



**CITY OF MODESTO
BOARD OF ZONING ADJUSTMENT AGENDA
Thursday, April 23, 2026, at 10:00 AM
1010 Tenth Street – MODESTO, CA
Council Chambers - Basement**

THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC

I. ROLL CALL: Board Member - Desai, Goriel, Grewal, Niskanen, Riddle, Towe, Vohra

II. PUBLIC COMMENT PERIOD

Three-minute time limit per speaker.

Only interested persons in the audience may present these matters. Under State law, Board Members may respond to matters being presented under this item only as follows:

- a. Briefly respond to statements made or questions raised.
- b. Ask a question for clarification.
- c. Provide a reference to staff or other resources for factual information.
- d. Request staff to report back at a subsequent meeting.
- e. Finally, a Board Member or the Board itself may take action to direct staff to place a matter of business on a future agenda.

III. APPROVAL OF MINUTES

Minutes of the regular meeting of March 26, 2026.

IV. CONFLICT OF INTEREST DECLARATION

Board Members and staff may now declare conflicts of interest related to any item on the agenda.

V. CONSENT ITEMS

None.

VI. PUBLIC HEARINGS

Published in the Modesto Bee April 3, 2026.

Item A Hearing to consider approving a Conditional Use Permit and Variance for a height of a 130-foot monopine tower, on property located at 1025 Santa Cruz Avenue.

Contact Info: Micheal Schubert, 577-5267, mschubert@modestogov.com

Published in the Modesto Bee April 3, 2026.

Item B Hearing to consider approving a Conditional Use Permit to allow for the service of alcoholic beverages after 11:00 PM at an existing banquet hall within 100-feet of a residential zone, property located at 2007 Yosemite Blvd.
Contact Info: Katharine Martin, 577-5267, kamartin@modestogov.com

VII. OTHER BUSINESS

None

VIII. MATTERS TOO LATE FOR THE AGENDA

These may be presented by members of the Board of Zoning Adjustment and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the Board’s attention after the agenda *was posted.*

IX. ADJOURNMENT

Notice: This Agenda is on file in the Planning Division, 3rd floor, 10th Street Place, and the Posting Board at entry of 10th Street Place, and is available on the City’s Web site at www.modestogov.com

ADA Access In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City of Modesto at 209-577-52-67. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. In accordance with the requirements of Title II of the Americans with Disabilities Act (“ADA”) of 1990, the Fair Employment & Housing Act (“FEHA”), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto (“City”) will not discriminate against individuals on the basis of disability in the City’s services, programs, or activities. For more information, please visit the City of Modesto website at <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>

Aviso: Esta Agenda está archivada en la División de Planificación, en el tercer piso, de la Plaza de 10th Street y en el tablero de publicaciones en la entrada de la Plaza de 10th Street, y está disponible en el sitio web de la Ciudad en www.modestogov.com .

Acceso ADA En conformidad con la Ley de Estadounidenses con Discapacidades, si necesita asistencia especial para participar en esta reunión, comuníquese con el la Cidudad de Modesto al 209-577-5267. Se requiere notificación 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para garantizar la accesibilidad a esta reunion. De conformidad con los requisitos del Título II de la Ley de Estadounidenses con Discapacidades (“ADA’) de 1990, la Ley de Equidad en el Empleo y la Vivienda (“FEHA”), la Ley de Rehabilitación de 1973 (enmendada)la sección 11135 del Código de Gobierno y otros códigos aplicables, la Ciudad de Modesto (“Ciudad”) no discriminará a las personas por discapacidad en los servicios, programas o actividades de la Ciudad. Para obtener más información, visite el sitio web de la Ciudad de Modesto en: <https://www.modestogaov.com/862/Americans-with-Disabilities-Act-ADA>

Posted pursuant to Government Code Section 54954.2 on the bulletin board at Tenth Street Place on

_____ at _____ by _____
date time signature

**LIST OF INVOLVED PARTIES FOR THE BOARD OF ZONING ADJUSTMENT
AGENDA OF APRIL 23, 2026**

At the Board Members' request, staff has compiled a list of individuals having a personal/financial interest in the matters contained in the accompanying agenda report to assist in identifying potential conflicts of interest.

ITEM A HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT AND VARIANCE FOR A HEIGHT OF A 130-FOOT MONOPINE TOWER, ON PROPERTY LOCATED AT 1025 SANTA CRUZ AVENUE.

<u>Relationship</u>	<u>Name/Address</u>
Applicant	AT&T c/o Epic Wireless Group, LLC, 605 Coolidge Drive, Suite 100, Folsom, CA 95630
Owner	City of Modesto c/o Nathan Houx, 1025 Santa Cruz, Modesto, CA 95354
Applicant Representative	Mark Lobaugh, 605 Coolidge Drive, Suite 100, Folsom, CA 95630

ITEM B Hearing to consider approving a Conditional Use Permit to allow for the service of alcoholic beverages after 11:00 PM at an existing banquet hall within 100-feet of a residential zone, property located at 2007 Yosemite Blvd.

<u>Relationship</u>	<u>Name/Address</u>
Applicant	Vijay Kumar, 2007 Yosemite Avenue, Modesto, CA 95354
Owner	Amar Kumar, 1733 Yosemite Avenue, Modesto, CA 95354

City of Modesto Board of Zoning Adjustment

Minutes

March 26, 2026

Being the hour of 6:00 pm, the meeting was called to order by Chairperson Riddle.

I. ROLL CALL

Board Members Avila, Desai, Grewal, Niskanen, Riddle, Towe and Vohra

It was moved by Board Member Grewal and, seconded by Board Member, and carried unanimously (4-0) that Board Members Desai, Niskanen, Vohra, be excused from this meeting.

II. APPROVAL OF MINUTES

It was moved by Board Member Grewal, seconded by Board Member Aliva, and carried unanimously (4-0) that the minutes of the regular meeting of December 18, 2025, be approved.

III. PUBLIC COMMENT PERIOD

None.

IV. CONFLICT OF INTEREST DECLARATION

None.

V. CONSENT

None.

VI. PUBLIC HEARINGS

Item A Hearing to consider approving a Conditional Use Permit and Variance for height of a 74-foot monopine tower, on property located at 1020 McHenry Avenue, identified as APN 112-045-002 (Center Line Communication, LLC) (Funding Source: Application Fee) Contact Info Michael Schubert, 209-577-5267, mshcubert@modestogov.com

Motion/Action (Approved)

It was moved by Board Member Grewal, seconded by Board Member Towe, and carried unanimously (4-0) (Avila, Grewal, Riddle, Towe, ayes; None, noes; Desai, Niskanen, Vohra, absent; None, recused) that the Board of Zoning Adjustment adopt **Resolution No. 2026-01 A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE ESTABLISHMENT OF A WIRELESS COMMUNICATION FACILITY, CONSISTING OF A 74-FOOT MONOPINE TOWER AND ASSOCIATED GROUND EQUIPMENT, AND APPROVING A VARIANCE TO EXCEED THE MAXIMUM**

PERMITTED HEIGHT, ON PROPERTY LOCATED AT 1020
MCHENRY AVENUE, IDENTIFIED AS APN 112-045-002

VII. OTHER BUSINESS

None.

VIII. MATTERS TOO LATE FOR THE AGENDA

None.

XI. ADJOURNMENT

The meeting was adjourned at 10:15.

Original, signed copy on file in
CEDD

Radha Hayagreev, Secretary



**CITY OF MODESTO
COMMITTEE AGENDA REPORT**

DATE OF MEETING:

April 23, 2026

Date: January 14, 2026

TO: Chairperson Vohra and Members of Board of Zoning Adjustment.

THROUGH: Jessica Hill, Community and Economic Development Director

FROM: Radha Hayagreev, Principal Planner

SUBJECT: Conditional Use Permit allowing a 130-foot monopine tower and associated ground equipment, and approving a Variance to exceed the maximum permitted height, on property located at 1025 Santa Cruz Avenue.

STAFF: Michael Schubert, Assistant Planner,
mschubert@modestogov.com, 209-577-5272

DESCRIPTION:

Hearing to consider approving a Conditional Use Permit and Variance for a height of a 130-foot monopine tower, on property located at 1025 Santa Cruz Avenue. (Funding Source: Application Fee)

STRATEGIC PLAN ELEMENT:

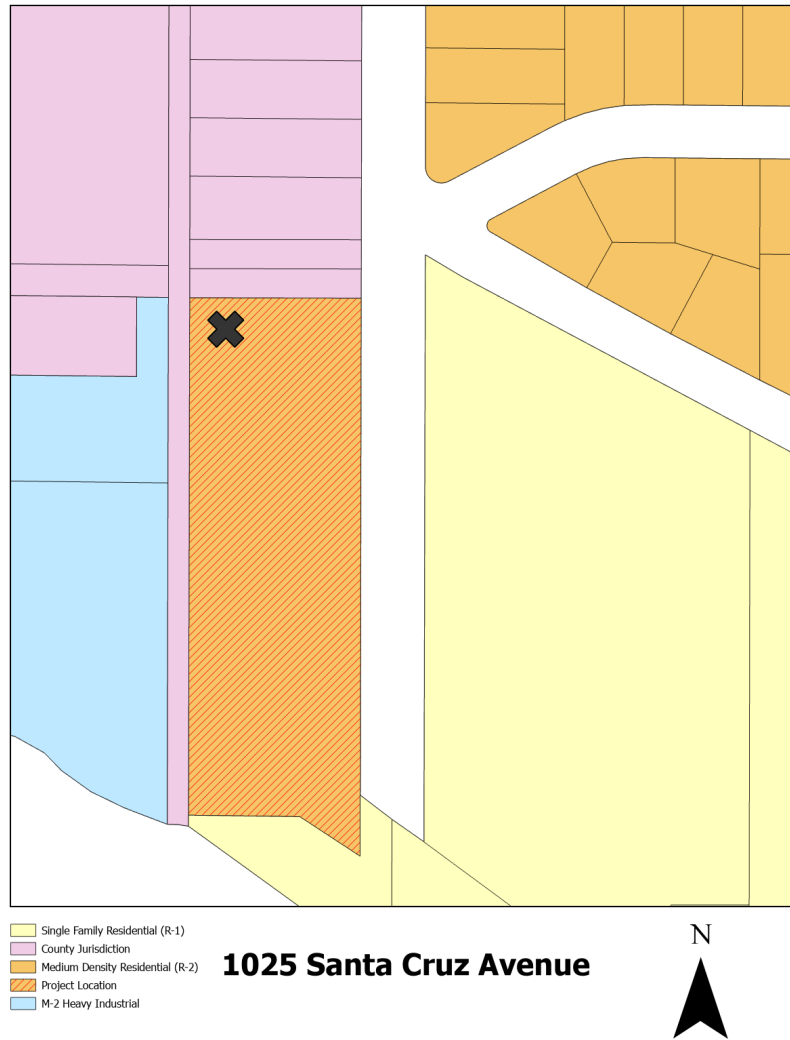
This item supports the City of Modesto's 2025-2026 Strategic Plan's Area of Economic Vitality: Retain and attract residential, commercial, and industrial development to meet the community's needs today and for the next generation.

BACKGROUND:

The project site is located at 1025 Santa Cruz Avenue and is identified as Assessor's Parcel Number (APN) 035-024-014. This site is an interior parcel consisting of approximately 80,199 square feet and is located within the Medium Density Residential (R-2) zoning district.

The project site is currently vacant. Properties to the north lie within the county's jurisdiction, while the Tuolumne River borders the site to the south. Parcels to the west are vacant and zoned for Light Industrial (M-1), and parcels to the east are zoned Single-Family Residential (R-1). Figure-1 provides a visual of the surrounding zoning.

Figure-1 Project Site



Wireless Communication Facilities are regulated under Title 10, Chapter 4 of the Modesto Municipal Code (MMC), which establishes development standards including height, setback, and design requirements.

Under the R-2 zoning standards, wireless communication facilities designed as a monopole are subject to a maximum height of 50 feet unless modified by a Variance per MMC Section 10-3.406, Table 3.4-3. Additionally, MMC Section 10-3.405, Table 3.4-2 requires approval of a Conditional Use Permit (CUP) when a monopole/monopine, uni-pole, or tower is located within 300 feet of a residentially zoned property.

As the proposed tower exceeds 50 feet in height and is located within 300 feet of a residentially zoned property to the east, a Variance is required for the height, and a CUP is required due to its proximity to residential zoning.

DISCUSSION:

On January 13, 2026, Mark Lobaugh submitted applications for a CUP and a Variance to allow for the construction of a Wireless Communication Facility at 1025 Santa Cruz Avenue identified as APN 035-024-014.

The proposed project consists of a 130-foot monopine wireless communication facility. As mentioned in the background, the project site is located within the R-2 zone.

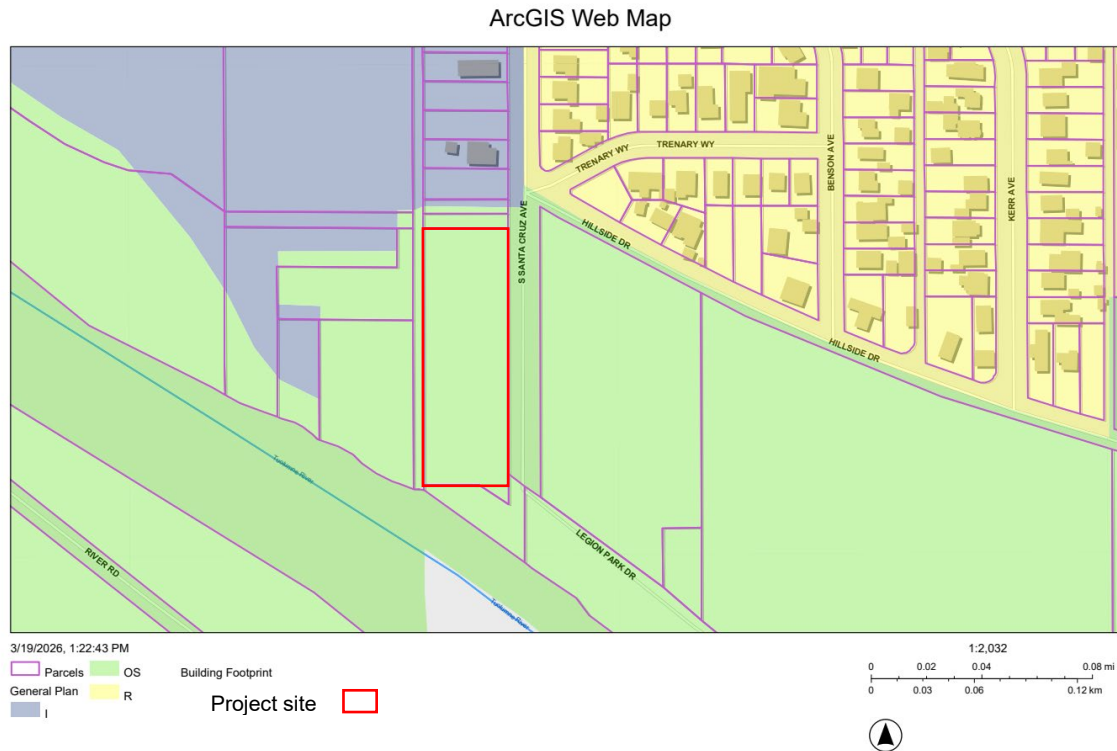
Under the applicable R-2 standards, the maximum permitted height for a wireless communication facility on this parcel is 50 feet. The proposed tower exceeds this height and requires a Variance. As the proposed facility is located within 300 feet of property zoned R-1, a CUP is required per MMC Section 10-3.405, Table 3.4-2.

Table 1 below identifies the project conformance with the General Plan land use designation and zoning for the project site, while Figure 2 illustrates the project location with the General Plan land use overlay.

Table 1 Project Conformance with Zoning and General Plan

Standard/Policy	Requirement	Project Proposal	Conformance
General Plan Land Use	Commercial or City Owned Property	Wireless Communication Facility	Conforms
Zoning	Medium Density Residential	Wireless Communication Facility	Conforms
CUP (MMC Section 10-3.405, Table 3.4-2)	Required when facility within 300 feet of residential property	Located within 300 feet of residential property	CUP required
Maximum Height (MMC Section 10-3.406, Table 3.4-3)	50 feet maximum in R-2 Zone	130-foot monopine tower	Variance Required

Figure 2 General Plan Map



General Plan Conformance

The General Plan Land Use designation for the site is Open Space (OS). Cellular facilities are permitted on publicly owned lands subject to the regulations of the Wireless Telecommunications Facilities Ordinance (Title 10, Chapter 3, Article 4 of the MMC), and therefore is consistent with the land use designation of the General Plan.

Planning staff has referred the proposed development plan to other City Departments and Divisions as well as external stakeholders. Comments and conditions have been included in the conditions of approval section following the resolution, see Attachment 1. Parks and Recreation has provided a condition stating the applicant shall install black wrought iron fencing with curved spear vertical pickets.

Conditional Use Permit

Per MMC Section 10-9.703 for the issuance of a CUP the four findings below must be met;

(a) The proposed conditional use is consistent with the objectives and requirements of this Title.

The proposed wireless communication facility is consistent with the objectives and requirements of Title 10 of the Modesto Municipal Code, which allows wireless telecommunication facilities in commercial zoning districts subject to approval of a CUP, if the tower is within 300 feet of a residentially zoned property, and compliant with development standards.

Approval of the CUP in conjunction with conditions of approval, ensures the facility is designed, located, and operated in compliance with the intent of the zoning regulations.

(b) The proposed conditional use and the conditions under which it will operate is consistent with the General Plan.

While the proposed use is a wireless telecommunication facility, it supports General Plan goals related to infrastructure, connectivity, and efficient land use with the existing urban area.

The project is consistent with the following General Plan goals and policies:

Goal III.B Quality of Life. Maintain and improve the integrity of the existing developed City and promote compatible, high-quality development.

The proposed facility provides modern telecommunication infrastructure that supports residents, businesses, and emergency services contributing to overall quality of life. The facility is designed as a monopine tower which minimized visual impacts and ensures compatibility with surrounding commercial, mixed use, and residential uses. Conditions of approval will further ensure the project operates in a manner that protects public health and safety.

Policy III.B.2 Existing City. To maximize economic and social benefits, and resource efficiencies, prioritize and focus new development within the existing City limits. This will strengthen existing neighborhoods and maximize efficiencies of utility / infrastructure systems.

The proposed wireless communication facility is located entirely within the City and supports efficient delivery of communication services. The project aligns with the General Plan's goal on maximizing the efficiency of infrastructure systems within the existing urban area.

(c) The proposed conditional use will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity.

The proposed wireless communication facility will not be detrimental to public health, safety, or welfare. The facility will be designed and constructed in compliance with all applicable building, fire, and safety standards.

The site is currently developed with commercial and mixed-use properties, and the proposed facility will provide telecommunications infrastructure while minimizing physical and visual impact. Conditions of approval will ensure compliance with all applicable codes and operational standards.

(d) The proposed conditions of approval will ensure compatibility with surrounding uses.

The monopine tower and adherence to height regulations, as modified by the Variance, will ensure compatibility with surrounding uses.

Conditions of approval from Planning, Building Safety, Fire, Engineering, and other reviewing departments will guide development and operation of the facility to ensure it remains compatible with adjacent properties and maintains the integrity of the surrounding area.

Variance

In addition to the CUP findings, the proposed project requires approval of a Variance to exceed the maximum permitted height for a wireless communication facility. Approval of a Variance requires the Board of Zoning Adjustment to make the findings set forth in MMC Section 10-3.407. The applicant has submitted a completed Variance Questionnaire addressing each required finding. Staff has reviewed the applicant's response, which is included as Attachment 5 and provides the following analysis.

Finding (a):

There are special radio frequency technology circumstances or conditions applicable to the property or building in question which do not exist for other properties or buildings within a radius of two thousand (2,000) feet from the proposed facilities site.

Applicant Response:

The proposed coverage objective is currently experiencing gaps in service coverage due to a lack of existing cellular facilities in the area that would adequately provide coverage to AT&T customers. Please see the attached "RF Design Analysis" for a detailed analysis of current and proposed coverage in the area. In addition to the lack of colocatable facilities in the vicinity, the topography of the proposed site presents challenges due low ground elevations that requires a taller tower be constructed, in order to provide adequate centerline height for the proposed antennas of proposed and future carriers.

Staff Analysis:

Staff finds the applicant's justification acceptable based on the RF Design Analysis provided in Attachment 4, which demonstrates that special radio-frequency technology circumstances or conditions exist on the subject property that are not present on other properties or buildings within a 2,000-foot radius of the proposed facility site.

Finding (b):

The special radio frequency technology circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of their ability to close a demonstrated significant gap in coverage or service in its own network coverage using the least intrusive means.

Applicant Response:

AT&T is requesting that a variance be granted that would allow a 130' stealth broadleaf cellular tower, as opposed to an 80' tall cell tower, to provide better coverage and allow for additional carriers to collocate on the facility in the future. Current "In door" coverage in the area is substandard and results in a lack of connectivity, poor reception and slow download speeds for residents, businesses and most importantly, first responders as the will include FirstNet band antennas that are used by first responders. It should also be noted that the monotree design requires that a 5' "crown" of branches be installed at the top of the tower to provide adequate branching coverage for the proposed antennas and to maintain a natural conical appearance of the monotree.

Staff Analysis:

Staff concurs that the applicant would be unable to close the demonstrated significant gap in coverage at another location as shown in the applicant's RF Design Analysis included in Attachment 4.

Finding (c):

Granting the Variance will be consistent with the intent and purpose of this chapter and the Federal Communications Act of 1996 (Public Law 104-104).

Applicant Response:

The intent and purpose of the local chapter governing telecommunications facilities is to encourage the responsible development and deployment of communication infrastructure that meets the growing demands of the community. By granting the variance we are demonstrating our commitment to this objective by taking the necessary steps to improve wireless coverage and connectivity with Modesto, CA.

Staff Analysis:

Approval of the request is consistent with the Telecommunications Act of 1996, which requires local jurisdictions to avoid actions that would effectively prohibit the provision of personal wireless services. Based on the applicant's submittal and the existing service coverage limitations in this area of Modesto, staff finds that allowing the proposed facility supports compliance with federal law by ensuring that adequate, reliable wireless service can be maintained within the community.

Staff believes that the three required findings can be made and recommends that the Board of Zoning Adjustment approve the requested Variance.

Public Notice

This project has been noticed to the owners and occupants living within the radius of 300 feet from the property address APN 112-045-002. The newspaper Modesto Bee has a legal advertisement for this hearing at least 10 days prior to the hearing.

FISCAL IMPACT:

City expenditures related to the review of the project are funded by application fees provided by the applicant.

CEQA REQUIREMENTS:

This proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15303(d) (New Construction or Conversion of Small Structures).

Section 15303(d) exempts:

Water main, sewage, electrical, gas, and other utility extensions, including street improvements of reasonable length to serve such construction.

The proposed project qualifies for this exemption because it involves the installation of a wireless communication facility, which is a form of utility infrastructure. The project is in an urbanized area.

