



## AGENDA

**Regular Meeting of the Calipatria Planning Commission  
City Council Chambers  
125 North Park Avenue  
Calipatria California 92233**

**Tuesday, July 16, 2024**

**Open Session at 5:00 pm**

Emma Orozco, Chairman  
Anna Garcia, Co-Chairman  
Bonnie Zendejas, Commissioner  
Ernie Pacheco, Commissioner  
William Cooper, Commissioner

Laura Gutierrez, City Manager  
Gilbert G. Otero, City Attorney  
Ed Self, Public Work Director

Jesse Llanas, Fire Chief  
Cheryl Fowler, Police Chief  
Catherine Hoff, City Clerk

CALL TO ORDER:

ROLL CALL:

**PUBLIC COMMENTS:** The Planning Commission welcomes your input. **Please remember to shut off all cell phones.** Now is the time for any member of the public to speak to the commissioners. If there is an item on the agenda on which you wish to be heard, we ask that you please step to the podium and state your name and address for the record.

### **REGULAR BUSINESS:**

MOTION:                      SECOND:                      VOTE:  
1) RESOLUTION PC 24-01- The Holt Group

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIPATRIA APPROVING CONDITIONAL USE PERMIT (CUP) 24-01 AMENDING CUP 13-01 TO ALLOW FOR AN EXPANSION OF THE ZAYO FIBER OPTIC EQUIPMENT SHELTER LOCATED AT 110 SOUTH INDUSTRIAL AVENUE (APN 023-331-003)

WHEREAS a Conditional Use Permit was approved for the operation of a 230 squarefeet fiber optic equipment shelter with a deviation of off-site improvement requirements at 110 South Industrial Avenue on October 8, 2013; and

WHEREAS, Property owner, Superior Land & Cattle Company, on behalf of the Zayo Group, filed an application to amend Conditional Use Permit 13-01 on June 2024 for a proposed 35'x23' addition to the fiberoptic equipment shelter; and

WHEREAS, the proposed project has been reviewed by the City of Calipatria and found to be consistent with Article 47 of the City of Calipatria regulating Telecommunication Facilities and adopted Zoning Ordinance; and

WHEREAS, a duly public hearing notice was held by the Calipatria Planning Commission on July 16, 2024; and

WHEREAS, the Planning Commission, upon hearing and considering all testimony and arguments for and against, and analyzing the information submitted by staff and considering any written comment received, the Commission considered all facts related to the proposed addition and Conditional Use Permit (13-01) amendment; and

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Calipatria as follows:

A) That the foregoing recitations are true and correct; and

B) The project has been reviewed in accordance with the requirements set forth by the City of Calipatria for Conditional Use Permit procedures and Special Conditions under CUP 13-01; and

1. The Permittee will comply with the original conditions of approval on the date of consideration, unless otherwise noted in the amended and attached Conditional Use Permit 13-01.

2. The proposed project is consistent with the adopted policies and all codes of the Calipatria Zoning Ordinance.

C) That based on the evidence presented, the Planning Commission hereby APPROVES an amendment to Conditional Use Permit (13-01), authorizing Superior Land & Cattle Company and the Zayo Group to construct a 35'x23' addition to the existing fiber optic equipment shelter and regenerating facility at 110 South Industrial Avenue (APN 023-331-003), subject to the Conditions of Approval outlined in Exhibit A and based on the following findings:

1. The proposed development is consistent with the General Plan, Zoning Ordinance, and other City goals, policies, and standards, as applicable.

The proposed addition will not conflict with the City's General Plan nor any Specific Plan and is generally consistent with all adopted goals, policies, and standards.

2. The nature, condition and development of adjacent uses and structures shall be considered. The subject site shall be physically suitable in terms of design, location, operating characteristics, shape, size, and topography. The proposed addition site's features are in character with the M-2 Zone in which the project is located. The site is large enough to accommodate the yards, walls, fences, and communication facilities. Conditions of Approval have been previously prepared for the project to ensure consistency with adopted development standards.

3. The type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare. The proposed addition will be situated on land that is currently zoned M-2 Heavy Manufacturing and Industrial and is surrounded by similar uses in nature. There are no residential land uses nearby. The nearest

residence is 600-feet away from the project site and the proposed project will not be a nuisance to existing residences or be materially detrimental to the adjacent uses. Thus, the proposed addition will not constitute a hazard to the public interest, health, safety, or welfare.

Additionally, per Ordinance 325, Telecommunications Ordinance, the Planning Commission is required to make two additional findings as follows:

4. The facility either (1) does not require an RF Environmental Evaluation Report as described in Section 7 of this Ordinance, or (2) the RF Environmental Evaluation Report for the facility shows that the cumulative Radio-frequency exposure emitted by the facility and any near-by facilities will be consistent with FCC regulations. The applicant has previously documented that an RF Environmental Evaluation Report is not applicable to this facility because no radio frequency emissions will be released from the site.
5. The facility blends in with its existing environment and will not have significant visual impacts. The facility is located within the M-2 Zone and blends in with its existing environment and will not have significant visual impacts because the applicant has previously incorporated screening and will continue to incorporate screening to ensure that the telecommunications facility does not have negative impacts to the area.

