMENT LINE
 - - - CMU WALL
 - EXISTING STREET LIGHT
 - GUY WIRE
 - CATCH BASIN
 - UTILITY POLE
 - FIRE HYDRANT
 - PALM TREE
 - TREE
 - BUSH
 - FD. MONUMENT

ATTACHMENT "C" – CEQA RESOLUTIONS CUP#21-0022

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING THE "NEGATIVE DECLARATION" (INITIAL STUDY #22-0013) FOR CONDITIONAL USE PERMIT #21-0022 AND VARIANCE #22-0002.

WHEREAS, on July 14, 2022, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for July 28, 2022;

WHEREAS, a Negative Declaration and CEQA findings were prepared in accordance with the requirements of the California Environmental Quality Act, State Guidelines, and the County's "Rules and Regulations to Implement CEQA, as Amended"; and

WHEREAS, on July 28, 2022, the Environmental Evaluation Committee heard the project and recommended to the Planning Commission of Imperial County to adopt the Negative Declaration for Conditional Use Permit #21-0022 and Variance #22-0002; and

WHEREAS, on August 2, 2022 the Negative Declaration was posted for 30 days from August 2, 2022 to September 1, 2022; and

WHEREAS, the Planning Commission of the County of Imperial has been designated with the responsibility of approvals and certifications; and

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

The Planning Commission has reviewed the attached Negative Declaration (ND) prior to approval of Conditional Use Permit #21-0022 and Variance #22-0002. The Planning Commission finds and determines that the Negative Declaration is adequate and was prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance, and the California Environmental Quality Act (CEQA), which analyzes the project's environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct, and valid;
2. That the Planning Commission has reviewed the attached Negative Declaration (ND) for Conditional Use Permit #21-0022 and Variance #22-0002, and considered the information contained in the Negative Declaration together with all comments received during the public review period and prior to approving the Conditional Use Permit; and
3. That the Negative Declaration reflects the Planning Commission independent judgment and analysis.

NOW, THEREFORE, based on the findings, the Planning Commission **DOES HEREBY ADOPT** the Negative Declaration (ND) for Conditional Use Permit #21-0022.

**Rudy Schaffner, Chairperson
Imperial County Planning Commission**

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on October 12, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

**Jim Minnick, Director of Planning & Development Services
Secretary to the Imperial County Planning Commission**

ATTACHMENT "D" – VARIANCE RESOLUTIONS VA#22-0002

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING TO APPROVE VARIANCE #22-0002 FOR A HEIGHT INCREASE FOR AN UNMANNED WIRELESS TELECOMMUNICATION FACILITY.

WHEREAS, TowerCo IV Holdings, LLC has submitted an application for a Variance (#22-0002) requesting an increase (40 feet) of the maximum allowed height in the Gateway Industrial "GI" zone from 60 feet to 100 feet for the proposed unmanned wireless telecommunication facility (under Conditional Use Permit #21-0022); and

WHEREAS, a Negative Declaration and CEQA findings were prepared in accordance with the requirements of the California Environmental Quality Act, State Guidelines, and the County's "Rules and Regulations to Implement CEQA, as Amended"; and

WHEREAS, on July 28, 2022, the Environmental Evaluation Committee heard the project and recommended to the Planning Commission of Imperial County to adopt the Negative Declaration for Conditional Use Permit #21-0022 and Variance #22-0002; and

WHEREAS, on August 2, 2022 the Negative Declaration was posted for 30 days from August 2, 2022 to September 1, 2022; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on October 12, 2022; and

WHEREAS, the Planning Commission of the County of Imperial has been designated with the responsibility of adoptions and certifications; and

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered Variance #22-0002 prior to approval. The Planning Commission finds and determines that the Variance is adequate and prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning Law (California Government Code (§65906) and the County of Imperial Land Use Ordinance (§90202.08), the following findings for the approval of Variance #22-0002 have been made:

- A. Are there special circumstances applicable to the property described in the variance application that do not apply generally to the property or class of use in the same zone or vicinity?**

Requiring TowerCo IV Holdings, LLC to adhere to the sixty (60) foot communications tower limit would have a significant negative impact on the communications tower coverage that is necessary in the area. It would result in the communications tower incapability to provide communications coverage in the designated area. Granting this variance will not constitute a grant of special privilege that is not generally available to other property in the vicinity and in the same land use zone.

- B. Will the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.**

The purpose of the proposed tower is to increase the coverage available to the carrier's users. Granting such variance will not be materially detrimental to the public welfare or injurious to the property or vicinity in which the property is located.

- C. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, will the strict application of zoning laws deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications?**

The strict adherence to Section (IV)(D)(3)(g) of the Gateway of the Americas Specific Plan for Gateway Industrial "GI" zone to the sixty (60) foot height limit would deprive and prevent TowerCo IV Holdings, LLC the ability to provide adequate coverage to the surrounding areas.

- D. Does the granting of such variance adversely affect the comprehensive General Plan?**

Staff has reviewed the proposed communications tower proposed variance, and has determined that such to be in compliance with the GI (Gateway Industrial) Zone, in the Gateway of the Americas Specific Plan of the Imperial County General Plan. As allowed through the variance process, the granting of the one-hundred (100) foot variance would not constitute a grant adversely affecting the Imperial County General Plan.

NOW, THEREFORE, based on the findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Variance #22-0002.

**Rudy Schaffner, Chairperson
Imperial County Planning Commission**

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on October 12, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

**Jim Minnick, Director of Planning & Development Services
Secretary to the Imperial County Planning Commission**

ATTACHMENT "E" – PLANNING COMMISSION RESOLUTIONS

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT #21-0022 AND CONDITIONS OF APPROVAL FOR TOWERCO IV HOLDINGS, LLC.

WHEREAS, TowerCo IV Holdings, LLC., has submitted an application for Conditional Use Permit #21-0022 and Variance #22-0002 for a proposed 100-foot monopole co-locatable tower with panel antennas, remote radios, surge suppressors, equipment cabinet, generator, H-frame for power, and underground electrical services within a fifty-by-fifty enclosed chain linked area;

WHEREAS, a Negative Declaration (ND) has been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA as Amended";

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of approvals and certifications;

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on October 12, 2022;

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #21-0022 and Variance #22-0002 prior to approval. The Planning Commission finds and determines that the Conditional Use Permit is adequate and prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA) which analyses environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for approving the Conditional Use Permit #21-0022 and Variance #22-0002 has been made as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan.

The General Plan designates the subject site as "Specific Plan Area." Pursuant to Title 9, Division 5A, Gateway of the Americas Specific Plan, Sections (IV)(D)(3)(c) and (IV)(D)(3)(c)(7) of the "GI"

(Gateway Industrial) Zone, the project is found consistent with the approved Conditional Use Permit #21-0022.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.

The purpose of the project is for the construction of a 100-foot monopole co-locatable tower with panel antennas, remote radios, surge suppressors, equipment cabinet, generator, H-frame for power, and underground electrical services within a fifty-by-fifty enclosed chain linked area. The proposed project is designated GI Gateway Industrial. Pursuant to Title 9 Division 5A, Gateway Specific Plan, Section (IV)(D)(3)(c) (Conditional Use Permit) the proposed use is consistent with the purpose of the GI (Gateway Industrial) zone uses.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed or similar conditional use according to the procedures of Section 90203.00.

The proposed communications tower is listed as a use subject to a Conditional Use Permit in Land Use Ordinance, Gateway of the Americas Specific Plan Section (IV)(D)(3)(c)(7) "GI" (Gateway Industrial).

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.

The Project complies with the minimum requirements of this Title. The project complies with the Environmental Quality Act by obtaining a CUP pursuant to Title 9 Division 5A Section (IV)(D)(3)(c)(7) "GI" (Gateway Industrial). The Conditions of Approval will further insure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The project is designated "Specific Plan Area" by the Imperial County General Plan. The proposed project site's parcel is surrounded by other parcels zoned as Gateway Industrial. To the North, there is an existing freight terminal. On the South and East, there are vacant parcels close to the US-Mexico International Border while on the West there is an existing industrial park and distribution center. The proposed tower will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

F. The proposed use does not violate any other law or ordinance.

The proposed project will be subject to the Conditional Use Permit and current Federal, State and Local regulations. The proposed use does not violate any law or ordinance.

G. The proposed use is not granting a special privilege.

The project is a permitted use subject to approval of a Conditional Use Permit #21-0022 under Land Use Ordinance, Section 92405.00 *et. seq.* and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Conditional Use Permit #21-0022, subject to the attached Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on October 12, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

ATTACHMENT "F" – CUP#21-0022: CONDITIONS OF APPROVAL

1 Recorded Requested By and
When Recorded Return To:

2 Imperial County Planning & Development Services
801 Main Street
3 El Centro California 92243

4
5 **AGREEMENT FOR CONDITIONAL USE PERMIT CUP #21-0022**
6 (TowerCo IV Holdings, LLC)
(059-512-002-000)
7 **(Approved at Planning Commission _____, _____)**

8 This Agreement is made and entered into on this ____, day of _____ by TowerCo IV
9 Holdings, LLC, (5000 Valleystone Drive, Suite 200, Cary, NC 27519) hereinafter referred to
10 as Permittee, and the COUNTY OF IMPERIAL, a political subdivision of the State of
11 California, (hereinafter referred to as "COUNTY").

12 **RECITALS**

13 **WHEREAS**, Permittee is the owner or successor in interest in certain land in Imperial
14 County identified as Assessor's Parcel Number 059-512-002-000 further identified by the
15 following legal description: Lot 64 of Tract 941-Unit No. 2, County of Imperial; and

16 **WHEREAS**, TowerCo IV Holdings, LLC, and/or any subsequent owner(s) would be
17 required to and intend to fully comply with all of the terms and conditions of the project as
18 specified in this Conditional Use Permit (CUP); and

19 **WHEREAS**, Permittee has requested a permit to construct and operate a 100-foot
20 above ground level "AGL" co-locatable monopole telecommunication tower, including
21 therewith the necessary security fencing, control structure, and appurtenances; and

22 **WHEREAS**, Permittee will not operate any type of use other than specified herein
23 and within the application; and

24 **WHEREAS**, Permittee intends to operate the tower for its own use, Permittee shall
25 at some future date allow another "compatible" use communication, or electronic
26 transmission operator (hereinafter referred to as a "subsidiary user"), to use the same tower,
27 thereby minimizing the number of towers required within the confines of the County; and

28 **WHEREAS**, the County encourages multiple use (co-locators) of such towers to the
extent that sharing of towers is compatible in use, frequency and meets applicable regulatory
standards of all permitting jurisdictions; and

WHEREAS, though the sharing of tower space is physically possible, it is recognized
that additional structural considerations must be addressed and if applicable, permitted by

1 the Building Division of the Imperial County Planning and Development Services
2 Department, to assure that the tower is structurally adequate.

3 **WHEREAS**, County, after reviewing of the project, after a noticed public hearing
4 before the Planning Commission, agreed to issue Conditional Use Permit #21-0022, subject
5 to the following conditions:

6 **NOW THEREFORE**, the County hereby issues CUP #21-0022 subject to all of the
7 following conditions.

8 **GENERAL CONDITIONS:**

9 *The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are*
10 *either routinely and commonly included in all Conditional Use permits as "standardized" conditions and/or*
11 *are conditions that the Imperial County Planning Commission has established as a requirement on all*
CUP's for consistent application and enforcement. The Permittee is advised that the General Conditions
are as applicable as the SITE SPECIFIC conditions!

12 **G1 COSTS:**

13 Permittee shall pay any and all amounts as determined by the County to defray all costs for
14 the review of reports, field inspections, enforcement, monitoring, or other activities related
15 to compliance with this permit, County Ordinances, and/or other laws that apply. Any billing
16 against this project, now or in the future, by the Planning and Development Services
17 Department or any County Department for costs incurred as a result of this permit, shall be
18 billed through the Planning and Development Services Department.

19 **G2 AUDIT OF BILLS:**

20 Permittee shall have the right to have any bill audited for clarification or correction. In the
21 event Permittee request an audit or an explanation of any bill, it shall be in writing to the
22 Planning and Development Services Department. Permittee shall bring the account current
23 including any amount due under a "disputed" billing statement, before any audit is
24 performed. If the amount disputed is the result of a Department other than the Planning and
25 Development Services Department the explanation or audit shall be performed by said
26 Department and a report provided to both the Permittee and the Planning and Development
27 Services Dept.

28 **G3 PERMITS/LICENSES:**

The Permittee shall obtain any and all local, state, and/or federal permits, licenses,
contracts, and/or other approvals for the construction and/or operation of this project. This
shall include, but not be limited to Health, Building, Sanitation, APCD, Public Works, Sheriff,
Regional Water Quality Control Board, Offices of Emergency Services, Division of Mines
and Geology, etc. Permittee shall like-wise comply with all such permit requirements for the
life of the project. Additionally, Permittee shall submit a copy of any such additional permit,
license and/or approval to the Planning Department within 30 days of receipt.

G4 RECORDATION:

1 This permit shall not be effective until it is recorded at the Imperial County Recorder's Office,
2 and payment of the recordation fee shall be the responsibility of the Permittee. If the
3 Permittee fails to pay the recordation fee within six (6) months from the date of approval,
4 and/or this permit is not recorded within 180 days from the date of approval, this permit shall
5 be deemed null and void, without notice having to be provided to Permittee. Permittee may
6 request a written extension by filing such a request with the Planning Director at least 30
7 days prior to the original 180 day expiration. The Director may approve an extension for a
8 period not to exceed 180 days. An extension may not be granted if the request for an
9 extension is filed after the expiration date.

6 **G5 COMPLIANCE/REVOCAION:**

7 Upon the determination by the Planning and Development Services Department, (if
8 necessary upon consultation with other Departments or Agency(ies)) that the project is or
9 may not be in full compliance with any one or all of the conditions of this Conditional Use
10 Permit, or upon the finding that the project is creating a nuisance as defined by law, the
11 PERMIT and the noted violation(s) shall be brought immediately to the attention of the
12 appropriate enforcement agency or to the Planning Commission for hearing to consider
13 appropriate response including but not limited to the revocation of the CUP or to consider
14 possible amendments to the CUP. The hearing before the Planning Commission shall be
15 held upon due notice having been provided to the Permittee and to the public in accordance
16 with established ordinance/policy. In the event the action by the County is necessitated by
17 the actions or lack thereof of a subsidiary user of the tower, all action by the County shall be
18 taken against the permittee as if the permittee had or was causing the violation. The County
19 shall not be obligated to deal with any subsidiary user of the facility.

14 **G6 PROVISION TO RUN WITH LAND:**

15 The provisions of this project are to run with the land/project and shall bind the current and
16 future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project.
17 Permittee shall not without prior notification to the Planning and Development Services
18 Department assign, sell, or transfer, or grant control of project or any right or privilege
19 therein. The Permittee shall provide a minimum of 60 days written notice prior to such
20 proposed transfer becoming effective. The permitted use identified herein is limited for use
21 upon this parcel described herein and may not be transferred to another parcel. This shall
22 likewise be applicable if the transfer is between the primary and a subsidiary user.

20 **G7 RIGHT OF ENTRY:**

21 The County reserves the right to enter the premises to make the appropriate inspection(s)
22 and to determine if the condition(s) of this permit are complied with. Access to authorized
23 enforcement agency personnel shall not be denied, by the landowner, the permittee or a
24 subsidiary user. The County will contact the person designated by the Permittee to request
25 access to the facility. The request shall be approved within (72) seventy-two hours after
26 request.

24 **G8 TIME LIMIT:**

25 Unless otherwise specified within the project specific conditions this project shall be limited
26 to a maximum of (10) ten years from the recordation date of the CUP. The Conditional Use
27 Permit may be extended for a single (5) five year period by the Imperial County Planning &
28 Development Services Director. The CUP may be revoked or the extension may not be
29 granted if the project is in violation of any one or all of the conditions or if there is a history
30 of non-compliance with the project conditions.

28 **G9 DEFINITIONS:**

1
2 In the event of a dispute the meaning(s) or the intent of any word(s) phrase(s) and/or
3 conditions or sections herein shall be determined by the Planning Commission of the County
4 of Imperial. Their determination shall be final unless an appeal is made to the Board of
5 Supervisors within the required time. In this permit the term Permittee may also apply to any
6 other facility user whether specified by name herein or not. To the extent that this tower may
7 be used by more than one service provider other than the applicant (permittee), all of the
8 conditions of this permit shall be equally applicable to the other "user(s)" as if they were the
9 "permittee".

6 **G10 SPECIFICITY:**

7 The issuance of this permit does not authorize the Permittee to construct or operate this
8 project in violation of any state, federal, local law nor beyond the specified boundaries of the
9 project as shown the application/project description/permit, nor shall this permit allow any
10 accessory or ancillary use not specified herein. This permit does not provide any prescriptive
11 right or use to the Permittee for future addition and/or modification to this project. The site
12 specific use authorized by this permit is listed under the SITE SPECIFIC ("S") conditions,
13 and only the use or uses listed shall be deemed as approved by this permit. The Permittee's
14 application and or any support documents supplied by Permittee as part of the application
15 shall not be used to determine allowed use(s).

12 **G11 HEALTH HAZARD:**

13 If the County Health Officer determines that a significant health hazard exists to the public,
14 the County Health Officer may require appropriate measures and the Permittee shall
15 implement such measures to mitigate the health hazard. If the hazard to the public is
16 determined to be imminent, such measures may be imposed immediately and may include
17 temporary suspension of the subject operations. However, within 45 days of any such
18 suspension of operations, the measures imposed by the County Health Officer must be
19 submitted to the Planning Commission for review and approval. Nothing shall prohibit
20 Permittee from requesting a special Planning Commission meeting provided Permittee
21 bears all costs.

18 **G12 ENCROACHMENT PERMIT:**

19 Permittee shall obtain, as necessary all encroachment permits, or other special traffic safety
20 permits from the Department of Public Works and/or CALTRANS.

21 **G13 REPORT(S):**

22 Permittee shall file an annual report with the Planning and Development Services
23 Department to show that Permittee is in full compliance with this Conditional Use Permit.
24 The report shall be filed within sixty (60) days from the first day of the Calendar year, and
25 shall include at a minimum, the total number of "users" on the tower, any problems
26 encountered during the previous year, any reported frequency interference complaints, the
27 name & phone number of the responsible person whom to contact, and a checklist to show
28 the status of each condition herein. It shall be the responsibility of the Permittee to provide
all reports and to include the information about other users. The County may request
information at any time from Permittee or other users if applicable, however it shall be the
responsibility of the permittee to assure the County that such information is received.

G14 RESPONSIBLE AGENT:

Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A backup name shall also be provided, and a phone number for 24-hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G15 INDEMNIFICATION:

At no cost to the County, Permittee and each and every subsidiary user, shall indemnify, and hold harmless the County, the Board of Supervisors and all officers and agents of the County against any and all claims, actions and liabilities arising out of the permitting, construction and/or operation of the project. This indemnity agreement shall be on file with the Planning and Development Services Department prior to recordation of this CUP. Failure to have the agreement on file within 60 days from the date of approval by the Planning Commission shall terminate the approval of this CUP. If the tower is subject to "multiple" use by anyone other than the Permittee, each such operator, or facility, or individual, person or corporation shall have on file with the County Planning and Development Services Department an indemnification agreement identical to that of the Permittee.

G16 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this permit as if said successor was the original Permittee. Current Permittee shall inform the County Planning and Development Services Department in writing at least 60 days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all. If this permit or any subservient or associated permit requires financial surety, the transfer of this permit shall not be effective until the new Permittee has requisite surety on file. Furthermore existing surety shall not be released until replacement surety is accepted by County. Failure to provide timely notice of transfer by Permittee shall forfeit current surety.

In the event this is a multi-use tower facility, the written approval from any "user" of the tower shall be provided to the County in addition to the above.

G17 COMPLIANCE WITH ORDINANCE:

Permittee is aware of, has been provided a copy of and has agreed to be bound by and maintain compliance with the "Communications Ordinance", being Title 9 Division 24 of the County's codified ordinances.

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(TOTAL "G" CONDITIONS are 17)

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Site Specific Conditions:**S1 PROJECT DESCRIPTION:**

This permit authorizes the Permittee to construct, operate, and maintain a 100-foot co-locatable, monopole telecommunication tower with the necessary ancillary equipment consisting of six (6) panel antennas, nine (9) remote radio units, three (3) surge suppressors, one (1) equipment cabinet on a concrete slab, one (1) stand-by emergency generator, one (1) H-frame for related power and telco boxes, underground electrical services, and fencing. The tower height shall not exceed 100 feet above ground level (AGL). The tower shall be constructed to the specifications contained in the application. In this case, the tower shall be a "free standing" tower with no guy-wire support. The tower may be used by multiple users in addition to the Permittee, provided the conditions stated herein are followed.

S2 ACCESS TO SITE:

Access to the site shall be as described in the application and as shown on the assessors plat map, and/or as approved by or through an encroachment permit.

S3 NO TRESPASSING SIGNS:

Permittee shall post the site for "No Trespassing" on each side all along the fence.

S4 HOURS OF OPERATION:

Permittee shall be allowed to operate the site 24 hours per day, seven days per week.

S5 ANCILLARY USES & ADDITIONAL LAND USE PERMITS:

This permit authorizes the Permittee to operate the site as described under Specific Condition S1 with no additional ancillary facilities or uses. This permit shall be considered the primary permit for this site, and if additional Conditional Use Permit(s) are secured for this site, they shall be subservient to this permit at all times.

S6 SUSPENSION OF OPERATIONS:

If operation of the communications facility ceases for a period of twenty four (24) consecutive months, the Permittee shall remove the communications tower, all related equipment, and all structures and buildings within 6 months. Permittee may request in writing to the Planning Director a one-time extension; such extension shall be limited to a maximum of one year.

S7 ENFORCEMENT ACTION:

County officials responsible for monitoring and/or enforcing the provisions of this permit shall issue a notice requiring abatement of a violation of its terms within a reasonable time as set by ordinance or County policy. As an example, responsible County officials may issue a citation and/or cease-and-desist order for repeated violation until such violations are abated. Under specific violations, the County may order the facility to cease operation until it can or will be operated in full compliance.

In the event there is enforcement action taken by the County it shall at all times be against the Permittee, even if the violation is caused by another party using the tower. It shall be the

1 responsibility of Permittee to assure that the tower is operated in compliance with all terms
2 and conditions of the CUP.

3 **S8 LIGHT & GLARE:**

4 Permittee is allowed to have security as well as operational lighting. Said lighting shall be
5 shielded and direct to onsite areas to minimize off site interference from unacceptable levels
of light or glare.

6 **S9 CONFLICTING PERMIT CONDITIONS:**

7 In the event that there is a conflict between the condition of this permit and any other permit,
8 the most stringent condition shall govern.

9 **S10 MINOR ADMINISTRATIVE MODIFICATION:**

10 The Planning and Development Services Director shall have the authority to make
11 interpretations, issue administrative decisions and provide directions that while not
12 modifying the intent of any condition will allow for problem resolution at an administrative
level. Both Director and/or Permittee have the right to defer such issues to the Planning
Commission. However in no event shall any decision regarding this permit be brought to the
Board of Supervisors without first having been brought to the Commission.

13 **S11 LATEST CODES GOVERN:**

14 All on site structures shall be designed and built to meet the latest edition of the applicable
15 codes. In the event the tower is altered, added to, or modified to accommodate additional
16 users, additional antennae or other structural modifications from those originally approved
by County, Permittee shall provide revised structural drawings and calculations to the
Building Inspection Division prior to such modifications being made.