The facility has a limited physical footprint and does not result in increased traffic demand for public services. It will not cause significant environmental impacts.

Based on this information, this project is exempt pursuant to Section 15303(d), and Notice of Exemption EA/C&ED 2026-07 has been prepared for this project.

RECOMMENDED BOARD OF ZONING ACTION:

Staff Recommendations:

Resolution approving a Conditional Use Permit to allow for the establishment of a wireless communication facility; and

Variance to exceed the height requirement of a 130-foot monopine tower, on property located at 1025 Santa Cruz Avenue, identified as APN 035-024-014

Attachments:

- 1) Draft Resolution 2026-XX
- 2) ENV Notice of Exemption EA/C&ED 2026-07
- 3) Site Plan
- 4) RF Design Analysis
- 5) Variance Questionnaire and Variance Map
- 6) Financial Interest Disclosure
- 7) Levine Act

**BOARD OF ZONING ADJUSTMENT
RESOLUTION 2026-XX**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR
THE ESTABLISHMENT OF A WIRELESS COMMUNICATION FACILITY AND
VARIANCE TO EXCEED THE 50 FOOT HEIGHT REQUIREMENT OF A 130-
FOOT MONOPINE TOWER, ON PROPERTY LOCATED AT 1025 SANTA
CRUZ AVENUE, IDENTIFIED AS APN 035-024-014**

WHEREAS, Section 10-3.406, Table 3.4-3 of the Modesto Municipal Code (MMC) establishes development standard for wireless telecommunication facilities, including maximum height limitations applicable to the zoning district in which the subject property is located; and

WHEREAS, On January 13, 2026, Mark Lobaugh submitted applications for a CUP and a Variance to allow for the construction of a Wireless Communication Facility at 1025 Santa Cruz Avenue identified as APN 035-024-014; and

WHEREAS, The site is an interior parcel consisting of approximately 80,199 square feet and is located within the Medium Density Residential (R-2) zoning district; and

WHEREAS, wireless communication facilities are regulated under Title 10, Chapter 4 of the MMC which establishes development standards including height, setback, and design requirements; and

WHEREAS, under the R-2 zoning standards, wireless communication facilities are subject to a maximum height of 50 feet unless modified by a Variance per MMC Section 10-3.406, Table 3.4-3; and

WHEREAS, MMC Section 10-3.405, Table 3.4-2 requires approval of a Conditional Use Permit (CUP) when a monopole or uni-pole is located within 300 feet of a residentially zoned property; and

WHEREAS, the proposed project consists of a 130-foot monopine wireless communication facility; and

WHEREAS, under the applicable R-2 standards, the maximum permitted height for a wireless communication facility on this parcel is 50 feet, and since the proposed tower exceeds this height, it requires a Variance, which requires, pursuant to MMC Section 10-9.602, the applicant is required to demonstrate that the required Variance findings can be made; and

WHEREAS, the applicant has provided the required demonstration of Variance findings which has been provided in the Committee Agenda Report for the April 23, 2026, meeting of the Board of Zoning Adjustment; and

WHEREAS, the proposed facility is located within 300 feet of property zoned R-1, a Conditional Use Permit is required per MMC Section 10-3.405, Table 3.4-2; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on April 23, 2026, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents,

officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense; and

WHEREAS, City staff has prepared a Notice of Exemption, CA/C&ED 2026-07, which states that this matter is exempt under Section 15303(d) of the CEQA Guidelines,

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment that based upon such evidence it certifies and adopts Notice of Exemption CA/C&ED 2026-07, which states that this matter is exempt under Section 15303 of the CEQA Guidelines, Construction or Conversion of Small Structures, under which subsection (d) exempts water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that based upon such evidence and the analysis in the Committee Agenda Report for the April 23, 2026, meeting, it finds and determines that:

1. The proposed conditional use permit is consistent with the objectives and requirements of Title 10 (Zoning Regulations);
2. The proposed conditional use and the conditions under which it will operate is consistent with the General Plan;
3. The proposed conditional use will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity; and
4. The proposed conditions of approval will ensure compatibility with surrounding uses.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that based upon such evidence it finds and determines that:

1. There are special radio frequency technology circumstances or conditions applicable to the property or building in question which do not exist for other properties or buildings within a radius of two thousand (2,000) feet from the proposed facilities site;
2. The special radio frequency technology circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of their ability to close a demonstrated significant gap in coverage or service in its own network coverage using the least intrusive means;
3. Granting the Variance will be consistent with the intent and purpose of this chapter and the Federal Communications Act of 1996 (Public Law 104-104).

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that it grants to Center Line Communications a Variance from the provisions of Section 10-3.406, Table 3.4-3 of the Modesto Municipal Code to permit a 130-foot high camouflaged monopine cellular tower and a Conditional Use Permit from the provisions of section 10-9.703, at property located at 1025 Santa Cruz Avenue, subject to the following conditions:

1. All development shall conform to the plans titled "1025 Santa Cruz Avenue Modesto, CA," as approved by the Board of Zoning Adjustment on April 23, 2026.
2. All aspects of the project must comply with current City of Modesto Standards and current California Building, Electrical, Mechanical, Plumbing, Energy and Green Codes adopted by the City of Modesto. (2022 California Building Code Cycle) Plans submitted on or after January 1, 2026, must conform to the 2025 California Building Code Cycle.
3. Applicant shall install black wrought iron fencing with curved spear vertical pickets around the facility
4. Access road shall be 20 feet wide and all weather accessible.
5. All gates shall utilize a Knox padlock for emergency access.
6. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Division.
7. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
8. All landscaping, fences, and walls shall be maintained in good condition and the premises shall be kept free of weeds, trash, and other debris.
9. Any public improvements that are missing, damaged, or not to current City standards shall be designed and constructed per City standards in accordance with City Code (Article 7-1.701). Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.
10. At the time of development, all existing underground and aboveground utilities, irrigation, and electrical lines shall be

protected, relocated, or removed as required by the Utility Companies and City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

11. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by the Director of Community and Economic Development.
12. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on April 23, 2026, and that if a protest is

not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at the regular meeting of the Board of Zoning Adjustment held on April 23, 2026, by _____, who moved its adoption, which motion being duly seconded by _____ and was upon roll call carried and the resolution adopted by the following vote:

Ayes:

Noes:

Absent:

Recused:

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MODESTO.

Original, signed copy on file in
CEDD

Radha Hayagreev, Secretary

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Stanislaus

From: (Public Agency): City of Modesto
1010 10th Street
Modesto, CA 95354

(Address)

Project Title: Variance and Conditional Use permit for a 130 foot cell tower

Project Applicant: City of Modesto

Project Location - Specific:

1025 Santa Cruz Ave (APN: 035-024-014)

Project Location - City: Modesto Project Location - County: Stanislaus

Description of Nature, Purpose and Beneficiaries of Project:

CUP and Variance to allow for the construction of a 130 foot monopine tower

Name of Public Agency Approving Project: City of Modesto

Name of Person or Agency Carrying Out Project: City of Modesto

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Sec. 15303(d)
- Statutory Exemptions. State code number: _____


Reasons why project is exempt:

The project is exempt from CEQA because Section 15303(d) of the CEQA Guidelines, which exempts water main, sewage, electrical, gas and other utility extensions.

Lead Agency
Contact Person: Michael Schubert Area Code/Telephone/Extension: (209) 577-5272

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: February 18, 2026 Title: Assistant Planner

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



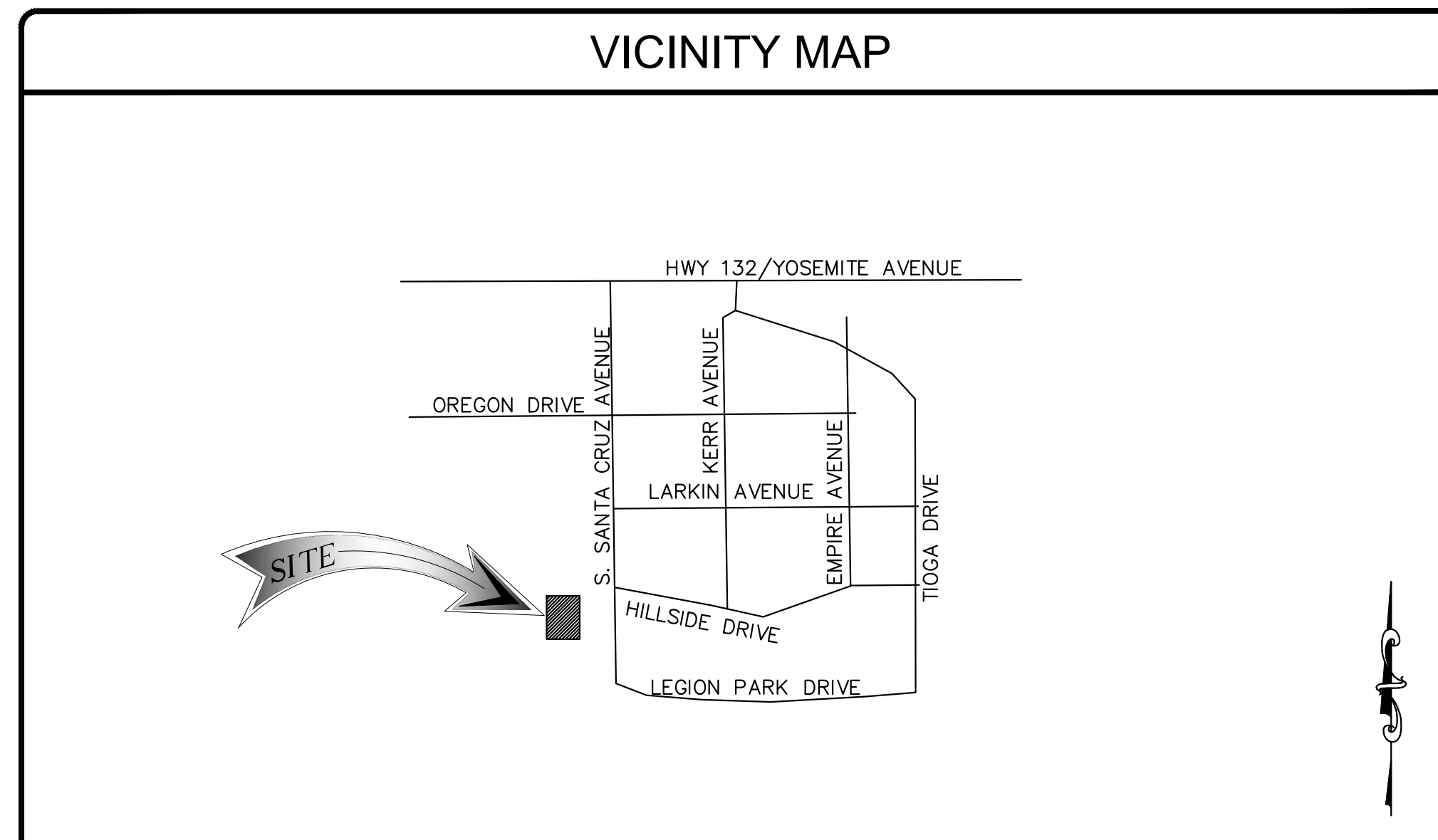
CVL01393 - LEGION PARK

FA: 15541192; IWM: WSSFR0018761; PTN: 3701A0YPEQ

1025 SANTA CRUZ AVENUE
MODESTO, CA 95354

SITE INFORMATION	
SITE ADDRESS:	1025 SANTA CRUZ AVENUE MODESTO, CA 95354
COORDINATES (TOWER/NAD83)	
LATITUDE:	N 37° 37' 33.37" N 37.625936°
LONGITUDE:	W 120° 58' 31.03" W 120.975286°
ELEVATION OF GROUND AT STRUCTURE (NAVD88)	59' AMSL
JURISDICTION:	CITY OF MODESTO
PROPERTY OWNER:	CITY OF MODESTO PO BOX 642 MODESTO, CA 95353
ZONING:	R-2
PARCEL/MAP NUMBER:	035-024-014-000
STRUCTURE TYPE:	MONO-EUCALYPTUS
STRUCTURE HEIGHT:	130'-0" (AGL) (TOP OF BRANCHES) 125'-0" (AGL) (TOP OF POLE)
POWER SUPPLIER:	MID
TELCO SUPPLIER:	AT&T

PROJECT TEAM	
APPLICANT:	AT&T MOBILITY 5005 EXECUTIVE PARKWAY SAN RAMON, CA 94583
CIVIL VENDOR:	AT&T ICAS GLEN BOSWELL PHONE: (925) 523-1069 EMAIL: gb058a@att.com
RF ENGINEER:	AT&T MOBILITY 5005 EXECUTIVE PARKWAY SAN RAMON, CA 94583 CONTACT: JAKE BALIUT EMAIL: jb7714@att.com
CONSTRUCTION MANAGER:	EPIC WIRELESS 605 COOLIDGE DRIVE, SUITE 100 FOLSOM, CA 95630 CONTACT: ANDREW MEDINA EMAIL: andrew.medina@epicwireless.net PHONE: 530-574-4773
SITE ACQ/ZONING MANAGER:	EPIC WIRELESS 605 COOLIDGE DRIVE, SUITE 100 FOLSOM, CA 95630 CONTACT: MARK LOBAUGH PHONE: (916) 203-4067 EMAIL: mark.lobaugh@epicwireless.net
A/E FIRM:	CONNELL DESIGN GROUP INC 22431 ANTONIO PKWY SUITE B160-131 RANCHO SANTA MARGARITA CA 92688 CONTACT: DAN CONNELL PHONE: (949) 306-4644 EMAIL: dconnell@connelldesigngroup.com



- DIRECTIONS**
- DIRECTIONS FROM AT&T SAN RAMON OFFICE:
1. HEAD WEST. TURN RIGHT. TURN RIGHT TOWARD EXECUTIVE PKWY
 2. TURN RIGHT TOWARD EXECUTIVE PKWY
 3. TURN RIGHT ONTO EXECUTIVE PKWY
 4. TURN RIGHT ONTO CAMINO RAMON
 5. USE THE RIGHT 2 LANES TO TURN RIGHT ONTO BOLLINGER CANYON RD
 6. SLIGHT RIGHT TO MERGE ONTO I-680 S. MERGE ONTO I-680 S
 7. USE THE RIGHT 2 LANES TO TAKE EXIT 30A TO MERGE ONTO I-580 E TOWARD STOCKTON
 8. USE THE RIGHT 2 LANES TO TURN SLIGHTLY RIGHT TO STAY ON I-580 E
 9. TAKE EXIT 76 FOR CA-132 TOWARD I-5 N/MODESTO. CONTINUE ONTO CA-132 E
 10. TURN LEFT ONTO CA-132
 11. TURN RIGHT TO STAY ON CA-132
 12. TAKE THE EXIT TOWARD 5TH ST. CONTINUE STRAIGHT ONTO 5TH ST
 13. USE THE MIDDLE LANE TO TURN LEFT ONTO G ST
 14. TURN RIGHT ONTO 9TH ST
 15. TURN LEFT ONTO D ST
 16. TURN RIGHT ONTO YOSEMITE BLVD
 17. TURN RIGHT AFTER JACK IN THE BOX (ON THE LEFT)
 18. THE SITE IS ON THE RIGHT

- CODE COMPLIANCE**
- ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.
- 2022 CALIFORNIA BUILDING CODE
 - 2022 CALIFORNIA TITLE 24
 - 2022 CALIFORNIA FIRE CODE
 - 2022 CALIFORNIA ELECTRICAL CODE
 - 2022 CALIFORNIA MECHANICAL CODE
 - TIA/EIA-222-H OR LATEST EDITION

DRAWING INDEX

1	T-1	TITLE SHEET
2	C-1	PLOT PLAN AND SITE TOPOGRAPHY
3	C-2	PLOT PLAN AND SITE TOPOGRAPHY
4	A-1	SITE PLAN
5	A-2	ENLARGED SITE PLAN
6	A-3	EQUIPMENT LAYOUT
7	A-4	ANTENNA LAYOUT AND ANTENNA SCHEDULE
8	A-5	ELEVATIONS
9	E-1	PRELIM ELECTRICAL DESIGN

TOTAL NUMBER OF SHEET: 9

DRAWING SCALE

THESE DRAWINGS ARE SCALED TO FULL SIZE AT 24"X36" AND HALF SIZE AT 11"X17". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

- SCOPE OF WORK**
- THIS PROJECT CONSISTS OF THE INSTALLATION OF A NEW AT&T WIRELESS ANTENNA FACILITY. SCOPE OF WORK:
- EQUIPMENT AREA**
- INSTALL A NEW STEEL RAISED EQUIPMENT PLATFORM WITH (P) 9' HIGH LOUVERED METAL FENCE
 - PAINT EXTERIOR OF STEEL PLATFORM, STAIRS, RAILINGS AND LOUVERED FENCE WALL BROWN TO MATCH THE CHAIN LINK VINYL SLATS
 - INSTALL NEW 6' HIGH CHAIN LINK FENCE WITH BROWN SLATS
 - INSTALL (1) NEW WALK UP TO CABINET (WUC) ON (N) STEEL PLATFORM
 - INSTALL (1) DIESEL GENERATOR (30KW AC) WITH 145 GALLON FUEL TANK ON (N) STEEL PLATFORM
 - INSTALL NEW (9) POWER TRUNKS AND (3) FIBER TRUNKS FROM EQUIPMENT TO ANTENNAS
 - INSTALL ASSOCIATED UTILITY CABINETS AND H-FRAME
 - INSTALL (1) 30"X30"X12" HOFFMAN CABINET ON H-FRAME WITH CIENA ABOVE
 - INSTALL (1) NEW GPS ANTENNA
 - INSTALL (1) RAYCAP DC-50
 - INSTALL NEW 6651 AND XMU 6672 INSIDE NEW WUC
 - INSTALL (1) ELEC. METER
 - INSTALL (1) NEW 130' TALL MONO-EUCALYPTUS
 - INSTALL NEW UNDERGROUND UTILITIES FROM SOURCES TO EQUIPMENT
- ANTENNA AREA**
- INSTALL (6) NEW PANEL ANTENNAS (2 PER SECTOR)
 - INSTALL (6) NEW AIR ANTENNAS (2 PER SECTOR)
 - INSTALL (12) NEW RRUS
 - INSTALL (3) NEW DC-9 SURGE PROTECTORS
- LEASE AREA:**
TOTAL EQUIPMENT AND ANTENNA AREA: 1,050 SF

EPIC
WIRELESS GROUP LLC
Connecting a Wireless World
605 COOLIDGE DRIVE, SUITE 100, FOLSOM, CA 95630

at&t
mobility corp.

CDG
22431 ANTONIO PKWY
SUITE B160-131
RANCHO SANTA MARGARITA CA 92688
dconnell@connelldesigngroup.com
949-306-4644

CVL01393
LEGION PARK
1025 SANTA CRUZ AVENUE
MODESTO, CA 95354

REVISIONS

REV	DATE	DESCRIPTION	BY
4	10/21/25	100% ZD	DC
3	10/16/25	100% ZD	DC
2	08/05/25	100% ZD	DC
1	07/16/25	100% ZD	DC
0	06/30/25	90% ZD	LE

PROFESSIONAL STAMP

SHEET TITLE

TITLE SHEET

SHEET

T-1

APN: 035-018-013

J-POLE W/ TRANSFORMER

APN: 035-024-006

APN: 035-024-019

APN: 035-024-020

APN: 035-024-016

APN: 035-024-011

APN: 035-024-010

APN: 035-024-009

PROPERTY BOUNDARY

APN: 035-024-014

PROPERTY BOUNDARY

APN: 035-053-001

PROPERTY BOUNDARY

APN: 035-024-015-000

APN: 035-053-005-000

SANTA CRUZ AVENUE

J-POLE W/ TRANSFORMER

TRENNARY WAY

J-POLE

HILLSIDE AVENUE

SEE PROJECT AREA ENLARGEMENT

60' ROAD R/W PER 497/OR/137

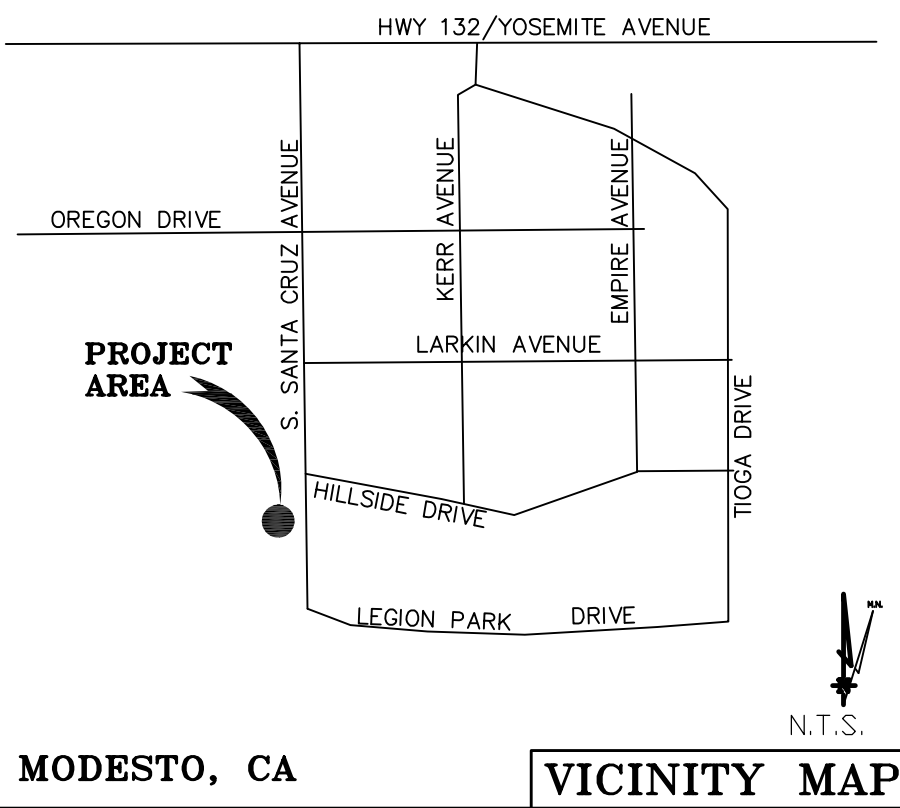
SANTA CRUZ AVENUE



SCALE 1" = 50'

OVERALL SITE PLAN

DATE OF SURVEY: 06-12-25
 SURVEYED BY OR UNDER DIRECTION OF: KENNETH D. GEIL, R.C.E. 14803
 LOCATED IN THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA
 BEARINGS SHOWN ARE BASED UPON MONUMENTS FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY.
 ELEVATIONS SHOWN ON THIS PLAN ARE BASED UPON U.S.G.S. N.A.V.D. 88 DATUM. ABOVE MEAN SEA LEVEL.
 N.G.V.D. 1929 CORRECTION: SUBTRACT 2.41' FROM ELEVATIONS SHOWN.
 CONTOUR INTERVAL: 1'
 CONTRACTOR IS RESPONSIBLE TO VERIFY LEASE AREA PRIOR TO CONSTRUCTION.
 ASSESSOR'S PARCEL NUMBER: 035-024-014



DEPT	APPROVED	DATE
ARC		
RE		
RF		
INT		
EE\IN		
OPS		
EE\OUT		

Surveyor

GEIL ENGINEERING
 ENGINEERING • SURVEYING • PLANNING
 1226 HIGH STREET
 AUBURN, CALIFORNIA 95603
 Phone: (530) 885-0426
 Fax: (530) 823-1309

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF GEIL ENGINEERING AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE AND CARRIER FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM GEIL ENGINEERING TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH GEIL ENGINEERING WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. NO EASEMENTS WERE RESEARCHED OR PLOTTED. PROPERTY LINES AND LINES OF TITLE WERE NOT INVESTIGATED NOR SURVEYED. NO PROPERTY MONUMENTS WERE SET.