MOTION:  
ADJOURN:

SECOND:

VOTE:



## Notice of Public Hearing

City of Calipatria

**Notice is hereby** given that a public hearing will be held by the City of Calipatria Planning Commission at the date, time, and place indicated below. The purpose of the public hearing will be to hear comments from the public regarding the following subject:

<b>Project:</b> Telecommunication Fiberoptic Equipment Shelter Conditional Use Permit 13-01 Amendment	<b>Project Location:</b> 110 South Industrial Avenue (APN 023-331-003).
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Conditional Use Permit (CUP) 13-01 was previously approved on October 8, 2013 for a 230 square foot fiberoptic equipment shelter. The Zayo Group, LLC on behalf of Superior Land and Cattle, property owner, is proposing an addition to the existing 230 square foot fiberoptic equipment shelter located in the southwest corner of Main Street and Industrial Avenue in the M-2 Heavy Manufacturing and Industrial Zone. The proposed addition will consist of a 35'x23' prefabricated structure to house servers, ancillary equipment, and support telecommunications. A CUP amendment is required for any proposed addition of the existing fiberoptic equipment shelter and will be considered by the Calipatria Planning Commission.

**Planning Commission Hearing Date:** July 16, 2024

**Hearing Time:** 5:00 PM

**Hearing Location:** Calipatria City Hall  
125 N. Park Avenue

Copies of pertinent information are available for review at City Hall during regular business hours. If you would like to know more about the proposed project prior to the public hearing, please contact Melany Amarillas, Assistant Planner at the Holt Group, at (760) 337-3883 or [mamarillas@theholtgroup.net](mailto:mamarillas@theholtgroup.net).

Any person desiring to comment on the above projects may do so in writing or may appear in person at the public hearing. Written comments should be directed to the Calipatria City Clerk, 125 N. Park Avenue, Calipatria, CA 92233 and be delivered prior to the Public Hearing date. Please reference the project name in all written correspondence.





# Planning Commission Staff Report

**To:** City of Calipatria Planning Commission  
Laura Gutierrez, City Manager  
**From:** George Galvan, AICP, City Planner  
**Prepared by:** Melany Amarillas, Assistant Planner  
**Date:** July 16, 2024  
**Project:** Conditional Use Permit (CUP) 24-01 Amending CUP 13-01 to Allow for an Expansion of the Zayo Fiber Optic Equipment Shelter

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## Summary:

<b>Applicant:</b>	Zayo Group c/o Tilson Technology Management Inc.
<b>Project Location:</b>	110 South Industrial Avenue - Southwest corner of Main Street and Industrial Avenue Assessor's Parcel Number (023-331-003) (see <b>Attachment A – Project Location Map</b> )
<b>Pending Action:</b>	Adopt Resolution 24-01 ( <b>Attachment D – Resolution 24-01 &amp; Conditions of Approval</b> ) amending CUP 13-01 to allow for the expansion of a previously approved fiber optic equipment shelter
<b>Zoning:</b>	M-2 Heavy Manufacturing & Industrial
<b>General Plan:</b>	Heavy Industry
<b>Environmental:</b>	Notice of Exemption

## INTRODUCTION AND BACKGROUND

Property owner, Superior Land & Cattle Company, on behalf of the Zayo Group, filed a Conditional Use Permit Application with the City of Calipatria on August 21, 2013, for the construction and operation of a fiber optic equipment shelter consisting of approximately 230 SF located at 110 South Industrial Avenue. Zayo Group, business owner of a telecommunications equipment shelter and fiber optic regeneration facility agreed to lease 2,240 SF from Superior Cattle. On September 25, 2013, the City of Calipatria Planning Commission, held a public hearing, adopted a Negative Declaration in conformance with CEQA, and approved CUP 13-01 with 29 conditions and contingent upon approval from City Council for deviation from any of the adopted standards. On October 8, 2013, the City of Calipatria City Council held a public hearing where it duly passed,

approved, and adopted Resolution 13-31 which allowed the deviation from the offsite improvement requirements for Zayo Group.

The Zayo Group LLC, on behalf of Superior Land and Cattle, has now submitted an application with an address of 551 South Industrial Avenue for an amendment to CUP 13-01 on June 2024 under which it is requesting an addition to the existing 230 square foot fiberoptic equipment shelter. Please note that the correct address for the proposed addition is 110 South Industrial Avenue. The Applicant has confirmed to resubmit all documentation with the correct address. The proposed addition will consist of an approximately 1,120 SF prefabricated structure to house servers, ancillary equipment, and support telecommunication within an additional lease area of 2,135 SF. A CUP amendment is required for any proposed addition of the existing fiberoptic equipment shelter. The Equipment Shelter was constructed in 2014 and has been in operation since then. It is important to note that no issues or complaints have been filed to the City of Calipatria in the 10 years of operation.

## **ANALYSIS**

### **Project Location & Improvements Description**

The proposed addition will be located south of the existing facility. The subject site contains an enclosed storage facility with measurements of 20' (width) x 11'-6" (depth) x 10'-6" (height) that includes computer and laser equipment (Refer to **Exhibit A** – Project Location Map). The equipment shelter is constructed of pre-cast concrete. The proposed addition is an unmanned fiber hut with measurements of 35' (width) x 23' (depth) x 11'11" (height) and an emergency stand-by generator.