17 **S12 COMMUNICATION FREQUENCY:**

18 Transmission frequency, amount of radiated power, and antennae characteristics shall
19 comply with requirements by the Federal Aviation Authority (FAA), Federal Communications
Commission (FCC), Planning Department and other applicable agencies.

20 **S13 VARIANCE:**

21 In conjunction with this CUP a height variance VAR #22-0002 has been approved and issued
22 to allow for the construction of the communication tower to a height not to exceed 100 feet
above ground level (AGL).

23 **S14 FREQUENCY COORDINATION:**

24 The operation of the project shall not cause interference with transmission or reception of
25 signals or other communication facilities. Failure to comply with this condition shall result in
suspension or revocation of the Conditional Use Permit.

26 **S15 TOWER EMERGENCY INFORMATION:**

27 Permittee shall file with the Imperial County Planning & Development Services Department
28 a Tower Site Information sheet. The permittee shall update this information yearly.

S16 LIGHTING:

All towers shall be lit with aircraft warning lights. At a minimum the tower shall include lights at the top and at the mid-point of the structure. Permittee shall install a white medium intensity strobe beacon (for daylight use only) and a red flashing warning light (for nighttime use only) to warn aircraft in the vicinity. Permittee shall submit evidence of compliance with these requirements within six (6) months from the approval date of this CUP.

The Imperial County will not require back-up power so long as the following measures are in place:

1. Implementation of a Network Operation Control Center (NOCC) as a 24 hour, 365 days a year alert system that informs the tower operator and other pertinent agencies immediately of any problems with the tower and the emergency lighting system (including towers less than 200 feet.);
2. Provide the Imperial County Applicators' notification under the NOCC system and its updates at no cost;
3. Work with Imperial County Air Applicators' on the repair schedule and flight path rerouting;
4. Repair lighting or tower equipment failure within 72 hours, and;
5. Provide written reports to the Imperial County Air Applicators' and the Imperial County Planning & Development Services Department upon completion of tower repairs (to the tower lighting) resulting from NOCC actions, and provide yearly summary reports pertaining to NOCC actions.

S17 COUNTY EXECUTIVE OFFICE¹:

- Sales Tax Condition: the permittee is required to have a Materials and Construction Site Permit reflecting the project site address, allowing all eligible sales tax payments allocated to the County of Imperial, Jurisdictional Code 13998. The permittee will provide the County of Imperial a copy of the CDTFA account number and sub-permit for its contractor and subcontractors (if any) related to the jobsite. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any grading permits.
- Construction/Material Budget: the permittee will provide the County Executive Office a construction materials budget, an official construction materials budget or detailed budget outlining the construction and materials cost for the processing facility on permittee letterhead.

S18 IMPERIAL IRRIGATION DISTRICT²:

1. To request electrical service for the approved communication tower, the applicant should be advised to contact Joel Lopez, IID Service Planner, at (760) 482-3444 or email Mr. Lopez at JFLopez@IID.com to initiate the customer service application process. In addition to submitting a formal application (available for download at <http://iid.com/showdocument?id=12923>), the applicant will be required submit a complete set of approved plans by the County of Imperial, electrical plans, panel location, voltage requirement, electrical panel schedules, an AutoCAD file of the site plan, construction schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical

- 1 service to the project. The applicants shall be responsible for all costs and mitigations
2 measures related to providing electrical service to the project.
- 3 2. Electrical capacity is limited in the project area. A circuit study may be required. Any
4 system improvements or mitigation identified in the circuit study to enable the
5 provision of electrical service to the project shall be financial responsibility of the
6 applicant.
- 7 3. The applicant will need to abide by the following IID electrical tower service
8 guidelines:
- 9 a. IID will allow only one metering point per site. If more than one meter is requested,
10 the customer must utilize a multi-meter pack.
- 11 b. For single-phase service from a pole-mounted transformer, the total service
12 capacity shall not exceed 600 amps (e.g. six (6) 100-amp panels or three (3) 200-
13 amp panels). Maximum transformer size is 100kVA with a secondary voltage of
14 120/240V single phase.
- 15 c. For single-phase service from a pole-mounted transformer, the total service
16 capacity shall not exceed 800 amps. Maximum transformer size is 167kVA,
17 120/240V.
- 18 d. Services exceeding 800 amps of total capacity must be served from a three-phase
19 pad-mounted transformer rated at 120/208V. Please note that load must be
20 balanced across phase.
- 21 4. Any construction or operation on IID property or within its existing and proposed right
22 of way or easements including but not limited to: surface improvements such as
23 proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm
24 water, or any other above ground or underground utilities; will require an
25 encroachment permit, or encroachment agreement (depending on the
26 circumstances). The IID encroachment permit application and instructions are
27 available at <http://www.iid.com/about-iid/department-directory/real-estate>. The IID
28 Real Estate Section should be contacted at (760) 339-9239 for additional information
regarding encroachment permits or agreements.
5. Any new, relocated, modified or reconstructed IID facility required for and by the
project (which can include but not limited to electrical facility substations, electrical
transmission and distribution lines, canals, drain, etc.) need to be included as part of
the project's CEQA and/or NEPA documentation, environmental impact analysis and
mitigation. Failure to do so will result in postponement of any construction and/or
modification of IID facilities until such time as the environmental documentation is
amended and environmental impacts are fully analyzed. Any and all mitigation
necessary as a result of the construction, relocation and/or upgrade of IID facilities is
the responsibility of the project proponent.

S19 AIR POLLUTION CONTROL DISTRICT³:

All construction activities must adhere to the Air District's Regulation VIII, which is designed to limit emissions of fugitive dust (PM10) to 20% opacity. Any generator greater than 50 horsepower used for standby-backup purposes must be permitted through the Engineering and Permitting Division of the Air District.

S20 CERTIFIED UNIFIED PROGRAM AGENCIES (CUPA)⁴:

1 Any hazardous materials over regulated thresholds and/or create hazardous waste, will
2 need to notified to the Department of Toxic Substances Control Imperial CUPA and create
a California Environmental Reporting System account.

3 **S21 U.S. CUSTOMS AND BORDER PROTECTION (CBP)⁵:**

- 4 1. AT&T and TowerCo IV Holding, LLC shall install, maintain, and operate a Wireless
5 Communication Facility (Facility) in a manner so as to not cause any electrical,
6 electromagnetic, radio frequency or any other material interference with the use and
7 operation of any:
8 a. Radio equipment in or about Aggregate Products, Inc. (API) (property located at
9 430 Pan American Street, Calexico, CA 92231) and U.S. Customs and Border
10 Protection (CBP) (property located at 1699 Carr Road, Calexico, CA 92231);
11 b. Transmitting, receiving telecommunications or microwave antenna equipment
12 currently or hereafter located in any portion of API's property and CBP's property;
13 or
14 c. Radio communication system now or hereafter used or desired to be used by API
15 and CBP.
16
17 2. Upon notice of anu such interference, AT&T and TowerCo IV Holding, LLC shall
18 immediately cooperate with API and CBP to identify the source of the interference
19 and shall within twenty-four (24) hours, if requested by API and/or CBP, cease all
20 operations of the Facility (except for intermittent testing as approved by API and CBP,
21 which approval shall not be unreasonably withheld) until the interference has been
22 corrected to the reasonable satisfaction of API and CBP.
23
24 3. AT&T and TowerCo IV Holdings, LLC shall be responsible for all costs associated
25 with any tests deemed reasonably necessary to resolve any and all interference as
26 set forth in this Paragraph. If any such interference caused by AT&T and TowerCo IV
27 Holdings, LLC has not been corrected within five (5) days calendar days after notice
28 to AT&T and TowerCo IV Holdings, LLC, API and CBP may: (i) require AT&T and
TowerCo IV Holdings, LLC to remove the specific Facility causing such interference,
or (ii) eliminate the interference at AT&T and TowerCo IV Holdings, LLC expense. If
the equipment of any other party causes interference with API's and/or CBP's radio
equipment, AT&T and TowerCo IV Holdings, LLC shall reasonably cooperate with
such other party to resolve such interference in a mutually acceptable manner.

19 **S22 RESTORATION SURETY:**

20 (a) Upon the expiration of this CUP, Permittee shall restore the site upon which the project
21 is located back to its undeveloped condition. To ensure that such restoration is completed,
22 Permittee shall provide security that is in conformance with the County's Financial
23 Assurance Guideline, is acceptable to the Office of County Counsel, and in an amount not
less than \$25,000. Said security shall cover Permittee, as well as any co-locators, users, or
other subleases located at the site.

24 (b) The amount of security may be administratively increased by the Planning Department
25 or the Planning Commission, upon a finding that the characteristics of the site warrants
26 additional security. The security must be filed with the County within six (6) months of the
27 approval of this CUP, and/or prior to the issuance of any building or grading permit,
28 whichever comes first.

(c) The security shall remain in effect until the project has been completely removed, and
the site has been fully restore to its undeveloped condition. In the event there is a history of
noncompliance with the conditions of this CUP, or any other applicable federal, State or local

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law, regulation, rule, policy or procedure, the minimum amount of required security may be administratively increased by the Planning Department or Planning Commission to \$35,000.

(TOTAL "S" CONDITIONS are 22)

-
- 1. County Executive Office comment letter dated April 20, 2022
 - 2. IID comment letter dated April 25, 2022
 - 3. APCD comment letter dated April 25, 2022
 - 4. CUPA emailed dated August 2, 2022
 - 5. API/CBP emailed dated August 31, 2022

This space intentionally left blank.

NOW THEREFORE, County hereby issues Conditional Use Permit #21-0022, and Permittee hereby accepts such permit upon the terms and conditions set forth herein:

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE

Authorized Representative
TowerCo IV Holdings, LLC

Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA

James Minnick, Director of
Planning & Development Services

Date

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PERMITTEE NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____

COUNTY OF _____ } S.S.

On _____ before me, _____ a Notary Public in and for said County and State, personally appeared _____, who proved to on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

Dated _____

COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL} S.S.

On _____ before me, _____
a Notary Public in and for said County and State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

ATTACHMENT "G" – E.E.C. PACKAGE

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE

AGENDA DATE: July 28, 2022

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM/ No. 4

Conditional Use Permit #21-0022
PROJECT TYPE: TowerCo IV Holdings, LLC SUPERVISORY DISTRICT #5

LOCATION: 1812 Pan American St. APN: 059-512-002-000

Calexico, CA PARCEL SIZE: +/- 2.10 acres

Gateway of the Americas
GENERAL PLAN (existing) Specific Plan Area GENERAL PLAN (proposed) NA

ZONE (existing) GI (Gateway Industrial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIRONMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 07/28/2022

INITIAL STUDY: #21-0013

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
FIRE / OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
SHERIFF	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER		<u>IID, CEO, IVECA, see attached</u>		

REQUESTED ACTION:

(See Attached)

Planning & Development Services
801 MAIN ST., EL CENTRO, CA 92243 442-265-1736
(Jim Minnick, Director)

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EEC ORIGINAL PKG

- NEGATIVE DECLARATION**
 MITIGATED NEGATIVE DECLARATION

*Initial Study & Environmental Analysis
For:*

**Conditional Use Permit #21-0022
TowerCo IV Holdings, LLC**



Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
(442) 265-1736
www.icpds.com

July 2022

EEC ORIGINAL PKG

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SECTION 1 INTRODUCTION

A. PURPOSE

This document is a policy-level, project level Initial Study for evaluation of potential environmental impacts resulting with the proposed Conditional Use Permit #21-0022 (Refer to Exhibit "A" & "B"). For purposes of this document, the Conditional Use Permit will be called the "proposed project".

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Mitigated Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency,

in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Mitigated Negative Declaration are informational documents which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Mitigated Negative Declaration, prepared for the project will be circulated for a period of 20 days (*30-days if submitted to the State Clearinghouse for a project of area-wide significance*) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in

preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Mitigated Negative Declaration will be conducted under a policy-level, project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared

for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the "Final Environmental Impact Report and Environmental Assessment for the "County of Imperial General Plan EIR" prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- These documents must summarize the portion of the document being incorporated by reference or briefly

describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150(c)). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150(d)). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150(f)). This has been previously discussed in this document.

II. *Environmental Checklist*

1. **Project Title:** Conditional Use Permit #21-0022; TowerCo IV Holdings, LLC
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Michael Abraham, Assistant Director, (442) 265-1736
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** michaelabraham@co.imperial.ca.us
6. **Project location:** 1812 Pan American St., Calexico, CA
7. **Project sponsor's name and address:** TowerCo IV Holdings LLC
5000 Valleystone Drive, Suite 200,
Cary NC 27519
8. **General Plan designation:** Gateway Specific Plan Area
9. **Zoning:** GI (Gateway Industrial)
10. **Description of project:** The applicant, TowerCo IV Holding, LLC, is proposing to install a 100-foot, co-locatable monopole wireless communication facility near the border crossing east of Calexico. As shown on the attached application coverage maps, AT&T coverage of this area is very poor to none. Coverage provided by existing towers located to the west and east of Highway 7 do not reach this area of need. Once implemented AT&T would be able to close a significant gap in their coverage for this area.

AT&T will be the first carrier, and additional carriers will be added over time as needed. The project requires a Conditional Use Permit (#21-0022) for the wireless communication facility and a Variance (#22-0002) to exceed the 60-foot height limitation for the Gateway Industrial (GI) zoned area by 40 feet.

The 3.9 acre parcel is currently developed with a 45,000 square foot warehouse. The proposed wireless communication facility will be located at the northeast portion of the parcel within a 50' x 50' leased area. Proposed equipment for AT&T are six (6) panel antennas, nine (9) remote radios, three (3) surge suppressors, one (1) equipment cabinet, one (1) generator and one (1) H-frame for power. Further, proposed equipment for TowerCo is one (1) H-frame for power, underground electrical services and a chain-link fence.
11. **Surrounding land uses and setting:** The proposed project located in the Northwestern portion a parcel with an existing warehouse. Surrounding parcels to the North and West have industrial uses, while parcels located to the South are undeveloped. There is an existing agricultural use and an industrial building to the East. The All American Canal and the International Border with Mexico are located approximately 500 ft. South of the proposed project.
12. **Other public agencies whose approval is required:** Planning Commission
13. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?**
The AB 52 Notice of Opportunity to consult on the proposed project letter was mailed via certified mail on April 8, 2022 to President Jordan D. Joaquin, from the Quechan Indian Tribe. No comments have been received for this project.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology /Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING: Yes No

<u>EEC VOTES</u>	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
PUBLIC WORKS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH SVCS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
APCD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


 Jim Minnick, Director of Planning/EEC Chairman

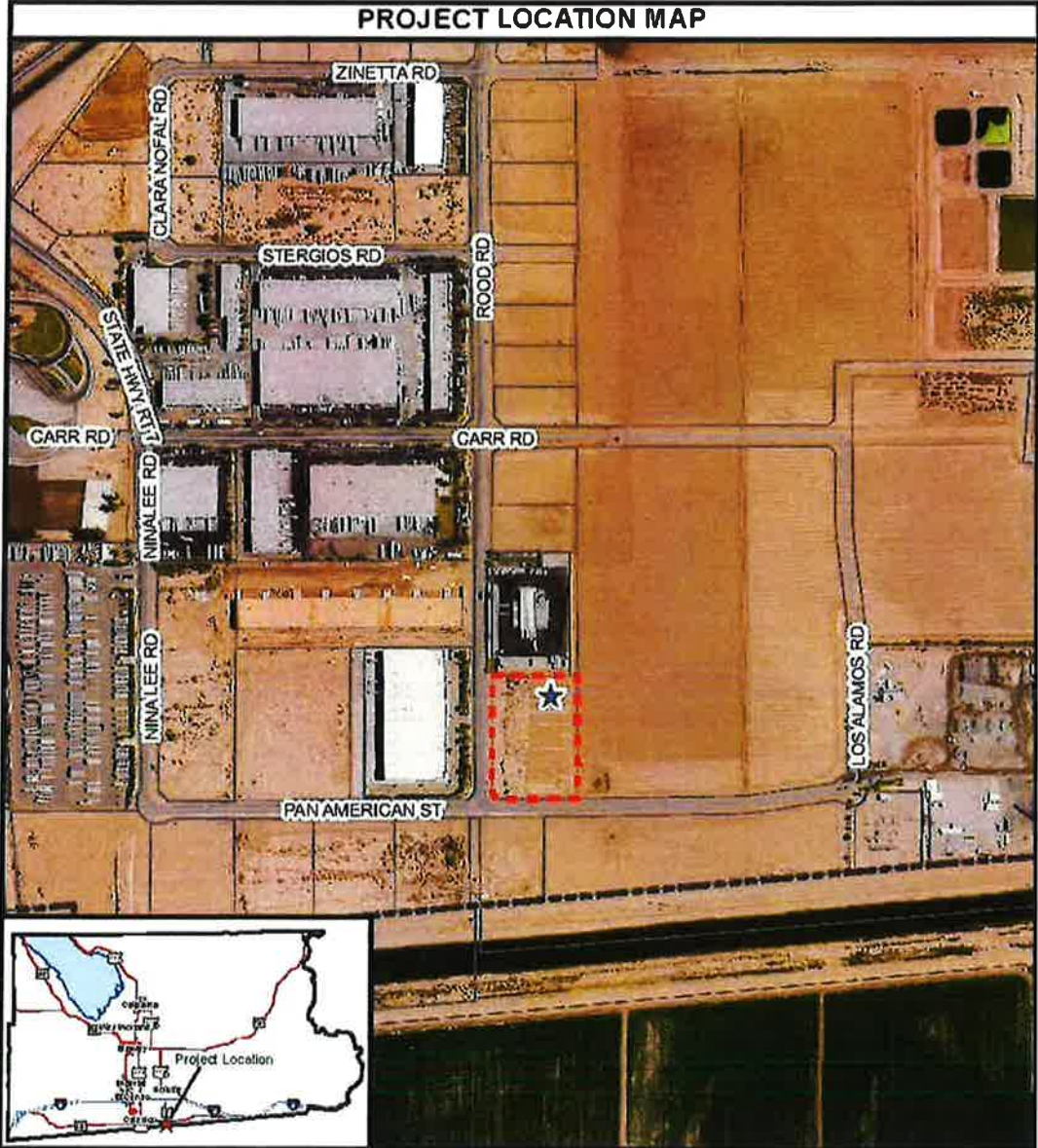
11-28-2022
 Date:

EEC ORIGINAL PKG

PROJECT SUMMARY

- A. Project Location:** The proposed project parcel is located at 1812 Pan American St., Calexico, CA; within the Gateway Specific Plan area. The parcel is identified as Assessor's Parcel Number (APN) 059-512-002-000 and it is legally described as Lot 64 of Tract 941 Unit No. 2, in an unincorporated area of the County of Imperial.
- B. Project Summary:** The applicant, TowerCo IV Holding, LLC, is proposing to install a 100-foot, co-locatable monopole wireless communication facility near the border crossing east of Calexico. AT&T will be the first carrier, and additional carriers will be added over time as needed.
- C. Environmental Setting:** The proposed project located in the Northwestern portion of a parcel with an existing warehouse. Surrounding parcels to the North and West have industrial uses, while parcels located to the South are undeveloped. There is an existing agricultural use and an industrial building to the East. The All American Canal and the International Border with Mexico are located approximately 500 ft. South of the proposed project.
- D. Analysis:** The proposed project is for the installation of a 100 foot monopole telecommunication tower and unmanned equipment. The parcel is zoned GI (Gateway Industrial) per Zoning Map #18, which designates areas that are suitable Industrial Uses. The proposed height of the tower does not conform to the height limit of the project site's GI zone requirements, which allows a structure up to 60 ft in height. For this reason, the project was reviewed by the Airport Land Use Commission on May 18, 2022, and was found to be consistent with the 1996 Airport Land Use Compatibility Plan.
- E. General Plan Consistency:** Under the Land Use Element of the Imperial County General Plan, the project site is designated as "Gateway Specific Plan Area". The proposed project could be considered consistent with the General Plan since a Communication Tower is a permitted use with a Conditional Use Permit in the GI (Gateway Industrial) zone and no change to the existing General Plan is proposed.

Exhibit "A"
Vicinity Map



TOWER CO IV, LLC
CUP #21-0022 / V #22-0002
APN 059-512-002-000






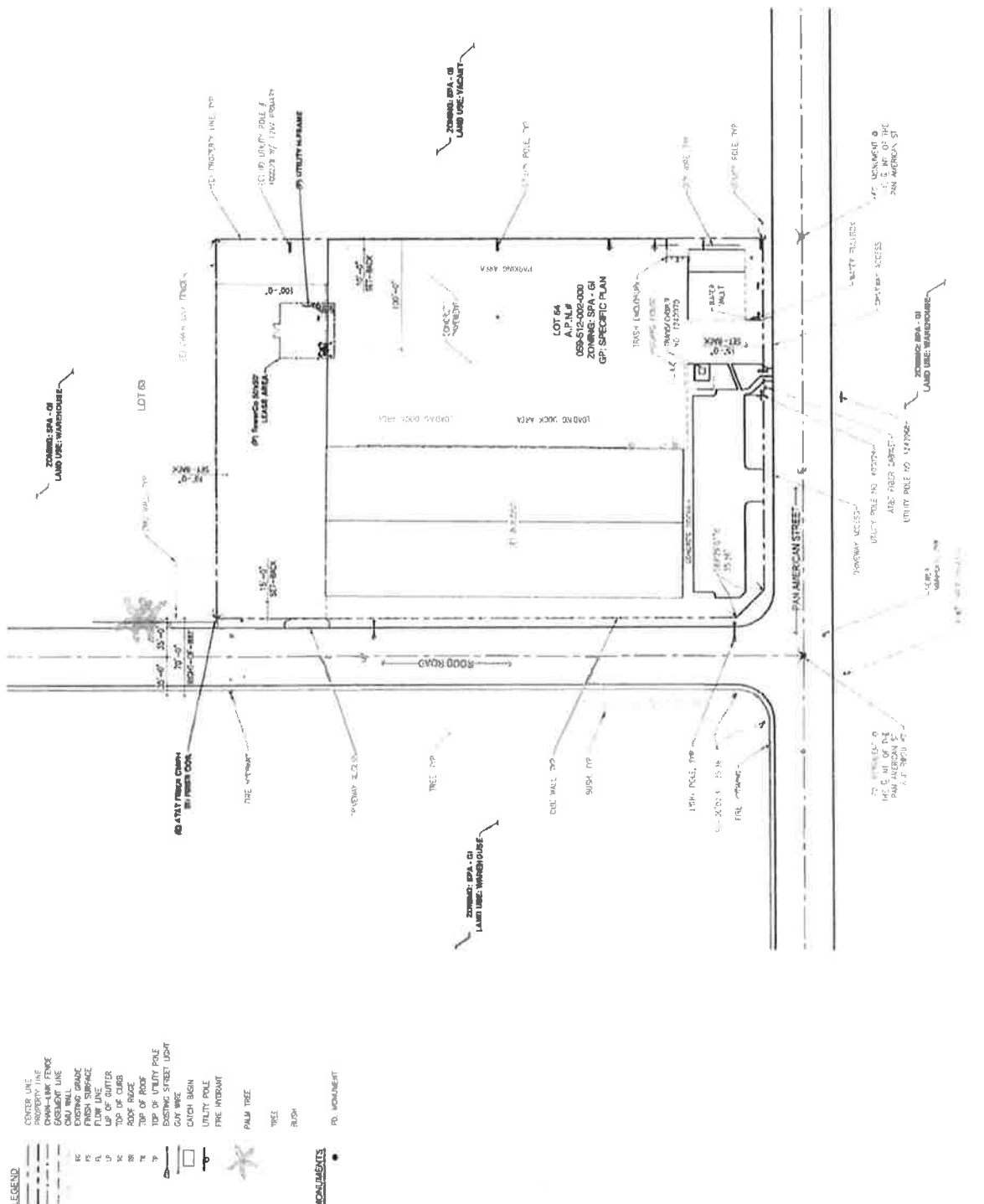
-  County Boundary
-  Project Location
-  Centerline
-  Parcels
-  Tower Location



Exhibit "B" Site Plan



EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista or scenic highway?

a) The proposed project tower is anticipated to be painted a non-reflective earth tone color to blend with the existing natural environment, and located within Gateway of the Americas Specific Plan near the International Border which does not fall under the future Scenic Highway Designation or near a designated scenic vista or highway according to the Imperial County General Plan¹, Circulation and Scenic Highways Element². No impacts are expected.
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

b) As previously stated, the proposed project is not located near a Scenic vista or Scenic Highway and would not substantially damage scenic resources. Therefore, no impact is expected.
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

c) The proposed project would not substantially physically degrade the environment since it is located in an industrial zone in an urbanized area within Gateway of the Americas Specific Plan Area. Less than significant impacts are expected.
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

d) The proposed project would not create a substantial source of light or glare which would adversely affect day or nighttime view in the area. As previously mentioned above under item a), the tower is anticipated to be painted a non-reflective earth tone color to blend with the existing natural environment. Additionally, Imperial County Ordinance No. 1330, Chapter 4, Section 92401.04 (I) states that all towers shall be lit with approved lighting as required by FAA and be the Airport Land Use Commission (ALUC) standards. The project was heard by the Imperial County Airport Land Use Commission on May 18, 2022, it was found to be consistent with the 1996 Airport Land Use Compatibility Plan, a white daytime beacon and a red night time beacon will be required for this project. Compliance with the ALUC standards would bring any impacts to less than significant

II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

a) According to the California Department of Conservation Farmland Mapping and Monitoring

¹ County of Imperial General Plan

² Imperial County General Plan's Circulation and Scenic Highways Element

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Program (2016)³, the project site's Farmland Type is designated Other Land. As it is not shown on the map as Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), no impacts are expected.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

b) The existing zoning and land use designation of the property are related to industrial use which do not conflict with any zoning for agricultural use. In addition, the project site is not under the Williamson Act contract; therefore no impacts are expected.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

c) The proposed project is located within an existing built-up area and will not conflict with existing zoning or cause rezoning of forest land, timberland or timberland zoned Timberland Production. Therefore, no impacts are expected.

