

Tomcat Development LLC

PO Box 177
Brawley, CA 92227

April 16, 2026

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

Subject: APNs: 040-340-004, -006, -032 & -033
Similarity of Use Request

Dear Jim,

This letter is intended to serve as a request by Tomcat Development LLC ("Tomcat") for a similarity of use determination for its property located in the Mesquite Lake Specific Plan ("MLSP") area of the unincorporated County of Imperial (the "Property"). The Assessor's Parcel Numbers for the Property are referenced above. Tomcat's proposed use for the Property is Data Center, which is zoned ML I-3 (Mesquite Lake Heavy Industrial) and allows for heavy industrial permitted uses, including but not limited to the following found on Page 49 of the MLSP:

Heavy Manufacturing:

Activities typically include but are not limited to, manufacturing, compounding of material, processing, assembly, packaging, treatment, or fabrication, and activities that may have frequent rail or truck traffic or the transportation of heavy large scale products. Activities in this area may generate noise, odor, vibration, illumination, or particulates which may be obnoxious or offensive to persons residing or conducting business in the vicinity. Uses typically use raw materials such as wood, metal, glass, composites, plastic, rubber, gelatin, aggregate materials (gypsum, sand, rock, granite, concrete, etc.) to fabricate semi-finished products which include, but are not limited to, forge shops, metal fabricating facilities, open welding shops, lumber woodworking facilities, heavy machine shops, chemical storage and distribution, plastics plants, and light or vacuum casting facilities.

Manufacturing uses allowed in the MLI-3 Land Use Designation include the following, some of which have been bolded for reader convenience:

- (i) All manufacturing uses allowed in the MLI-2 Land Use Designation.*
- (ii) **Acid manufacturing, ammunition manufacturing, asbestos manufacturing plant**, creosote manufacturing, curing, tanning and storage of raw hides or skins, distillation of bones, distillation of coal, wood or tar, drop forge industries, **explosive manufacturing and storage**, fat rendering, gas manufacturing, graphite manufacturing, iron, steel,*

brass or copper foundries or fabrication plants, rubber and rubber products manufacturing, automobile assembly plants (body and fender works).

- (iii) **Smelting of tin, copper, zinc or iron ore**, ore reduction plants, quarry or stone mills, rolling mills, lumber mills.
- (iv) **Petroleum refineries**, incinerators, coke ovens.

While it is very clear that the above-mentioned permitted uses in the ML I-3 zone are some of the heaviest uses imaginable, we felt it would be helpful to provide a brief side-by-side comparison of some characteristics of Heavy Manufacturing versus Data Center:

Heavy Manufacturing	Data Center
Significant Air Emissions	Minimal Air Emissions (except back-up generators)
Significant Odors	Minimal Odors
Continuous Truck Traffic	Limited Traffic After Construction
Raw Material Processing and Manufacturing	No Raw Material Processing or Manufacturing

The MLSP expressly permits **Wholesale, Storage, and Distribution** uses, including warehousing and freight-related operations. The MLSP allows large-scale warehouses with intensive energy and cooling demands, such as cold storage and refrigerated warehousing, which operate as energy-intensive facilities with continuous power demand and cooling-related water use. These permitted uses demonstrate that high-load, infrastructure-heavy operations are consistent with the zoning designation and are operationally analogous to data centers, except that data centers have less traffic during operations. The following is a side-by-side comparison of some characteristics of Cold Storage / Refrigerated Warehouse versus Data Center:

Cold Storage / Refrigerated Warehouse	Data Center
Large-scale Enclosed Facility	Large-scale Enclosed Facility
Continuous High Electrical Demand (refrigeration)	Continuous High Electrical Demand (servers + cooling)
Water Used for Cooling and System Support	Water Used for Cooling Systems
Continuous Truck Traffic	Limited Traffic after Construction
No Raw Material Transformation into Manufactured Goods	No Raw Material Transformation into Manufactured Goods

In accordance with the following excerpt from Page 50 of the MLSP, Tomcat is respectfully requesting Planning Commission determination for its similarity of use request given that the Data Center use is less impactful than uses already permitted and analyzed under the Mesquite Lake Heavy Industrial Zone:

Similar Uses Permitted by Planning Commission Determination

The Planning Commission may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses listed in this section.

In closing, we find it important to note the following supporting facts for your consideration:

1. 20 years ago the MLSP was established to designate approximately 5,100 acres of unincorporated land away from single family zones and schools with low agricultural productivity for industrial development in hopes of bringing new industries, jobs and economic development to Imperial Valley.
2. The data center use is a permitted industrial use consistent with the applicable zoning designation and the scope of development previously evaluated under CEQA for heavy industrial uses.
3. The zoning and prior CEQA analysis anticipated uses with equal or greater environmental impacts than the Data Center use.
4. The project does not result in new or more severe significant environmental impacts, and accordingly, this determination is consistent with CEQA Guidelines Section 15162, and thus no subsequent environmental review is required.
5. The Data Center use for the Property is clearly aligned with the economic and land use Goals and Objectives of the MLSP by:
 - a. Diversifying the Imperial Valley economy through development of new industries.
 - b. Creating skilled work force jobs that pay well.
 - c. Generating an abundance of sales and use tax revenue.
 - d. Generating an abundance of property tax revenue.
 - e. Helping Imperial Valley fight back against high unemployment, especially after the recent shutdown of the Spreckles Sugar facility immediately north of the Property.

Thank you for your attention to this matter and please advise should you have any questions.

Best regards,

Tomcat Development LLC



John Moiola

Authorized Signatory

Attachment incorporated by reference:
Mesquite Lake Specific Plan