### **Land Use and Zoning**

The proposed land use is generally consistent with the City of Calipatria's adopted General Plan. The City of Calipatria General Plan designates the subject site as Heavy Industry, and it is zoned M-2 (Heavy Manufacturing & Industrial). Under the City of Calipatria's Zoning Ordinance, however, telecommunication facilities are not allowed by right. Per Section 2.26.110(3)(f), a service provider who intends to establish multiple wireless Telecommunication Facilities within the City is encouraged to apply for the approval of all facilities under a CUP. Under this approach, all proposed facilities requiring a CUP may be acted upon by the City as a single CUP application, ensuring feasibility of long-range company projections. As such, an amendment to CUP 13-01 is required to establish the proposed addition at the subject site.

### **Circulation and Traffic**

Two roadways abut the project site, Main Street/SR115 to the north and Industrial Avenue to the east. Main Street/SR115 is an arterial roadway while Industrial Avenue is a secondary arterial. Primary access to the site would be off of Industrial Avenue which measures approximately 30-feet of pavement and allows for two-way traffic. The Zayo facility including the proposed addition would not have employees or patrons at the site. The site would generate negligible traffic as traffic would consist of period maintenance trips (up to 2 times per month).

### **Environmental Compliance**

A Negative Declaration was certified by the Planning Commission on September 25, 2013 for the original facility. The proposed addition may qualify under a Categorical Exemption under the requirements of the California Environmental Quality Act (CEQA). As per Section 15301, Existing Facilities, additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

(B) The area in which the project is located is not environmentally sensitive.

A Notice of Exemption will be filed with the County Clerk-Recorder's Office if approved by the Planning Commission.

## **PUBLIC REVIEW**

Prior to taking action on a Conditional Use Permit, a duly notified Public Hearing must be conducted by the Planning Commission. A Public Hearing Notice (**Attachment C - Public Hearing Notice**) for the proposed CUP amendment was posted in the Holtville Tribune and mailed to all property owners within 300-feet on July 7, 2024. The Planning Commission may approve the Conditional Use Permit amendment after a Public Hearing is held and all of the required findings have been made pursuant to Government Code Section 65906.

## **MANDATORY FINDINGS**

Per State statute and local policy, a Conditional Use Permit may only be issued if and when certain findings are made for the project. The three required findings have been considered for this project as follows:

1. **The proposed development is consistent with the General Plan, Zoning Ordinance, and other City goals, policies, and standards, as applicable.**

The proposed addition will not conflict with the City's General Plan nor any Specific Plan and is generally consistent with all adopted goals, policies, and standards.

2. **The nature, condition and development of adjacent uses and structures shall be considered. The subject site shall be physically suitable in terms of design, location, operating characteristics, shape, size, and topography.**

The proposed addition site's features are in character with the M-2 Zone in which the project is located. The site is large enough to accommodate the yards, walls, fences, and communication facilities. Conditions of Approval have been previously prepared for the project to ensure consistency with adopted development standards.

3. **The type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare.**

The proposed addition will be situated on land that is currently zoned M-2 Heavy Manufacturing and Industrial and is surrounded by similar uses in nature. There are no residential land uses nearby. The nearest residence is 600-feet away from the project site and the proposed project will not be a nuisance to existing residences or be materially detrimental to the adjacent uses. Thus, the proposed addition will not constitute a hazard to the public interest, health, safety, or welfare.

Additionally, per Ordinance 325, Telecommunications Ordinance, the Planning Commission is required to make two additional findings as follows:

4. **The facility either (1) does not require an RF Environmental Evaluation Report as described in Section 7 of this Ordinance, or (2) the RF Environmental Evaluation Report for the facility shows that the cumulative Radio-frequency exposure emitted by the facility and any near-by facilities will be consistent with FCC regulations.**

The applicant has previously documented that an RF Environmental Evaluation Report is not applicable to this facility because no radio frequency emissions will be released from the site.

**5. The facility blends in with its existing environment and will not have significant visual impacts.**

The facility is located within the M-2 Zone and blends in with its existing environment and will not have significant visual impacts because the applicant has previously incorporated screening and will continue to incorporate screening to ensure that the telecommunications facility does not have negative impacts to the area.