- d) Result in the loss of forest land or conversion of forest land to non-forest use?

d) As explained under item c) above, the proposed project will not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact is expected.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

e) The implementation of the project would not result in changes to the environment which could result in the conversion of farmland to non-agricultural use since the project is within a site designated as Farmland so as to cause an impact or conversion from forest land to non-forest use; therefore, no impacts are expected to occur.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

a) Air quality within Imperial County is regulated by the Imperial County Air Pollution Control District (ICAPCD); per Air Pollution Control District comment letter dated April 21, 2022, all construction activities must adhere to the Air District's Regulation VIII which is designed to limit emissions of fugitive dust (PM10) to 20% opacity. Any generator greater than 50 horsepower used for standby-backup purposes must be permitted through the Engineering and Permitting Division of the Air District. It is expected that applicant's compliance with APCD would bring impacts to less than significant levels.

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

b) The proposed project is not expected to result in a cumulatively considerable net increase of any criteria pollutant since, as mentioned above under item a), it would be require to adhere to the Air District's Regulation VIII. It is expected that compliance with ICACPD requirements would bring any impact to less than significant.

³ <http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/imp16.pdf>

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) Expose sensitive receptors to substantial pollutant concentrations? c) Diesel exhaust and volatile organic compound (VOC) emissions which are typically related to construction trucks and machinery are the pollutants that could possibly affect the nearest sensitive receptors, but the impacts would be temporary and would be lessened by showing compliance with APCD's rules and regulations regarding construction pollutants during construction activities. Therefore, less than significant impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?) d) Low emissions of pollution (i.e. diesel exhaust and volatile organic compound) is expected be generated during the construction activities and would be dispersed rapidly from the project site. However the operation of the proposed project is not expected to result in other emissions that would adversely affect a substantial number of people. Compliance with all County and APCD's regulations would bring the project's potential impacts to less than significant levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES *Would the project:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
a) According to The Imperial County General Plan's Conservation and Open Space Element ⁴ Figure 1 "Sensitive Habitats Map", the proposed project site is not located within a designated sensitive habitat, nor is within an agency-designated habitat area. However the proposed project parcel is within the "Burrowing Owl Species Distribution Model" according to the Imperial County General Plan's Conservation and Open Space Element ⁵ , Figure 2. Because the proposed project is currently within a disturbed land and zoned for industrial uses, less than significant impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
b) According to the Imperial County General Plan's Conservation and Open Space Element, the proposed project site is not within a sensitive or riparian habitat, or other sensitive natural community; therefore, less than significant impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
c) As stated before under item a), the proposed project is not located in protected wetlands, therefore, it is not expected to cause a substantial adverse effect on federal protected wetlands through direct removal, filling, hydrological interruption, or other means. No impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
d) The proposed project is located in a disturbed parcel zoned industrial, therefore, is not expected to interfere substantially with the movement of any residential or migratory fish or wildlife species or | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

⁴ IC General Plan Conservation and Open Space Element Figure 1

⁵ <http://www.icpds.com/CMS/Media/Conservation-&-Open-Space-Element-2016.pdf>

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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with established resident or migratory wildlife, corridors or impede the use of native wildlife nursery sites. Any impact is expected to be less than significant.

- e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?

e) The proposed project is not expected to conflict with any local policy or ordinances protecting biological resources, such as tree preservation policy or ordinance. No impacts are expected.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

f) The proposed project is not expected to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impacts are expected.

V. CULTURAL RESOURCES *Would the project:*

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

a) The proposed project parcel is currently disturbed and according to the Imperial County General Plan's Conservation and Open Space Element, Figure 6 "Known Areas of Native American Cultural Sensitivity" the proposed project parcel is not located within an area of possible impact. Additionally, an AB 52 letter was sent on April 8, 2022 to the Quechan Indian Tribe, no comments to the proposed project were received. Therefore, any impact is expected to be less than significant.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

b) As previously stated under item a) above, the proposed project is located on disturbed land and it is not likely to cause a substantial adverse change to an archeological resource. Any impact is expected to be less than significant.

- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

c) As mentioned above under item a), the proposed project site is located on disturbed land and does not seem to be located in a known area of cultural sensitivity, therefore it is not expected to result in the disturbance of any human remains, including those interred outside of dedicated cemeteries. No impacts are expected.

VI. ENERGY *Would the project:*

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

a) The proposed project is not expected to result in potentially significant environment impact due to wasteful, inefficient, or unnecessary consumption of energy resource, either during construction or operation. Any impact is expected to be less than significant.

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

b) The proposed project is not expected to conflict with or obstruct a state or local plan for renewal energy or energy efficiency. No impacts are expected.

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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VII. GEOLOGY AND SOILS *Would the project:*

- | | Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:
a) The proposed project will be subject to compliance with the California Building Code (CBC), therefore, does not appear to directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death. Compliance with the CBC is expected to reduce any risk to a level of less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?
1) The proposed project is located is not located within a known fault zone according to the Fault Activity Map of California (2010)⁶. Compliance with the previously referenced Building Codes and/or any other applicable requirement, would reduce impacts to less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) Strong Seismic ground shaking?
2) Ground shaking is expected to occur since the project site is located in the seismically active Imperial Valley, however, the project's design and subsequent construction would need to comply with the latest edition of the California Building Codes and other applicable current building codes; therefore, less than significant impacts are anticipated. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) Seismic-related ground failure, including liquefaction and seiche/tsunami?
3) The proposed project is not located in a Tsunami inundation area per the California Tsunami Inundation Map, additionally, the design and subsequent construction of the proposed project will be subject to the latest CBC regulations; therefore adherence to CBC would bring any seismic-related impacts such as ground failure to less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) Landslides?
4) The proposed project site topography is generally flat and according to the Imperial County General Plan Landslide Activity Map, Figure 2⁷, Seismic and Public Safety Element, the project site is not located within a landslide activity area; therefore, no impacts are expected to occur related to landslide. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?
b) The proposed project site is not located within an erosion susceptible area according to the Imperial County Seismic and Public Safety Element, Figure 3; therefore, no impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?
c) The proposed project site is not located within a landslide active area, additionally, the project's design and subsequent construction would be subject to compliance with the CBC, such compliance would bring any impacts to less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?
d) The proposed project design and subsequent construction is required to comply with the latest CBC, therefore, impacts related to expansive soil creating substantial direct or indirect risk to life or | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

⁶ <http://maps.conservation.ca.gov/cgs/fam/>

⁷ <http://www.icpds.com/CMS/Media/Seismic-and-Public-Safety-Element.pdf>

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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property are considered to be less than significant.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

e) The proposed project does not require the use or construction of septic tanks or any alternative waste alter disposal system; therefore, no impacts are expected.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

f) The proposed project site is located on disturbed land and therefore, it is not expected to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. No impacts are expected.

VIII. GREENHOUSE GAS EMISSION *Would the project:*

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

a) The construction and maintenance of the proposed project may generate green house emissions; however, is not expected to generate greenhouse gas emissions that would have a significant impact. Additionally, adherence to the Imperial County CEQA Air Quality Handbook would bring any impacts to less than significant levels.

- b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

b) The proposed project is not expected to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. No impacts are expected.

IX. HAZARDS AND HAZARDOUS MATERIALS *Would the project:*

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

a) The proposed project does not include the handing of hazardous materials and therefore, it is not expected to create a significant hazard to the public or environment involving the release of hazardous materials into the environment. No impacts are anticipated.

- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

b) As mentioned above under item a), the proposed project does not include the handling of hazardous materials, additionally, TowerCo has engaged EBI Consulting to prepare a certified engineer's report showing compliance with RF emissions dated October 5, 2021 (attached under project's application). Based on the conclusions of this report, there are no publicly used areas that will exceed the federal standards and guidelines in terms of RF emission. The report only recommends cautionary signs to alert any climbing personnel as required by federal and carrier standards. Therefore, it is not expected to create a significant hazard to the public or environment involving the release of hazardous material into the environment. Any impact is expected to be less than significant.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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mile of an existing or proposed school?

c) The proposed project is not within ¼ mile of a school and therefore, would not pose a risk to school facilities. No impact is expected.

- d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

d) The proposed project is not located on a site included on a list of hazardous material sites per the Department of Toxic Substances Control (DTSC) EnviroStor Database⁸; therefore, no impact is expected.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

e) The proposed project site is not located within two miles of an existing Airport. The closest airport is the Calexico International Airport located approximately 7.5 miles west. Additionally, the project was reviewed by the Airport Land Use Commission on May 18, 2022, and was found to be consistent with the 1996 Airport Land Use Compatibility Plan. Impacts are expected to be less than significant.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

f) The proposed project site is not expected to interfere with an adopted emergency response plan or emergency evacuation plan, per Imperial Valley Emergency Communications Authority comment letter dated April 25, 2022, future IVECA or Imperial County communication needs could necessitate tower space on the tower and other related on-site infrastructure. This would include, but not limited to, multiple antenna spaces, guaranteed antenna heights, and shelter space all at no cost to Imperial County or IVECA with the inclusion of a Local/Public Benefit Agreement. It is expected that compliance with IVECA would bring impacts to less than significant levels.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

g) The proposed project site is not located in a Fire Hazard Severity Zone designated as Local Responsibility Area (LRA) classified as Unzoned area per Cal Fire Imperial County map for Draft Fire Hazard Severity Zones in LRA, which is not susceptible to wildland fires; therefore, no impacts are expected.

X. HYDROLOGY AND WATER QUALITY Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

a) The proposed project is for a communication tower and it is not expected to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. No impacts are anticipated.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

b) The proposed project will not substantially decrease groundwater supplies or interfere

⁸ EnviroStor Database

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substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Any impact is expected to be less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

c) The proposed project will not substantially alter the existing drainage pattern of the site or area, resulting in substantial erosion or siltation on- or off-site. Applicant will be required to submit a Building and Grading Permit to the Department of Planning and Development Services and Public Works for review and approval. The permit shall involve the implementation of Storm Water Best Management Practices. Therefore, impacts are expected to be less than significant.

(i) result in substantial erosion or siltation on- or off-site;

(i) As mentioned under above under item b) in Geology & Soils, the project is not located within an erosion susceptible area, additionally as mentioned above under item c), the project would be subject to a Building and Grading Permit review and approval. Therefore, any impacts are expected to be less than significant.

(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

(ii) As mentioned above under item (i), the proposed project implementation of the approved Grading permit would bring impacts to less than significant.

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;

(iii) As stated above under item (i), the proposed project implementation of the approved Grading permit would bring any impacts related to water runoff which would exceed the capacity of existing stormwater drainage system or provide substantial additional source of polluted runoff to less than significant.

(iv) impede or redirect flood flows?

(iv) The project site is located on Zone X, which is "Area of Minimal Flood Hazard" under FEMA Flood Map Community Panel Number 06025C2100C; therefore, no impacts are expected.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

d) According to the California Emergency Management Agency and the Department of Conservation⁹, the project site is not located within a Tsunami Inundation Area; therefore, no impacts are expected.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

e) The proposed project would not require the use of water and therefore, does not appear to conflict or obstruct implementation of a water quality control plan or a sustainable groundwater management plan. No impacts are expected.

⁹ Department of Conservation Tsunami Inundation Maps

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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XI. LAND USE AND PLANNING *Would the project:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community?
a) The proposed project will not physically divide an established community; therefore, no impact is expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?
b) Under the Land Use Element of the Imperial County General Plan, the project site is designated as "Gateway Specific Plan Area". The proposed project could be considered consistent with the General Plan since a Communication Tower is a permitted use with an approved Conditional Use Permit in the GI (Gateway Industrial) zone and no change to the existing General Plan is proposed. Any impacts would be less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

XII. MINERAL RESOURCES *Would the project:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
a) The proposed project will not remove mineral resources on-site; therefore, is not expected to result in the loss of availability of a known mineral resource. No impact is expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
b) As mentioned above under item a), the proposed project will not remove mineral resources on-site and therefore, will not result in the loss of a locally-important mineral resources recovery site. No impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIII. NOISE *Would the project result in:*

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
a) The construction of the tower is expected to create temporary noise; however noise levels shall not exceed the threshold established in the Imperial County General Plan "Noise Element" and shall comply with the applicable regulations regarding construction. Adherence to the "Noise Element" standards would bring the impacts to a less than significant level. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Generation of excessive groundborne vibration or groundborne noise levels?
b) Ground vibration or groundborne noise may be expected during the construction activities; however, as stated above under item a), adherence to the "Noise Element" standards would bring the impacts to less than significant levels. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
c) The proposed project site is not located within the vicinity of a private airstrip or an airport land use plan or a public airport or public use airport as shown in the Airport Land Use Compatibility Plan | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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(Figure 1A)¹⁰. Therefore, no impacts are expected.

XIV. POPULATION AND HOUSING *Would the project:*

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?
- a) The proposed project is for the construction of a telecommunication tower with unmanned facilities, and it is not expected to induce substantial population growth in the area either directly or indirectly. No impacts are expected.
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?
- b) The proposed project is not expected to displace substantial numbers of exiting housing, necessitating the construction of replacement housing elsewhere. No impacts are expected.

XV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
- (a) The proposed project is for the construction and operation of a telecommunication facility and will not result in any adverse physical impacts associated with any new or altered governmental facilities or require the need for new or altered governmental facilities. Any impacts are expected to be less than significant.
- 1) Fire Protection?
- 1) The proposed project is not expected to result in the need for new of physically altered fire protections services; any impacts are expected to be less than significant.
- 2) Police Protection?
- 2) The proposed project is not expected to result in substantial impacts on police protection; any impacts would be less than significant.
- 3) Schools?
- 3) The proposed project is not expected to result in substantial impacts to schools; no impacts are expected.
- 4) Parks?
- 4) The proposed project will not result in impacts to parks; no impacts are expected.
- 5) Other Public Facilities?
- 5) As stated above under item a), the proposed project is not expected to result in impacts to other public facilities. Any impact would be expected to be less than significant.

¹⁰ <http://www.icpds.com/CMS/Media/Airport-Locations.pdf>

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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XVI. RECREATION

- a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- a) The proposed project is not expected to increase the use of the existing neighborhood and regional parks or other recreational facilities. No impacts are expected.**
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?
- b) The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, no impacts are expected.**

XVII. TRANSPORTATION *Would the project:*

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- a) The proposed project is not expected to conflict with the Imperial County General Plan's Circulation and Scenic Highways Element and/or any applicable plan, ordinance or policy related to it. Traffic impacts during construction and subsequent operation of the tower are expected to be below the acceptable threshold by the County. Any impact is expected to be less than significant.**
- b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?
- b) The proposed project does not appear to conflict or be inconsistent with CEQA Guidelines, section 15064.3(b) as it is not a one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor. Therefore, less than significant impacts would be expected.**
- c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- c) The proposed project does not appear to substantially increase hazards due to a geometric design feature or incompatible uses. Therefore, any impact would appear to be less than significant.**
- d) Result in inadequate emergency access?
- d) The proposed project is not expected to result in inadequate emergency access; therefore, no impact is expected.**

XVIII. TRIBAL CULTURAL RESOURCES

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:
- a) According to the Imperial County Open Space Element, Figure 6, "Known Areas of Native American Sensitivity", the proposed project location is not within a known area that may expect to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public**

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Resources Code Section 21074. Additionally, notification opportunity to consult letter was sent on April 8, 2022 to the Quechan Indian Tribe, and no comments were received. Therefore, any impact is expected to be less than significant.

(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(i) The proposed project site is not listed under the California Historical Resources in County of Imperial¹¹ nor does it appear to be eligible under Public Resources Code Section 21074 or 5020.1 (k); therefore, any impact is expected to be less than significant.

(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(ii) The proposed project site does not appear to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, nor evidence of important historical resources was associated with the site. Therefore, any impact is expected to be less than significant.

XIX. UTILITIES AND SERVICE SYSTEMS Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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a) The proposed project is not expected to result in the relocation or construction of new or expand water, wastewater treatment or stormwater drainage, electrical power, natural gas, or telecommunications facility. Any impact is expected to be less than significant.

b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) The proposed project is not expected to exceed the capacity of the current services provider and no new or expanded entitlements are needed. Therefore; any impacts are expected to be less than significant.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) The proposed project is not expected to cause an impact to the waste water since it does not produce wastewater. Therefore, any impacts are expected to be less than significant.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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¹¹ Office of Historic Preservation <http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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d) The proposed project is not expected to exceed the generation of solid waste in excess of State or local standards. Any impacts would be expected to be less than significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

e) The proposed project shall comply with federal, state and local statutes and regulations related to solid waste. Adherence to Federal, State and local regulations will bring the project to less than significant impacts.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

a) The proposed project site not classified under a Fire Hazard Severity Zone in the State Responsibility Area. The site is under the Unincorporated Local Responsibility Area (LRA) per the Fire Hazard Severity Zones in SRA Map adopted by CAL FIRE on November 7, 2007. The LRA classifies the site as LRA Unzoned, therefore, it is not expected to substantially impair an adopted emergency response plan or emergency evacuation plan. Any impacts are expected to be less than significant.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

b) The proposed project site topography is generally flat and therefore, any impacts due to slope, prevailing winds, and other factors, exacerbate wildfire risks are expected to be less than significant.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

c) As stated above under item a), the project site is not located within a very high fire hazard severity zone and it is not expected to require the installation of infrastructure that may exacerbate fire risk. Therefore, any impact is expected to be less than significant.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

d) As mentioned above under item b), the project site area is generally flat and it is not expected to expose people or structures to risk significant risks due to flooding or landslide as a result of runoff, post-fire slope instability or drainage changes. Any impacts are expected to be less than significant.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App. 3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Revised 2009- CEQA
 Revised 2011- ICPDS
 Revised 2016 - ICPDS
 Revised 2017 - ICPDS
 Revised 2019 - ICPDS

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <p>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Mariela Moran, Project Planner
- Imperial County Air Pollution Control District
- Fire Department
- Environmental Health Services

B. OTHER AGENCIES/ORGANIZATIONS

- Imperial Irrigation District
- Quechan Indian Tribe, Historic Preservation

(Written or oral comments received on the checklist prior to circulation)

V. REFERENCES

1. "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and, as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.
2. Imperial County General Plan's Circulation and Scenic Highways Element.
3. Imperial County Important Farmland - <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/imp16.pdf>
4. IC General Plan Conservation and Open Space Element Figure 1 - <http://www.icpds.com/CMS/Media/Conservation-&-Open-Space-Element-2016.pdf>
5. Imperial County Conservation and Open Space Element - <http://www.icpds.com/CMS/Media/Conservation-&-Open-Space-Element-2016.pdf>
6. California Department of Conservation Fault Activity Map of California - <http://maps.conservation.ca.gov/cgs/fam/>
7. Seismic and Public Safety Element - <http://www.icpds.com/CMS/Media/Seismic-and-Public-Safety-Element.pdf>
8. EnviroStor Database - <http://www.envirostor.dtsc.ca.gov/public/>
9. Department of Conservation Tsunami Inundation Maps - <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=tsunami>
10. Airport Locations - <http://www.icpds.com/CMS/Media/Airport-Locations.pdf>
11. Office of Historic Preservation - <http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>

VI. NEGATIVE DECLARATION – County of Imperial

The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name:

Conditional Use Permit #21-0022 / Initial Study #22-0013

Project Applicant:

TowerCo IV Holding, LLC

Project Location:

The proposed project parcel is located at 1812 Pan American St., Calexico, CA; within the Gateway Specific Plan area. The parcel is identified as Assessor's Parcel Number (APN) 059-512-002-000 and it is legally described as Lot 64 of Tract 941 Unit No. 2, in an unincorporated area of the County of Imperial.

Description of Project:

The applicant, TowerCo IV Holding, LLC, is proposing to install a 100-foot, co-locatable monopole wireless communication facility near the border crossing east of Calexico. AT&T will be the first carrier, and additional carriers will be added over time as needed.

VII. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing this Negative Declaration based upon the following findings:



The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.



The Initial Study identifies potentially significant effects but:

- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
- (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A MITIGATED NEGATIVE DECLARATION will be prepared.

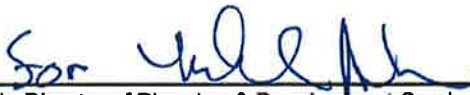
If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

7-28-2022

Date of Determination



Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.

Applicant Signature



8-1-22

Date

SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

S:\AllUsers\APN\059\512\002\CUP21-0022;V22-0002;IS22-0013\EEC\IS 22-0013 Checklist.docx

COMMENT LETTERS

EEC ORIGINAL PKG

Michael Abraham

From: John Corcoran <jc@ma-inc.com>
Sent: Wednesday, May 18, 2022 4:55 PM
To: Patricia Valenzuela
Cc: Michael Abraham
Subject: RE: Comments Regarding Conditional Use Permit No. 21-0022, Variance No. 22-0002 and Initial Study No. 22-0013 for Installation of a New 100 ft. Wireless Communication Facility by TowerCo IV Holding, LLC

CAUTION: This email originated outside our organization; please use caution.