Geil Engineering
 Engineering • Surveying • Planning
 1226 High Street
 Auburn, California 95603-5015
 Phone: (530) 885-0426 • Fax: (530) 823-1309

A.T. & T. Mobility
 Project No./Name: CVL01393 / Legion Park

Project Site Location: 1025 Santa Cruz Avenue
 Modesto, CA 95354
 Stanislaus County

Date of Observation: 06-12-25

Equipment/Procedure Used to Obtain Coordinates: Trimble Pathfinder Pro XL post processed with Pathfinder Office software.

Type of Antenna Mount: Proposed Monotree

Coordinates (Tower/NAD83)
 Latitude: N 37° 37' 53.37" N 37.625936°
 Longitude: W 120° 58' 31.03" W 120.975286°

ELEVATION of Ground at Structure (NAVD88) 59' AMSL

CERTIFICATION: I, the undersigned, do hereby certify elevation listed above is based on a field survey done under my supervision and that the accuracy of those elevations meet or exceed 1-A Standards as defined in the FAA ASAC Information Sheet 91:003, and that they are true and accurate to the best of my knowledge and belief.

Kenneth D. Geil California RCE 14803

Lease Area Description

All that certain lease area being a portion of that certain Parcel A as is shown on that certain Parcel Map filed for record at Book 4 of Parcel Maps, Page 72, Official Records of Stanislaus County, being located in the City of Modesto, County of Stanislaus, State of California, being a portion of the SW 1/4 of Section 34, Township 3 South, Range 9 East, M.D.B. & M.; being more particularly described as follows:

Commencing at a found monument in well set at the East 1/4 corner of Section 33, T. 3S., R.9E., M.D.B. & M. as shown on that certain Record of Survey filed for record at Book 37 of Surveys at Page 44, Official Records of Stanislaus County, from which a similar monument bears North 89°24'00" West 5269.53 feet; thence from said point of commencement South 01°28'21" East 1820.61 feet to the True Point of Beginning; thence from said point of beginning West 35.00 feet; thence South 30.00 feet; thence East 35.00 feet; thence North 30.00 feet to the point of beginning.

Together with a non-exclusive easement for access and utility purposes fifteen feet in width the centerline of which is described as follows: beginning at a point which bears North 7.50 feet from the Southeast corner of the above described lease area and running thence East 44.58 feet; thence South 45°00'00" East 14.11 feet; thence East 54.18 feet to a point hereafter defined as Point "A"; thence continuing East 3.00 feet more or less to the public right of way more commonly known as Santa Cruz Avenue.

Also together with a non-exclusive easement for utility purposes six feet in width the centerline of which is described as follows: beginning at Point "A" as previously defined and running thence South 00°06'04" West 105.68 feet.

CVL01393
 LEGION PARK
 1700 HILLSIDE DRIVE
 MODESTO, CA 95354
 PLOT PLAN AND
 SITE TOPOGRAPHY

REV					
REV					
REV					
REV					
REV					

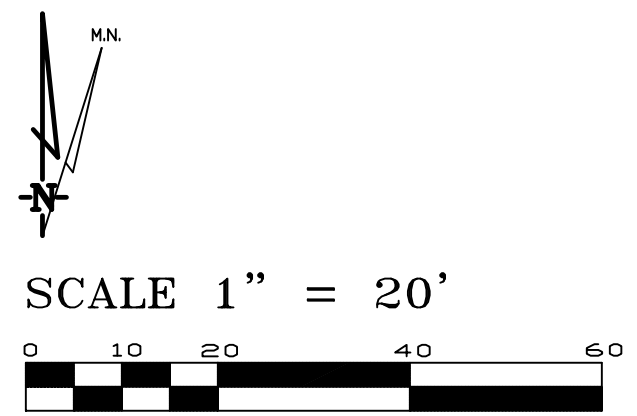
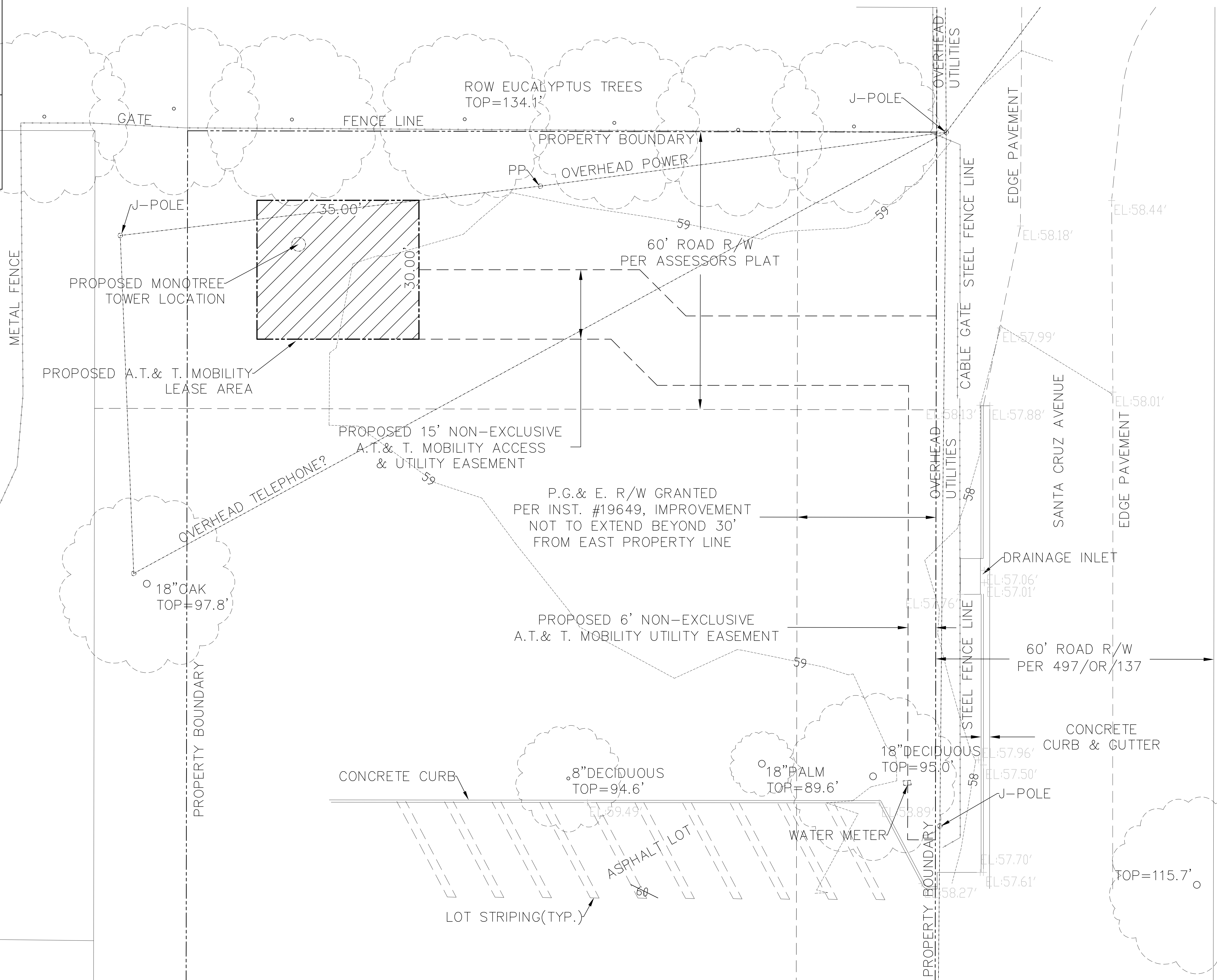
REVISIONS	REV	DATE	DESCRIPTION
	06-13-25	N. ROHDE	DRAWING SUBMITTAL
	06-30-25	N. ROHDE	LEASE AREA PLACED
	06-06-25	N. ROHDE	TITLE WORK
	10-23-25	N. ROHDE	LEASE AREA MOD.
	10-27-25	N. ROHDE	REDLINES

Sheet

C-1

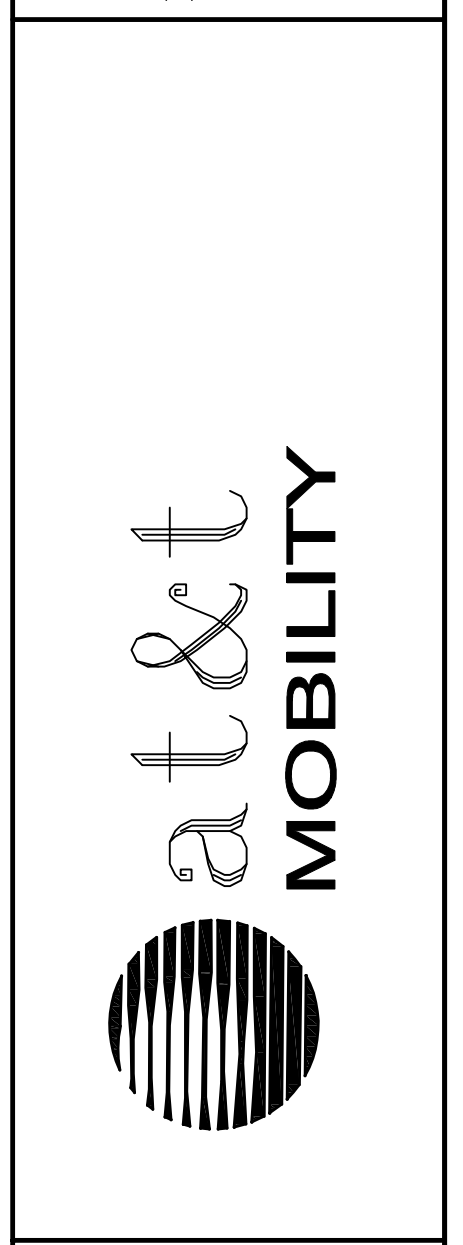
THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF GEIL ENGINEERING AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE AND CARRIER FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM GEIL ENGINEERING TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH GEIL ENGINEERING WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. NO EASEMENTS WERE RESEARCHED OR PLOTTED. PROPERTY LINES AND LINES OF TITLE WERE NOT INVESTIGATED NOR SURVEYED. NO PROPERTY MONUMENTS WERE SET.



DEPT	APPROVED	DATE
A&C		
RE		
RF		
INT		
EE\IN		
OPS		
EE\OUT		

Surveyor
GEIL ENGINEERING
 ENGINEERING • SURVEYING • PLANNING
 1226 HIGH STREET
 AUBURN, CALIFORNIA 95603
 Phone: (530) 885-0206
 Fax: (530) 885-0106

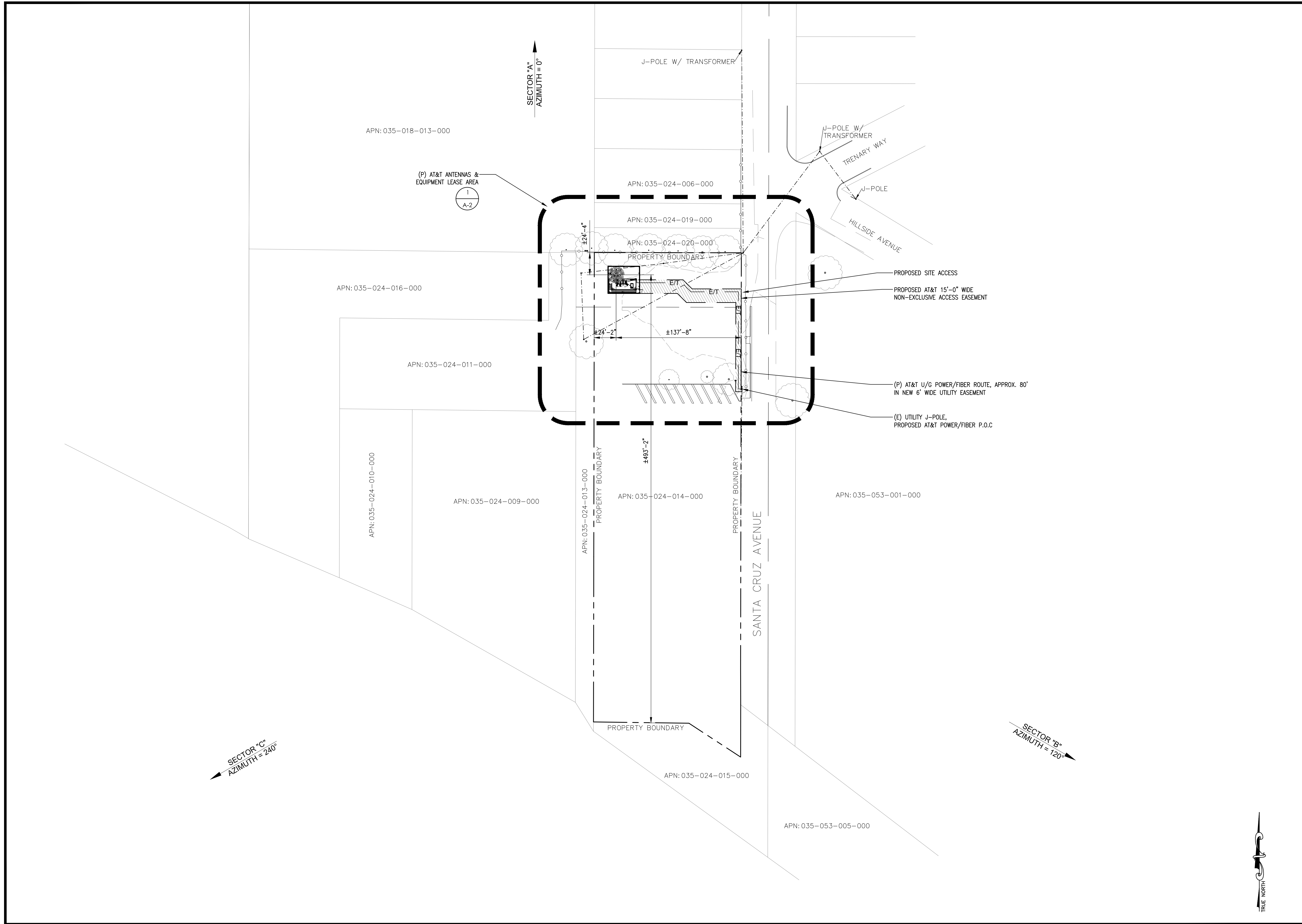


CVL01393
LEGION PARK
 1700 HILLSIDE DRIVE
 MODESTO, CA 95354
 PLOT PLAN AND
 SITE TOPOGRAPHY

Sheet

C-2

PROJECT AREA ENLARGEMENT



CONSULTANT

WIRELESS GROUP LLC
Connecting a Wireless World
605 COOLIDGE DRIVE, SUITE 100, FOLSOM, CA 95630

APPLICANT

A/E FIRM

22431 ANTONIO PKWY
SUITE B160-131
RANCHO SANTA MARGARITA CA 92688
dconnell@cornelldesigngroup.com
949-306-4644

SITE INFORMATION

CVL01393
LEGION PARK
1025 SANTA CRUZ AVENUE
MODESTO, CA 95354

DESIGN RECORD

REVISIONS			
REV	DATE	DESCRIPTION	BY
4	10/21/25	100% ZD	DC
3	10/16/25	100% ZD	DC
2	08/05/25	100% ZD	DC
1	07/16/25	100% ZD	DC
0	06/30/25	90% ZD	LE

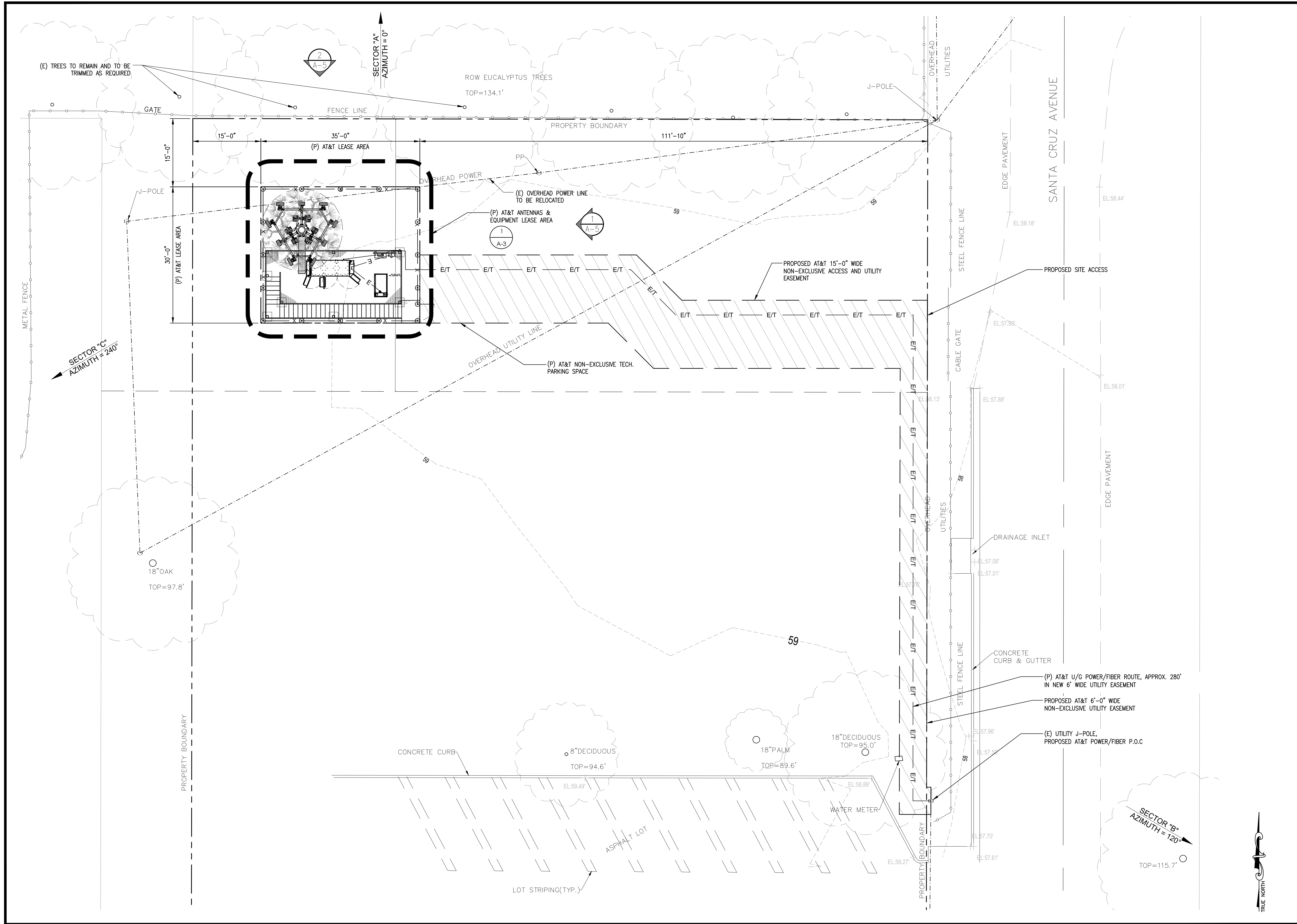
PROFESSIONAL STAMP

SHEET TITLE

SITE PLAN




SHEET

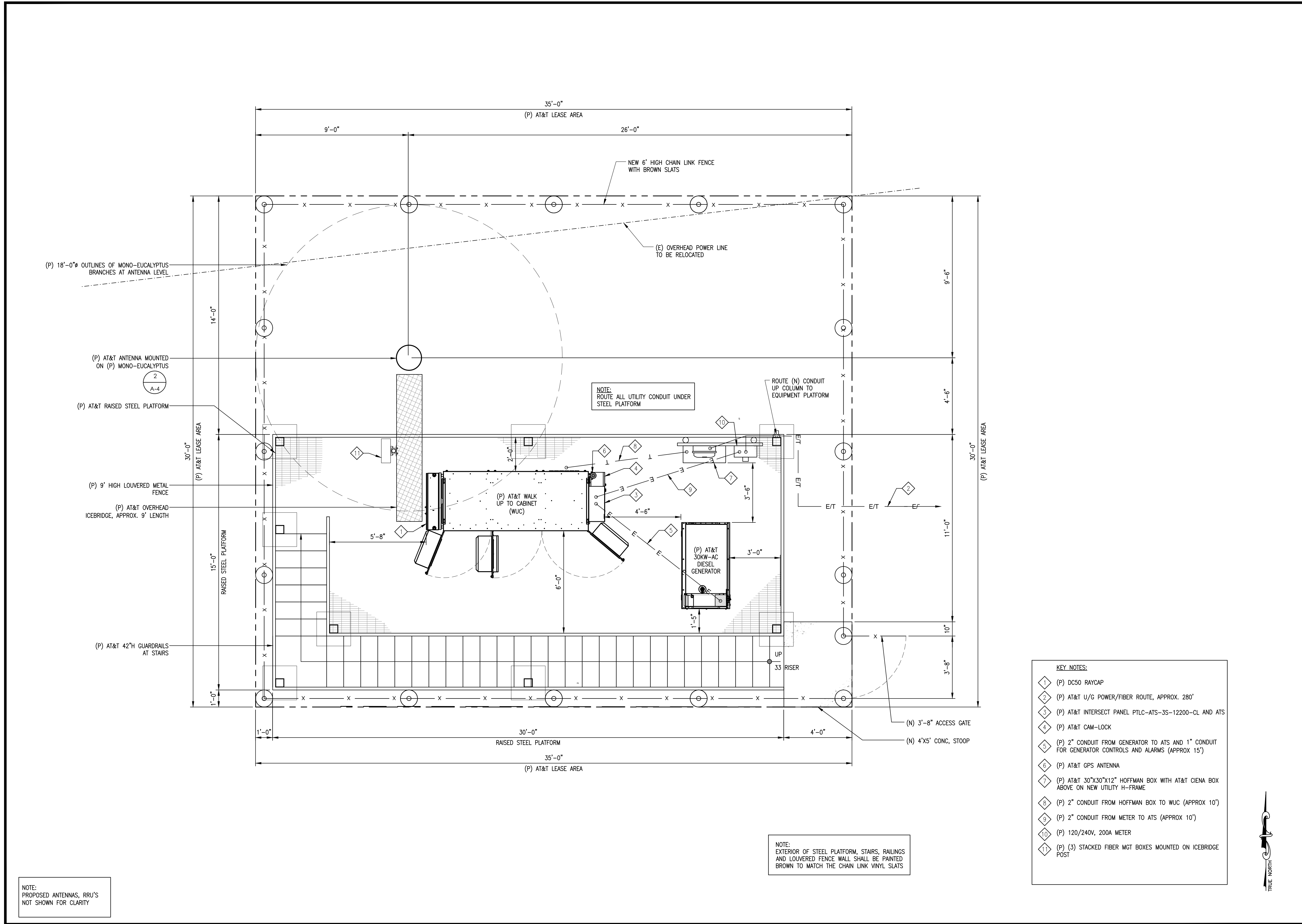
A-1



ENLARGED SITE PLAN

SCALE: 1"=10'-0" 0 5 10' 1

CONSULTANT	 <p>EPIC WIRELESS GROUP LLC Connecting a Wireless World 605 COOLIDGE DRIVE, SUITE 100, FOLSOM, CA 95630</p>																												
APPLICANT																													
A/E FIRM	 <p>CDG 22431 ANTONIO PKWY SUITE B160-131 RANCHO SANTA MARGARITA CA 92688 dconnell@cornelldesigngroup.com 949-306-4844</p>																												
SITE INFORMATION	<p>CVL01393 LEGION PARK 1025 SANTA CRUZ AVENUE MODESTO, CA 95354</p>																												
DESIGN RECORD	<table border="1"> <thead> <tr> <th colspan="4">REVISIONS</th> </tr> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>10/21/25</td> <td>100% ZD</td> <td>DC</td> </tr> <tr> <td>3</td> <td>10/16/25</td> <td>100% ZD</td> <td>DC</td> </tr> <tr> <td>2</td> <td>08/05/25</td> <td>100% ZD</td> <td>DC</td> </tr> <tr> <td>1</td> <td>07/16/25</td> <td>100% ZD</td> <td>DC</td> </tr> <tr> <td>0</td> <td>06/30/25</td> <td>90% ZD</td> <td>LE</td> </tr> </tbody> </table>	REVISIONS				REV	DATE	DESCRIPTION	BY	4	10/21/25	100% ZD	DC	3	10/16/25	100% ZD	DC	2	08/05/25	100% ZD	DC	1	07/16/25	100% ZD	DC	0	06/30/25	90% ZD	LE
REVISIONS																													
REV	DATE	DESCRIPTION	BY																										
4	10/21/25	100% ZD	DC																										
3	10/16/25	100% ZD	DC																										
2	08/05/25	100% ZD	DC																										
1	07/16/25	100% ZD	DC																										
0	06/30/25	90% ZD	LE																										
PROFESSIONAL STAMP																													
SHEET TITLE	<p>ENLARGED SITE PLAN</p>																												
SHEET	<p>A-2</p>																												