**PLANNING COMMISSION PENDING ACTION**

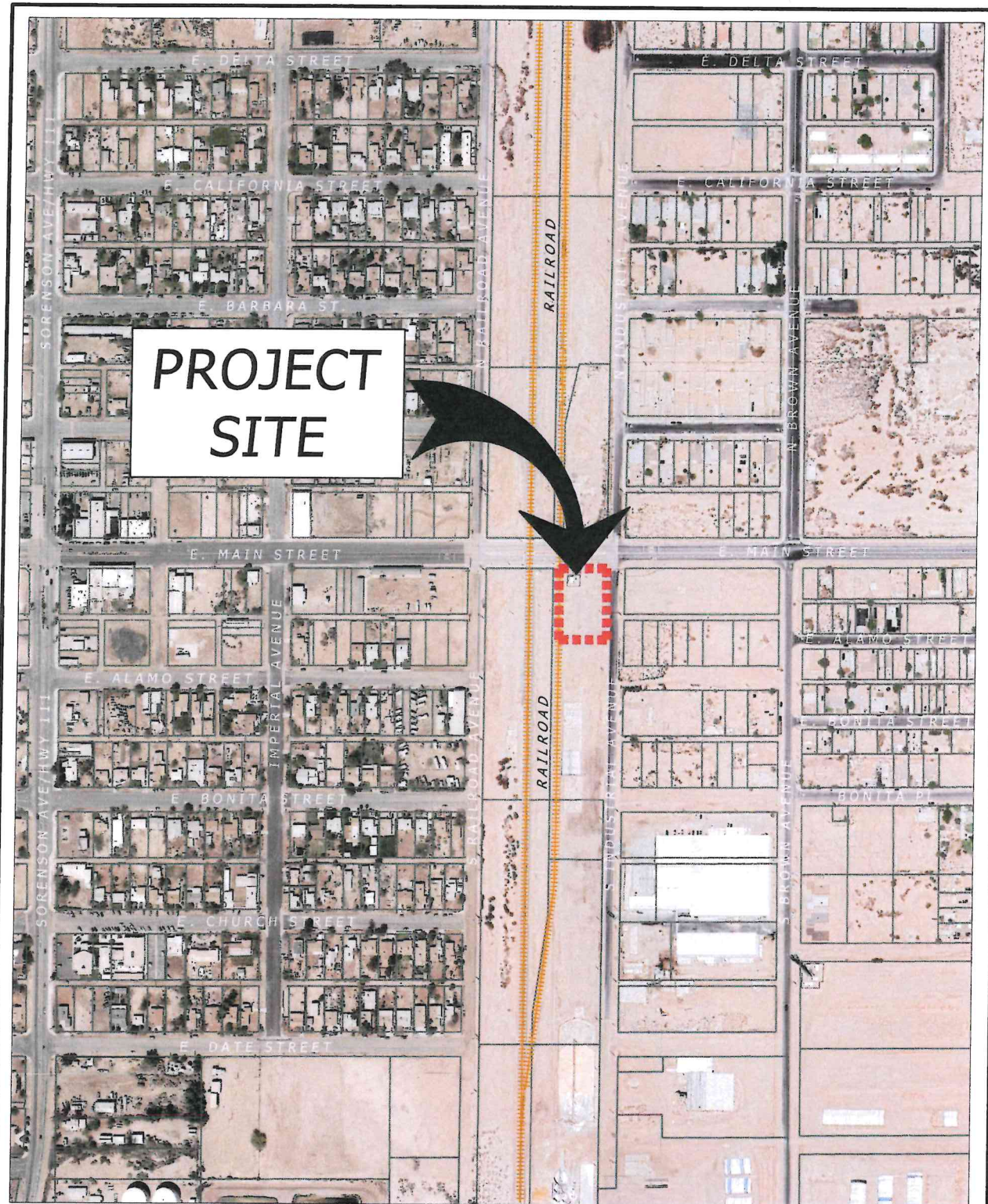
Staff recommends that the Planning Commission conduct the public hearing for the proposed Conditional Use Permit amendment as required by Section 2.14.020 of the Zoning Ordinance. Upon listening to testimonies for and against and reviewing the applicant's request, and attached support documentation, the Commission may wish to discuss and consider additional Conditions of Approval to ensure the safety and welfare of the community. Staff recommends the following action:

- Adopt Resolution 24-01 (**Attachment D** – Resolution 24-01 & Conditions of Approval) granting CUP 13-01 amended per Resolution 24-01 based on the above referenced findings with modifications and/or additional conditions as deemed appropriate by the Planning Commission.

**Attachments:** Attachment A – Project Location Map  
Attachment B – Project Plans and Images  
Attachment C – Public Hearing Notice  
Attachment D – PC Resolution 24-01  
Exhibit A – Conditions of Approval