5/18/2022

E-MAIL TO: PATRICIA VALENZUELA
IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES

c.c.: MICHAEL ABRAHAM
IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES

RE: Comments Regarding Conditional Use Permit No. 21-0022, Variance No. 22-0002 and Initial Study No. 22-0013 for Installation of a New 100 ft. Wireless Communication Facility by TowerCo IV Holding, LLC

Pat,

I am in receipt of your and Michael Abraham's e-mails listed below.

The following are my comments:

1. The FAA letter attached has an issue date on 2/15/2021. The special Procedures CN90 has an issue date of March 24, 2022.
The determination of no hazard to air navigation was performed prior to the Special Procedures CN90, therefore, is not reflective of the current conditions.

Another determination should be performed by the FAA reflecting the current conditions.

I will be contacting the Primary ASI for Southern California from the FAA to provide this information to him. As you heard this morning from the FAA Flight Procedures and Airspace Group, Western Section, an evaluation must be performed by the FAA to determine if a penetration will occur into restricted air space.

2. The applicant did not address the issue relating to communication interference between our point to point communication line to CBP-OFO. Until this issue is satisfactorily answered, we would be in opposition of approval of this proposed communication facility.

The above comments consist of API's formal response to this proposed project.

Please feel free to contact me if any additional clarification is required.

Thank you for your assistance to this matter.

John Corcoran
President

Manhole Adjusting Inc.
Aggregate Products Inc.

9500 Beverly Road
Pico Rivera, CA 90660-2135

P: (323) 558-8000
F: (323) 558-8020
E: jc@ma-inc.com

***Note – My email address has changed. Please update your address book accordingly**

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From: Patricia Valenzuela <PatriciaValenzuela@co.imperial.ca.us>
Sent: Wednesday, May 18, 2022 3:16 PM
To: jc@ma-inc.com
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Subject: FW: Comments Regarding Conditional Use Permit No. 21-0022, Variance No. 22-0002 and Initial Study No. 22-0013 for Installation of a New 100 ft. Wireless Communication Facility by TowerCo IV Holding, LLC

John

The operator responded with this email. I had Rosa send you the link to ALUC. If this does not satisfies you join the meeting and request this item be continued.

Patricia Valenzuela

Planner IV
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243
442-265-1749

From: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Sent: Wednesday, May 18, 2022 9:59 AM
To: Patricia Valenzuela <PatriciaValenzuela@co.imperial.ca.us>
Subject: FW: Comments Regarding Conditional Use Permit No. 21-0022, Variance No. 22-0002 and Initial Study No. 22-0013 for Installation of a New 100 ft. Wireless Communication Facility by TowerCo IV Holding, LLC

Good morning Patricia,

Please share with Mr. Corcoran.

Thanks,

From: forozco@interlinkpg.com <forozco@interlinkpg.com>
Sent: Wednesday, May 18, 2022 8:14 AM
To: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Cc: Mariela Moran <MarielaMoran@co.imperial.ca.us>
Subject: RE: Comments Regarding Conditional Use Permit No. 21-0022, Variance No. 22-0002 and Initial Study No. 22-0013 for Installation of a New 100 ft. Wireless Communication Facility by TowerCo IV Holding, LLC

CAUTION: This email originated outside our organization; please use caution.

Good morning Michael,

Attached please find the FAA determination of no hazard for to air navigation for the proposed TowerCo project. Please let me know if this satisfies the two questions below.

If additional information is needed, we can have TowerCo's airspace consultant speak directly with you and Mr. Corcoran.

Franklin Orozco
619-632-2569

From: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Sent: Tuesday, May 17, 2022 4:53 PM
To: forozco@interlinkpg.com
Cc: Mariela Moran <MarielaMoran@co.imperial.ca.us>
Subject: FW: Comments Regarding Conditional Use Permit No. 21-0022, Variance No. 22-0002 and Initial Study No. 22-0013 for Installation of a New 100 ft. Wireless Communication Facility by TowerCo IV Holding, LLC

Good afternoon Franklin,

Please see email below regarding TowerCo IV Holding, LLC's proposed communication tower, and provide a response to both questions as soon as possible.

Thanks,

From: Jim Minnick <JimMinnick@co.imperial.ca.us>
Sent: Tuesday, May 17, 2022 4:15 PM
To: Michael Abraham <MichaelAbraham@co.imperial.ca.us>
Cc: Patricia Valenzuela <PatriciaValenzuela@co.imperial.ca.us>
Subject: FW: Comments Regarding Conditional Use Permit No. 21-0022, Variance No. 22-0002 and Initial Study No. 22-0013 for Installation of a New 100 ft. Wireless Communication Facility by TowerCo IV Holding, LLC

From: John Corcoran <jc@mda-inc.com>
Sent: Tuesday, May 17, 2022 3:26 PM
To: Jim Minnick <JimMinnick@co.imperial.ca.us>
Cc: 'Francisco Medina' <francisco.nmi.medina@cbp.dhs.gov>
Subject: Comments Regarding Conditional Use Permit No. 21-0022, Variance No. 22-0002 and Initial Study No. 22-0013 for Installation of a New 100 ft. Wireless Communication Facility by TowerCo IV Holding, LLC

CAUTION: This email originated outside our organization; please use caution.

5/17/2022

E-MAIL TO: JIM MINNICK
DIRECTOR OF I.C. PLANNING AND DEVELOPMENT SERVICES

c.c.: FRANCISCO MEDINA
CBP – OFO WATCH COMMANDER

RE: Comments Regarding Conditional Use Permit No. 21-0022, Variance No. 22-0002 and Initial Study No. 22-0013 for Installation of a New 100 ft. Wireless Communication Facility by TowerCo IV Holding, LLC

Jim,

Hope all is well with you.

I spoke with Pat Valenzuela this morning and she instructed me to send comments to you regarding the above referenced project with a hearing date of May 18, 2022 at 6:00 pm PDT scheduled by the Airport Land Use Commission.

As you are aware, Aggregate Products Inc. (API) operates joint facilities and operations at the Gateway facility with the US Department of Homeland Security, Customs and Border Protection (CBP) both involving the Office of Field Operations (OFO) and Air and Marine Operations (AMO) relating to communication and air operations.

API's concerns, which need to be further addressed by the project applicant, are as follows:

1. Does the installation of the proposed communication facility interfere with flight paths for FAA Special Procedures CN90, which grants API an instrument flight rule (IFR) approach and departure for any airship landing at the facility?
2. Does the installation of the proposed communication facility interfere with any wireless communication between the CBP-OFO East Port of Entry and the Gateway facility?

At this time, neither API or CBP-OFO can precisely determine if the proposed communication facility will interfere with ongoing operations.

Please feel free to contact me if any further clarification is required.

Thank you in advance for your attention to this matter.

John Corcoran
President

Manhole Adjusting Inc.
Aggregate Products Inc.

9500 Beverly Road
Pico Rivera, CA 90660-2135

P: (323) 558-8000
F: (323) 558-8020
E: jc@ma-inc.com

***Note – My email address has changed. Please update your address book accordingly**

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Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2021-AWP-18823-OE

Issued Date: 12/15/2021

Chad Doherty
TowerCo 2013 LLC
5000 Valleystone Dr
Cary, NC 27519

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole CA0602 Calexico Border Crossing - Tower
Location:	Calexico, CA
Latitude:	32-40-36.86N NAD 83
Longitude:	115-22-38.98W
Heights:	35 feet site elevation (SE) 110 feet above ground level (AGL) 145 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 06/15/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination of No Hazard is granted provided the following conditional statement is included in the proponent's construction permit or license to radiate:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as is necessary to eliminate the harmful interference. This condition expires after 1 year of interference-free operation.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (206) 231-2877, or Nicholas.Sanders@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AWP-18823-OE.

Signature Control No: 501612199-504706624

(DNE)

Nicholas Sanders
Technician

Attachment(s)
Additional Information
Frequency Data
Map(s)

cc: FCC

Additional information for ASN 2021-AWP-18823-OE

At a distance of 16.9 nautical miles from the site emissions from the 2496-2690 MHz transmitters must be less than -155 dBm in the 2700-3100 MHz Surveillance Radar frequency band.

Frequency Data for ASN 2021-AWP-18823-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W

TOPO Map for ASN 2021-AWP-18823-OE





Imperial Valley Emergency Communications
 Communications Authority
 2514 La Brucherie Road, Imperial, CA 92251
 Voice: 442-265-6029



Imperial County Planning & Development Services
 801 Main Street
 El Centro, California 92243
 Attention: Mr. Michael Abraham
 April 22, 2022

RECEIVED

APR 25 2022

IMPERIAL COUNTY
 PLANNING & DEVELOPMENT SERVICES

RE: Comments on Project ID CUP # 21-0022/Variance - V22-0002

Dear Mr. Abraham:

Thank you very much for the opportunity to review and comment on CUP # 21-0022/V22-0002.

TowerCo IV Holdings, LLC, proposes the construction and development of a wireless communication facility and tower consisting of a 100-foot tall co-locatable tower with panel antennas, associated radio equipment, and other related infrastructure. The project location is 1812 Pan American Street, Calexico, CA 92231. APN 059-512-002-000, A.K.A. Calexico Border Crossing.

The Imperial Valley Emergency Communications Authority (hereinafter, IVECA), is entrusted with the operation of the 800 MHz radio communication system which serves Imperial County Fire, Law Enforcement, and Emergency Medical Services.

Future IVECA or Imperial County communication needs could necessitate tower space on the proposed tower and other related on-site infrastructure. The project's location is quite desirable for communication system enhancements. We therefore are respectfully requesting a Local/Public Benefit Agreement with CUP # 21-0022/V22-0002. We are hopeful for language favorable to IVECA for future communication system additions in perpetuity in said CUP. This would include, but not limited to, multiple antenna spaces, guaranteed antenna heights, and shelter space all at no cost to Imperial County or IVECA. It is obvious that the best interest of Imperial County first responders, and the public at large, are best served with the inclusion of a Local/Public Benefit Agreement.

Thank you in advance for your consideration of IVECA's request. Please contact me with any questions.

Sincerely,

Mark Schmidt
 Imperial Valley Emergency Communications Authority (IVECA)
 Emergency Communications Project Coordinator
markschmidt@co.imperial.ca.us
 Cell: 442-283-1688



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April 25, 2022

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APR 25 2022

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Mr. Michael Abraham
Assistant Director
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: TowerCo IV Holdings, LLC Telecommunications Tower Project; CUP No. ~~21-0024~~ *21-0022*

Dear Mr. Abraham:

On April 8, 2022, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Conditional Use Permit application no. ~~21-0024~~ *21-0022*. The applicant, TowerCo IV Holdings, LLC, proposes to install an 100 ft. communication tower with panel antennas, radio equipment and related unmanned equipment within a 50ft. x 50ft. enclosed chained-linked area located at 1812 Pan American Street, Calexico, CA (APN 059-512-002-000).

The Imperial Irrigation District has reviewed the information and has the following comments:

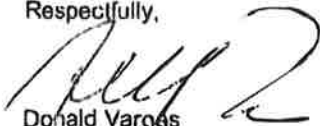
1. To request electrical service for the approved communication tower, the applicant should be advised to obtain electrical service for the project, the applicant should be advised to contact Joel Lopez, IID Service Planner, at (760) 482-3444 or e-mail Mr. Lopez at JFLopez@IID.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the district website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required submit a complete set of approved plans by the County of Imperial, electrical plans, panel location, voltage requirement, electrical panel schedules, an AutoCAD file of the site plan, construction schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicants shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
3. The applicant will need to abide by the following IID electrical tower service guidelines:
 - a. IID will allow only one metering point per site. If more than one meter is requested, the customer must utilize a multi-meter pack.
 - b. For single-phase service from a pole-mounted transformer the total service capacity shall not exceed 600 amps (e.g. six (6) 100-amp panels or three (3) 200-amp panels). Maximum transformer size is a 100kVA with a secondary voltage of 120/240V single phase.
 - c. For single-phase service from a pad-mounted transformer, the total service capacity shall not exceed 800 amps. Maximum transformer size is a 167kVA, 120/240V.

Michael Abraham
April 25, 2022
Page 2

- d. Services exceeding 800 amps of total capacity must be served from a three-phase pad-mounted transformer rated at 120/208V. Please note that load must be balanced across the phases.
4. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). The IID encroachment permit application and instructions are available at <https://www.iid.com/about-iid/department-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
5. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drain, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Marilyn Del Bosque Gilbert – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Daryl Buckley – Mgr. of Distribution Svcs. & Maint. Opns., Energy Dept.
Wayne K. Strumpler, General Counsel
Jamie Asbury – Assoc. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate

EEC ORIGINAL PKG

AIR POLLUTION CONTROL DISTRICT



April 25, 2022

RECEIVED

Mr. Jim Minnick
Planning & Development Services Director
801 Main St.
El Centro, CA 92243

APR 21 2022

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

SUBJECT: Conditional Use Permit 21-0022 / Variance 22-0002

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") thanks you for the opportunity to review the application for Conditional Use Permit 21-0022 to allow the construction and operation of a wireless communication facility at 1812 Pan American street in Calexico, California, also identified as Assessor's Parcel Number 059-512-002-000. A variance is required as the proposed tower's height of 100 feet exceeds to 60-foot allowable limit.

All construction activities must adhere to the Air District's **Regulation VIII** which is designed to limit emissions of fugitive dust (PM10) to 20% opacity. Any **generator greater than 50 horsepower** used for standby-backup purposes must be permitted through the Engineering and Permitting Division of the Air District.

The Air District's rule book can be accessed via the internet at <https://apcd.imperialcounty.org/rules-and-regulations/>. Should you have questions, please call our office at (442) 265-1800.

Sincerely,

Curtis Blondell
APC Environmental Coordinator

Reviewed by

Monica N. Soucier
APC Division Manager

CUP 21-0022 / V22-002

Page 1 of 1

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

EEC ORIGINAL PKG



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

RECEIVED

APR 25 2022

IMPERIAL COUNTY

April 8, 2022
REQUEST FOR REVIEW
AND COMMENTS

The attached project and materials are being sent to you for your review and comment. Notification that the following project is being requested and being processed by the County's Planning & Development Services Department. Please review the proposed project based on your agency/department area of interest, expertise, and/or jurisdiction.

- | To: County Agencies | State Agencies/Other | Cities/Other |
|--|---|--|
| <input checked="" type="checkbox"/> County Executive Office – Ben Salorio/Rosa Lopez/Esperanza Coilo Warren | <input checked="" type="checkbox"/> County Airport – Jenell Guerrero | <input checked="" type="checkbox"/> IID – Donald Vargas |
| <input checked="" type="checkbox"/> Ag. Commissioner – Carlos Ortiz/Sandra Mendivil/Margo Sanchez/Jolene Dessert/Ana Gomez | <input checked="" type="checkbox"/> EHS Office – Vanessa R Martinez/Alphonso Andrade/Jorge Perez/Mario Salinas/Jeff Lamoure | <input checked="" type="checkbox"/> Gateway of the Americas – John Gay |
| <input checked="" type="checkbox"/> IC Fire/OES Office – Alfredo Estrada/Robert Malek/Andrew Loper | <input checked="" type="checkbox"/> Imperial County Applicators – Byron Nelson | <input checked="" type="checkbox"/> Fort Yuma-Quechan Indian Tribe – Jordan D Joaquin/Jill McCormick |
| <input checked="" type="checkbox"/> Assessor's – Robert Menville | | <input checked="" type="checkbox"/> Campo Band of Mission Indians – Marcus Cuero |
| <input checked="" type="checkbox"/> Public Works – John Gay/Guillermo Mendoza | | |
| <input checked="" type="checkbox"/> IC Sheriff's Office – Ray Loera/Robert Benavidez/Scott Sheppard | | |
| <input checked="" type="checkbox"/> APCD – Matt Dessert/Monica Soucier/Belen Leon | | |
| <input checked="" type="checkbox"/> Board of Supervisors – Raymond Castillo | | |
| <input checked="" type="checkbox"/> County Counsel – Eric Havens | | |

From: Case Planner: Michael Abraham -- (442) 265-1736 or ICPDSCCommentLetters@co.imperial.ca.us

Project ID: Conditional Use Permit – CUP21-0022 / Variance – V22-0002

Project Location: 1812 Pan American Street, Calexico, CA 92231 / APN 059-512-002-000

Project Description: Applicant is proposing the development of a wireless communication facility and tower consisting of a 100-foot tall co-locatable tower with panel antennas and associated radio equipment. A base equipment cabinet, generator on a concrete pad and within a 50-foot by 50-foot enclosed chain linked area.

Applicants: TowerCo IV Holdings, LLC

Comments due by: April 25th, 2022 at 5:00PM

COMMENTS: (attach a separate sheet if necessary) (if no comments, please state below and mail, fax, or e-mail this sheet to Case Planner)

0 comments

Name: Arca Gomez Signature: [Signature] Title: Ag Biologist II

Date: 4/25/2022 Telephone No.: 442 265 1505 E-mail: aracagomez@towerco.com

MAILS:\Users\APN059512002\CUP21-0022;V22-0002;IS22-0013\CUP 21-0022 V22-0002 Request for Comments 04082022.docx



Valerie Grijalva

From: Mario Salinas
Sent: Monday, April 11, 2022 8:06 AM
To: Shannon Lizarraga
Cc: Jim Minnick; Michael Abraham; Rosa Soto; Carina Gomez; Maria Scoville; Valerie Grijalva; John Robb; Jorge Perez
Subject: RE: Request for Comments CUP22-0008 / APN 020-110-049-000

Good morning Ms. Lizarraga,

Pertaining to Request for Comments for CUP 21-0022/V22-0002, Division of Environmental Health does not have any comments at this time.

Thank you,

Mario Salinas, MBA

Environmental Health Compliance Specialist
Imperial County Public Health Department
Division of Environmental Health
797 Main Street Suite B, El Centro, CA 92243
mariosalinas@co.imperial.ca.us
Phone: (442) 265-1888
Fax: (442) 265-1903
www.icphd.org

RECEIVED

APR 11 2022

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES



The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by the attorney-client or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

From: Shannon Lizarraga <ShannonLizarraga@co.imperial.ca.us>

Sent: April 8, 2022 10:21 AM

To: Carlos Ortiz <CarlosOrtiz@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Jolene Dessert <JoleneDessert@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Ana L Gomez <analomez@co.imperial.ca.us>; Belen Leon <BelenLeon@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Matt Dessert <MattDessert@co.Imperial.ca.us>; Eric Havens <EricHavens@co.imperial.ca.us>; Jenell Guerrero <JenellGuerrero@co.imperial.ca.us>; Ray Castillo <RayCastillo@co.imperial.ca.us>; Rosa Lopez <RosaLopez@co.imperial.ca.us>; Esperanza Colio <EsperanzaColio@co.imperial.ca.us>; Ben Salorio <BenSalorio@co.imperial.ca.us>; Alphonso Andrade <AlphonsoAndrade@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Vanessa Ramirez <VanessaRamirez@co.imperial.ca.us>; Robert Menvielle <RobertMenvielle@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Alfredo Estrada Jr <AlfredoEstradaJr@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>; Guillermo Mendoza

<GuillermoMendoza@co.imperial.ca.us>; Robert Benavidez <rbenavides@icso.org>; Ray Loera - Sherriff <rloera@icso.org>; Scott Sheppard <scottsheppard@icso.org>; Donald Vargas - IID <DVargas@IID.com>; marcuscuerdo@campo-nsn.gov; historicpreservation@quechantribe.com; Quechan Indian Tribe <tribalsecretary@quechantribe.com>; byronfrontier@yahoo.com

Cc: Jim Minnick <JimMinnick@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>; Carina Gomez <CarinaGomez@co.imperial.ca.us>; Marla Scoville <marlascoville@co.imperial.ca.us>; Valerie Grijalva <ValerieGrijalva@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>

Subject: Request for Comments CUP22-0008 / APN 020-110-049-000

Good morning,

Please see attached Request for Comments packet for CUP21-0022/V22-0002 / APN 059-512-002-000.

Comments are due by **April 25, 2022 at 5:00PM.**

In an effort to increase the efficiency at which information is distributed and reduce paper usage, the Request for Comments packet is being sent to you via this email.

Should you have any questions, please feel free to contact Michael Abraham at (442) 265-1736, or submit your comment letters to ICPDScommentletters@co.imperial.ca.us.

Thank you;

Shannon Lizanaga

Imperial County Planning and Development Services
801 Main Street, El Centro, CA 92243
Tel. (442) 265-1736
Fax: (442) 265-1735


COUNTY EXECUTIVE OFFICE

Miguel Figueroa
County Executive Officer
miguelfigueroa@co.imperial.ca.us
www.co.imperial.ca.us



County Administration Center
940 Main Street, Suite 208
El Centro, CA 92243
Tel: 442-265-1001
Fax: 442-265-1010

April 20, 2022

TO: David Black, Planning and Development Services Department
FROM: Rosa Lopez, Executive Office 
SUBJECT: Request for Comments – CUP 21-0022 / Variance V22-0002

The County of Imperial Executive Office is responding to a Request for Comments - CUP 21-0022 / Variance V22-0002, Wireless Communication Facility and Tower Project. The Executive Office would like to inform the developer of conditions and responsibilities should the applicant seek a Conditional Use Permit (CUP). The conditions commence prior to the approval of an initial grading permit and subsequently continue throughout the permitting process. This includes, but not limited to:

- **Sales Tax Condition.** The permittee is required to have a Materials and Construction Site Permit reflecting the project site address, allowing all eligible sales tax payments are allocated to the County of Imperial, Jurisdictional Code 13998. The permittee will provide the County of Imperial a copy of the CDTFA account number and sub-permit for its contractor and subcontractors (if any) related to the jobsite. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any grading permits.
- **Construction/Material Budget:** The permittee will provide the County Executive Office a construction materials budget: an official construction materials budget or detailed budget outlining the construction and materials cost for the processing facility on permittee letterhead.

Should there be any concerns and/or questions, do not hesitate to contact me.