CONSULTANT

WIRELESS GROUP LLC
Connecting a Wireless World
605 COOLIDGE DRIVE, SUITE 100, FOLSOM, CA 95630

APPLICANT

A/E FIRM

22431 ANTONIO PKWY
SUITE B160-131
RANCHO SANTA MARGARITA CA 92688
dconnell@cornelldesigngroup.com
949-306-4644

SITE INFORMATION

CVL01393
LEGION PARK
1025 SANTA CRUZ AVENUE
MODESTO, CA 95354

DESIGN RECORD

REV	DATE	DESCRIPTION	BY
4	10/21/25	100% ZD	DC
3	10/16/25	100% ZD	DC
2	08/05/25	100% ZD	DC
1	07/16/25	100% ZD	DC
0	06/30/25	90% ZD	LE

PROFESSIONAL STAMP

SHEET TITLE

EQUIPMENT LAYOUT

SHEET

A-3

RF SCHEDULE

SECTOR	ANTENNA MODEL NO.	AZIMUTH	CENTERLINE	RRU	DC TRUNK SIZE	DC TRUNK DISTANCE	DC JUMPER SIZE	DC JUMPER DISTANCE	RECTIFIER COUNT (-48V)	CONVERTER COUNT (-58V)
ALPHA	A1	0°	120°-0"	(1) 4490 B14/B29 (1) 4890 B25/B66	6AWG	150'	10AWG	15'	13	0
	A2	0°	119°-0"	(1) INTEGRATED WITHIN AIR6419 B77D						
	A3	0°	122°-6"	(1) INTEGRATED WITHIN AIR6419 B77G						
BETA	B1	120°	120°-0"	(1) 4490 B14/B29 (1) 4890 B25/B66	6AWG	150'	10AWG	15'	13	0
	B2	120°	119°-0"	(1) INTEGRATED WITHIN AIR6419 B77D						
	B3	120°	122°-6"	(1) INTEGRATED WITHIN AIR6419 B77G						
GAMMA	C1	240°	120°-0"	(1) 4490 B14/B29 (1) 4890 B25/B66	6AWG	150'	10AWG	15'	13	0
	C2	240°	119°-0"	(1) INTEGRATED WITHIN AIR6419 B77D						
	C3	240°	122°-6"	(1) INTEGRATED WITHIN AIR6419 B77G						

RFDS DATE	-
RFDS REV.	.

NOTE:
 1. ANTENNA POSITION ARE RIGHT TO LEFT FROM THE BACK OF ANTENNA.
 2. EQUIPMENT IS PRELIMINARY AND SUBJECT TO CHANGE

CONSULTANT



APPLICANT



A/E FIRM



SITE INFORMATION

CVL01393
 LEGION PARK
 1025 SANTA CRUZ AVENUE
 MODESTO, CA 95354

ANTENNA RF SCHEDULE

1

DESIGN RECORD

REVISIONS			
REV	DATE	DESCRIPTION	BY
4	10/21/25	100% ZD	DC
3	10/16/25	100% ZD	DC
2	08/05/25	100% ZD	DC
1	07/16/25	100% ZD	DC
0	06/30/25	90% ZD	LE

PROFESSIONAL STAMP

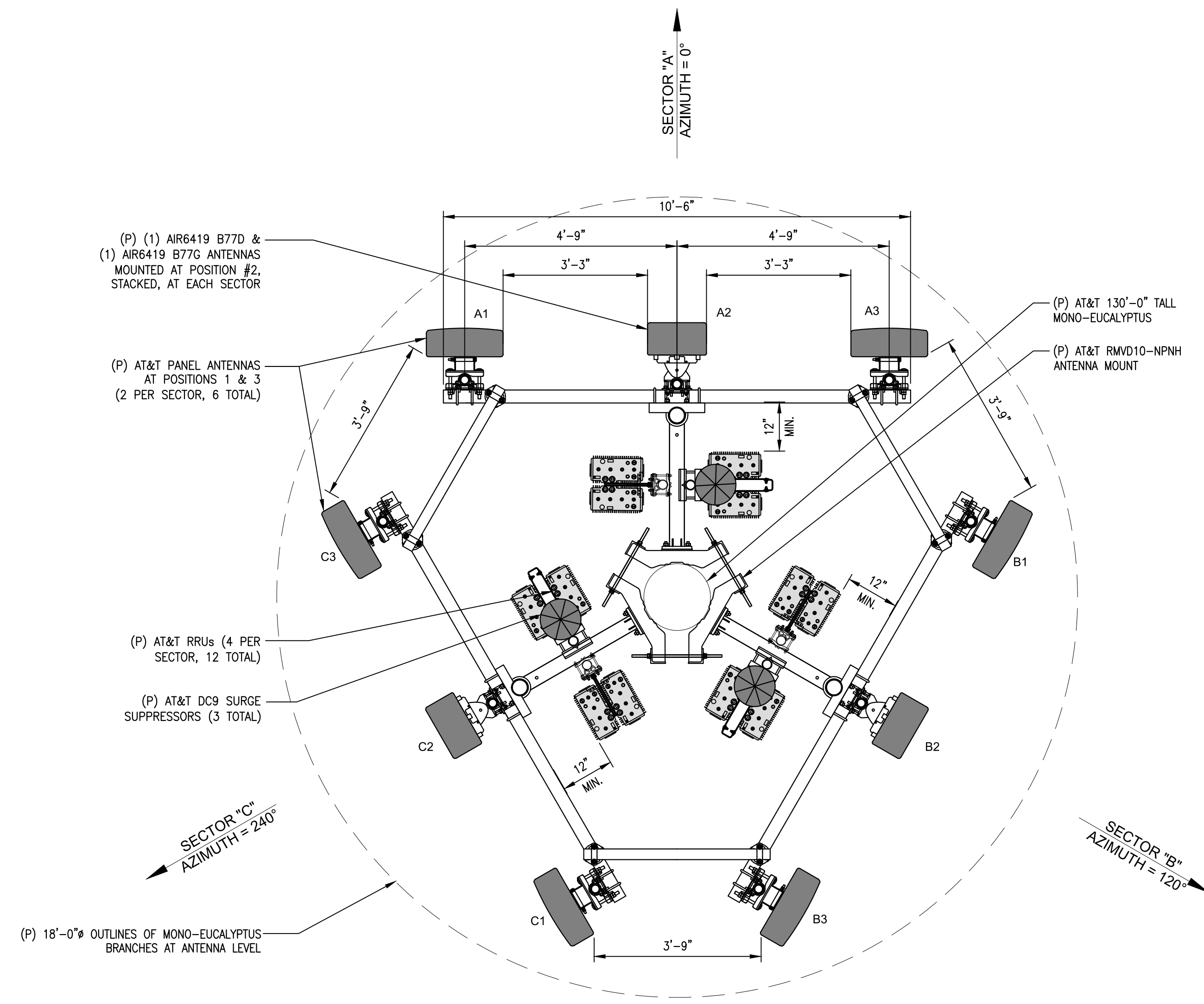


SHEET TITLE

**ANTENNA LAYOUT
 AND ANTENNA
 SCHEDULE**

SHEET

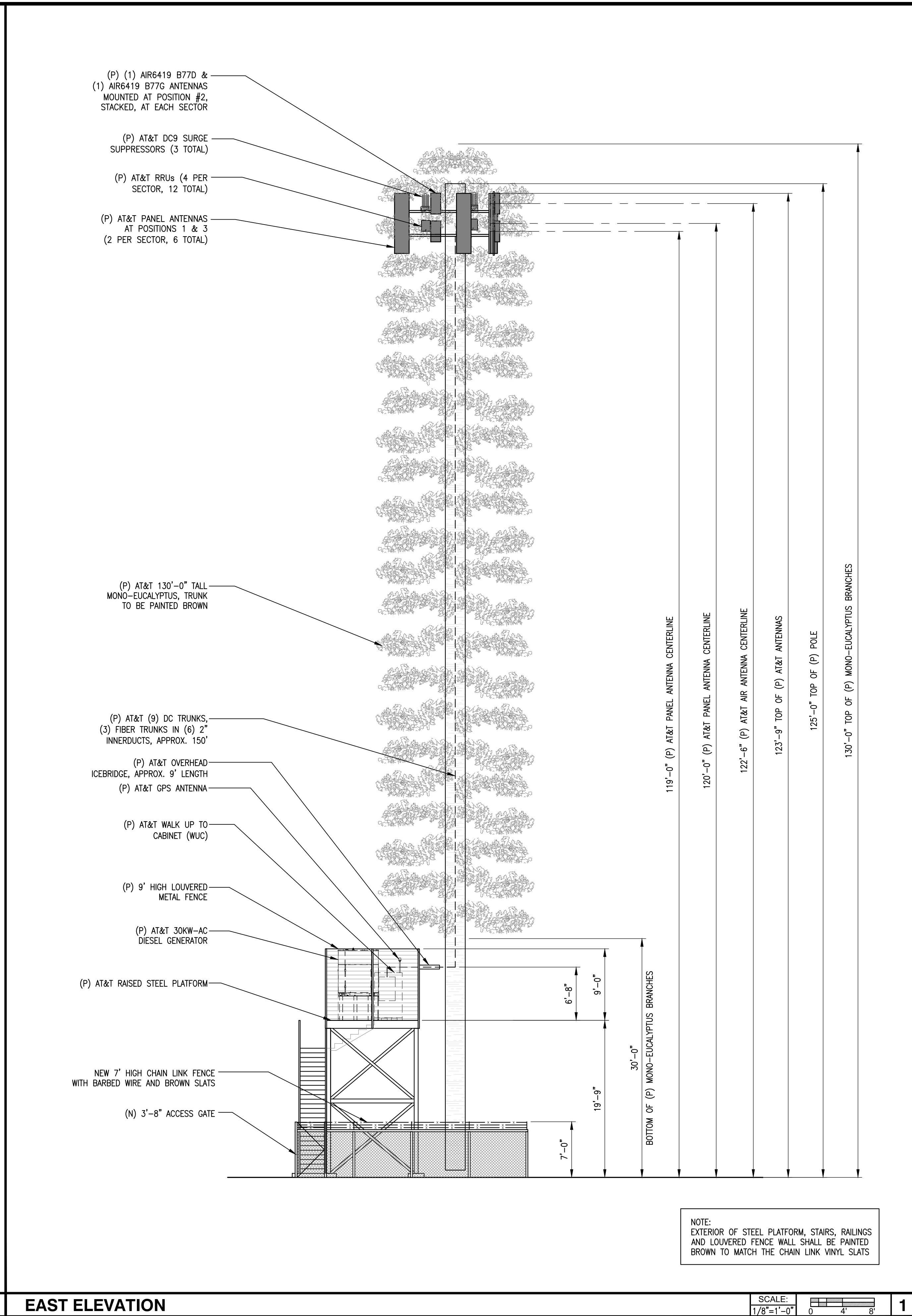
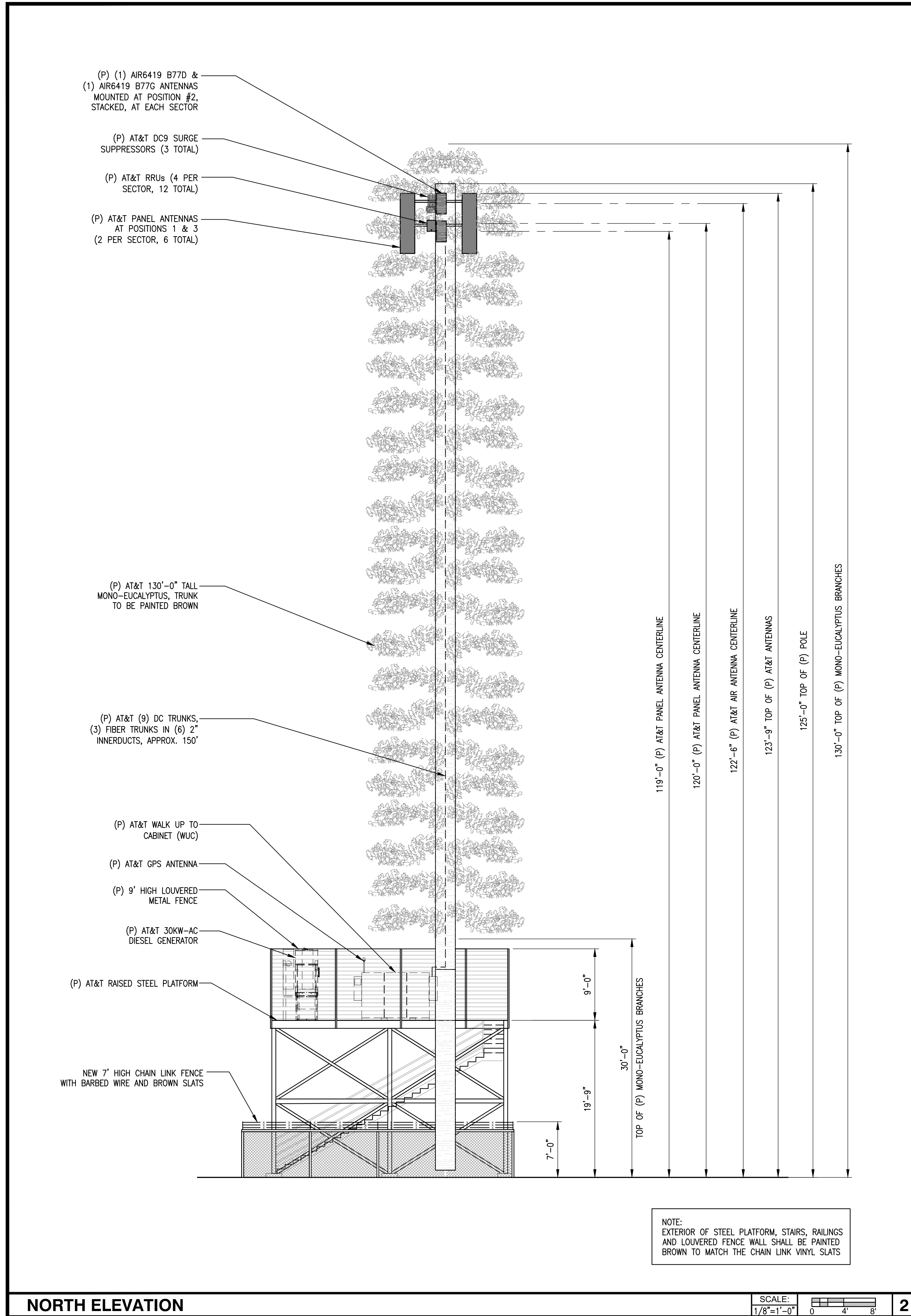
A-4



ANTENNA LAYOUT

SCALE: 1/2"=1'-0"

2



NOTE:
EXTERIOR OF STEEL PLATFORM, STAIRS, RAILINGS
AND LOUVERED FENCE WALL SHALL BE PAINTED
BROWN TO MATCH THE CHAIN LINK VINYL SLATS

NOTE:
EXTERIOR OF STEEL PLATFORM, STAIRS, RAILINGS
AND LOUVERED FENCE WALL SHALL BE PAINTED
BROWN TO MATCH THE CHAIN LINK VINYL SLATS

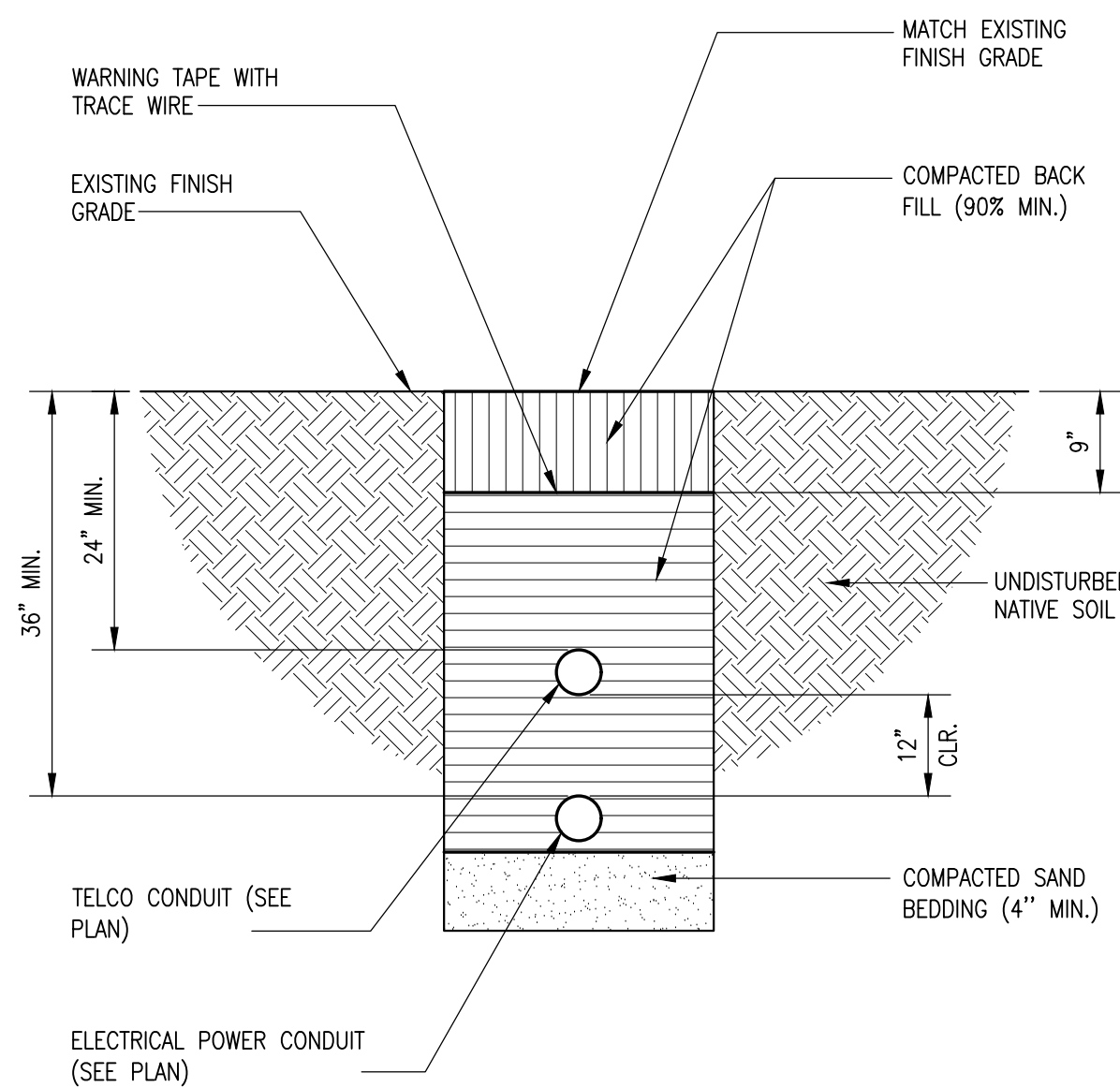
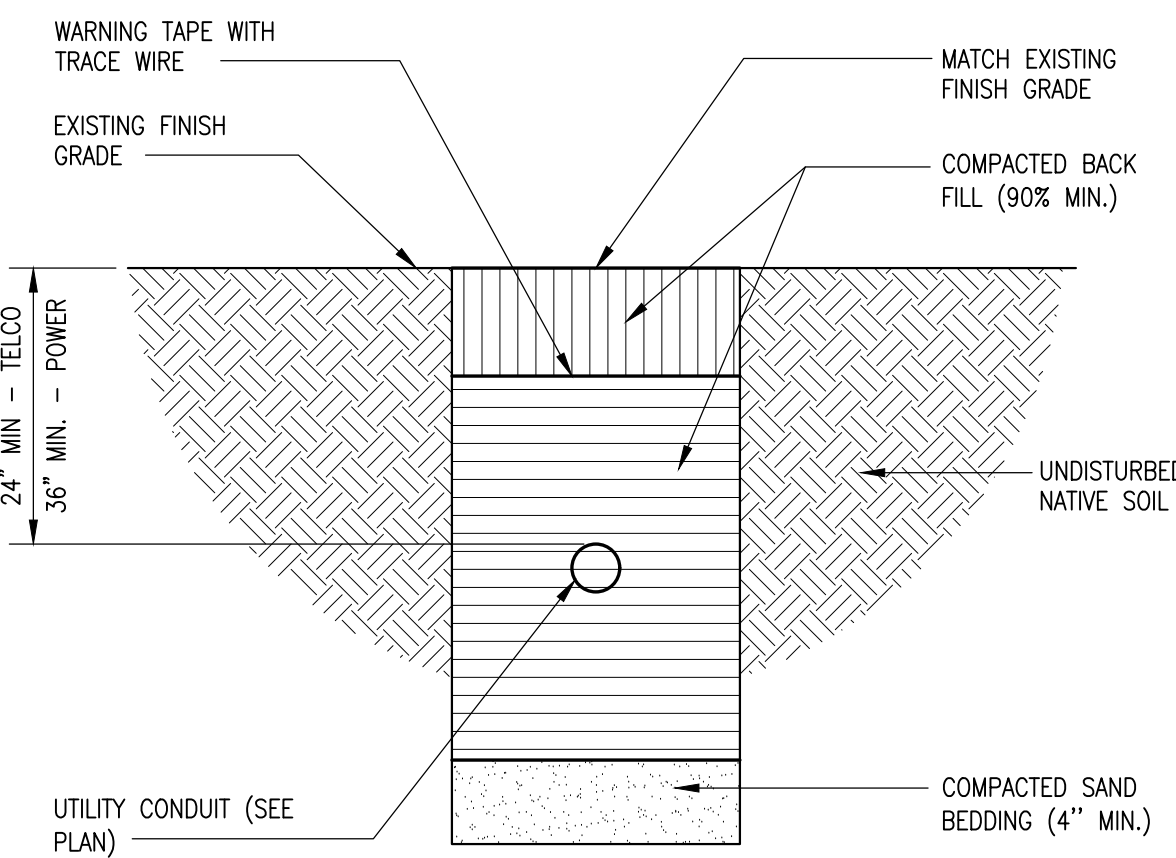
NORTH ELEVATION