## **Attachment A – Project Location Map**



**The Holt Group, Inc.**  
ENGINEERING PLANNING SURVEYING



NOT TO SCALE

110 S Industrial Avenue  
Calipatria, CA.

**PROJECT LOCATION  
MAP**

1601 NORTH IMPERIAL AVENUE EL CENTRO, CALIFORNIA 92243

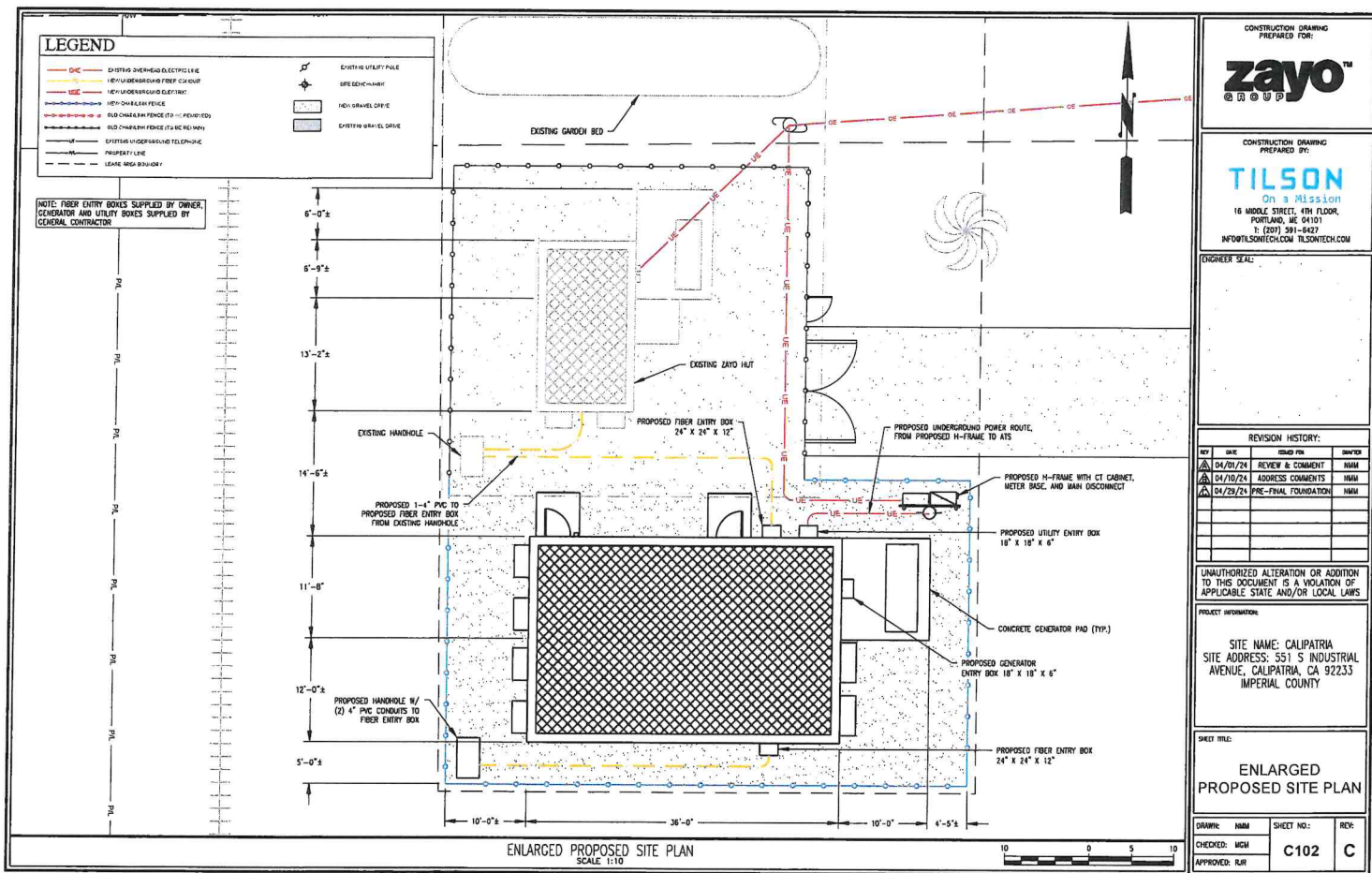
(760) 337-3883

PROJECT No.: 142.251

DATE: 7/02/2024

## **Attachment B – Project Plans and Images**



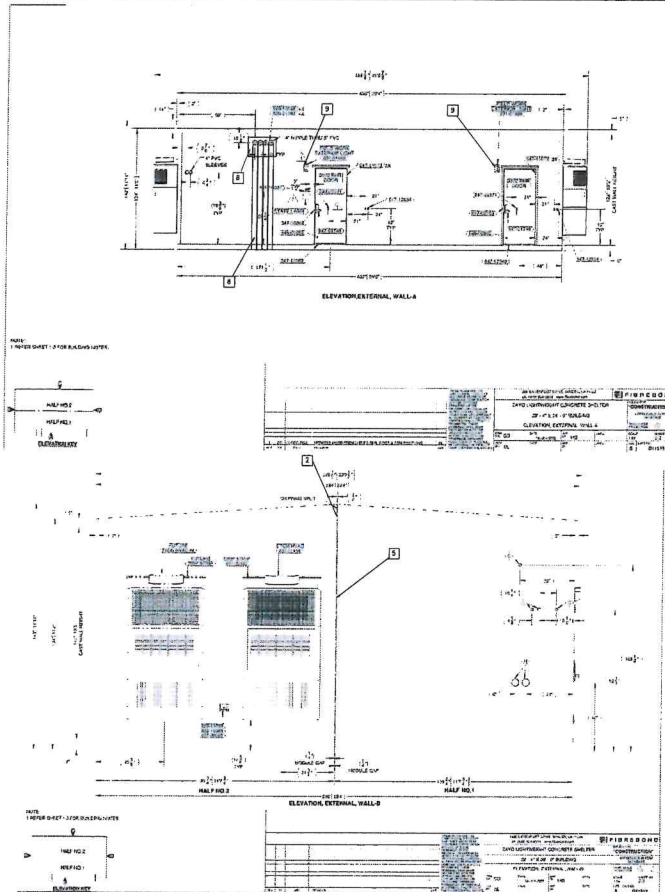


# GENERAL NOTES:

GC RESPONSIBLE TO CONNECT & ASSEMBLE TWO BUILDING HALVES TOGETHER ON SITE & COMPLETE THE CONNECTIONS & JOINTS BETWEEN HALVES. SEE THE MANUFACTURER'S WELD JOINT & WELD PLATES CONNECTIONS, BUILDING MATERIAL (FLOOR/WALL/ROOFING), & WORK INSTRUCTIONS & DETAILS ON HOW TO ASSEMBLE ALL COMPONENTS. ALL CROSS CONNECTION MATERIALS WILL BE DROP SHIPPED WITH BUILDING. SEE DETAIL SHEET A201.