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APR 20 2022

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

Establishing Direction Creating Opportunity
AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

EEC ORIGINAL PKG

CUP APPLICATION

EEC ORIGINAL PKG

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME JEX Enterprises Inc	EMAIL ADDRESS PEPE & JE-EXPORTS.COM	
2. MAILING ADDRESS (Street / P O Box, City, State) 1680 Hilltop Drive, Chula Vista, CA 1811-5305	ZIP CODE 91911-5305	PHONE NUMBER (619) 426-6990
3. APPLICANT'S NAME TowerCo IV Holdings LLC	EMAIL ADDRESS forozco@interlinkpg.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 5000 Valleystone Drive, Suite 200, Cary NC 27519	ZIP CODE 27519	PHONE NUMBER (619) 632-2588
4. ENGINEER'S NAME Telecom Management Group	CA. LICENSE NO.	EMAIL ADDRESS edgar.ortiz@telecommg.com
5. MAILING ADDRESS (Street / P O Box, City, State) 302 Washington Street #150-8850, San Diego, CA	ZIP CODE 92103	PHONE NUMBER (858) 248-1678
6. ASSESSOR'S PARCEL NO. 059-512-002-000	SIZE OF PROPERTY (in acres or square foot) 3.19	ZONING (existing) GI
7. PROPERTY (site) ADDRESS 1812 Pan American Street		
8. GENERAL LOCATION (i.e. city, town, cross street) Northeast corner of Pan American Street and Rood Road		
9. LEGAL DESCRIPTION Lot 64 of Tract 941 - Unit No. 2, County of Imperial		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	Development of a wireless communication facility and tower consisting of a 100-foot tall allocatable tower with panel antennas and associated radio equipment. A base equipment cabinet, generator on a concrete pad and within a 50 ft by 50 ft enclosed chain linked fence area.
11. DESCRIBE CURRENT USE OF PROPERTY	Warehouse
12. DESCRIBE PROPOSED SEWER SYSTEM	Municipal
13. DESCRIBE PROPOSED WATER SYSTEM	Municipal
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	Sprinkler
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? n/a - Unmanned facility

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Print Name: Jose Enriquez Date: 1-20-2022
 Signature: [Signature]
 Print Name: _____ Date: _____
 Signature: _____

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY:	<u>[Signature]</u>	DATE	<u>3-11-22</u>	REVIEW / APPROVAL BY OTHER DEPT'S required
APPLICATION DEEMED COMPLETE BY:	_____	DATE	_____	<input type="checkbox"/> P. W.
APPLICATION REJECTED BY:	_____	DATE	_____	<input type="checkbox"/> E. H. S.
TENTATIVE HEARING BY:	_____	DATE	_____	<input type="checkbox"/> A. P. C. D.
FINAL ACTION:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE	_____	<input type="checkbox"/> O. E. S.
		DATE	_____	<input type="checkbox"/> _____

CUP #
21-0032

VARIANCE

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME JEX Enterprises Inc	EMAIL ADDRESS PEPE & JEX-EXPORTS.COM	
2. MAILING ADDRESS (Street / P O Box, City, State) 1680 Hilltop Drive, Chula Vista, CA 1911-5305	ZIP CODE 91911-5305	PHONE NUMBER (619) 426-6990
3. ENGINEERS NAME Telecom Management Group	CA. LICENSE NO.	EMAIL ADDRESS edgar.ortiz@telecommg.com
4. MAILING ADDRESS (Street / P O Box, City, State) 302 Washington Street #150-6850, San Diego, CA	ZIP CODE 27519	PHONE NUMBER (619) 632-2569
5. ASSESSOR'S PARCEL NO. 059-512-002-000	ZONING (existing) GI	
6. PROPERTY (site) ADDRESS 1812 Pan American Street	SIZE OF PROPERTY (in acres or square foot) 3.19	
7. GENERAL LOCATION (i.e. city, town, cross street) Northeast corner of Pan American Street and Rood Road		
8. LEGAL DESCRIPTION Lot 64 of Tract 941 - Unit No. 2, County of Imperial		
8. DESCRIBE VARIANCE REQUESTED (i.e. side yard set-back reduction, etc.) Request to exceed the height limited of the base zone for a col-locatable telecommunication tower.		
9. DESCRIBE REASON FOR, OR WHY VARIANCE IS NECESSARY : The variance request is to allow for a co-locatable telecommunication tower in conformance with Section 92404.01(E) of the Imperial County Land Use Ordinance.		
10. DESCRIBE THE ADJACENT PROPERTY East Vacant West Industrial Warehouse North Industrial Warehouse South Vacant		

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

Jose Enriquez 1-20-2022
 Print Name Date
 Signature
 Print Name Date
 Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY:	<u>[Signature]</u>	DATE	<u>3-11-22</u>	REVIEW / APPROVAL BY OTHER DEPT'S required
APPLICATION DEEMED COMPLETE BY:	_____	DATE	_____	<input type="checkbox"/> P. W
APPLICATION REJECTED BY:	_____	DATE	_____	<input type="checkbox"/> E. H. S
TENTATIVE HEARING BY:	_____	DATE	_____	<input type="checkbox"/> A. P. C. D
FINAL ACTION:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE	_____	<input type="checkbox"/> O. E. S

V #
22-0007

EEC ORIGINAL PKG



**CALEXICO BORDER CROSSING
SITE NUMBER: CA0602
COLLOCATION**
1812 PAN AMERICAN SREET,
CALEXICO, CA 92231

GENERAL NOTES

THE SPLICER IS MANUFACTURED AND NOT FOR TOWER MANUFACTURER'S INFORMATION. THE SPLICER IS NOT TO BE USED AS A REPAIR FOR ANY DAMAGE TO THE TOWER. ANY REPAIRS TO THE TOWER SHALL BE MADE IN ACCORDANCE WITH THE TOWER MANUFACTURER'S INSTRUCTIONS. ANY CHANGES TO THE SPLICER SHALL BE APPROVED BY THE TOWER MANUFACTURER IN WRITING.

ALL DOCUMENTS MUST BE APPROVED BY THE TOWER MANUFACTURER IN WRITING BEFORE ANY CONSTRUCTION OR INSTALLATION. ALL DOCUMENTS MUST BE APPROVED BY THE TOWER MANUFACTURER IN WRITING BEFORE ANY CONSTRUCTION OR INSTALLATION.

APPROVALS

THE FOLLOWING PARTIES MUST REVIEW AND APPROVE THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO CHANGE WITHOUT NOTICE. ANY CHANGES MUST BE APPROVED BY THE TOWER MANUFACTURER IN WRITING.

BY OWNER: _____ DATE: _____
CONTRACTOR: _____ DATE: _____
PROJECT MANAGER: _____ DATE: _____
SITE SUPERVISOR: _____ DATE: _____
SITE OWNER: _____ DATE: _____

DRAWING INDEX

SHEET NO.	SHEET TITLE
1-1	GENERAL NOTES
1-2	APPROVALS
1-3	CODE COMPLIANCE
1-4	PROJECT DESCRIPTION
1-5	SITE INFORMATION
1-6	PROJECT TEAM
1-7	VICINITY MAP
1-8	DRIVING DIRECTIONS

CODE COMPLIANCE

ALL CODES SHALL BE MET AND THE SPLICER SHALL BE USED IN ACCORDANCE WITH THE TOWER MANUFACTURER'S INSTRUCTIONS. ANY CHANGES TO THE SPLICER SHALL BE APPROVED BY THE TOWER MANUFACTURER IN WRITING.

PROJECT DESCRIPTION

RECORD APPROVE CONSTRUCTION OF A WIRELESS COMMUNICATIONS FACILITY TO THE FOLLOWING:

- 1. TO LOCATE AND INSTALL A TOWER ON THE ABOVE SITE.
- 2. TO INSTALL AND MAINTAIN THE TOWER AND ANTENNAS.
- 3. TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS.
- 4. TO PROVIDE ALL NECESSARY POWER AND FIBER OPTIC SERVICES.
- 5. TO PROVIDE ALL NECESSARY PROTECTIVE AND SAFETY SERVICES.

SITE INFORMATION

PROPERTY OWNER: AGL COMMUNICATIONS, INC.
1812 PAN AMERICAN SREET, CALEXICO, CA 92231

PROJECT NUMBER: CA0602

PROJECT ADDRESS: 1812 PAN AMERICAN SREET, CALEXICO, CA 92231

TOWNSHIP AND COUNTY: SAN DIEGO COUNTY, CALIFORNIA

LOCAL JURISDICTION: 1812 PAN AMERICAN SREET, CALEXICO, CA 92231

CONTRACT NUMBER: 1812-PAN-AM-001

CONTRACTOR: AGL COMMUNICATIONS, INC.

PROJECT MANAGER: AGL COMMUNICATIONS, INC.

DESIGNER: AGL COMMUNICATIONS, INC.

PROJECT TEAM

OWNER:
AGL COMMUNICATIONS, INC.
1812 PAN AMERICAN SREET, CALEXICO, CA 92231
CONTACT: (951) 422-2770
EMAIL: PROJECTMANAGER@AGL.COM

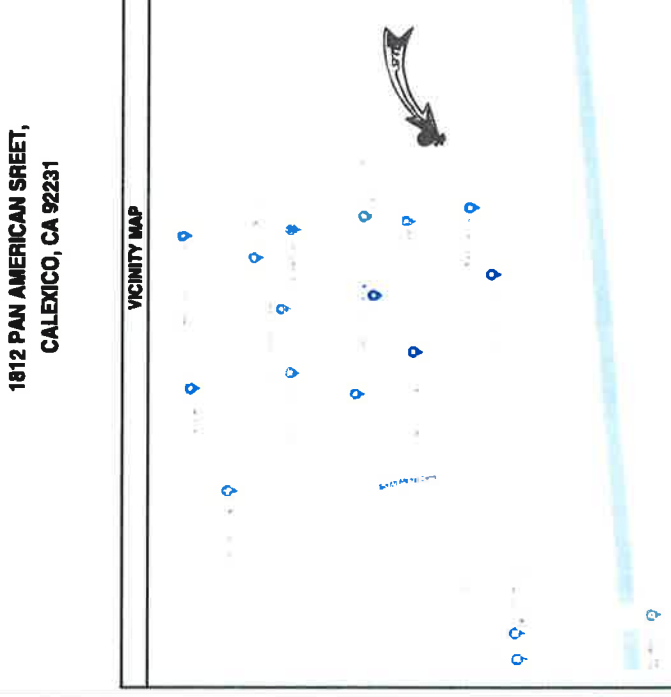
DESIGNER:
AGL COMMUNICATIONS, INC.
1812 PAN AMERICAN SREET, CALEXICO, CA 92231
CONTACT: (951) 422-2770
EMAIL: PROJECTMANAGER@AGL.COM

CONTRACTOR:
AGL COMMUNICATIONS, INC.
1812 PAN AMERICAN SREET, CALEXICO, CA 92231
CONTACT: (951) 422-2770
EMAIL: PROJECTMANAGER@AGL.COM

CONTRACTOR: _____
PROJECT MANAGER: _____
SITE SUPERVISOR: _____
SITE OWNER: _____

DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____

VICINITY MAP



DRIVING DIRECTIONS

FROM THE SOUTH: TAKE SR 94 WEST TO SR 146 SOUTH. TURN RIGHT ON SR 146 SOUTH. THE PROJECT SITE IS LOCATED ON THE WEST SIDE OF SR 146 SOUTH, APPROXIMATELY 0.5 MILES WEST OF THE INTERSECTION OF SR 94 AND SR 146 SOUTH.

FROM THE NORTH: TAKE SR 94 SOUTH TO SR 146 SOUTH. TURN RIGHT ON SR 146 SOUTH. THE PROJECT SITE IS LOCATED ON THE WEST SIDE OF SR 146 SOUTH, APPROXIMATELY 0.5 MILES WEST OF THE INTERSECTION OF SR 94 AND SR 146 SOUTH.

**CALEXICO BORDER CROSSING
1812 PAN AMERICAN ST.,
CALEXICO, CA 92231**

TOWERCo

TOWERCo

TOWERCo

TOWERCo

TITLE SHEET

TELECOM

811

T1

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FOR MORE INFORMATION VISIT US AT www.811.com

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NO.	DATE	DESCRIPTION
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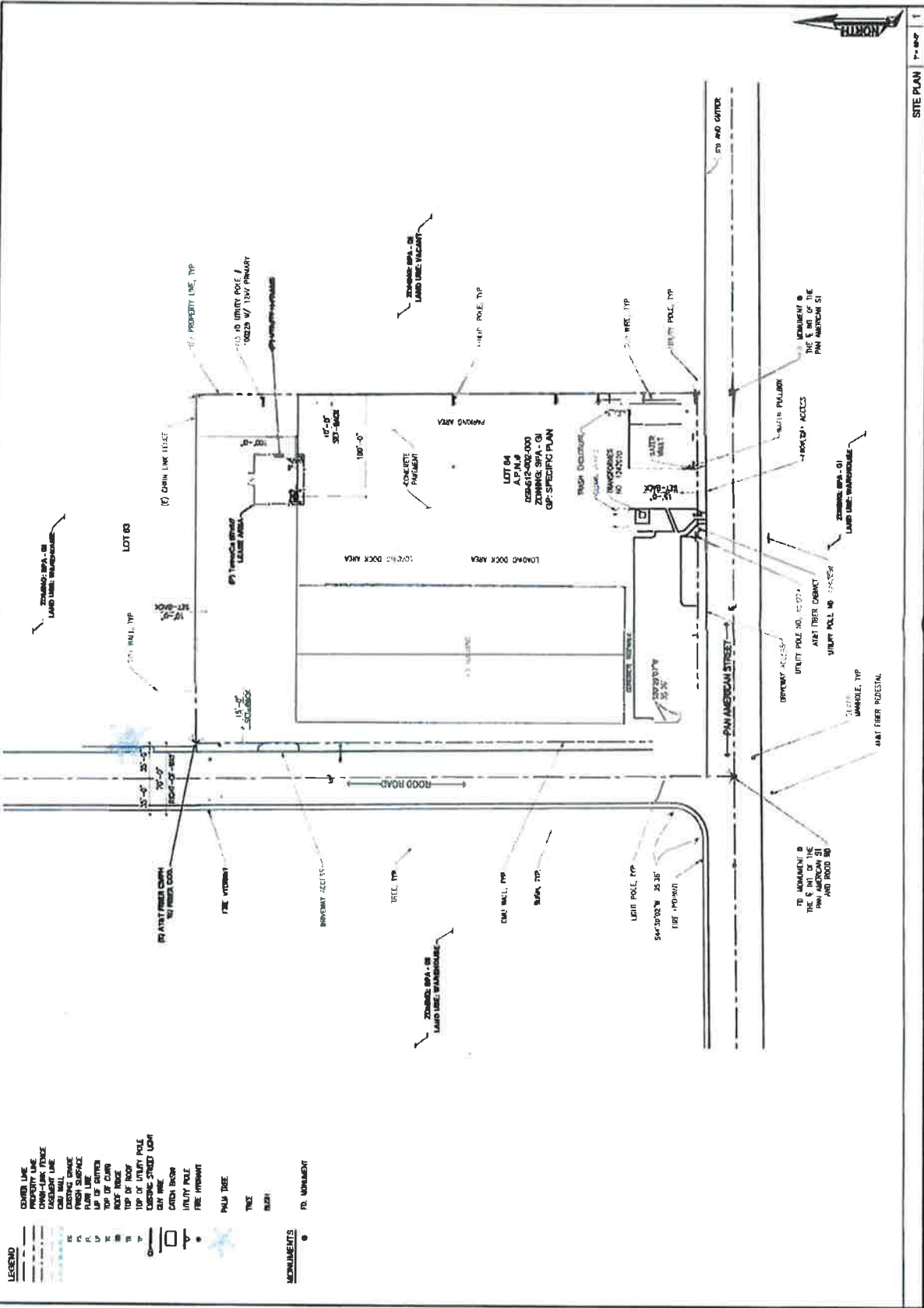
SITE PLAN

CANON
 CALEXCO BOWEN CROSSING
 1812 PAN AMERICAN ST.
 CALEXCO, CA 92331



PROJECT NO.
 SHEET NO.
 DATE
 DRAWN BY
 CHECKED BY
 DATE

Z1



- LEGEND**
- COVER LINE
 - PROPERTY LINE
 - CHAIN-LINK FENCE
 - EXISTING LINE
 - EXISTING CURVE
 - EXISTING SURFACE
 - FINISH SURFACE
 - TOP OF CURB
 - TOP OF GROUND
 - TOP OF ROOF
 - TOP OF UTILITY POLE
 - UTILITY POLE
 - CONCRETE
 - UTILITY POLE
 - FIRE HYDRANT
 - PAUL TREE
 - TREE
 - BUSH
 - MONUMENT
- MONUMENTS**
- MONUMENT

SITE PLAN 11-20-07 1

ECC ORIGINAL PKG

1	DATE	11/11/11
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3	BY	...
4	BY	...
5	BY	...
6	BY	...
7	BY	...
8	BY	...
9	BY	...
10	BY	...

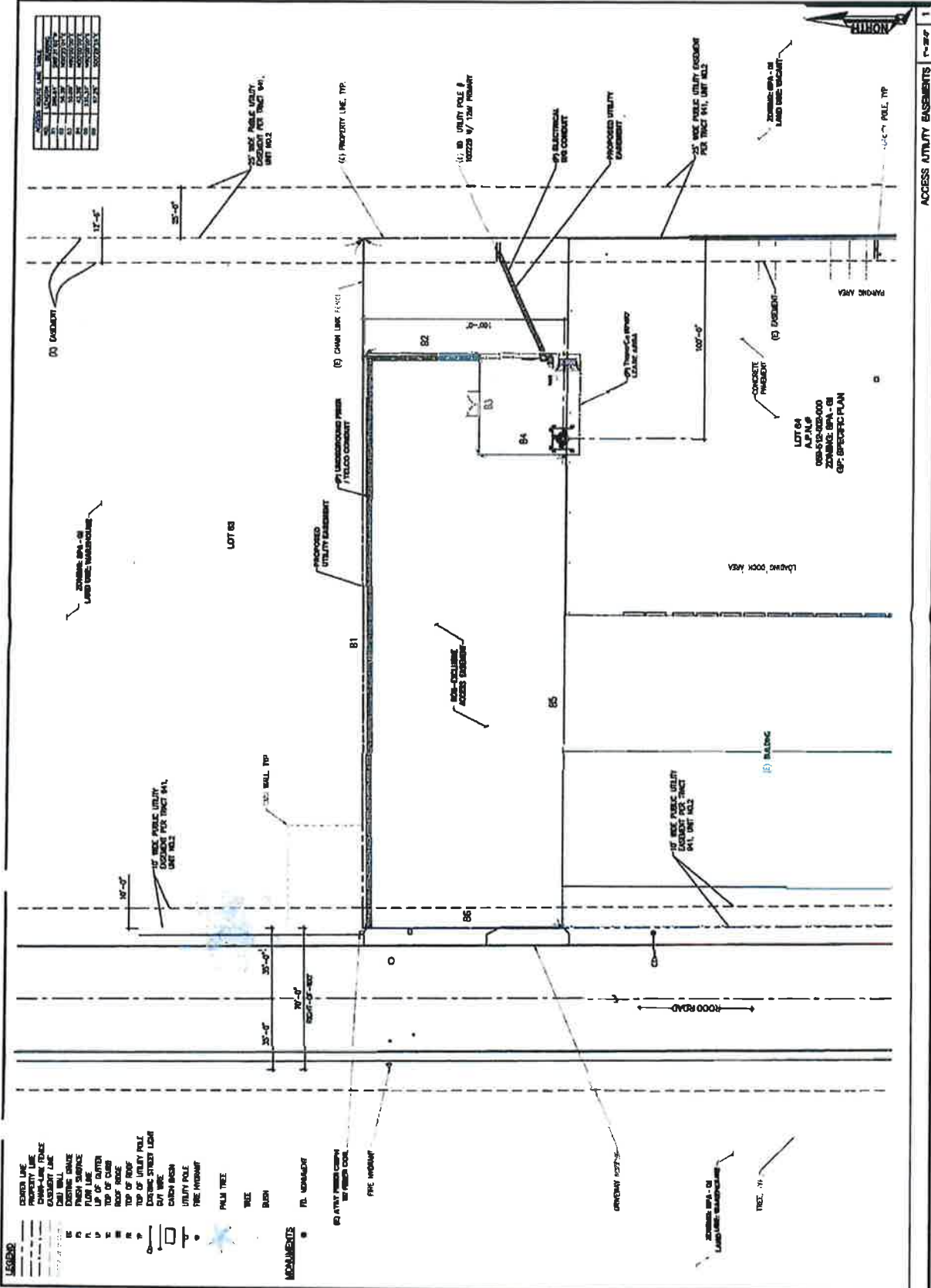


ACCESS / UTILITY EASEMENTS

CA 9442 CALICO BORDERS CROSSING 1813 PAN AMERICAN ST. CALICO, CA 92523



21.1	
DATE	11/11/11
BY	...
BY	...
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BY	...



- LEGEND**
- CENTER LINE
 - PROPERTY LINE
 - FENCE
 - EASEMENT LINE
 - GROUND LINE
 - DRAIN WALL
 - EXISTING DRAINAGE
 - EXISTING SERVICE
 - PLUMB LINE
 - TOP OF DRAIN
 - TOP OF CURB
 - ROOF RIDGE
 - TOP OF ROOF
 - TOP OF UTILITY POLE
 - EXISTING STREET LIGHT
 - DRAIN BENCH
 - UTILITY POLE
 - FIRE HYDRANT
 - PALM TREE
 - TREE
 - BUSH
- MEASUREMENTS**
- FT. DIMENSION
 - AS SHOWN DIMENSION WITH DIMENSION LINE
 - PRE. HATCH

ACCESS UTILITY EASEMENTS 11/11/11

NO.	REV.	DATE	BY	CHKD.
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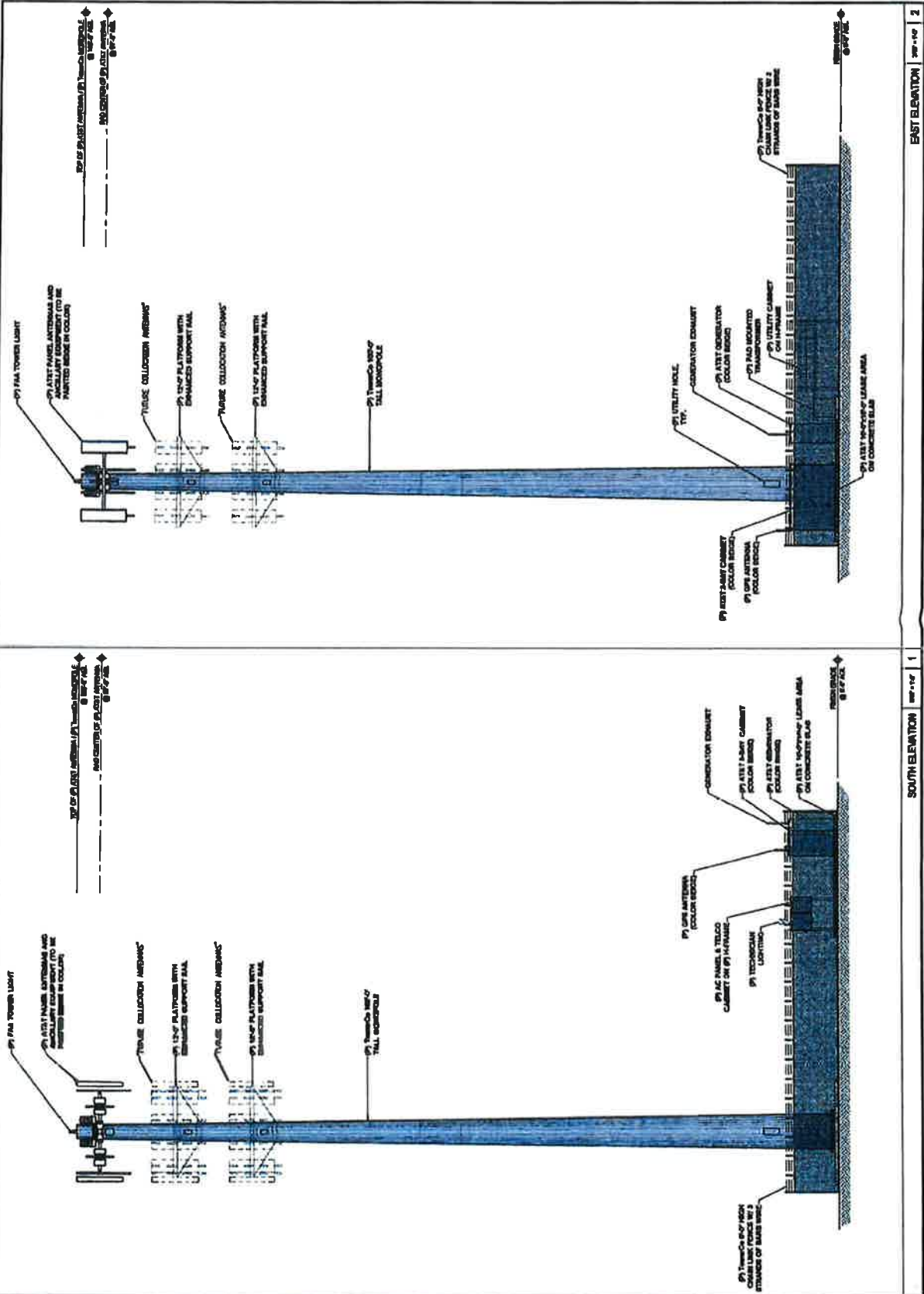
TOWERCO

ENLARGED SITE PLAN

CLASCO
CALIFORNIA BROADCASTING CORP.
1813 PARK AVENUE, SUITE 200
CALIFORNIA, CA 92214

TELECOM
MANAGEMENT GROUP

Project Name	
Sheet No.	Z3
Scale	AS SHOWN
Date	
Drawn By	
Checked By	
Approved By	





Project Description / Justification

Project proposal

TowerCo is a tower developer proposing to construct a 100-foot tower near the border crossing in Calexico. The proposed tower is intended to serve a multi-carrier wireless facility with AT&T Mobility being the first carrier to occupy the subject tower. Additional carriers will be added overtime as the need arises for collocation. The property is located on northeast corner of Pan American Street and Rood Road within the unincorporated area of Imperial County. The property is zoned GI – Gateway Industrial within the Gateway of the Americas Specific Plan. The subject parcel of land is approximately 3.19 acres in size and is presently developed with an industrial warehouse building and associated parking lot. The surrounding properties are also zoned GI and are developed with similar uses.