EAST ELEVATION

SCALE: 1/8"=1'-0"
0 4 8

SCALE: 1/8"=1'-0"
0 4 8

CONSULTANT	 EPIC WIRELESS GROUP LLC <i>Connecting a Wireless World</i> 605 COOLIDGE DRIVE, SUITE 100, FOLSOM, CA 95630																												
APPLICANT	 at&t mobility corp.																												
A/E FIRM	 CDG 22431 ANTONIO PKWY SUITE B160-131 RANCHO SANTA MARGARITA CA 92688 dconnell@cornelldesigngroup.com 949-306-4644																												
SITE INFORMATION	CVL01393 LEGION PARK 1025 SANTA CRUZ AVENUE MODESTO, CA 95354																												
DESIGN RECORD	<table border="1"> <thead> <tr> <th colspan="4">REVISIONS</th> </tr> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>10/21/25</td> <td>100% ZD</td> <td>DC</td> </tr> <tr> <td>3</td> <td>10/16/25</td> <td>100% ZD</td> <td>DC</td> </tr> <tr> <td>2</td> <td>08/05/25</td> <td>100% ZD</td> <td>DC</td> </tr> <tr> <td>1</td> <td>07/16/25</td> <td>100% ZD</td> <td>DC</td> </tr> <tr> <td>0</td> <td>06/30/25</td> <td>90% ZD</td> <td>LE</td> </tr> </tbody> </table>	REVISIONS				REV	DATE	DESCRIPTION	BY	4	10/21/25	100% ZD	DC	3	10/16/25	100% ZD	DC	2	08/05/25	100% ZD	DC	1	07/16/25	100% ZD	DC	0	06/30/25	90% ZD	LE
REVISIONS																													
REV	DATE	DESCRIPTION	BY																										
4	10/21/25	100% ZD	DC																										
3	10/16/25	100% ZD	DC																										
2	08/05/25	100% ZD	DC																										
1	07/16/25	100% ZD	DC																										
0	06/30/25	90% ZD	LE																										
PROFESSIONAL STAMP	<div style="border: 1px solid black; height: 100px; width: 100%;"></div>																												
SHEET TITLE	ELEVATIONS																												
SHEET	A-5																												



TRENCH DETAIL

NO SCALE

4

JOINT TRENCH DETAIL

NO SCALE

2

ELECTRICAL GENERAL NOTES

1. THE ELECTRICAL CONTRACTOR SHALL PAY ALL ELECTRICAL FEES FOR PERMITS, AND BE RESPONSIBLE FOR OBTAINING SAID PERMITS AND COORDINATING ALL ELECTRICAL INSPECTIONS.
2. ALL ELECTRICAL WORK SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN THE C.E.C. IN ADDITION TO ALL APPLICABLE LOCAL CODES.
3. ALL ELECTRICAL COMPONENTS SHALL BE U.L. LISTED.
4. CONTRACTOR SHALL EXAMINE ALL GENERAL CONSTRUCTION DRAWINGS AND VISIT CONSTRUCTION SITE TO BE FAMILIAR WITH EXISTING CONDITIONS UNDER WHICH THEY WILL HAVE TO OPERATE AND WHICH WILL IN ANY WAY AFFECT THE WORK UNDER THIS CONTRACT.
5. PROVIDE A PULL ROPE AND GREENLEE CONDUIT MEASURING TAPE IN TELEPHONE CONDUIT FOR BTS #1 REGARDLESS OF WHETHER CABLE IS INSTALLED OR NOT.
6. ALL PANELS, DISCONNECT SWITCHES, ETC. SHALL BE SUPPLIED WITH A LOCKABLE DEVICE PER AT&T REQUIREMENTS.
7. WET RATED CONDUCTORS SHALL BE USED FOR UNDERGROUND LOCATIONS.

PANEL 'A' SCHEDULE																
120/240V, 1 PHASE, 3W						INTERSECT # PTLG-ATS-3S-12200-CL										
200A BUS, 42 KAIC						200A MAIN BKR (COMMERCIAL PWR) 42 KAIC SERIES RATED										
UL LISTED SERVICE ENTRANCE EQUIPMENT																
MAIN BREAKER RATING (A):				200				SYSTEM VOLTAGE (V):				240				
DESCRIPTION	VA	ctnc	BKR	POSN	L1	L2	POSN	BKR	ctnc	VA	DESCRIPTION	VA	ctnc	BKR	POSN	
RECTIFIER #1	2100	C	30	1	4200		2	30	C	2100	RECTIFIER #2	2100	C	30	3	
RECTIFIER #3	2100	C	30	3		4200	4	30	C	2100	RECTIFIER #4	2100	C	30	5	
RECTIFIER #5	2100	C	30	5	4200		6	30	C	2100	RECTIFIER #6	2100	C	30	7	
RECTIFIER #7	2100	C	30	7		4200	8	30	C	2100	RECTIFIER #8	2100	C	30	9	
RECTIFIER #9	2100	C	30	9	4200		10	30	C	2100	RECTIFIER #10	2100	C	30	11	
RECTIFIER #11	2100	C	30	11		4200	12	30	C	2100	RECTIFIER #12	2100	C	30	13	
RECTIFIER #13	2100	C	30	13	4200		14	30	C	2100	RECTIFIER #14	2100	C	30	15	
RECTIFIER #15	2100	C	30	15		4200	16	30	C	2100	RECTIFIER #16	2100	C	30	17	
NETSURE GFI	180	C	15	17	380		18	20	C	200	LIGHTING				19	
NETSURE HEATER	360	C	15	19		560	20	20	C	200	G.F.C.I. (W.P.)				21	
SPACE				21	0		22				SPACE				23	
SPACE				23		480	24	20	C	480	GEN BAT CHARGER				25	
SPACE				25	600		26	20	C	600	GENERATOR HEATER				27	
SPACE				27		0	28				SPACE				29	
SPACE				29	0		30				SPACE				30	
PHASE TOTALS (VA):				17,780	17,840											
CURRENT PER PHASE (A):				74.0	74.3				Amperes/phase cannot exceed main breaker rating							
PANEL TOTAL (VA):				35,620				Legend: c = continuous, nc = non-continuous								
PANEL CAPACITY (kVA):				48.0												
PANEL LOADING (100% non-cont. load) (kVA):				0												
PANEL LOADING (125% continuous load) (kVA):				44.5												
PANEL LOADING (TOTAL) (kVA):				44.5												
SPARE CAPACITY (kVA):				3.5												

- NOTES:
1. MAIN (COMMERCIAL) BREAKER IS SQUARE D # QGL22200 WHICH IS RATED 65 KAIC. BRANCH BREAKERS SHALL BE SQUARE D TYPE QO RATED 10 KAIC. ALL BREAKERS PROVIDED BY GC.
 2. NEW PANEL MAY HAVE 30 OR 42 BREAKER SPACES
 3. LIGHTING ARE DESIGNED & INSTALLED BY WIC MANUFACTURER
 4. PROVIDE ARC FLASHING WARNING MARKING PER CEC 110.16

ELECTRICAL NOTES

NO SCALE

5

WUC PANEL SCHEDULE

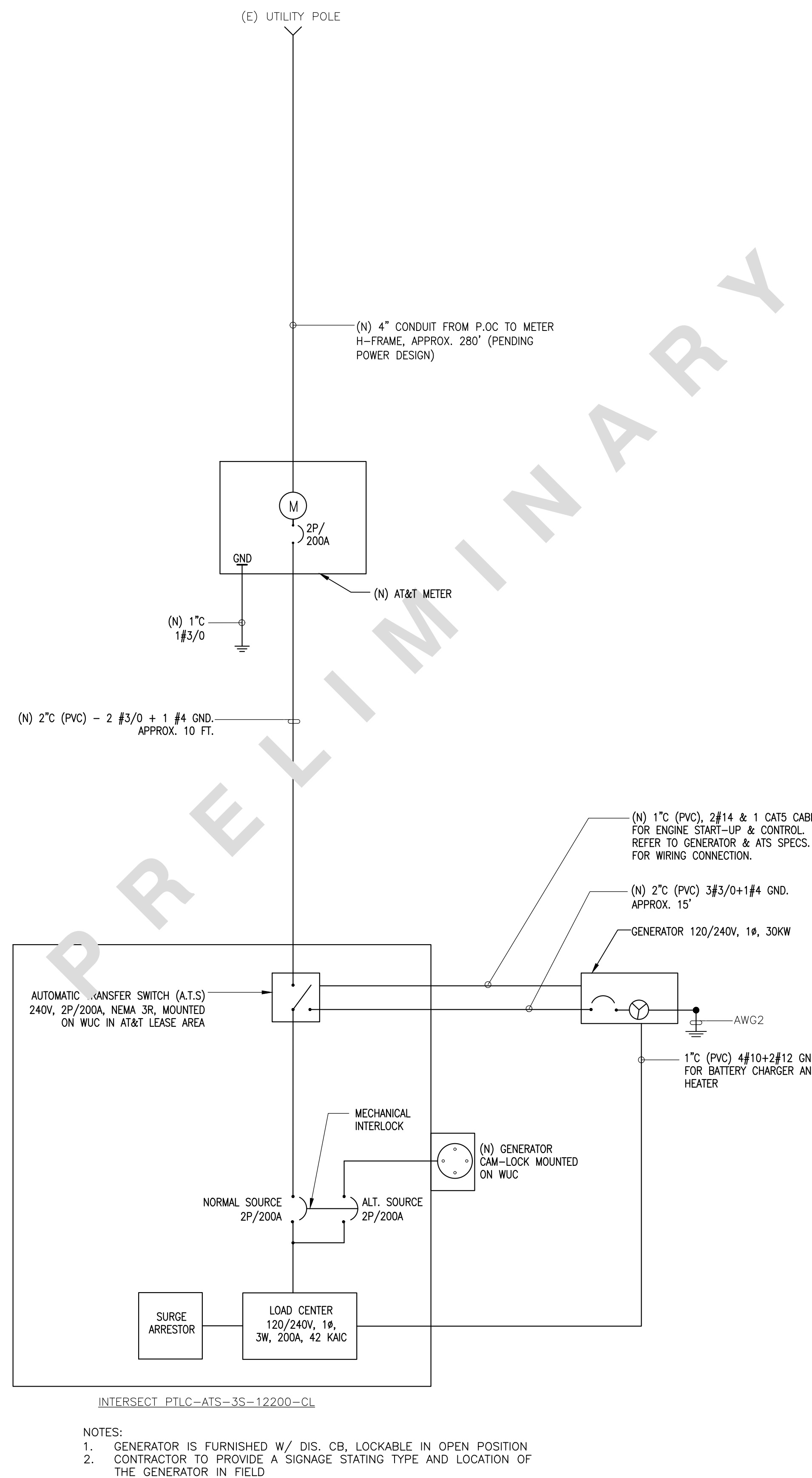
NO SCALE

3

PRELIM SINGLE LINE DIAGRAM

NO SCALE

1



- NOTES:
1. GENERATOR IS FURNISHED W/ DIS. CB, LOCKABLE IN OPEN POSITION
 2. CONTRACTOR TO PROVIDE A SIGNAGE STATING TYPE AND LOCATION OF THE GENERATOR IN FIELD

CONSULTANT



APPLICANT



A/E FIRM



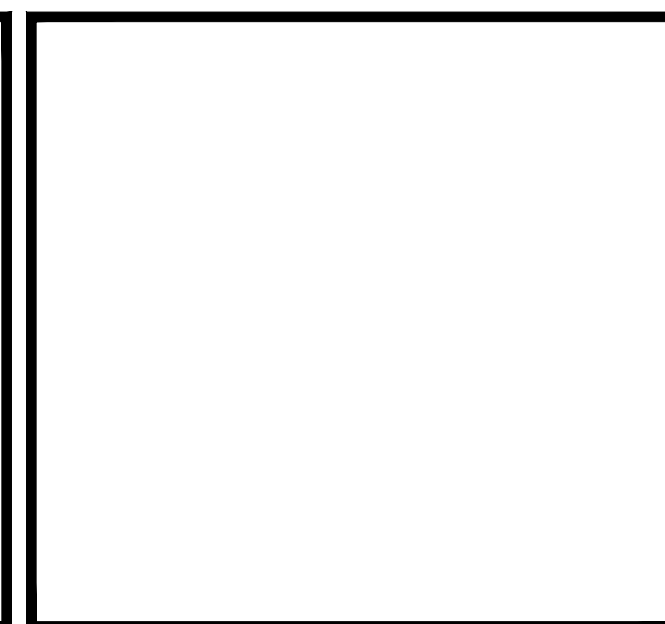
SITE INFORMATION

CVL01393
LEGION PARK
 1025 SANTA CRUZ AVENUE
 MODESTO, CA 95354

DESIGN RECORD

REVISIONS			
REV	DATE	DESCRIPTION	BY
4	10/21/25	100% ZD	DC
3	10/16/25	100% ZD	DC
2	08/05/25	100% ZD	DC
1	07/16/25	100% ZD	DC
0	06/30/25	90% ZD	LE

PROFESSIONAL STAMP



SHEET TITLE

PRELIMINARY ELECTRICAL DESIGN

SHEET

E-1

WIRELESS NETWORK CONSULTING

Legion Park – CVL01393

Capacity and indoor coverage site

RF DESIGN ANALYSIS



Coverage vs Capacity

- † **Capacity is providing bandwidth or processing capacity to service the customers in the area.**
 - Areas where large numbers of users are in a specific geographic areas
 - Areas where users are demanding higher data rates for services
 - Areas with a large amount of indoor users
- † **Coverage is Providing Service where service does not exist, calls drop, or “no service”.**
 - Areas where sites are farther apart
 - Areas where terrain or buildings block signals
 - Areas where indoor service is low or nonexistent

Objective of new site

† Capacity

- Provide additional bandwidth for customers in the area surrounding the proposed site
- Provide better throughput for indoor users in the area
- Offload surrounding sites

† Coverage

- Provide indoor coverage in residential and commercial areas SW of the Modesto City-County Airport
- Provide coverage along Hillside Drive and S Santa Cruz Ave

† Why is this site important?

- 96% of Americans own a Cellular Phone
- 57% of American Homes rely exclusively on cellular phones
- 84% or more of 9-1-1 emergency calls are made from wireless devices

Proposed Site

† 125' Mono-Eucalyptus

† With 5 ' Appurtenances

– 1025 Santa Cruz Ave Modesto, CA 95354

- Latitude: 37.625936 N (NAD83)

- Longitude: -120.975286 W (NAD83)

- Ground Elevation: 59' (NAVD88)

- Anchor tenant is AT&T

– Antenna Centerline at 120' AGL

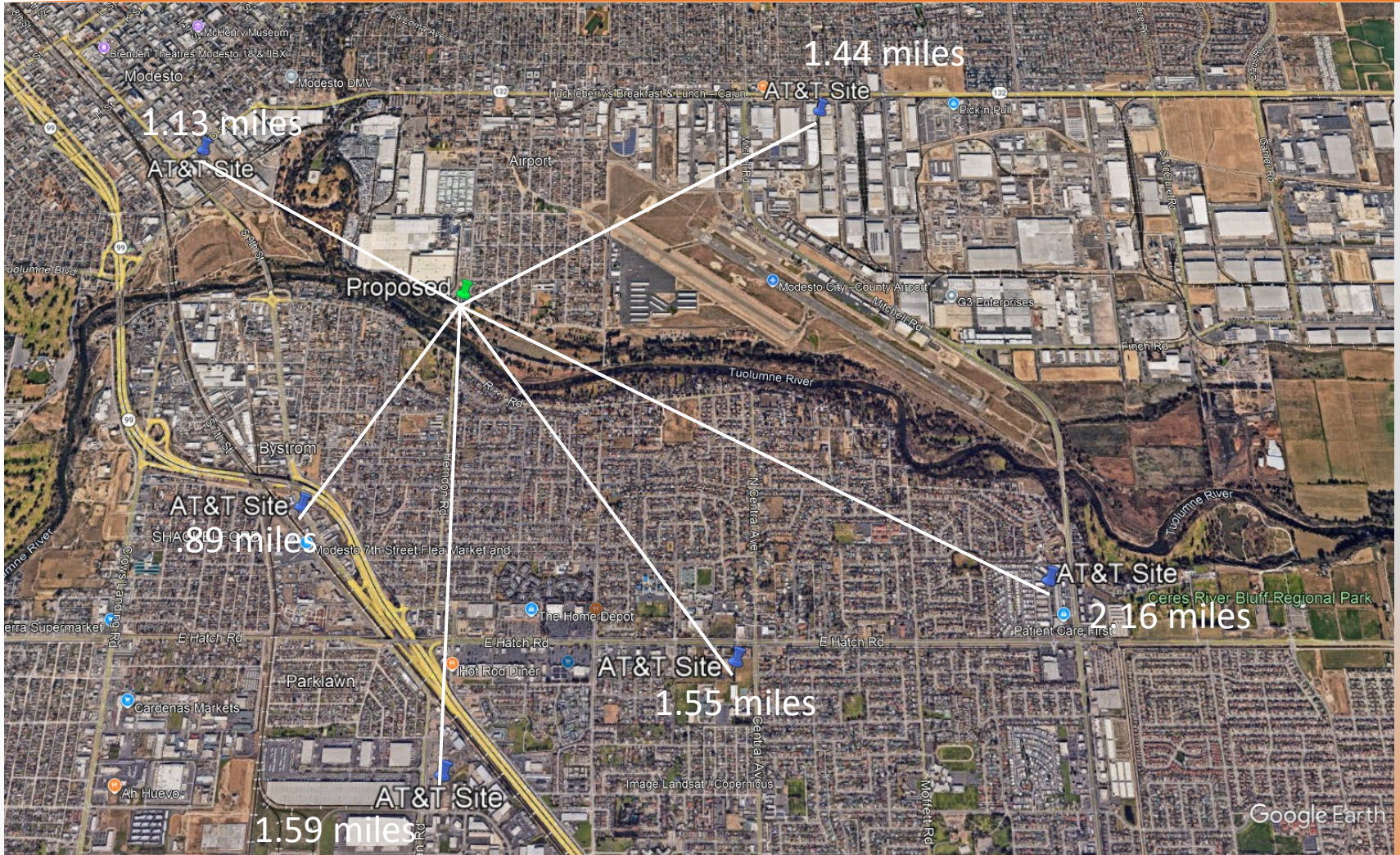
Why here?