## NOTES:

1. GENERAL CONTRACTOR TO REMOVE TEMPORARY POST WITH LIFTING EYE/BOAT CONNECTION. GENERAL CONTRACTOR TO BOLT BUILDING TOGETHER USING BUILDING MANUFACTURER'S CONNECTION PLATES AT ROOF MOD LINE (4 LOCATIONS). SEE A301 DETAIL 6-12.
2. GENERAL CONTRACTOR TO FINISH AND INSTALL 3/4" BACKER ROD, CAULK AND INSTALL 12" WIDE 24 GAUGE FLASHING TO ROOF, USING BUILDING MANUFACTURER'S SUPPLIES. SEE A301 DETAIL 6-12.
3. GENERAL CONTRACTOR TO FINISH AND INSTALL 3/4" BACKER ROD, CAULK AND INSTALL 12" WIDE FRP JOINT COVER TO CEILING ACROSS ROOF MOD LINE. SEE A301 DETAIL 6-12.
4. GENERAL CONTRACTOR TO INSTALL BACKER ROD AND CAULK JOINTS TO INTERIOR WALL AND COVER WITH 12" SIDE FRP JOINT COVER AT BLDG MOD LINE. SEE A301 DETAIL 6-12.
5. GENERAL CONTRACTOR TO INSTALL BACKER ROD AND CAULK JOINTS ON MOD LINE OF EXTERIOR WALLS. SEE A301 DETAIL 6-12.
6. GENERAL CONTRACTOR TO INSTALL BACKER ROD, GROUT JOINT AND LEVEL AT THE FLOOR MOD LINE AND FINISH BY INSTALLING BUILDING MANUFACTURER SUPPLIED FLOOR TILE. SEE A301 DETAIL 6-12.
7. GENERAL CONTRACTOR TO REMOVE ALL MOD LINE MATERIAL FROM BUILDING HALVES ONCE BUILDING ARRIVES AT SITE.
8. GENERAL CONTRACTOR TO INSTALL OWNER PROVIDED FIBER BOXES AND (4) 4" CONDUITS.
9. GENERAL CONTRACTOR TO INSTALL BUILDING MANUFACTURED SUPPLIED WALL LIGHTING.
10. GENERAL CONTRACTOR TO INSTALL BUILDING MANUFACTURED SUPPLIED FENCE PARTITION.
11. GENERAL CONTRACTOR TO INSTALL CONDUIT AND CONDUCTOR FOR ELECTRICAL THAT CONNECTS THE TWO BUILDING HALVES USING BUILDING MANUFACTURER SUPPLIED MATERIALS.
12. GENERAL CONTRACTOR TO PROVIDE (3) GROUND CABLES THAT CROSS THE MOD LINE THEY WILL NEED TO BE LACED DOWN AND LUGGED TO THE GROUND BAR. SEE BUILDING MANUFACTURER DC INTEGRATION SHOP DRAWING 2-22.
13. GENERAL CONTRACTOR TO INSTALL CABLE AND FIBER DUCT MANUFACTURER SECTIONS FURNISHED BY BUILDING MANUFACTURER TO CONNECT HALVES.



CONSTRUCTION DRAWING  
PREPARED FOR:

**zayo**  
GROUP

CONSTRUCTION DRAWING  
PREPARED BY:

**TILSON**  
On a Mission  
16 MIDDLE STREET, 4TH FLOOR  
PORTLAND, ME 04101  
T: (207) 591-6427  
INFO@TILSONTECH.COM TILSONTECH.COM

ENGINEER SEAL

FOR REFERENCE ONLY

## REVISION HISTORY:

REV	DATE	ISSUED FOR	DRAWN
1	04/01/24	REVIEW & COMMENT	MM
2	04/10/24	ADDRESS COMMENTS	MM
3	04/29/24	PRE-FINAL FOUNDATION	MM

UNAUTHORIZED ALTERATION OR ADDITION  
TO THIS DOCUMENT IS A VIOLATION OF  
APPLICABLE STATE AND/OR LOCAL LAWS

PROJECT INFORMATION:

SITE NAME: CALPATRIA  
SITE ADDRESS: 551 S INDUSTRIAL  
AVENUE, CALPATRIA, CA 92233  
IMPERIAL COUNTY

SHEET TITLE:

**BUILDING ELEVATIONS  
& SECTIONS**

DRAWN: MM	SHEET NO.: A201	REV: C
CHECKED: MM		
APPROVED: RR		

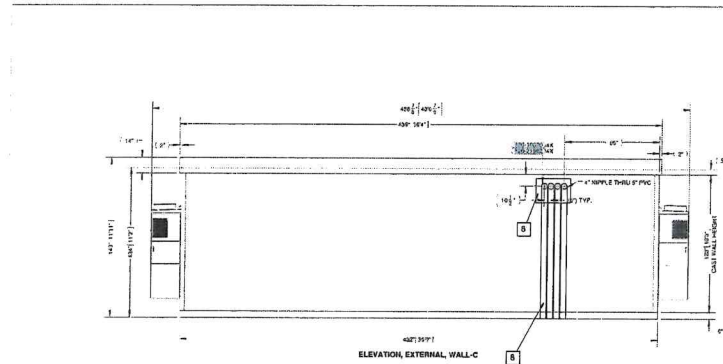


# GENERAL NOTES:

DC RESPONSIBLE TO CONNECT & ASSEMBLE TWO BUILDING HALVES TOGETHER ON SITE & COMPLETE THE CONNECTIONS & JOINTS BETWEEN HALVES. BUILDER MANUFACTURER WILL SUPPLY ALL WELD PLATES, COLUMNS/BRACES, BUILDING MATERIAL (FLOOR/WALL/ROOFING), & WORK INSTRUCTIONS & DETAILS ON HOW TO ASSEMBLE ALL COMPONENTS. ALL CRITICAL CONNECTION MATERIALS WILL BE DROP SHIPPED WITH BUILDING. SEE DETAIL SHEET A301.