Wireless communication facilities are regulated by Division 24, Chapter 1 of the county's municipal code. More specifically Sections 92401.00 through 92413.04 of the code. The proposed wireless communications facility and tower development is permitted subject to the Director's approval of a Conditional Use Permit and height Variance.

Project objectives

AT&T needs a facility to increase coverage for the area near the international border crossing of Calexico and the increase commerce that occurs within the vicinity. As shown on the attached coverage maps, AT&T coverage of this area is very poor to none. Coverage provided by existing towers located to the west and east of Highway 7 do not reach this area of need. Once implemented AT&T would be able to close a significant gap in their coverage for this area.

TowerCo will build the proposed tower and have AT&T as the first carrier to occupy the top portion of the tower to meet AT&T needs. The tower has been designed to support two additional antenna arrays below AT&T antenna equipment. TowerCo is leasing a 50-foot by 50-foot space within the subject property with enough ground space to support additional wireless provider's ground equipment as well as parking for routine maintenance vehicles.

Equipment information

The following equipment is proposed for AT&T.

- Six (6) panel antennas
- Nine (9) Remote Radio Units (RRU)
- Three (3) surge suppressors
- One (1) equipment cabinet on a concrete slab
- One (1) stan-by emergency generator
- One (1) H-frame for related power and telco boxes

Additional development by TowerCo for this project include:

- One (1) H-frame to support electrical meters
- Electrical and Telco services within underground conduits
- A chain linked fence with security wires

Tower design



The proposed tower is 100-feet in height to provide the necessary height for AT&T to close its current significant gap in coverage for the Calexico international crossing and surrounding industrial and commerce development. The tower height is consistent with the general requirements under Section 92401.04 towers outside the designated scenic corridors may exceed one hundred and twenty feet. The proposed tower is lower than the code requirement. Also, in conformance with the provisions of the code general requirements, the tower is proposed to be painted a non-reflective earth tone color to blend with the existing natural environment.

Maintenance and Operations

The proposed wireless facilities by AT&T and future collocations are unmanned and therefore do not have any impact to the existing parking requirements nor operations on the subject property. The lease area allocated by TowerCo provides enough space for the parking of maintenance vehicles. Maintenance of the wireless facilities are very infrequent and routine visits may occur once per month. The wireless provider's maintenance crew will have 24/7 access to the subject site.

AT&T proposed generator is designed for emergency power outages and will only be operated during such emergency events. The generator will be tested on a monthly basis to ensure proper operation should a power outage event occur. Because the property is located within an industrial area, no impacts to the surrounding uses area expected from the operation or testing of this equipment.

FCC and Federal compliance

The proposed tower will comply with all federal, state, and local requirements for the construction and operation of the proposed wireless facilities. To that end, TowerCo has engaged EBI Consulting to prepare a certified engineer's report showing compliance with RF emissions dated October 5, 2021 (attached). Based on the conclusions of this report, there are no publicly used areas that will exceed the federal standards and guidelines in terms of RF emission. The report only recommends cautionary signs to alert any climbing personnel as required by federal and carrier standards.

Required findings for approval

TowerCo believes that the requested Conditional Use Permit application can be approved based on the following findings:

1. The proposed wireless telecommunications facility complies with provisions of Section 92401.04. As stated above, the facility has been designed as a multi-user tower with enough ground space to accommodate future wireless carrier. The proposed facility is within an industrial zone where these types of facilities are permitted subject to the Planning Directors approval of a conditional use permit. The design of the tower meets the heights standards and will be painted a non-reflective earth tone color to blend with the existing desert environment. The proposed tower is situated with enough setback to buffer from other adjacent uses and to protect those properties. The proposed equipment and enclosure is at least 250-feet from the public roads. All aspects of the proposed development will be consistent with the regulations and standards of the county.
2. The proposed wireless telecommunications facility is consistent with FCC regulations in terms of RF emissions as demonstrated by the report submitted by EBI Consulting.



3. The facility blends in with its existing environment and will not have significant adverse visual impacts. As stated above, the facility is of a height suitable for the needs to close a significant coverage service gap for AT&T. The proposed tower and antenna components will be painted a non-reflective earth toned color to match its existing environment. The site is located within an industrial area and is not near any designated scenic corridors; therefore, no significant adverse visual impacts is anticipated.

Variance findings for approval

The proposed wireless telecommunication tower will be 100 foot in height. The Gateway Specific Plan General Industrial zone has a maximum height of 60 feet. A variance from the specific height requirement is necessary. As stated above and demonstrated by coverage maps, the facility needs to be design at 100 feet in height. The proposed height is consistent with the general requirements of Section 92401.04 of the Communication Facilities Ordinance. Therefore, ToweCo believes that the following finds of approval can be met.

1. There are special circumstances applicable to the property described in the variance application, that do not apply to the property or class of use in the same zone or vicinity.

The height variance is necessary to achieve the coverage objectives for the proposed wireless telecommunication facility. A reduction in height would reduce the coverage for this location requiring additional tower installation to compensate for the coverage gap.

2. That granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.

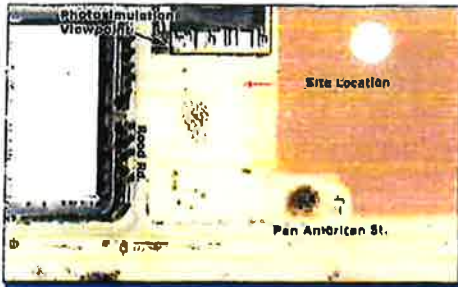
The proposed wireless telecommunication facility is intended to provide and fill-in a coverage gap identified by AT&T. As such, the project will provide communication benefits to the public. Granting of the variance will not be materially detrimental but a benefit to the general public, emergency services, and commerce of the Specific Plan.

3. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of zoning laws is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

Strict application of the height regulations found in the Gateway Specific Plan would deprive the property and wireless provider with privileges otherwise allowed in other similar industrial locations outside of the Specific Plan area.

4. That such variance will not adversely affect the comprehensive general plan.

Granting of the requested variance will be consistent with the objectives of the general plan.

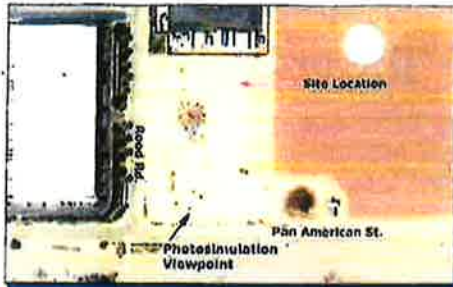



TowerCoTM
 Calexico Border Crossing
 Site Number: CA0602
 Collocation
 1812 Pan American St.
 Calexico, CA 92231

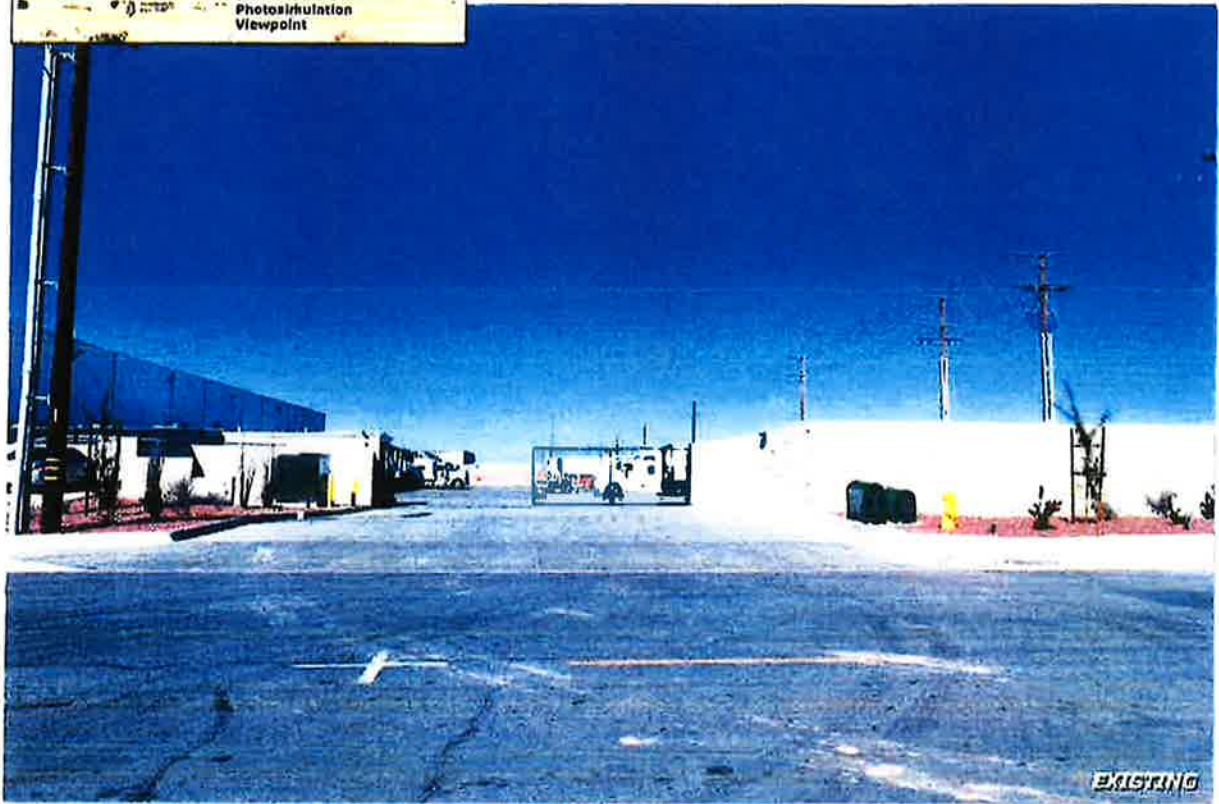


These simulations are intended for graphical purposes only and are intended to be used in or to replace the information provided on the construction drawings.
 2/9/2022

PROPOSED
 Photo simulation of proposed telecommunications site
EEC ORIGINAL PKG



These simulations are intended for graphical purposes only and are intended to be part of or to reflect the information provided on the construction drawings.
2/9/2012



These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings.
2/9/2022

Photosimulation of proposed telecommunications site



LETTER OF DELEGATION

APPLICATIONS FOR ZONING/LAND USE/BUILDING PERMITS

I, Todd Boyer, CEO for TowerCo V Holdings LLC, a Delaware limited liability company ("TowerCo"), the parent company for TowerCo 2013 LLC, a Delaware limited liability company and TowerCo IV LLC, a Delaware limited liability company, hereby delegate to David Hockey, Director of Zoning, the right to execute any and all zoning, land use and/or building permit applications for any towers owned and operated by TowerCo V Holdings LLC or any of its subsidiaries or affiliated companies, or any towers under development by TowerCo V Holdings LLC or any of its subsidiaries or affiliated companies. Such delegation is pursuant to Section 8(c) of the TowerCo V Holdings LLC Limited Liability Agreement, as amended and restated on December 3, 2018. I hereby certify that I have the authority to delegate this signature authorization to David Hockey.

Todd Boyer

CEO

TowerCo V Holdings LLC

DocuSigned by:
Todd Boyer
By: _____
510F8B566044400

Date: 1/17/2022

5000 Valleystone Dr.
Suite 200
Cary, NC 27519

919.853.8700

919.468.5530

Info@towerco.com

towerco.com

IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES GENERAL INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the County, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents, officers, attorneys, or employees (including consultants), to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's action. The County, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The County shall have the final determination on how to best defend the case and will consult with applicant regularly regarding status and the plan for defense. The County will also consult and discuss with applicant the counsel to be used by County to defend it, either with in-house counsel, or by retaining outside counsel provided that the County shall have the final decision on the counsel retained to defend it. Applicant shall be fully responsible for all costs incurred. Applicant shall be entitled to provide his or her own counsel to defend the case, and said independent counsel shall work with County Counsel to provide a joint defense.

Executed at _____ California on _____, 201_____

APPLICANT

REAL PARTY IN INTEREST
(If different from Applicant)

Name: TowerCo V Holdings LLC
 By: *David Hockey* (DAVID HOCKEY)
 Title: DIRECTOR OF ZONING

Name: _____
 By: _____
 Title: _____

Mailing Address:

5000 Valleystone Drive
Suite 200
Cary, NC 27519

Mailing Address:

ACCEPTED/RECEIVED BY _____ Date _____

PROJECT ID NO _____ APN _____

S:\FORMS_LISTS\General indemnification FORM 041516.doc



Imperial County Planning & Development Services Planning / Building / Parks & Recreation

Jim Minnick
DIRECTOR

RECEIVED

NOTICE TO APPLICANT

FEB 11 2022

SUBJECT: PAYMENT OF FEES

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Dear Applicant:

Pursuant to County Codified Ordinance Division 9, Chapter 1, Section 90901.02, all Land Use Applications must be submitted with their appropriate application fee. Failure to comply will cause application to be rejected.

Please note that once the Department application is received and accepted, a "time track" billing will commence immediately. Therefore, should you decide to cancel or withdraw your project at any time, the amount of time incurred against your project will be billed and deducted from your payment. As a consequence, if you request a refund pursuant to County Ordinance, your refund, if any, will be the actual amount paid minus all costs incurred against the project.

Please note there will be no exceptions to this policy. Thank you for your attention.

Sincerely yours,


Jim Minnick, Director
Planning & Development Services

RECEIVED BY: *Daryl Hooley (TOWERCO)* DATE: 02/15/22

February 15, 2022


CA602- COLOCATION STATEMENT

This document is being provided to confirm that TowerCo V Holdings LLC commits to allow colocation on the proposed tower to be located at 1812 Pan American Street, Calexico, CA 92231 (APN# 059-512-002-000). Additionally, the wireless communication facility will be designed to accommodate multiple wireless tenants, thereby complying with section 92409.01 (H) of the Imperial County zoning ordinance.

As background, TowerCo V Holdings LLC is a privately held wireless infrastructure company that owns towers and leases space to all national and non-national wireless customers throughout the country. It is important to TowerCo that our sites have the capacity to handle multiple tenants, thereby supporting the goals of the county's zoning ordinance (reducing future potential for new towers).

Should you have any questions, please feel free to reach me at (919) 653-5746

Sincerely,


David Hockey
Director of Zoning

NOTARY BLOCK

State of NORTH CAROLINA
County of Wake

This instrument was acknowledged before me by David Hockey,
Director of Zoning of TowerCo (Tower Facility owner), personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.



WITNESS my hand and official seal, this 15th day of February, 2022.

TowerCo

NOTARY SEAL



Notary Public Catherine M. Phlips
My Commission Expires: 10/02/22

5000 Valleystone Dr.
Suite 200
Cary, NC 27519

919.469.5559

919.469.5530

Info@towerco.com

towerco.com

EEC ORIGINAL PKG

OWNER'S AFFIDAVIT

In the event the applicant is not owner, the following shall be signed and acknowledge by the owner.

Permission is hereby granted to T over Co V Holdings LLC to apply for this
(Lessee, Tenant Contractor-Specify)

Conditional Use Permit on the described property located at address
(State permit type clearly i.e. building, land used)

1 83 Pan American Street Further identified by Assessor's Parcel Number

(APN) 059-512-002-000 is hereby granted.

OWNER (SIGNATURE)

OWNER (TYPED OR PRINT)

OWNER'S ADDRESS

DATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Imperial } S.S.

On 04/28/2022 before me, Bertha Alejandra Morales personally appeared Bertha Alejandra Morales, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Bertha A. Morales (Seal)



ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document Owners Affidavit
Number of Pages 1 Date of Document 04/28/2022
Signer(s) Other Than Named Above N/A



TowerCo Site Name/Number: Calexico Border Crossing / CA0602
 Lessee Site Name/Number: Calexico Border Crossing / CAL01754
 APN: 059-512-002-000

LETTER OF AUTHORIZATION

This Letter of Authorization dated this the 28 day of Feb., ²⁰²² 2021, provides written authorization for TowerCo V Holdings LLC and New Cingular Wireless PCS, LLC (collectively "Lessee"), its attorney, agents or representatives, to apply for any necessary zoning petitions, permits or any other approvals, including, but not limited to the filing of a building permit application (after required zoning approval has been completed), which are necessary for Lessee's placement of a wireless communications facility within a portion of the Lessor's real property, commonly known as: TowerCo Site CA0602, Calexico Border Crossing, at the NE Corner of Rood Road and Pan American Street in the City/Township of Calexico, County of Imperial, State of California.

This Letter of Authorization shall not constitute an agreement to enter into a binding agreement and neither party shall be bound with regard to the leasing of the above-mentioned property until a final agreement has become fully executed between the parties.

LESSOR:
 JEX Enterprises, Inc., a California corporation

By: _____
 Name: Joseph E. Smith
 Title: President
 Date: 2-28-2022

[ACKNOWLEDGMENT ON NEXT PAGE]

5000 Valleyview Dr.
 Suite 200
 Cary, NC 27519

919.469.5539

919.469.5530

info@towerco.com

towerco.com

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Imperial

On 02/18/2020 before me,

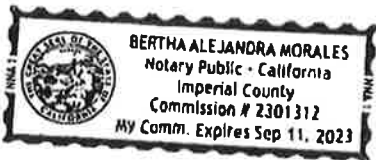
(insert name and title of the officer) BERTHA ALEJANDRA MORALES (Notary Public)

personally appeared JOSE JESUS BARRERA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Bertha A. Morales



(Seal)



To Whom it may concern:

7/15/22

We are a company that evaluates structures to help insure they do not interfere with aviation interests. We have been in business over 30 years and have even worked under contract with the FAA in evaluating and developing FAA Instrument Procedures.

We were contacted by TOWERCO to evaluate the proposed 110' cell tower antenna in the Calexico Area. We were notified that there is a new instrument approach procedure and departure procedure at a helipad known as API Gateway Heliport (CN90). We have gone back and reviewed the new instrument procedures against the proposed new tower and have found it to not to interfere with the normal operations of the helipad.

There is an existing 300' tall tower that is approximately 600' to the south of this proposed tower that will pose a greater hazard to the use of the helipad. There are also several power lines and light poles in the area.

The FAA was required to evaluate this proposed tower during the development and flight check of any new instrument procedure at CN90. That is why the FAA has strict rules governing tall structure notification. They would have evaluated the instrument procedure as if the tower was already constructed. That is required by Federal Aviation Rules (FAR Part 77). Going back to the FAA and having the reevaluate this is possible but would be a great delay in the construction and use of the tower, along with an expensive use of government manpower.

I have attached a copy of the Google Earth map and a Google Earth map link to this email this letter is sent with.

If you have any further questions please feel free to contact me at any time.

Dale Smith CEO

678-773-3996

Calexico Tower.doc

7/15/2022

ASACSafety.com

EEC ORIGINAL PKG



IFR Approach Area

All American Drain Five

Aggregate Products Inc. (Gateway)

Helipad

Transportes Selmex

EEC ORIGINAL PKG

UNITED STATES

UNITED STATES

Proposed Tower

Existing 300' AGL tower

NAP CALEXICO

Google Earth

ATTACHMENT "H" – ALUC PACKAGE



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

TO: Commissioner Mike Goodsell
Commissioner Jenell Guerrero
Commissioner Dennis Logue
Commissioner Sylvia Chavez
Commissioner Jerry Arguelles

FROM: Jim Minnick, Secretary
Planning & Development Services Director

SUBJECT: Public Hearing for the consideration of a proposed 100-foot wireless communication facility (Conditional Use Permit #21-0022 & V #22-0002) located at 1812 Pan American Street, Calexico, CA 92231 (APN 059-512-002; Latitude 32°40'36.998"N – Longitude 115°22'38.824"W) to determine Consistency with the Airport Land Use Compatibility Plan (ALUCP). [Mariela Moran, Planner III] (ALUC 03-22)

DATE OF REPORT: May 18, 2022

AGENDA ITEM NO: 2
HEARING DATE: May 18, 2022
HEARING TIME: 6:00 p.m.
HEARING LOCATION: County Administration Center
Board of Supervisors Chambers
940 Main Street
El Centro, CA 92243

STAFF RECOMMENDATION

It is Staff's recommendation that the Airport Land Use Commission finds the proposed 100-foot wireless communication facility, located at 1812 Pan American Street, Calexico, CA 92231 to be consistent with the 1996 Airport Land Use Compatibility Plan.

SECRETARY'S REPORT

Project Location:

The proposed wireless communication facility will be located at 1812 Pan American Street, Calexico, CA 92231. The property is identified as Assessor's Parcel Number (APN) 059-512-002-000 and is further described as Lot 64 of Tract 941-Unit #2, Township 17 South, Range 16 East, S.B.B.M., Latitude 32° 40' 36.998"N – Longitude 115° 22' 38.824"W.

Project Description:

The applicant, TowerCo IV Holding, LLC, is proposing to install a 100-foot, co-locatable monopole wireless communication facility near the border crossing east of Calexico. AT&T will be the first carrier, and additional carriers will be added over time as needed. The project requires a Conditional Use Permit (#21-0022) for the wireless communication facility and a Variance (#22-0002) to exceed the 60-foot height limitation for the Gateway Industrial (GI) zoned area by 40 feet.

The 3.9 acre parcel is currently developed with a 45,000 square foot warehouse. The proposed wireless communication facility will be located at the northeast portion of the parcel within a 50' x 50' leased area. Proposed equipment for AT&T are six (6) panel antennas, nine (9) remote radios, three (3) surge suppressors, one (1) equipment cabinet, one (1) generator and one (1) H-frame for power. Further, proposed equipment for TowerCo is one (1) H-frame for power, underground electrical services and a chain-link fence.

General Plan/ALUCP Analysis:

The proposed wireless communication facility is located in the Gateway Specific Plan area and is not located near any County Public Airport or airstrip. The nearest airport is the Calexico International Airport located approximately eight (8) miles west of the project site.

The project site is zoned GI (Gateway Industrial) per the Imperial County Land Use Ordinance Title 9, Division 25, Section 92518.00.

The Airport Land Use Compatibility Plan (ALUCP), Chapter 2, Policies, Section 2.3, provides "Types of Actions Reviewed" by the Commission, which shall include:

"Any request for variance from a local agency's height limitation ordinance; and any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities" (Section 2.3.3(c)(h), pg. 2-3 & 2-4)

The proposed variance and conditional use permit has been submitted for the Airport Land Use Commission's review and determination of consistency with the 1996 Airport Land Use Compatibility Plan (ALUCP) due to the nature of the application (a 100-foot wireless communication facility).