- † Poor service quality along Hillside Drive and S Santa Cruz Ave
- † Lack of indoor services in the surrounding residential and commercial areas
- † Many of the users' mobiles are reporting low quality connections
- † Other carriers will most likely apply to collocate on the proposed tower as well
- † Multi-tenant towers will preclude the need for multiple towers in the same area to accommodate additional carriers




Zoom – proposed site

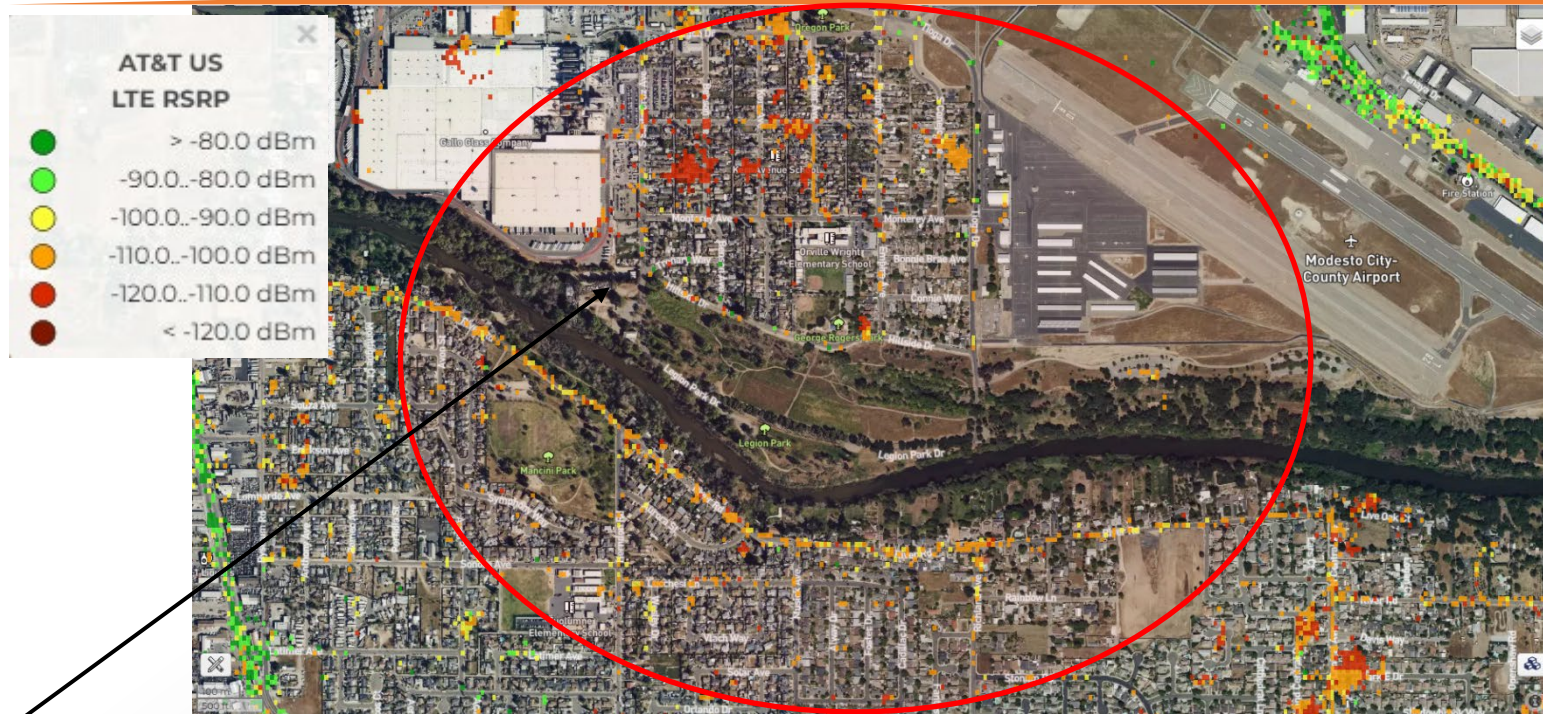


AT&T Sites



AT&T Ookla Mobile Reported 4G RSRP data

LEGEND	
	Indoor \geq -85 dbm
	In-Vehicle \geq -95 dbm
	On-Street \geq -106 dbm






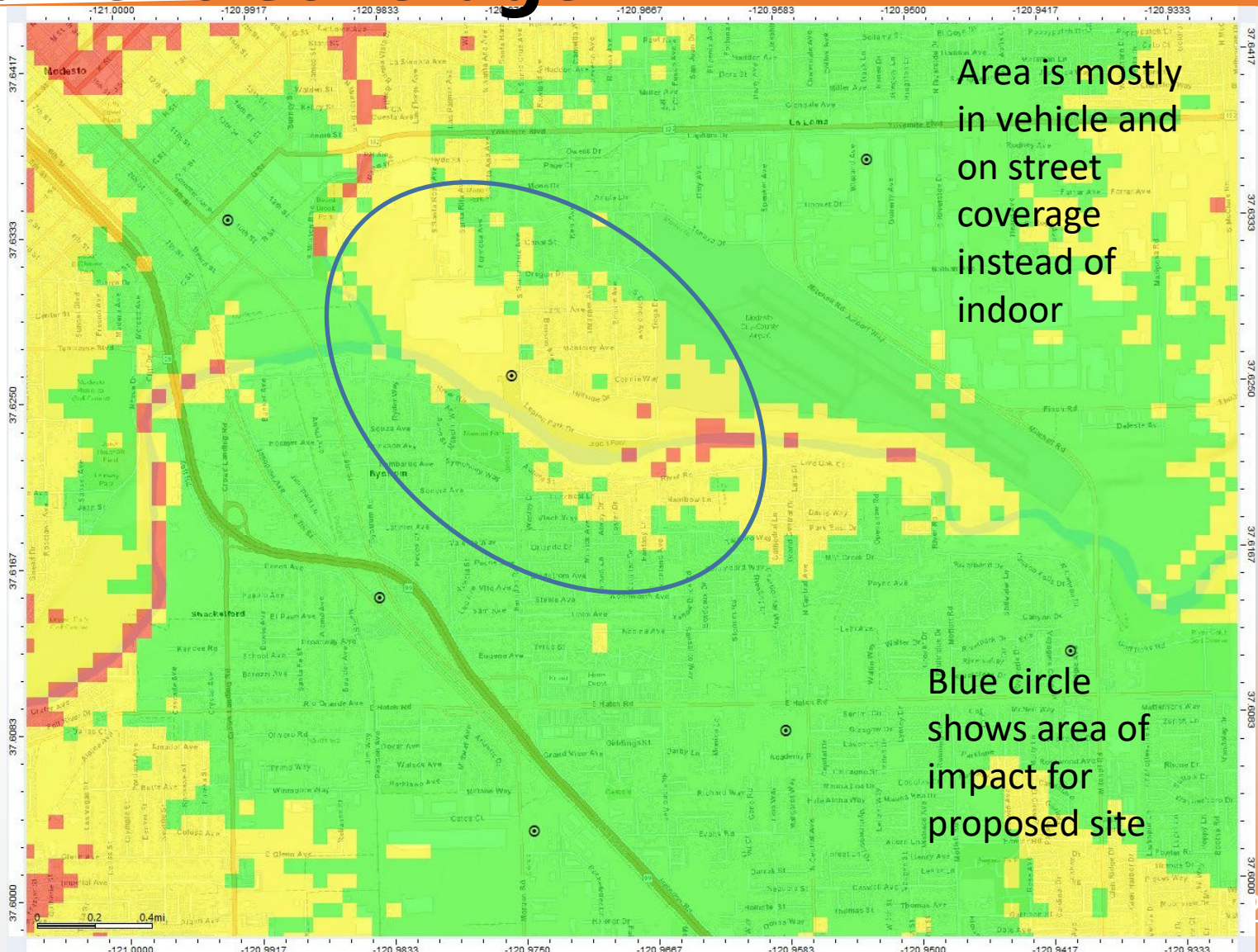
The area in red shows existing coverage where the carrier is providing less than indoor or in-vehicle service and in some cases low quality outdoor services

Using the legend on the upper right of this slide shows that a mobile needs at least -106dbm RSRP to provide reliable service outdoors.

This area is lacking in indoor and in-vehicle service where the proposed is located

AT&T RSRP Current Coverage




LEGEND	
	Indoor \geq -85 dbm
	In-Vehicle \geq -95 dbm
	On-Street \geq -106 dbm

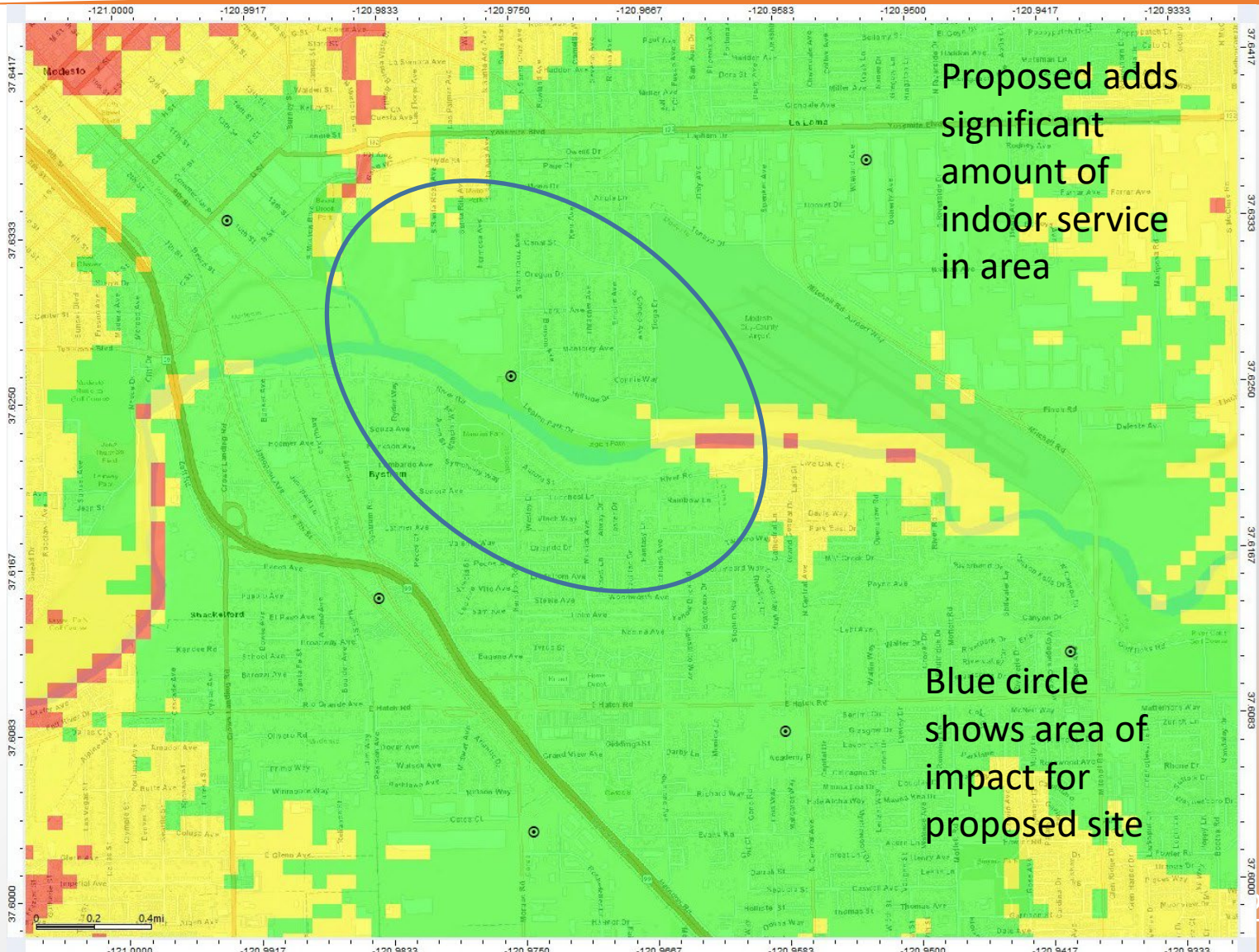


Area is mostly
in vehicle and
on street
coverage
instead of
indoor

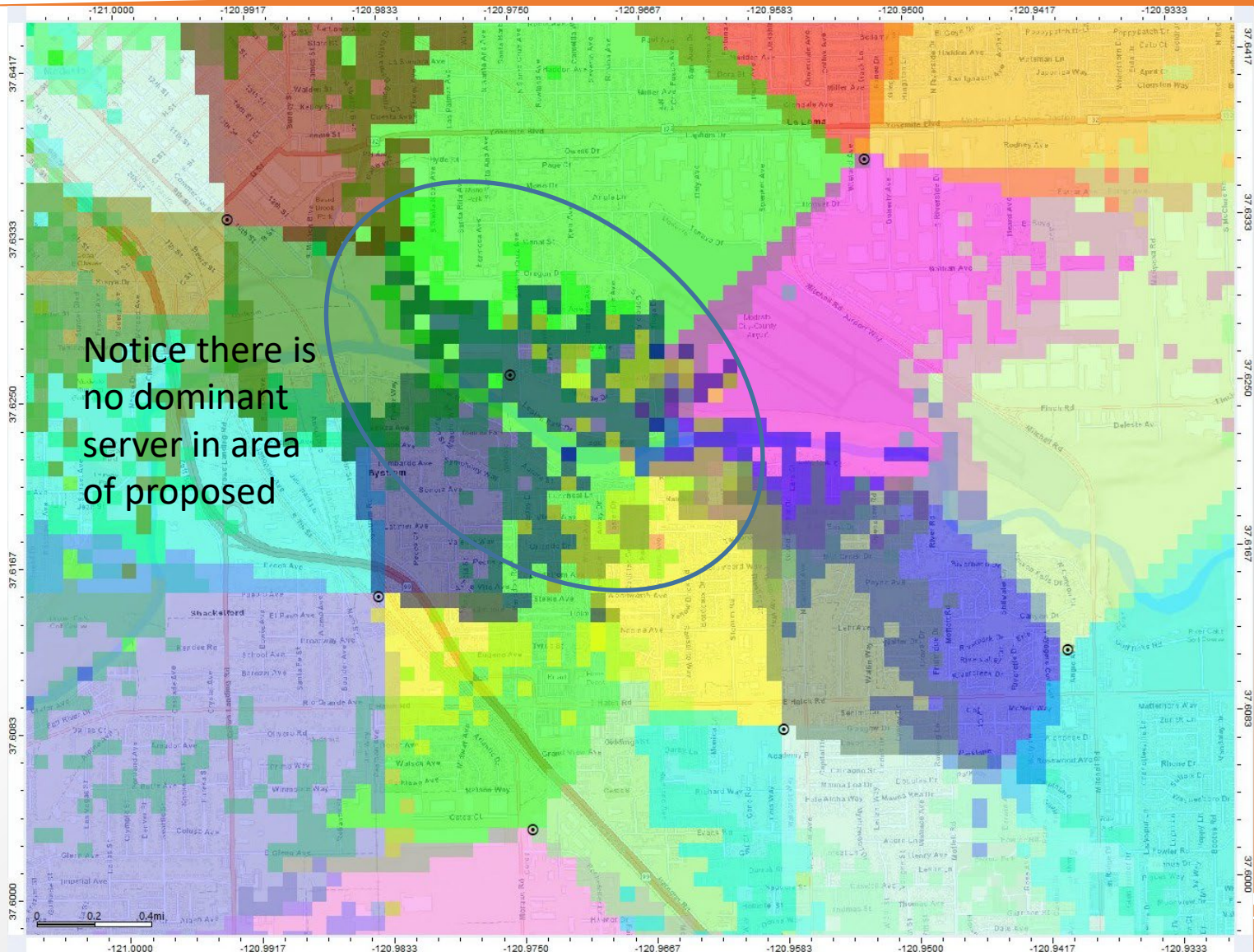
Blue circle
shows area of
impact for
proposed site

AT&T RSRP Proposed Coverage

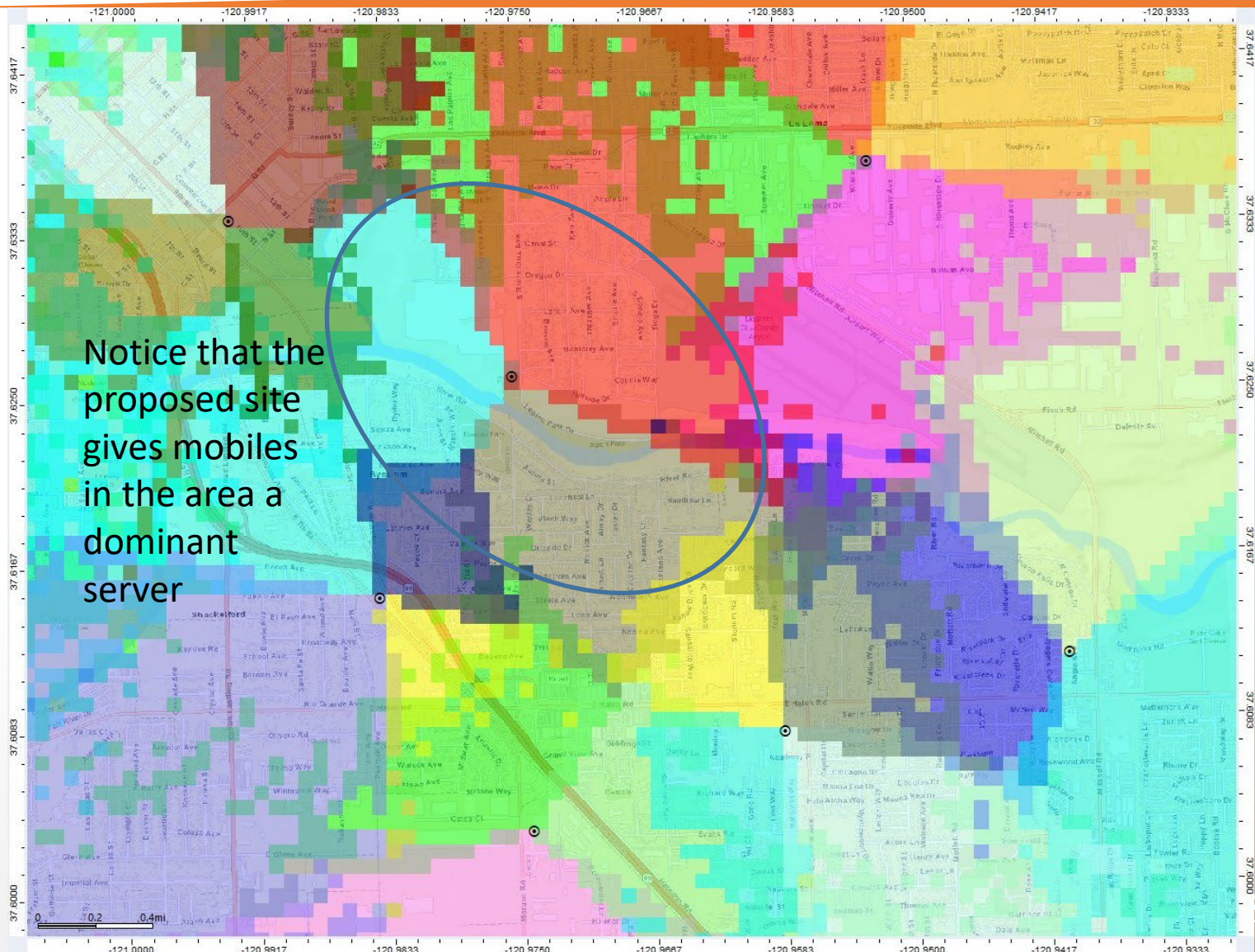
LEGEND	
	Indoor \geq -85 dbm
	In-Vehicle \geq -95 dbm
	On-Street \geq -106 dbm



Best Server - Current (-120dbm)



Best Server – with new site (-120dbm)



Ionizing vs Non-Ionizing

- † There are two (2) types of Energy/Radio Waves
- **Ionizing**
 - These are waves that can effect human DNA
 - Examples are:
 - Gamma rays
 - X-Rays
 - This is one of the reasons the nurse steps out of the room and you wear a lead overcoat when you get X-Rays at the dentist.
 - **Non- Ionizing**
 - These are waves do not effect human DNA
 - Examples are:
 - Car Radios
 - Television
 - Wi-Fi Access points and routers
 - Bluetooth headsets
 - Cellphones and Smartphones
 - Lightbulbs
 - Wireless Baby Monitors
 - TV remotes
 - Absorption of waves is proximity based, the closer you are to the antenna the more non-ionizing energy is absorbed. You will absorb 50% of the FCC's General Public limit with your smartphone next to your ear versus less than 10% of the FCC's General Public limit from the antennas when you are standing 20' away from the proposed tower.
 - The further you walk away from the tower it decreases even more.

General Public & Occupational limits

† The FCC isolated two (2) groups relative to access around wireless antennas

† The first group is called Occupational

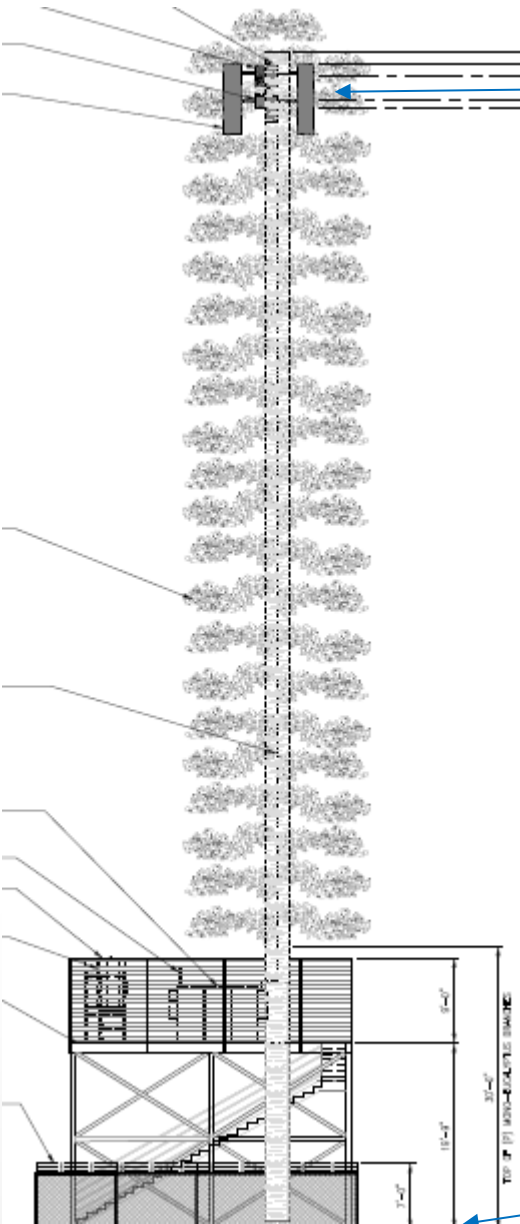
- This refers to areas where workers would be allowed (general public cannot access) but the workers would not have knowledge about antennas (An example would be an Air Conditioner Repair Technician). Barriers or signage may be needed to alert the worker when close to the antennas.
 - Examples are:
 - Rooftop access behind a locked door
 - Compound access behind a locked gate
 - The FCC determined the safe value and then lowered by a factor of 10 and that is the value the wireless carriers use in the studies
 - The exposure levels are averaged over 6 minutes

† The second group is called General Public

- Uncontrolled access (General Public)
 - This group is for areas with general public access, the public would not have a knowledge of an antenna being close to them
 - Examples are:
 - Sidewalks
 - Parks
 - Public accessed buildings
 - The FCC determined the safe value and then lowered by a factor of 50 and that is the value the wireless carriers use in the studies
 - The exposure levels are averaged over 30 minutes

† Compare the value for a tower which is 10mW to the power of a smartphone which is 200mW of power.