## NOTES:

- GENERAL CONTRACTOR TO REMOVE TEMPORARY POST WITH LIFTING EYE/BOLT CONNECTION. GENERAL CONTRACTOR TO BOLT BUILDING TOGETHER USING BUILDING MANUFACTURER'S CONNECTION PLATES AT ROOF MOD LINE (4 LOCATIONS). SEE A301 DETAIL 6-12.
- GENERAL CONTRACTOR TO FINISH AND INSTALL 3/4" BACKER ROD, CAULK AND INSTALL 12" WIDE 24 GAUGE FLASHING TO ROOF, USING BUILDING MANUFACTURER'S SUPPLIES. SEE A301 DETAIL 6-12.
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- GENERAL CONTRACTOR TO PROVIDE (5) GROUND CABLES THAT CROSS THE MODLINE THEY WILL NEED TO BE LACED DOWN AND LUGGED TO THE GROUND BAR. SEE BUILDING MANUFACTURER DC INTEGRATION SHOP DRAWING 2-22.
- GENERAL CONTRACTOR TO INSTALL CABLE AND FIBER DUCT MANAGEMENT SECTIONS FURNISHED BY BUILDING MANUFACTURER TO CONNECT HALVES.



NOTES:  
1. REFER SHEET 1-2 FOR BUILDING NOTES.



NO.	DATE	DESCRIPTION	BY	CHKD.	APP'D.
1	04/09/24	REVIEW & COMMENT	NMM		
2	04/10/24	ADDRESS COMMENTS	NMM		
3	04/29/24	PRE-FINAL FOUNDATION	NMM		
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PREPARED FOR:

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INFO@TILSONTECH.COM TILSONTECH.COM

ENGINEER SEAL:

FOR REFERENCE ONLY

## REVISION HISTORY:

REV	DATE	ISSUED FOR	SHIFTER
1	04/09/24	REVIEW & COMMENT	NMM
2	04/10/24	ADDRESS COMMENTS	NMM
3	04/29/24	PRE-FINAL FOUNDATION	NMM
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UNAUTHORIZED ALTERATION OR ADDITION  
TO THIS DOCUMENT IS A VIOLATION OF  
APPLICABLE STATE AND/OR LOCAL LAWS.

## PROJECT INFORMATION:

SITE NAME: CALIPATRIA  
SITE ADDRESS: 551 S INDUSTRIAL  
AVENUE, CALIPATRIA, CA 92233  
IMPERIAL COUNTY

## SHEET TITLE:

**BUILDING ELEVATIONS  
& SECTIONS (CONT.)**

DRAWN:	CHKD:	APP'D:	SHEET NO.:	REV.:
NMM	NMM	NMM	A202	C



Proposed 35'x23'  
addition to be  
located.

**East facing West to existing fiber optic equipment shelter.**



**North facing South to existing fiber optic equipment shelter.**

## **Attachment C – Public Hearing Notice**

**PUBLIC NOTICE**



**Notice of Public Hearing**  
City of Calipatria

Notice is hereby given that a public hearing will be held by the City of Calipatria Planning Commission at the date, time, and place indicated below. The purpose of the public hearing will be to hear comments from the public regarding the following subject:

<b>Project:</b> Telecommunication Fiberoptic Equipment Shelter Conditional Use Permit 13-01 Amendment	<b>Project Location:</b> 110 South Industrial Avenue (APN 023-331-003).
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**Planning Commission Hearing Date:** July 16, 2024  
**Hearing Time:** 5:00 PM  
**Hearing Location:** Calipatria City Hall  
125 N. Park Avenue

Copies of pertinent information are available for review at City Hall during regular business hours. If you would like to know more about the proposed project prior to the public hearing, please contact Melany Amarillas, Assistant Planner at the Holt Group, at (760) 337-3883 or [mamarillas@theholtgroup.net](mailto:mamarillas@theholtgroup.net). Any person desiring to comment on the above projects may do so in writing or may appear in person at the public hearing. Written comments should be directed to the Calipatria City Clerk, 125 N. Park Avenue, Calipatria, CA 92233 and be delivered prior to the Public Hearing date. Please reference the project name in all written correspondence.

## **Exhibit A – Conditions of Approval**



**Recording Requested by:**

City of Calipatria

**When Recorded Mail to:**

City of Calipatria, City Clerk  
125 North Park Avenue  
Calipatria, CA 92233

Reference: Conditional Use Permit (CUP) 24-01 Amending CUP 13-01 to Allow for an Expansion of the Zayo Fiber Optic Equipment Shelter

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Space above this line for recorder's use

**CONDITIONAL USE PERMIT 13-01 as amended PER RESOLUTION PC 24-01 FOR  
A TELECOMMUNICATIONS FIBEROPTIC EQUIPMENT SHELTER TO BE LOCATED AT  
110 South Industrial Avenue, Calipatria, California (APN 023-331-003)**

This Conditional Use Permit is between the City of Calipatria, Superior Land & Cattle Company (Applicant/Property Owner) and Zayo Group (Applicant/Business Owner) for the operation of a telecommunications fiberoptic equipment shelter and regeneration facility to be located at 110 South Industrial Avenue with Assessor's Parcel Number 023-331-003. Conditional Use Permit 24-01 shall be granted to Superior Land & Cattle Company (Property Owner), hereafter referred as "Permittee," by the Calipatria Planning Commission (Commission) per Resolution PC 24-01, dated July 16, 2024 based on the following:

- A. Whereas, Superior Land & Cattle Company, Permittee is the owner of certain real property situated in the City of Calipatria, as referenced above.
- B. Whereas, Zayo Group and Permittee desire to operate a land use at the subject property permitted by the Calipatria Zoning Ordinance only under certain conditions.
- C. Whereas, Zayo Group has, or will enter into a lease agreement for the real property as referenced.
- D. Whereas, the Commission grants to the Permittee a Conditional Use Permit, subject to the terms and conditions under this agreement.