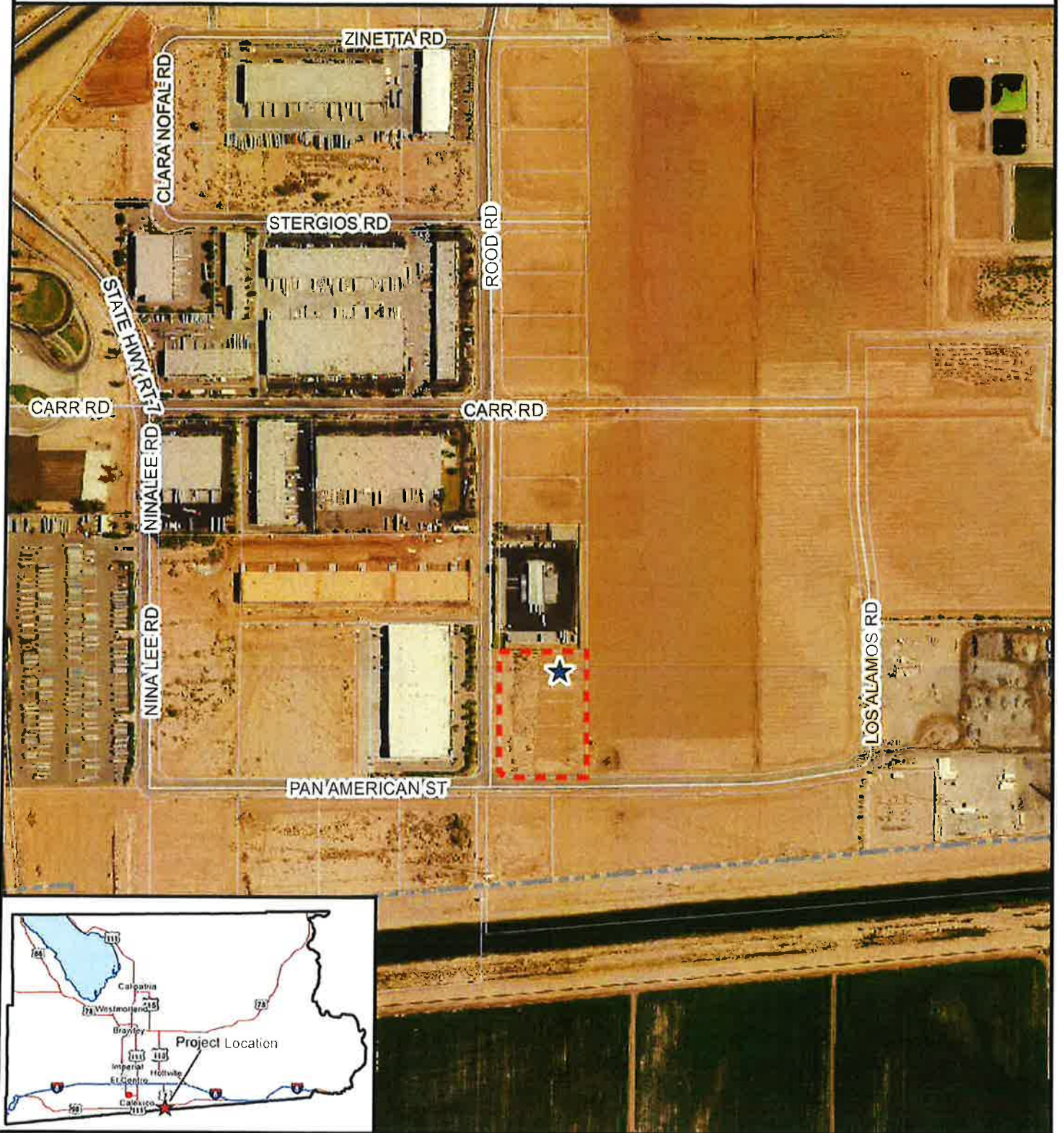
ATTACHMENTS:

- A. Vicinity Map
- B. Site Plan
- C. Application
- D. ALUCP Section






S:\AllUsers\APN\059\512\002\CUP21-0022;V22-0002;IS22-0013\ALUC\CUP21-0022 ALUC Staff Report.doc

**Attachment A
Vicinity Map**

PROJECT LOCATION MAP



TOWER CO IV, LLC
CUP #21-0022 / V #22-0002
APN 059-512-002-000

-  County Boundary
-  Project Location
-  Centerline
-  Parcels
-  Tower Location



Attachment B
Site Plan

1	2	3	4	5	6	7	8	9	10



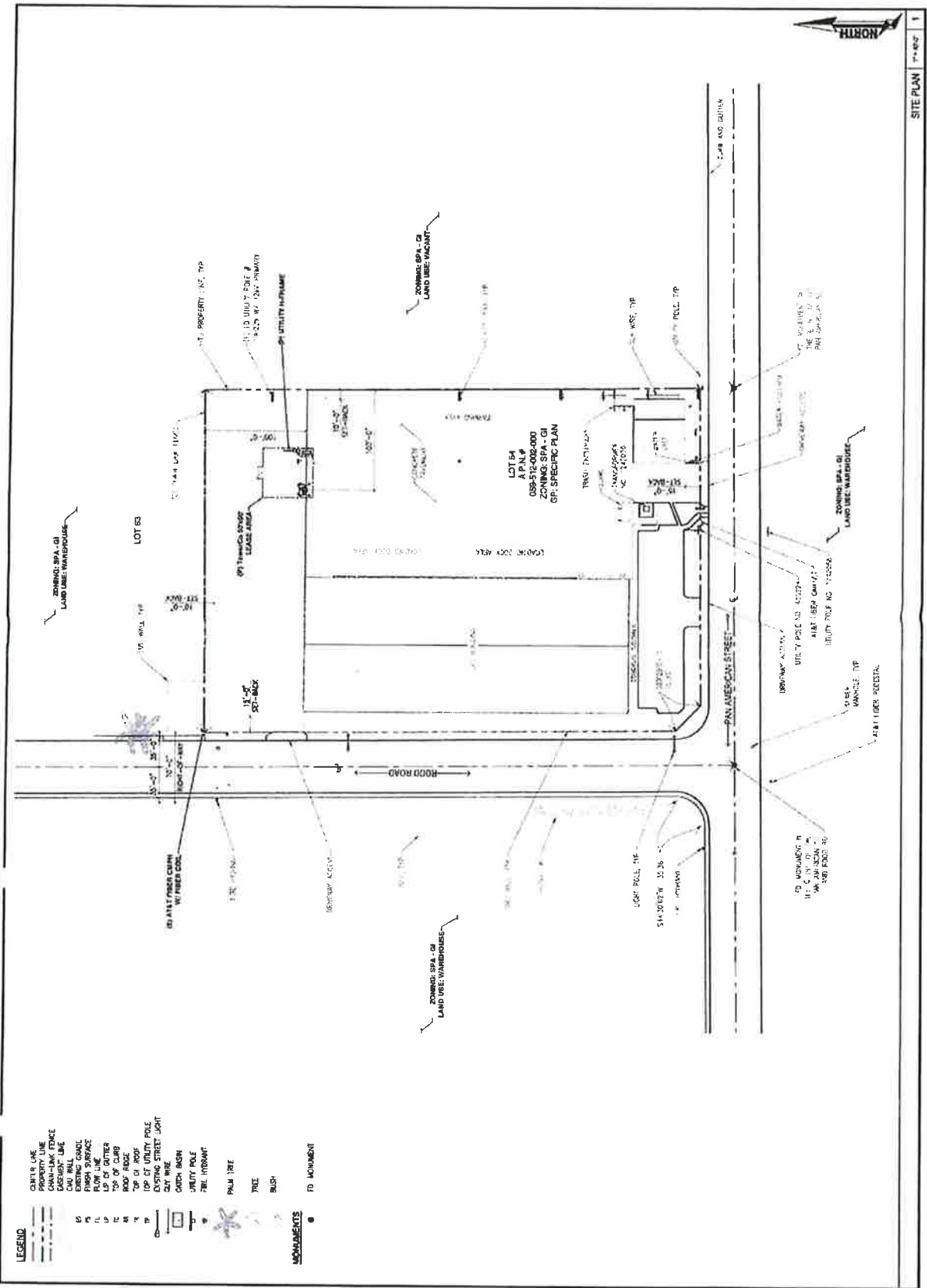
SITE PLAN

CA0602
 CALEXICO BORDER CROSSING
 1812 PAN AMERICAN ST.
 CALEXICO, CA 92531



DATE: 08/15/2017

Project Name:	CALEXICO
Client:	TELECOM
Scale:	1" = 100'
Sheet No.:	Z1



- LEGEND**
- CENTER LINE
 - PROPERTY LINE
 - CHAIN-LINK FENCE
 - CONCRETE CURB
 - EXISTING CANAL
 - PS FINISH SURFACE
 - LS EXISTING LOT SURFACE
 - LS EXISTING LOT CENTER
 - LS TOP OF CURB
 - BR ROOF EDGE
 - T TOP OF ROOF
 - DP TOP OF UTILITY POLE
 - DP TOP OF STREET LIGHT
 - DP TOP OF WIRE
 - OB OCEAN BASKIN
 - UP UTILITY POLE
 - TRAIL MONUMENT
 - PA PALM TREE
 - TR TREE
 - BUSH
 - MO MONUMENT

SITE PLAN 7-1827 1

**Attachment C
Application**

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME JEX Enterprises Inc	EMAIL ADDRESS PEPE & JE-EXPORTS.COM	
2. MAILING ADDRESS (Street / P O Box, City, State) 1680 Hilltop Drive, Chula Vista, CA 1911-5305	ZIP CODE 91911-5305	PHONE NUMBER (619) 426-6990
3. APPLICANT'S NAME TowerCo IV Holdings LLC	EMAIL ADDRESS forozco@interlinkpg.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 5000 Valleystone Drive, Suite 200, Cary NC 27519	ZIP CODE 27519	PHONE NUMBER (619) 632-2569
4. ENGINEER'S NAME Telecom Management Group	CA. LICENSE NO.	EMAIL ADDRESS edgar.ortiz@telecommg.com
5. MAILING ADDRESS (Street / P O Box, City, State) 302 Washington Street #150-6850, San Diego, CA	ZIP CODE 92103	PHONE NUMBER (858) 248-1678
6. ASSESSOR'S PARCEL NO. 059-512-002-000	SIZE OF PROPERTY (in acres or square foot) 3.19	ZONING (existing) GI
7. PROPERTY (site) ADDRESS 1812 Pan American Street		
8. GENERAL LOCATION (i.e. city, town, cross street) Northeast corner of Pan American Street and Rood Road		
9. LEGAL DESCRIPTION Lot 64 of Tract 941 - Unit No. 2, County of Imperial		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	Development of a wireless communication facility and tower consisting of a 100-foot tall allocatable tower with panel antennas and associated radio equipment. A base equipment cabinet, generator on a concrete pad and within a 50 ft by 50 ft enclosed chain linked fence area.
11. DESCRIBE CURRENT USE OF PROPERTY	Warehouse
12. DESCRIBE PROPOSED SEWER SYSTEM	Municipal
13. DESCRIBE PROPOSED WATER SYSTEM	Municipal
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	Sprinkler
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? n/a - Unmanned facility

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Print Name Jose Enriquez Date 1-20-2022
Signature _____
Print Name _____ Date _____
Signature _____

REQUIRED SUPPORT DOCUMENTS

- A. SITE PLAN
- B. FEE
- C. OTHER
- D. OTHER

APPLICATION RECEIVED BY:	<u>[Signature]</u>	DATE <u>3-11-22</u>	REVIEW / APPROVAL BY OTHER DEPT'S required
APPLICATION DEEMED COMPLETE BY:	_____	DATE _____	<input type="checkbox"/> P. W.
APPLICATION REJECTED BY:	_____	DATE _____	<input type="checkbox"/> E. H. S.
TENTATIVE HEARING BY:	_____	DATE _____	<input type="checkbox"/> A. P. C. D.
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	_____	DATE _____	<input type="checkbox"/> O. E. S.
	_____	DATE _____	<input type="checkbox"/> _____

CUP #
21-0032

VARIANCE

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME JEX Enterprises Inc	EMAIL ADDRESS PEPE @ JE-EXPORTS.COM	
2. MAILING ADDRESS (Street / P O Box, City, State) 1680 Hilltop Drive, Chula Vista, CA 1911-5305	ZIP CODE 91911-5305	PHONE NUMBER (619) 426-6990
3. ENGINEERS NAME Telecom Management Group	CA. LICENSE NO.	EMAIL ADDRESS edgar.ortiz@telecommg.com
4. MAILING ADDRESS (Street / P O Box, City, State) 302 Washington Street #150-6850, San Diego, CA	ZIP CODE 27519	PHONE NUMBER (619) 632-2569
5. ASSESSOR'S PARCEL NO. 059-512-002-000	ZONING (existing) GI	
6. PROPERTY (site) ADDRESS 1812 Pan American Street	SIZE OF PROPERTY (in acres or square foot) 3.19	
7. GENERAL LOCATION (i.e. city, town, cross street) Northeast corner of Pan American Street and Rood Road		
8. LEGAL DESCRIPTION <u>Lot 64 of Tract 941 - Unit No. 2, County of Imperial</u>		
8. DESCRIBE VARIANCE REQUESTED (i.e. side yard set-back reduction, etc.) <u>Request to exceed the height limited of the base zone for a col-locatable telecommunication tower.</u>		
9. DESCRIBE REASON FOR, OR WHY VARIANCE IS NECESSARY : <u>The variance request is to allow for a co-locatable telecommunication tower in conformance with Section 92404.01(E) of the Imperial County Land Use Ordinance.</u>		
10. DESCRIBE THE ADJACENT PROPERTY		
East	<u>Vacant</u>	
West	<u>Industrial Warehouse</u>	
North	<u>Industrial Warehouse</u>	
South	<u>Vacant</u>	

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Jose Enriquez 1-20-2022
 (Print Name) Date

 Signature

 Print Name Date

 Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY:	<u>[Signature]</u>	DATE	<u>3.11.22</u>	REVIEW / APPROVAL BY	OTHER DEPT'S required
APPLICATION DEEMED COMPLETE BY:	_____	DATE	_____	<input type="checkbox"/> P, W	
APPLICATION REJECTED BY:	_____	DATE	_____	<input type="checkbox"/> E, H, S	
TENTATIVE HEARING BY:	_____	DATE	_____	<input type="checkbox"/> A, P, C, D	
FINAL ACTION:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE	_____	<input type="checkbox"/> O, E, S	
		DATE	_____	<input type="checkbox"/> _____	

V #
22-0003

Rev.	Description	Date
1	Initial	10/11/11
2	Revised	10/11/11
3	Revised	10/11/11
4	Revised	10/11/11

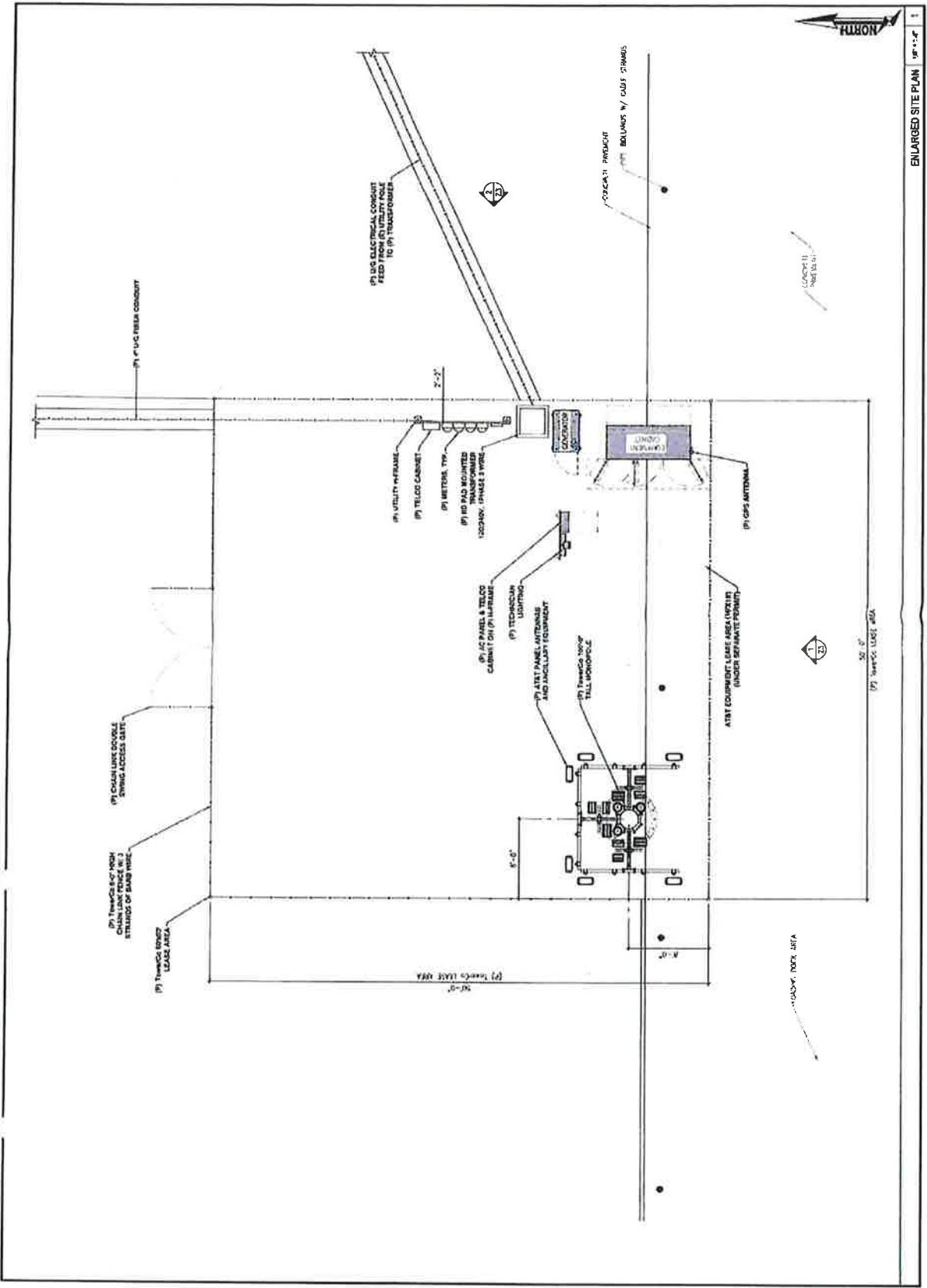


ENLARGED SITE PLAN

CAM02
 CALEXCO BORDER CROSSING
 1812 PAN AMERICAN ST.,
 CALEXICO, CA 92231



PROJECT NUMBER:
 DRAWING NO.:
 DATE:
 SHEET NO. 22



ENLARGED SITE PLAN

1	DATE	DESCRIPTION
2		
3		
4		
5		



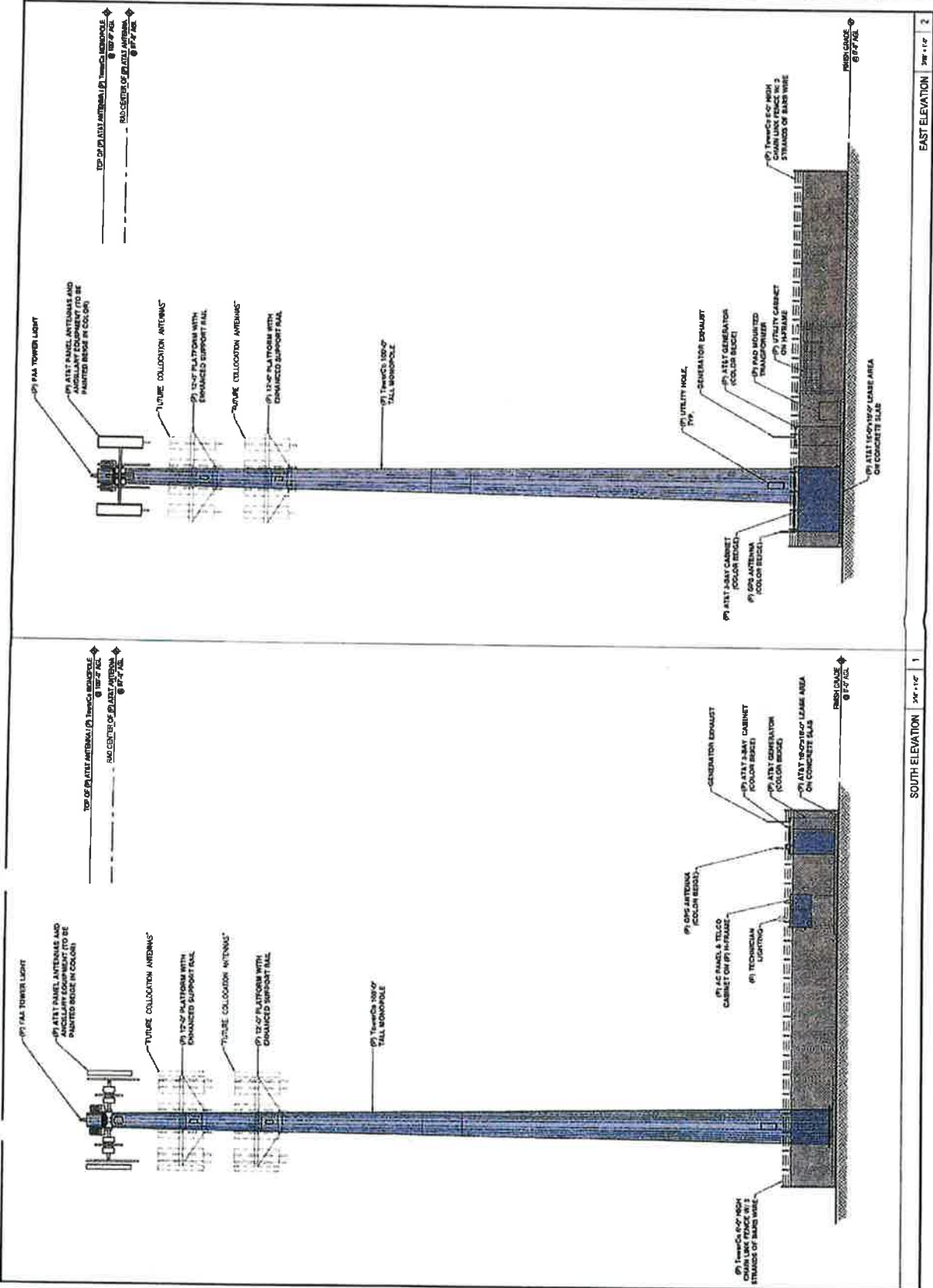
ENLARGED SITE PLAN

CA0102
CALEXICO BORDER CROSSING
CALEXICO, CA 92231



Project No.	
Sheet No.	
Scale	
Revision	
Date	
Drawn By	
Checked By	

Z3





Project Description / Justification

Project proposal

TowerCo is a tower developer proposing to construct a 100-foot tower near the border crossing in Calexico. The proposed tower is intended to serve a multi-carrier wireless facility with AT&T Mobility being the first carrier to occupy the subject tower. Additional carriers will be added overtime as the need arises for collocation. The property is located on northeast corner of Pan American Street and Rood Road within the unincorporated area of Imperial County. The property is zoned GI – Gateway Industrial within the Gateway of the Americas Specific Plan. The subject parcel of land is approximately 3.19 acres in size and is presently developed with an industrial warehouse building and associated parking lot. The surrounding properties are also zoned GI and are developed with similar uses.