Power Levels below a tower

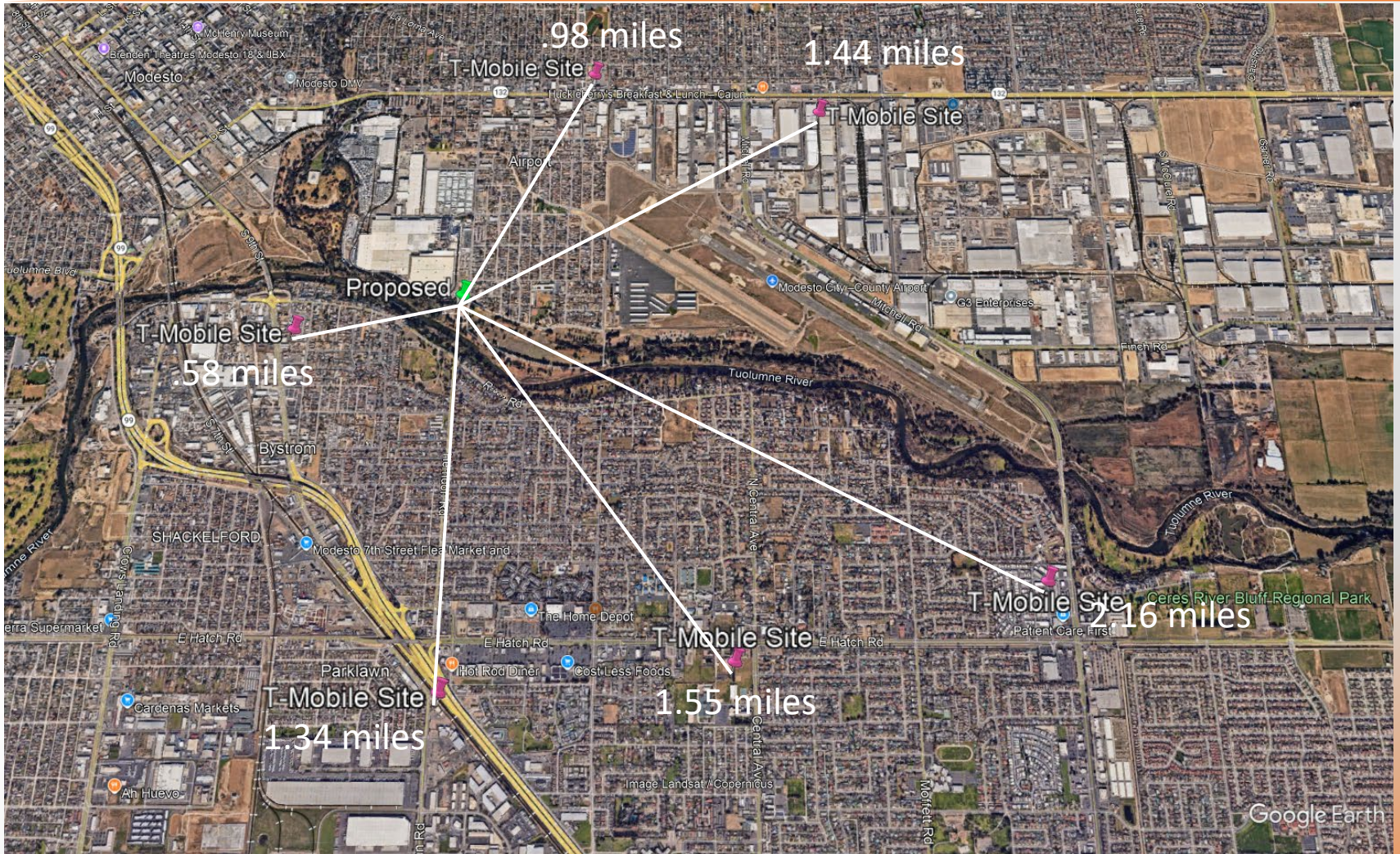


Main beam of the antenna




- Power levels on the ground around the tower are much less than what is at the antennas
- Power on the ground adjacent to the tower is 1/1000 of the power compared to what is at the antenna

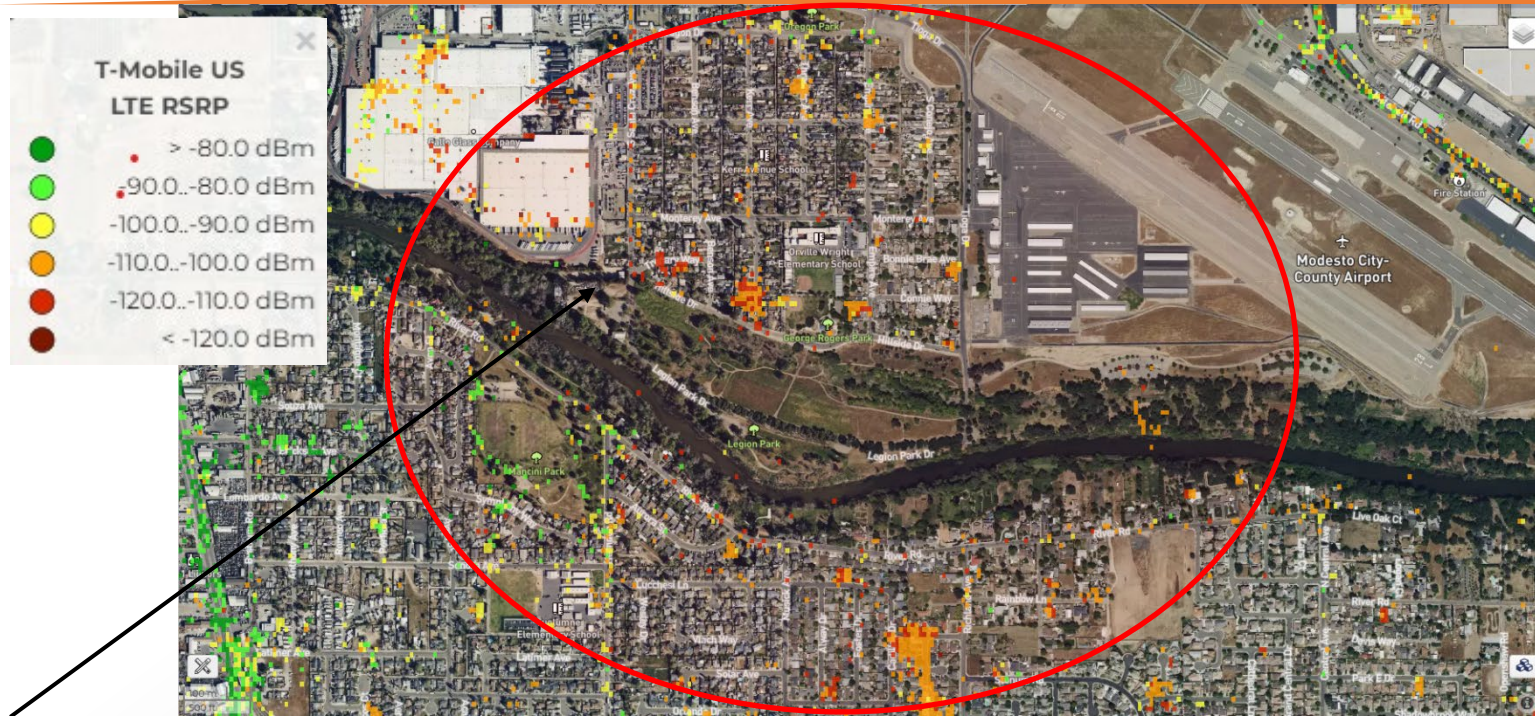
1/1000 of the power on the ground around the site

T-Mobile Sites



T-Mobile Ookla Mobile reported 4G RSRP data

LEGEND	
	Indoor \geq -85 dbm
	In-Vehicle \geq -95 dbm
	On-Street \geq -106 dbm



The area in red shows existing coverage where the carrier is providing less than in-vehicle level coverage




Using the legend on the upper right of this slide shows that a mobile needs at least -106dbm RSRP to provide service outdoors.

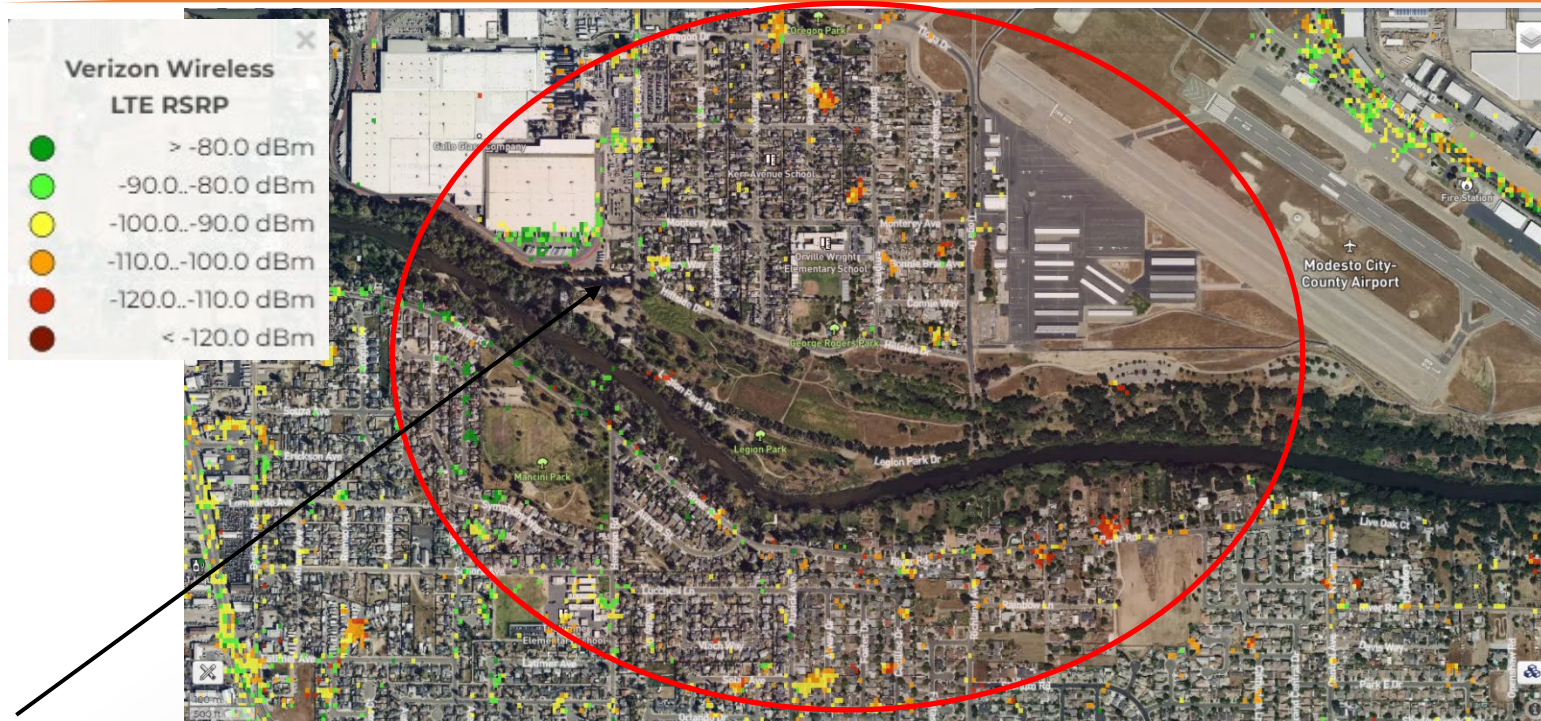
This area is lacking in indoor and in-vehicle service where the proposed is located

Verizon Sites



Verizon Oookla 4G Mobile reported RSRP data

LEGEND	
	Indoor \geq -85 dbm
	In-Vehicle \geq -95 dbm
	On-Street \geq -106 dbm



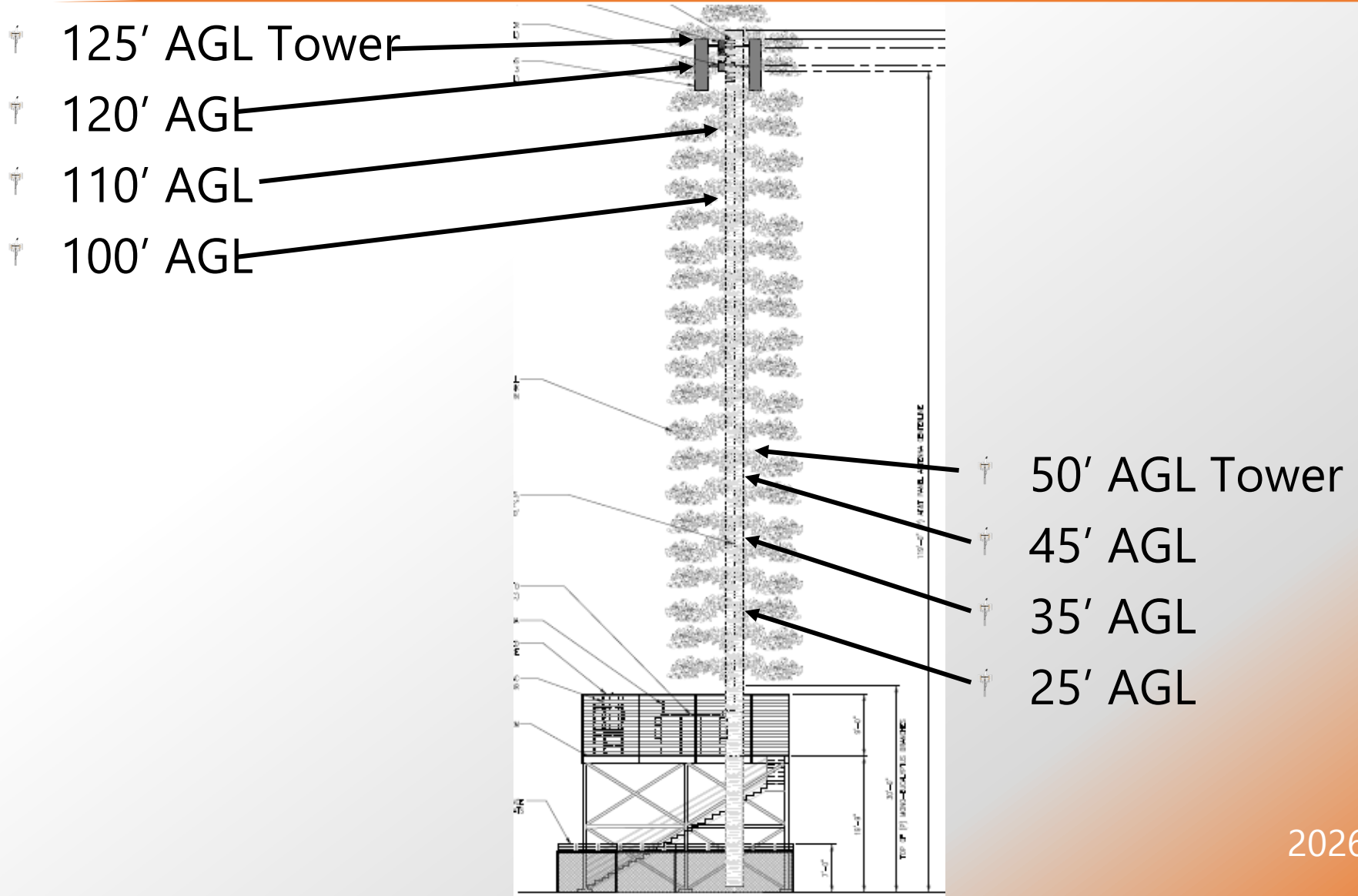
The area in red shows existing coverage where the carrier is providing less than in-vehicle coverage

Using the legend on the upper right of this slide shows that a mobile needs at least -106dbm RSRP to provide service outdoors.

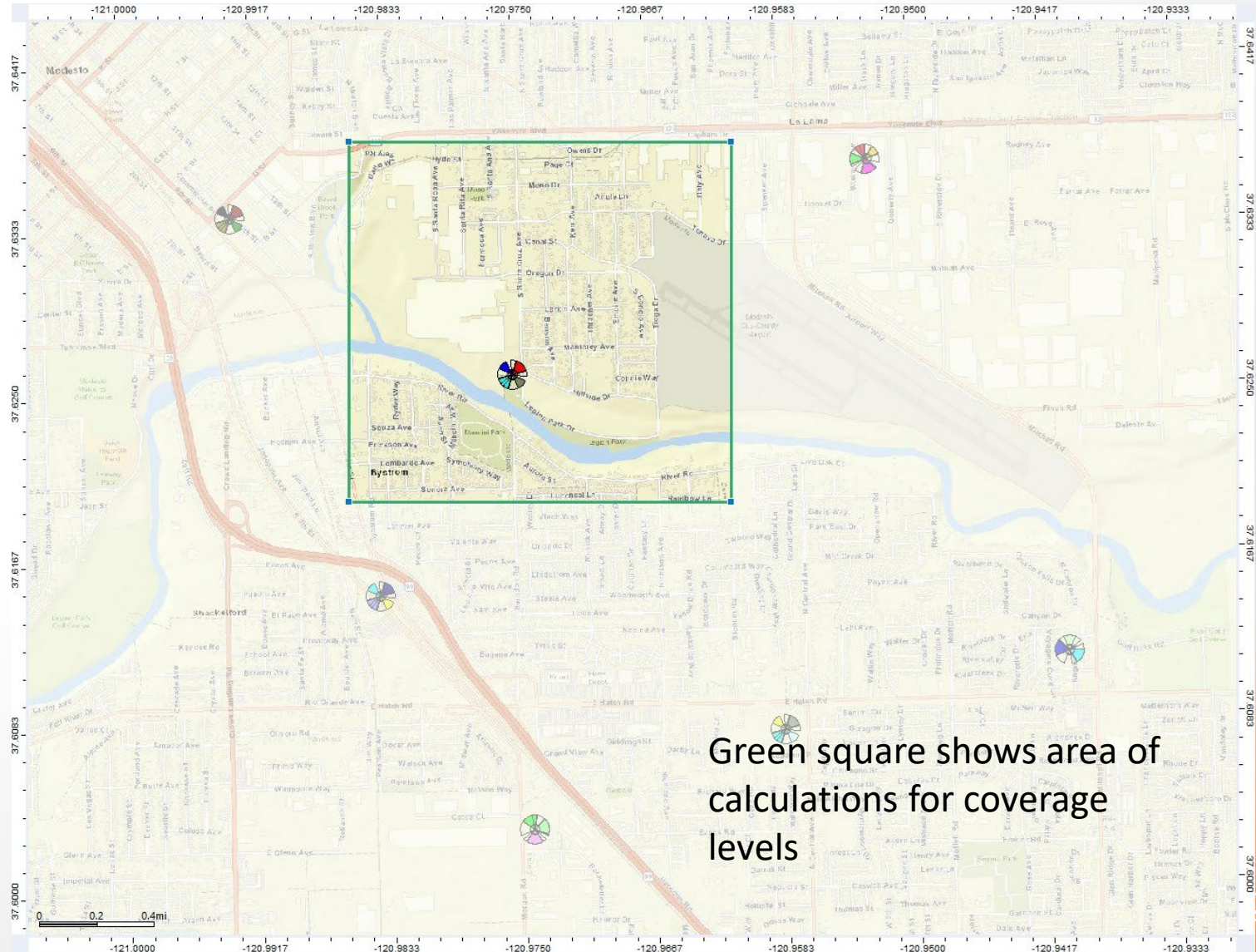
This area is lacking in indoor and in-vehicle service where the proposed is located

ALTERNATIVE HEIGHT ANALYSIS

Height Graphic



Focus Zone



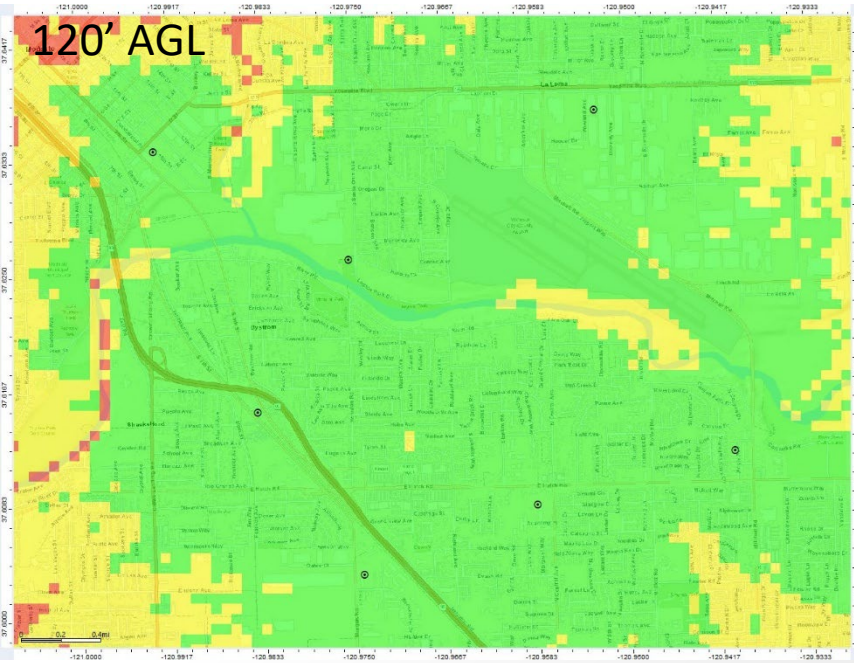
Green square shows area of calculations for coverage levels

Why a 125' tall Mono-Eucalyptus?

- † The nearest AT&T existing site is .89 miles SW from the proposed and crowdsourcing data shows that the neighbor site provides low quality levels of service at the location of the proposed.
- † All (3) major carriers show areas around proposed is lacking in the area and the tower is built to allow colocations.
- † The 3rd carrier if the tower is shortened to 50' AGL in height would have lowest antennas at 25' AGL. Whereas with the 125' tower the lowest antennas would be at 100' AGL
- † Antennas are typically 10' from base of one antenna to the lower antenna tip to reduce the possibilities for interference or intermodulation

RSRP Coverage Proposed 120' vs 45' AGL ~~125' vs 50' tower~~

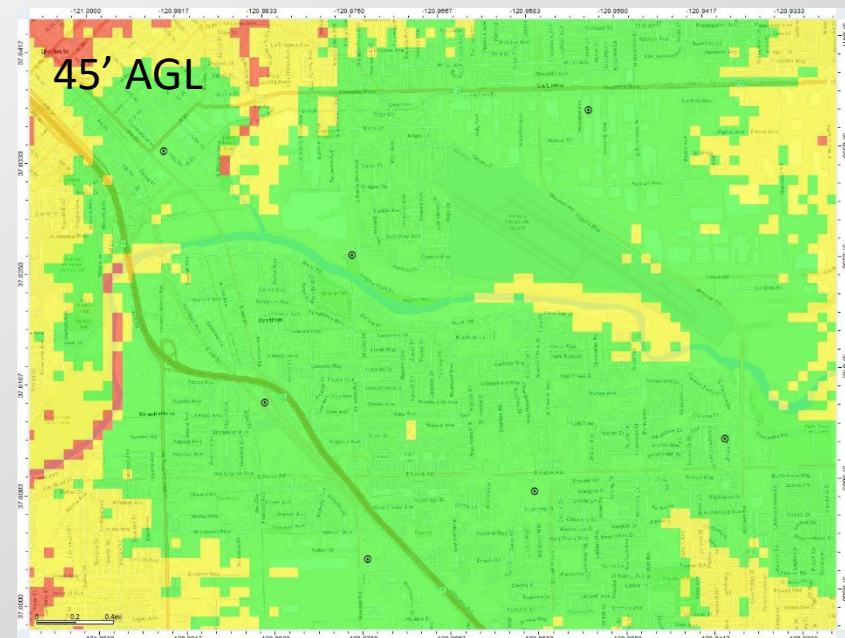
LEGEND	
	Indoor >= -85 dbm
	In-Vehicle >= -95 dbm
	On-Street >= -106 dbm



Zone	Prediction	Legend	Zone Surface (km ²)	Surface (km ²)	% of Covered Area	% Focus Zone
Focus Zone	RSRP		4.335677	4.3706	100	100
		RSRP Level (DL) (dBm) >= -85		4.121812	94.3	95.1
		RSRP Level (DL) (dBm) >= -95		4.363876	99.8	100
		RSRP Level (DL) (dBm) >= -106		4.3706	100	100

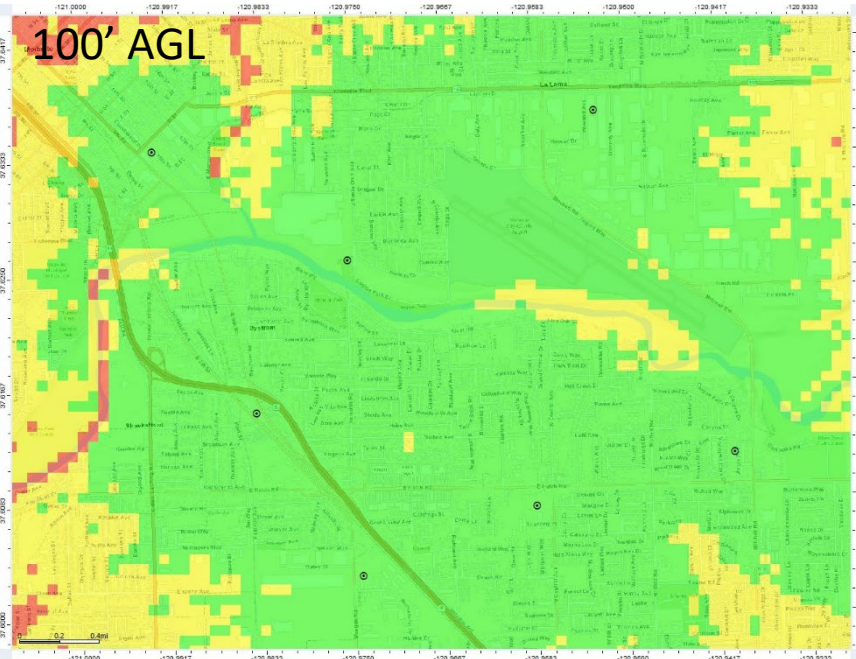
Upper right table shows Proposed 120' AGL data showing **4.12** square kilometers are covered with indoor service vs lower left table showing 100' AGL data showing **3.99** square kilometers covered with indoor service. Approximately a **4%** reduction in coverage.