**LAND USE AND PLANNING**

- 1. The approved project shall consist of a 3,647 square feet fiberoptic equipment shelter and regeneration facility that would allow the storage of computer equipment and other equipment necessary to operate a fiber optic regeneration facility.
- 2. All Conditions of Approval for CUP 13-01 and the September 25, 2013 Negative Declaration shall apply.
- 3. The conditional approval for the operation of the fiber optic equipment shelter shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
- 4. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply

5. The Applicant shall comply with all other requirements of the M-2 (Heavy Manufacturing and Industrial) Zoning and all other provisions of the Calipatria Zoning Ordinance, as applicable.

#### **REQUIRED STUDIES, PERMITS AND AUTHORIZATIONS**

6. The Permittee (or an authorized agent) must obtain approval from County, State and Federal agencies, as applicable, for the Telecommunications Facility.
7. Business Owner shall secure a lease agreement with property owner, Superior Land and Cattle Company, or its assignee, and provide the City with a copy of said agreement.
8. The Permittee shall obtain a building permit from the County of Imperial for the construction of the shelter, and any other structural improvements proposed for the fiberoptic facility.
9. The Business Owner shall obtain a business license from the City of Calipatria for the proposed operations.
10. The Permittee shall contact the Imperial County Air Pollution Control District and submit all plans and fees required by the Air Pollution Control District.
11. The Permittee shall be responsible for the preparation of a Dust Control Plan and submission of the plan to the Imperial County Air Pollution Control District.
12. The Permittee shall be responsible for the preparation of a Geotechnical Report. The Geotechnical report shall be submitted during the Plan Check review process.
13. The Permittee shall provide a Drainage Plan to identify how stormwater runoff will be drained within the project site.
14. Prior to the issuance of the Building Permit and commencement of construction, all development impact fees shall be paid to the City of Calipatria and to the School District.

#### **SIGNAGE**

15. All proposed signage, whether temporary or permanent, shall require review by the Calipatria Planning Department. A Building Permit shall also be obtained from the Imperial County Building Department for all permanent signage whether freestanding or wall-mounted.

#### **FENCING, SCREENING AND STORAGE**

16. Outdoor storage shall be strictly prohibited. All storage must be within enclosed structures.
17. All mechanical equipment shall be screened for visual and noise attenuation.
18. Fences may have a maximum height of eight (8) feet on all boundaries within the M-2 Zone. Such fences, if equipped with overheard angle barriers, shall have the barriers turned inward towards the property along the street sides, and the combined height of fence and angle barriers is not to exceed ten (10) feet per Article 33, Section 2 Fences, Walls, and Hedges, (b) of the Zoning Ordinance.
19. Hedge link screening shall be incorporated into the chainlink fence, throughout the perimeter of the site for screening purposes.

#### **LANDSCAPING**

20. Proposed Landscaping along the site frontage (Main Street/SR 115) shall be xeriscape/drought tolerant landscape. Since water to the site is not proposed, a landscaping maintenance plan shall be prepared and submitted to the City.

#### **PARKING & LIGHTING**

21. Lighting shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties.
22. As per Article 31 of the Calipatria Zoning Code, a minimum of two (2) parking spaces shall be provided for each use regardless of building space or number of employees. Parking spaces shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. The parking spaces shall be paved per Article 31 Section 8.

#### **ROADWAYS AND OFFSITE IMPROVMENTS**

23. All access roadways providing ingress and egress to the site shall be improved with durable materials.
24. Industrial driveways must comply with the minimum specifications identified in Sheet 127 Commercial, Industrial, and all Driveway Entrance Detail, under the City of Calipatria Adopted Standards Details and Specifications and shall be a width acceptable to the City Engineer and consist of P.C.C. material over 9-inches of Class II base.

#### **GENERAL REQUIREMENTS AND PROVISIONS**

25. The provisions of this permit are to run with the land and shall bind the current and future Owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
26. All Conditions imposed herein must be cleared prior to the operation of the telecommunications facility unless a special extension is granted by the Planning Commission and incorporated herein.
27. If the City finds and determines that the Business Owner(s), Permittee, or successor-in-interest has not complied or cannot comply with the terms and conditions of this permit, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth, then the matter shall be referred to the Planning Commission for modification, suspension, or termination of the Conditional Use Permit.
28. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of these conditions of approval in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.

Calipatria Planning Commission

\_\_\_\_\_  
Anna Garcia, Planning Commission Chairperson

Date \_\_\_\_\_

Permittee acknowledging receipt and consent:

\_\_\_\_\_  
Robert Lofton, Superior Land & Cattle Company, Property Owner (Permittee)

Date \_\_\_\_\_

Applicants/Business Owner acknowledging receipt and consent:

\_\_\_\_\_  
Demetrios Latisis, ISP Project Manager Western Division  
Zayo Fiber & Transport Infrastructure

Date \_\_\_\_\_