Wireless communication facilities are regulated by Division 24, Chapter 1 of the county's municipal code. More specifically Sections 92401.00 through 92413.04 of the code. The proposed wireless communications facility and tower development is permitted subject to the Director's approval of a Conditional Use Permit and height Variance.

Project objectives

AT&T needs a facility to increase coverage for the area near the international border crossing of Calexico and the increase commerce that occurs within the vicinity. As shown on the attached coverage maps, AT&T coverage of this area is very poor to none. Coverage provided by existing towers located to the west and east of Highway 7 do not reach this area of need. Once implemented AT&T would be able to close a significant gap in their coverage for this area.

TowerCo will build the proposed tower and have AT&T as the first carrier to occupy the top portion of the tower to meet AT&T needs. The tower has been designed to support two additional antenna arrays below AT&T antenna equipment. TowerCo is leasing a 50-foot by 50-foot space within the subject property with enough ground space to support additional wireless provider's ground equipment as well as parking for routine maintenance vehicles.

Equipment information

The following equipment is proposed for AT&T.

- Six (6) panel antennas
- Nine (9) Remote Radio Unites (RRU)
- Three (3) surge suppressors
- One (1) equipment cabinet on a concrete slab
- One (1) stan-by emergency generator
- One (1) H-frame for related power and telco boxes

Additional development by TowerCo for this project include:

- One (1) H-frame to support electrical meters
- Electrical and Telco services within underground conduits
- A chain linked fence with security wires

Tower design



The proposed tower is 100-feet in height to provide the necessary height for AT&T to close its current significant gap in coverage for the Calexico international crossing and surrounding industrial and commerce development. The tower height is consistent with the general requirements under Section 92401.04 towers outside the designated scenic corridors may exceed one hundred and twenty feet. The proposed tower is lower than the code requirement. Also, in conformance with the provisions of the code general requirements, the tower is proposed to be painted a non-reflective earth tone color to blend with the existing natural environment.

Maintenance and Operations

The proposed wireless facilities by AT&T and future collocations are unmanned and therefore do not have any impact to the existing parking requirements nor operations on the subject property. The lease area allocated by TowerCo provides enough space for the parking of maintenance vehicles. Maintenance of the wireless facilities are very infrequent and routine visits may occur once per month. The wireless provider's maintenance crew will have 24/7 access to the subject site.

AT&T proposed generator is designed for emergency power outages and will only be operated during such emergency events. The generator will be tested on a monthly basis to ensure proper operation should a power outage event occur. Because the property is located within an industrial area, no impacts to the surrounding uses area expected from the operation or testing of this equipment.

FCC and Federal compliance

The proposed tower will comply with all federal, state, and local requirements for the construction and operation of the proposed wireless facilities. To that end, TowerCo has engaged EBI Consulting to prepare a certified engineer's report showing compliance with RF emissions dated October 5, 2021 (attached). Based on the conclusions of this report, there are no publicly used areas that will exceed the federal standards and guidelines in terms of RF emission. The report only recommends cautionary signs to alert any climbing personnel as required by federal and carrier standards.

Required findings for approval

TowerCo believes that the requested Conditional Use Permit application can be approved based on the following findings:

1. The proposed wireless telecommunications facility complies with provisions of Section 92401.04. As stated above, the facility has been designed as a multi-user tower with enough ground space to accommodate future wireless carrier. The proposed facility is within an industrial zone where these types of facilities are permitted subject to the Planning Directors approval of a conditional use permit. The design of the tower meets the heights standards and will be painted a non-reflective earth tone color to blend with the existing desert environment. The proposed tower is situated with enough setback to buffer from other adjacent uses and to protect those properties. The proposed equipment and enclosure is at least 250-feet from the public roads. All aspects of the proposed development will be consistent with the regulations and standards of the county.
2. The proposed wireless telecommunications facility is consistent with FCC regulations in terms of RF emissions as demonstrated by the report submitted by EBI Consulting.



3. The facility blends in with its existing environment and will not have significant adverse visual impacts. As stated above, the facility is of a height suitable for the needs to close a significant coverage service gap for AT&T. The proposed tower and antenna components will be painted a non-reflective earth toned color to match its existing environment. The site is located within an industrial area and is not near any designated scenic corridors; therefore, no significant adverse visual impacts is anticipated.

Variance findings for approval

The proposed wireless telecommunication tower will be 100 foot in height. The Gateway Specific Plan General Industrial zone has a maximum height of 60 feet. A variance from the specific height requirement is necessary. As stated above and demonstrated by coverage maps, the facility needs to be design at 100 feet in height. The proposed height is consistent with the general requirements of Section 92401.04 of the Communication Facilities Ordinance. Therefore, ToweCo believes that the following finds of approval can be met.

1. There are special circumstances applicable to the property described in the variance application, that do not apply to the property or class of use in the same zone or vicinity.

The height variance is necessary to achieve the coverage objectives for the proposed wireless telecommunication facility. A reduction in height would reduce the coverage for this location requiring additional tower installation to compensate for the coverage gap.

2. That granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.

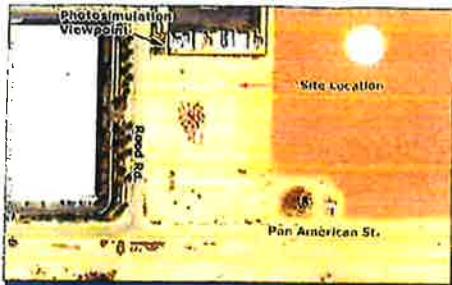
The proposed wireless telecommunication facility is intended to provide and fill-in a coverage gap identified by AT&T. As such, the project will provide communication benefits to the public. Granting of the variance will not be materlally detrimental but a benefit to the general public, emergency services, and commerce of the Specific Plan.

3. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of zoning laws is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

Strict application of the height regulations found in the Gateway Specific Plan would deprive the property and wireless provider with privileges otherwise allowed in other similar industrial locations outside of the Specific Plan area.

4. That such variance will not adversely affect the comprehensive general plan.

Granting of the requested variance will be consistent with the objectives of the general plan.



TowerCo[™]

Calexico Border Crossing
 Site Number: CA0602
 Collocation
 1812 Pan American St
 Calexico, CA 92231



1. All views and photos are simulated for illustrative purposes only and are not intended to be taken or to be used in any way without the prior written consent of TowerCo.

Photosimulation of proposed telecommunications site




TowerCo[®]

Calexico Border Crossing
 Site Number: CA0602
 Collocation
 1812 Pan American St.
 Calexico, CA 92231



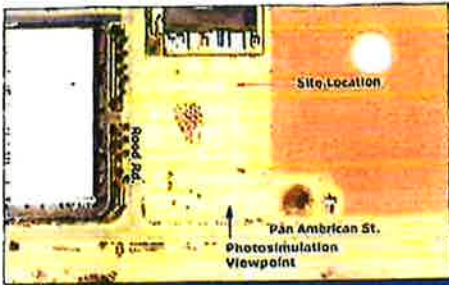

EXISTING



PROPOSED

These simulations are intended for graphical purposes only and are intended to be part of or to replace the information provided on the construction drawings.
 2/9/2022

Photosimulation of proposed telecommunications site

TowerCo[®]

Colton Border Crossing
 Site Number: CA0802
 Collocation
 1812 Pan American St.
 Colton, CA 92231



These simulations are intended for graphical purposes only and not intended to be part of or to replace the information provided on the construction drawings.
 2/9/2022

Photosimulation of proposed telecommunications site

Attachment D
ALUCP Section

2. *Countywide Impacts on Flight Safety* - Those lands, regardless of their location in the County, on which the uses could adversely affect the safety of flight in the County. The specific uses of concern are identified in Paragraph 2.
3. *New Airports and Heliports* - The site and environs of any proposed new airport or heliport anywhere in the County. The Brawley Pioneers Memorial Hospital has a heliport area on-site.

2. Types of Airport Impacts

The Commission is concerned only with the potential impacts related to aircraft noise, land use safety (with respect both to people on the ground and the occupants of aircraft), airspace protection, and aircraft over-flights. Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are beyond the scope of this plan. These impacts are within the authority of other local, state, and federal agencies and are addressed within the environmental review procedures for airport development.

3. Types of Actions Reviewed

1. *General Plan Consistency Review* - Within 180 days of adoption of the *Airport Land Use Compatibility Plan*, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies. Until such time as (1) the Commission finds that the local general plan or specific plan is consistent with the *Airport Land Use Compatibility Plan*, or (2) the local agency has overruled the Commission's determination of inconsistency, the local jurisdiction shall refer all actions, regulations, and permits (as specified in Paragraph 3) involving the airport area of influence to the Commission for review (Section 21676.5 (a)).
2. *Statutory Requirements* -As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the Commission's plan *prior to their approval* by the local jurisdiction:

- (a) The adoption or approval of any amendment to a general or specific plan affecting the Commission's geographic area of concern as indicated in Paragraph 1 (Section 21676 (b)).
- (b) The adoption or approval of a zoning ordinance or building regulation which (1) affects the Commission's geographic area of concern as indicated in Paragraph 1 and (2) involves the types of airport impact concerns listed in Paragraph 2 (Section 21676 (b)).
- (c) Adoption or modification of the master plan for an existing public-use airport (Section 21676 (c)).
- (d) Any proposal for a new airport or heliport whether for public use or private use (Section 21661.5).

3. *Other Project Review* - State law empowers the Commission to review additional types of land use "actions, regulations, and permits" involving a question of airport/land use compatibility if either: (1) the Commission and the local agency agree that these types of individual projects shall be reviewed by the Commission (Section 21676.5 (b)); or (2) the Commission finds that a local agency has not revised its general plan or specific plan or overruled the Commission and the Commission requires that the individual projects be submitted for review (Section 21676.5 (a)). For the purposes of this plan, the specific types of "actions, regulations, and permits" which the Commission shall review include:

- a) Any proposed expansion of a city's sphere of influence within an airport's planning area.
- b) Any proposed residential planned unit development consisting of five or more dwelling units within an airport's planning area.
- c) Any request for variance from a local agency's height limitation ordinance.
- d) Any proposal for construction or alteration of a structure (including antennas) taller than 150 feet above the ground anywhere within the County.

- e) Any major capital improvements (e.g., water, sewer, or roads) that would promote urban development.
- f) Proposed land acquisition by a government entity (especially, acquisition of a school site).
- g) Building permit applications for projects having a valuation greater than \$500,000.
- h) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.

4. Review Process

1. *Timing of Project Submittal* - Proposed actions listed in Paragraph 3.1 must be submitted to the Commission for review prior to approval by the local government entity. All projects shall be referred to the Commission at the earliest reasonable point in time so that the Commission's review can be duly considered by the local jurisdiction prior to formalizing its actions. At the local government's discretion, submittal of a project for Airport Land Use Commission review can be done before, after, or concurrently with review by the local planning commission or other local advisory bodies.
2. *Commission Action Choices* - When reviewing a land use project proposal, the Airport Land Use Commission has a choice of either of two actions: (1) find the project *consistent* with the *Airport Land Use Compatibility Plan*; or, (2) find the project *inconsistent* with the Plan. In making a finding of inconsistency, the Commission may note the conditions under which the project would be consistent with the Plan. The Commission cannot, however, find a project consistent with the Plan subject to the inclusion of certain conditions in the project.

ATTACHMENT "I" – NOI COMMENT LETTERS

Gerardo Quero

From: Krug, Robert@DTSC <Robert.Krug@dtsc.ca.gov>
Sent: Tuesday, 2 August, 2022 5:03 PM
To: Allison Galindo
Subject: RE: Notice of Intent- IS22-0013/CUP21-0022

CAUTION: This email originated outside our organization; please use caution.

Hi Allison,

When the site is built and before operational, if they have any hazardous materials over regulated thresholds and/or create hazardous waste, they will need to notify the DTSC Imperial CUPA and create a CERS account.

Bob

Robert Krug
Supervisor / Senior Environmental Scientist
DTSC Imperial CUPA
627 Wake Avenue
El Centro, CA 92243
Robert.Krug@dtsc.ca.gov
(760) 336-8919 Work
(760) 457-7376 Cell

From: Allison Galindo <allisongalindo@co.imperial.ca.us>
Sent: Tuesday, August 2, 2022 4:51 PM
To: Campos, Abraham@ELCENTRO <acampos@cityofelcentro.org>; Alfredo Estrada Jr <AlfredoEstradaJr@co.imperial.ca.us>; Ana L Gomez <analomez@co.imperial.ca.us>; Andrea Montano-City of Brawley <amontano@brawley-ca.gov>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Belen Leon <BelenLeon@co.imperial.ca.us>; Belinda D. Henderson <BelindaDHenderson@co.imperial.ca.us>; Blanca Acosta <BlancaAcosta@co.imperial.ca.us>; County Ag Commissioner, Imperial@CDPR <carlosortiz@co.imperial.ca.us>; Catherine Hoff - City of Calipatria Clerk <c_hoff@calipatria.com>; Cecilia Griffiths Vogel (cg4557600@gmail.com) <cg4557600@gmail.com>; County Counsel <CountyCounsel@co.imperial.ca.us>; Cynthia Medina <CynthiaMedina@co.imperial.ca.us>; David Black <DavidBlack@co.imperial.ca.us>; Derek Newland <DerekNewland@co.imperial.ca.us>; Diana Robinson <DianaRobinson@co.imperial.ca.us>; Donald Vargas - IID <DVargas@IID.com>; Edie Harmon-Sierra Club <desertharmon@gmail.com>; Emma Cordova <EmmaCordova@co.imperial.ca.us>; Eric Havens <EricHavens@co.imperial.ca.us>; Faye Winkler <faye.winkler@cthermal.com>; Francisco Olmedo <FranciscoOlmedo@co.imperial.ca.us>; Gloria M. Flores <GloriaMFlores@co.imperial.ca.us>; J Volker - Volker - Law Firm <jvolker@volkerlaw.com>; Janet Wilson <jwilson@gannett.com>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Jesus Villegas - City of Imperial <jvillegas@cityofimperial.org>; Jim Minnick <JimMinnick@co.imperial.ca.us>; John Corcoran - Aggregate Products Inc <jc@ma-inc.com>; John Gay <JohnGay@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>; Jolene Dessert <JoleneDessert@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Jorge Serrano <JorgeSerrano@co.imperial.ca.us>; Joseph.mirelez@torresmartinez-nsn.gov; Jurg Heuberger (jurgh@iclafco.com) <jurgh@iclafco.com>; Kaylee Hart <Assttribalsecretary@quechantribe.com>; Linda Hunt <LindaHunt@co.imperial.ca.us>; Linsey Dale <LinseyDale@co.imperial.ca.us>; Luis Gomez <lithium.valle@gmail.com>; Rodriguez, Magdalena@Wildlife <Magdalena.Rodriguez@wildlife.ca.gov>; Marcela Piedra <mpiedra@cityofelcentro.org>; Sanchez, Margo <margosanchez@co.imperial.ca.us>; Maria Scoville <mariascoville@co.imperial.ca.us>; Mariela Loera <mloera@leadershipcounsel.org>; Mariela Moran <MarielaMoran@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Mark Schmidt <MarkSchmidt@co.imperial.ca.us>; Mary Beth Dreusike <marybeth.dreusike@navy.mil>; Matt Dessert



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August 3, 2022

Mr. Michael Abraham
Assistant Director
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOI for the Preparation of an ND (IS No. 22-0013) for TowerCo IV Holdings, LLC
Telecommunications Tower Project; CUP No. 21-0022

Dear Mr. Abraham:

On August 2, 2022, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on the Notice of Intent for the preparation of a Negative Declaration/Initial Study #22-0013 for Conditional Use Permit application no. 21-0022-2. The applicant, TowerCo IV Holdings, LLC, proposes to install an 100 ft. communication tower with panel antennas, radio equipment and related unmanned equipment within a 50ft. x 50ft. enclosed chained-linked area located at 1812 Pan American Street, Calexico, CA (APN 059-512-002-000).

The IID has reviewed the documents and finds that the comments provided in the April 25, 2022 district letter (see attached letter) continue to apply.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Jamie Asbury – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Geoffrey Holbrook, Interim General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



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April 25, 2022

Mr. Michael Abraham
Assistant Director
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: TowerCo IV Holdings, LLC Telecommunications Tower Project; CUP No. 21-0022

Dear Mr. Abraham:

On April 8, 2022, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Conditional Use Permit application no. 21-0022 2. The applicant, TowerCo IV Holdings, LLC, proposes to install an 100 ft. communication tower with panel antennas, radio equipment and related unmanned equipment within a 50ft. x 50ft. enclosed chained-linked area located at 1812 Pan American Street, Calexico, CA (APN 059-512-002-000).

The Imperial Irrigation District has reviewed the information and has the following comments:

1. To request electrical service for the approved communication tower, the applicant should be advised to contact Joel Lopez, IID Service Planner, at (760) 482-3444 or e-mail Mr. Lopez at JFLopez@IID.com to initiate the customer service application process. In addition to submitting a formal application (available for download at <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required submit a complete set of approved plans by the County of Imperial, electrical plans, panel location, voltage requirement, electrical panel schedules, an AutoCAD file of the site plan, construction schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicants shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
3. The applicant will need to abide by the following IID electrical tower service guidelines:
 - a. IID will allow only one metering point per site. If more than one meter is requested, the customer must utilize a multi-meter pack.
 - b. For single-phase service from a pole-mounted transformer the total service capacity shall not exceed 600 amps (e.g. six (6) 100-amp panels or three (3) 200-amp panels). Maximum transformer size is a 100kVA with a secondary voltage of 120/240V single phase.
 - c. For single-phase service from a pad-mounted transformer, the total service capacity shall not exceed 800 amps. Maximum transformer size is a 167kVA, 120/240V.

Michael Abraham
April 25, 2022
Page 2

- d. Services exceeding 800 amps of total capacity must be served from a three-phase pad-mounted transformer rated at 120/208V. Please note that load must be balanced across the phases.
4. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). The IID encroachment permit application and instructions are available at <https://www.ild.com/about-ild/department-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
5. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drain, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Marilyn Del Bosque Gilbert – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Daryl Buckley – Mgr. of Distribution Svcs. & Maint. Oprtns., Energy Dept.
Wayne K. Strumpfer, General Counsel
Jamie Asbury – Assoc. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate

AIR POLLUTION CONTROL DISTRICT



September 1, 2022

Jim Minnick
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

SUBJECT: Notice of Intent for a Negative Declaration for Conditional Use Permit 21-0022 & Variance 22-0002 TowerCo IV Holding, LLC

Dear Mr. Minnick,

The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on the Notice of Intent for a Negative Declaration (NOI-ND) for Conditional Use Permit (CUP) 21-0022 and Variance 22-0002 ("Project"). The Project proposes the development of a wireless communication facility and 100 foot tower. The project is located at 1812 Pan American St., Calexico, CA also identified as APN 059-512-002-000.

After reviewing the project information, which does not include any air quality analysis, the Air District reminds the applicant that compliance with all Air District' rules and regulations is required. The Air District emphasizes "Regulation VIII – Fugitive Dust Rules," a collection of rules limiting fugitive dust emissions by limiting visible emissions to less than 20% opacity and offering mitigations to help achieve compliance. The Air District also reminds the applicant that permitting requirements for the project and equipment, such as generators, should be determined by contacting a Permitting Engineer directly.

For your convenience, the Air District's rules and regulations are available via the web at <https://apcd.imperialcounty.org>. Please feel free to call should you have questions at (442) 265-1800.

Respectfully,


Ismael Garcia
Environmental Coordinator I


Reviewed By
Monica N. Soucier
APC Division Manager

Michael Abraham

From: Jim Minnick
Sent: Thursday, September 1, 2022 9:21 AM
To: Michael Abraham; David Black; Diana Robinson
Subject: FW: Tower Co. IV Holding, LLC., Wireless Communication Facility, Request for Incorporation of Conditions to Conditional Use Permit No. 21-0022 and Variance No. 22-0002

Please incorporate these conditions into the draft CUP agreement and attach this email as a formal comment.

Thanks

Jim

From: John Corcoran <jc@ma-inc.com>
Sent: Wednesday, August 31, 2022 9:33 AM
To: Jim Minnick <JimMinnick@co.imperial.ca.us>
Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>; julianne.kelly-horner@cbp.dhs.gov
Subject: Tower Co. IV Holding, LLC., Wireless Communication Facility, Request for Incorporation of Conditions to Conditional Use Permit No. 21-0022 and Variance No. 22-0002

CAUTION: This email originated outside our organization; please use caution.

8/31/2022

E-MAIL TO: JIM MINNICK
DIRECTOR OF I.C. PLANNING AND DEVELOPMENT SERVICES

c.c.: MICHAEL ABRAHAM
ASSISTANT DIRECTOR - IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES

JULIANNE KELLY HORNER
ATTORNEY - U.S. CUSTOMS AND BORDER PROTECTION (CBP)

RE: Tower Co. IV Holding, LLC.
Wireless Communication Facility
Request for Incorporation of Conditions to Conditional Use Permit No. 21-0022 and Variance No. 22-0002

Jim,

Please accept this e-mail as Aggregate Products Inc.'s and Customs and Border Protection's, an agency under the Department of Homeland Security, request for incorporation of conditions to the above referenced Conditional Use Permit (CUP).

Pursuant to the discussions we had on Wednesday, August 17, 2022 at 3:30 pm PDT, I would respectively request that the following conditions be incorporated into the above referenced Conditional Use Permit for this project:

1. AT&T and Tower Co. IV Holding, LLC. shall install, maintain and operate a Wireless Communication Facility (Facility) in a manner so as to not cause any electrical, electromagnetic, radio frequency or any other material interference with the use and operation of any:
 - a. radio equipment in or about Aggregate Products Inc. (API) (*property located at 430 Pan American Street, Calexico, CA 92231*) and U.S. Customs and Border Protection (CBP) (*property located at 1699 Carr Rd., Calexico, CA 92231*);
 - b. transmitting, receiving, telecommunications or microwave antennae equipment currently or hereafter located in any portion of API's property and CBP's property; or
 - c. radio communication system now or hereafter used or desired to be used by API and CBP.

2. Upon notice of any such interference, AT&T and Tower Co. IV Holding, LLC. shall immediately cooperate with API and CBP to identify the source of the interference and shall, within twenty-four (24) hours, if requested by API and/or CBP, cease all operations of the Facility (except for intermittent testing as approved by API and CBP, which approval shall not be unreasonably withheld) until the interference has been corrected to the reasonable satisfaction of API and CBP.

3. AT&T and Tower Co. IV Holding, LLC. shall be responsible for all costs associated with any tests deemed reasonably necessary to resolve any and all interference as set forth in this Paragraph. If any such interference caused by AT&T and Tower Co. IV Holding, LLC. has not been corrected within five (5) calendar days after notice to AT&T and Tower Co. IV Holding, LLC., API and CBP may (i) require AT&T and Tower Co. IV Holding, LLC. to remove the specific Facility causing such interference, or (ii) eliminate the interference at AT&T and Tower Co. IV Holding, LLC. expense. If the equipment of any other party causes interference with API's and/or CBP's radio equipment, AT&T and Tower Co. IV Holding, LLC. shall reasonably cooperate with such other party to resolve such interference in a mutually acceptable manner.

Please feel free to contact me if any further discussion is required.

Thank you in advance for your assistance to this matter.

John Corcoran
President

Manhole Adjusting Inc.
Aggregate Products Inc.

9500 Beverly Road
Pico Rivera, CA 90660-2135

P: (323) 558-8000

F: (323) 558-8020

E: jc@ma-inc.com

*Note -- My email address has changed. Please update your address book accordingly

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