Zone	Prediction	Legend	Zone Surface (km ²)	Surface (km ²)	% of Covered Area	% Focus Zone
Focus Zone	RSRP		4.335677	4.3706	100	100
		RSRP Level (DL) (dBm) >= -85		3.994056	91.4	92.1
		RSRP Level (DL) (dBm) >= -95		4.350428	99.5	100
		RSRP Level (DL) (dBm) >= -106		4.3706	100	100



RSRP Coverage Proposed 100' vs 25' AGL ~~125' vs 50' tower~~

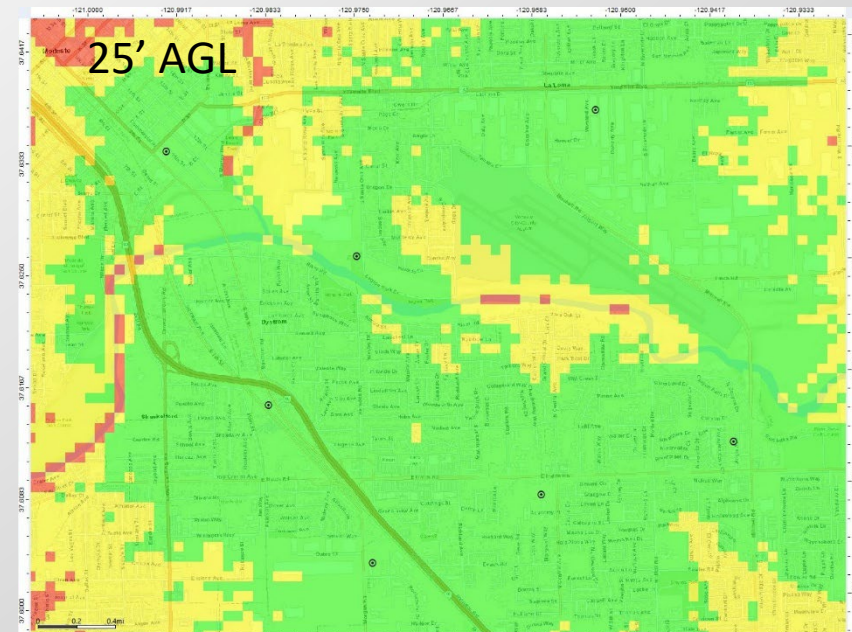
LEGEND	
	Indoor >= -85 dbm
	In-Vehicle >= -95 dbm
	On-Street >= -106 dbm



Zone	Prediction	Legend	Zone Surface (km ²)	Surface (km ²)	% of Covered Area	% Focus Zone
Focus Zone	RSRP		4.335677	4.3706	100	100
		RSRP Level (DL) (dBm) >= -85		3.994056	91.4	92.1
		RSRP Level (DL) (dBm) >= -95		4.350428	99.5	100
		RSRP Level (DL) (dBm) >= -106		4.3706	100	100

Upper right table shows Proposed 120' AGL data showing 3.99 square kilometers are covered with indoor service vs lower left table showing 100' AGL data showing 3.03 square kilometers covered with indoor service. Approximately a 25% reduction in coverage.

Zone	Prediction	Legend	Zone Surface (km ²)	Surface (km ²)	% of Covered Area	% Focus Zone
Focus Zone	RSRP		4.335677	4.3706	100	100
		RSRP Level (DL) (dBm) >= -85		3.039248	69.5	70.1
		RSRP Level (DL) (dBm) >= -95		4.33698	99.2	100
		RSRP Level (DL) (dBm) >= -106		4.3706	100	100



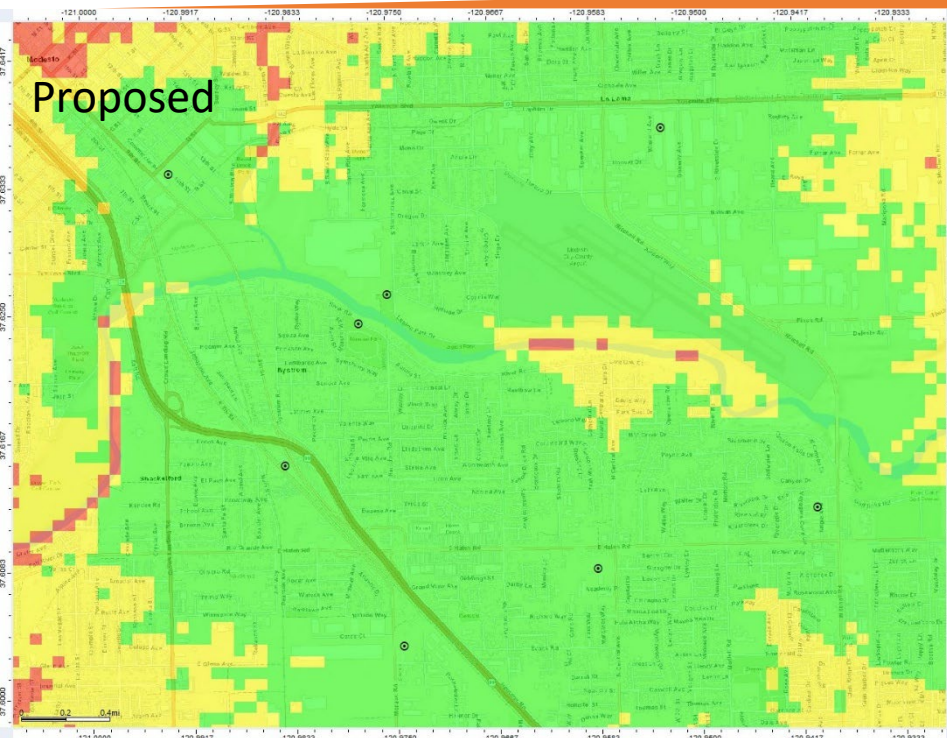
Analysis

- † Comparing 125' AGL to 50' AGL tower has most impact when shorter tower and lowest platform (25') coverage is calculated
- † The coverage from the lowest platform of 25' AGL is less than if the lowest platform is at the upper height.
- † By placing an arbitrary 50' AGL height limit on structures does not allow for multiple carriers to co-locate on towers as the antennas need to be higher above ground.
- † By limiting height, the jurisdiction is increasing the number of towers being placed in the area.

ALTERNATIVE SITE ANALYSIS

RSRP Coverage Proposed vs Current

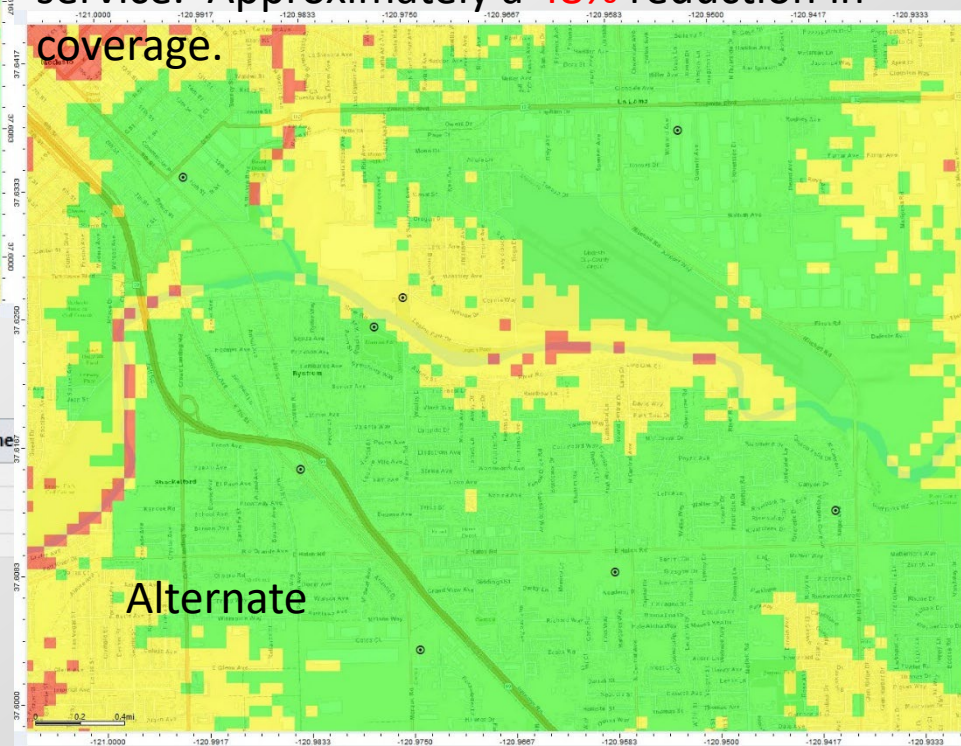
LEGEND	
	Indoor >= -85 dbm
	In-Vehicle >= -95 dbm
	On-Street >= -106 dbm



Zone	Prediction	Legend	Zone Surface (km ²)	Surface (km ²)	% of Covered Area	% Focus Zone
Focus Zone	RSRP		4.298827	4.195776	100	97.6
		RSRP Level (DL) (dBm) >= -85		3.825956	91.2	89
		RSRP Level (DL) (dBm) >= -95		4.162157	99.2	96.8
		RSRP Level (DL) (dBm) >= -106		4.195776	100	97.6

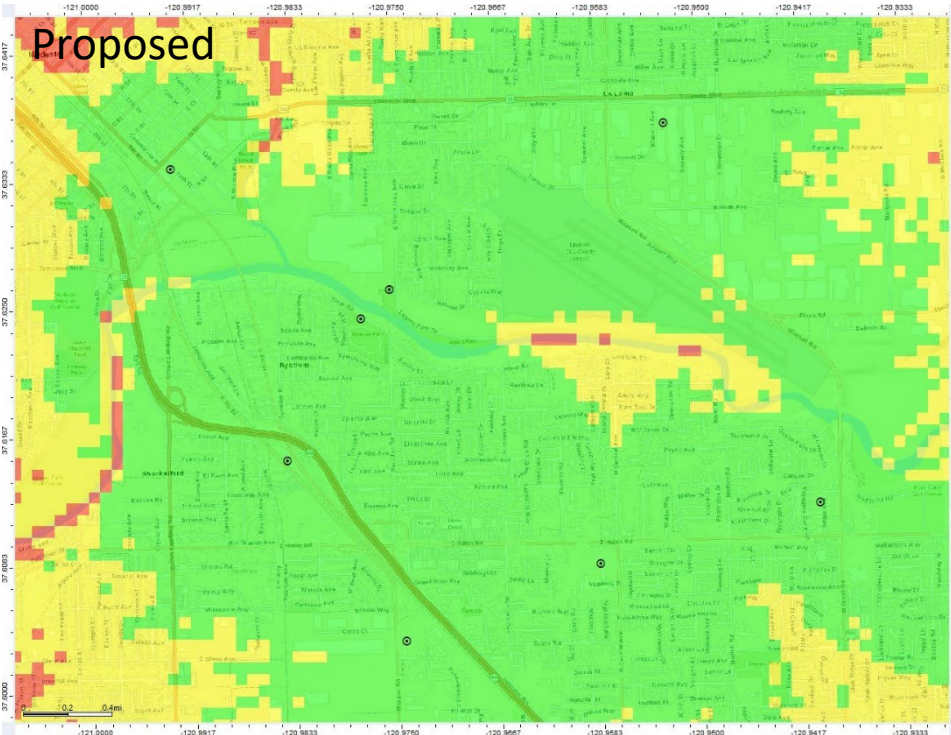
Upper right table shows Proposed data showing **3.82** square kilometers are covered with indoor service vs lower left table showing Alternate site data showing **2.01** square kilometers covered with indoor service. Approximately a **48%** reduction in coverage.

Zone	Prediction	Legend	Zone Surface (km ²)	Surface (km ²)	% of Covered Area	% Focus Zone
Focus Zone	RSRP		4.298827	4.195776	100	97.6
		RSRP Level (DL) (dBm) >= -85		2.0172	48.1	46.9
		RSRP Level (DL) (dBm) >= -95		4.115088	98.1	95.7
		RSRP Level (DL) (dBm) >= -106		4.195776	100	97.6



RSRP Coverage Proposed vs Alternate Mancini Park Site

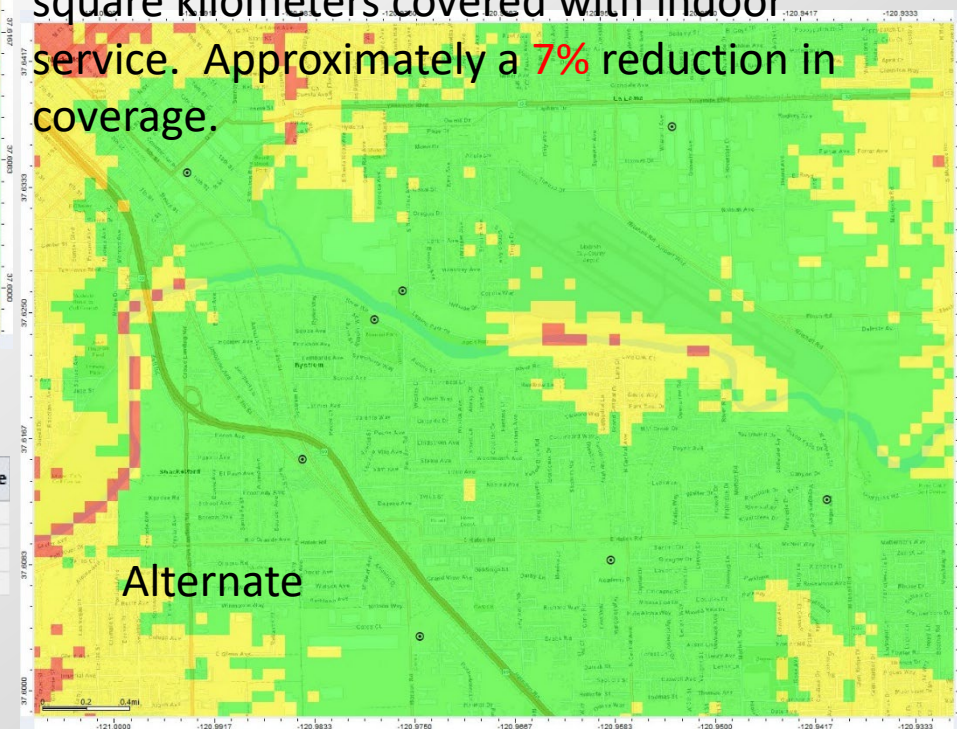
LEGEND	
	Indoor \geq -85 dbm
	In-Vehicle \geq -95 dbm
	On-Street \geq -106 dbm



Zone	Prediction	Legend	Zone Surface (km ²)	Surface (km ²)	% of Covered Area	% Focus Zone
Focus Zone	RSRP		4.298827	4.195776	100	97.6
		RSRP Level (DL) (dBm) \geq -85		3.825956	91.2	89
		RSRP Level (DL) (dBm) \geq -95		4.162157	99.2	96.8
		RSRP Level (DL) (dBm) \geq -106		4.195776	100	97.6

Upper right table shows Proposed data showing **3.82** square kilometers are covered with indoor service vs lower left table showing Alternate site data showing **3.57** square kilometers covered with indoor service. Approximately a **7%** reduction in coverage.

Zone	Prediction	Legend	Zone Surface (km ²)	Surface (km ²)	% of Covered Area	% Focus Zone
Focus Zone	RSRP		4.298827	4.195776	100	97.6
		RSRP Level (DL) (dBm) \geq -85		3.570444	85.1	83.1
		RSRP Level (DL) (dBm) \geq -95		4.155432	99	96.7
		RSRP Level (DL) (dBm) \geq -106		4.195776	100	97.6



Conclusion

- † Poor service quality along Hillside Drive to the East towards Kerr Ave to the North
- † A lack of quality throughput per subscriber in the area
- † AT&T is already on sites surrounding the area, yet the area is still lacking in indoor coverage due to the distance from the subscribers to the neighboring sites
- † Recommend approval of the proposed tower at the height requested
- † Other carriers have some of the same issues in the area of the proposed and other tenants who will need the height.



CITY OF MODESTO

Community and Economic Development Department/Planning Division
1010 Tenth Street, Suite 3300, P.O. Box 642
Modesto, CA 95353
(209) 577-5267 (209) 491-5798 FAX

Questionnaire for Variances

Municipal Code Section 10-9.601 Purpose of a Variance.

When practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this chapter result from the strict and literal interpretation and enforcement of its provisions, the board may grant variances. The sole purpose of a variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same zone and immediate vicinity.

List the Section(s) of the Zoning Ordinance from which a variance is sought:

Describe the nature and extent of the variance:

In granting a variance the Board must make three findings as discussed below.

Please provide information to substantiate the required findings. All of the three findings must be substantiated by adequate and accurate information. Attach additional information if necessary.

1. There are special circumstances or conditions applicable to the property or buildings in questions which do not exist for other property or buildings in the same zone and immediate vicinity because:
-

2. The special circumstances or conditions are such that strict application of the provisions of this Chapter would deprive the applicant of practical use of the property or buildings because:

3. Granting the variance will be consistent with the intent and purpose of this chapter and will not be detrimental to the neighborhood or public welfare because:

*In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website:
<https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>*

FINANCIAL INTEREST DISCLOSURE FORM GUIDELINES

City ordinance requires that all individuals with a material interest in a decision of the City Council must be disclosed. The following is for your assistance in completing the attached disclosure form:

1. For all of the below, corporate names/LLC's/limited partnerships are not acceptable in and of themselves, all individuals with an interest of \$2000 or more must be disclosed in these cases.
2. Individuals with a material interest include all property owners.
3. Individuals with a material interest include any developer.
4. Individuals with a material interest include any architect, engineer, or other design professional.
5. Individuals with a material interest include the applicant's attorney or other representative.
6. Individuals with a material interest include any real estate agent who is party to the transaction.
7. Individuals with a material interest include any contractor constructing the project for which the contract has been arranged by the time of the hearing.

The above is for guidance only and not an inclusive list of all individuals at interest. You have a responsibility to determine and list all individuals in accordance with the Tests of Materiality as set forth on the attached.



FINANCIAL INTEREST DISCLOSURE FORM

All persons included within the meaning of either of the following tests have a material financial interest in an agreement, or application for development rights, submitted for approval or disapproval by the City Council, and shall be identified by the applicant, by name.

Tests of Materiality:

1. Whether it is foreseeable to a reasonable person that the value of their interest in property available for use by an applicant, or their interest in the applicant itself, may increase or decrease by an amount greater than \$2,000.00 as a direct or indirect result of Council action on the applicant's agreement or application for development rights.

2. Whether it is foreseeable to a reasonable person that the person's gross income from the applicant may increase or decrease by a sum greater than \$2,000.00 as a direct or indirect result of Council action on the agreement or application for development rights.

It is the legal obligation of all applicants for approval of an agreement or of an application for development rights to verify in writing, under penalty of perjury, that the identity of each person having a material financial interest in the agreement or application or development rights is true, correct and complete. The applicant understands that this information is provided under penalty of perjury, and that intentionally supplying misinformation or deception may result in either invalidation of the agreement or application, or criminal prosecution for misdemeanor violation of the Modesto Municipal Code, or both. Negligent provision of misinformation shall be grounds for invalidation. In accordance with the Modesto Municipal Code, each applicant has a continuing obligation to maintain the truth, accuracy and completeness of the financial interest disclosure information provided below until after final consideration by the City Council of any matter arising out of or relating to the agreement or application.

PROJECT: _____

APPLICANT SIGNATURE

APPLICANT NAME (type or print)

In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website: <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>

NAMES

Property Owner(s) – (Please list name of company and names of individual names of said company)

Developer(s) – (Please list name of company and names of individual owner(s) of company)

Architect(s), Engineer(s) or Other Design Professional(s) – (Please list name of company and names of individual owner(s) of company)

Attorney(s) or Representative(s) – (Please list name of company and names of individual owner(s) of company)

Real Estate Agent(s) – (Please list name of company and names of individual owner(s) of company)

Contractor(s)

Other – (Investors, Trustees, etc.)



California Levine Act Disclosure

California Government Code Section 84308, also known as the "Levine Act", prohibits City "officers" from participating in any action related to a license, permit, or other entitlement for use (a "proceeding") if such member accepts, solicits, or directs political contributions from a party to the proceeding or their agent totaling more than \$500 while the proceeding is pending before the agency, and for twelve (12) months following the date a decision concerning the proceeding has been made. The Levine Act also requires disclosure of such contribution by a party to the proceeding.

Section 84308(a)(4) of the Levine Act defines an "officer" as follows: "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency. The term "officer" is further defined 2 Cal. Code Regs. Section 18438.1, which states:

An officer of an agency includes only those persons who make, participate in making, or in any way attempt to use their official position to influence a decision in the license, permit, or entitlement for use proceeding, or who exercise authority or budgetary control over the agency of officers who may do so, and:

- (1) Serve in an elected position, including an official appointed to an elected position due to an interim vacancy or an election otherwise canceled because the official was the sole candidate for the position;
- (2) Serve as a member of a board or commission;
- (3) Serve as the chief executive of a state agency, or county, city or district of any kind; or
- (4) Have decision making authority with respect to the proceeding involving a license, permit, or other entitlement for use and is also a candidate for elected office or has been a candidate for elective office in the 12 months prior to the proceeding.

A list of Modesto City Council Board Members can be found online at: Modesto City Council <https://modestogov.com/706/Council-Members> (modestogov.com). The party making this certification is responsible for determining whether a recipient of a political contribution is a City officer prior to answering the following questions:

1. Have you, your company, or any agent on behalf of you or your company, made any political contributions of more than \$500 to any City officer, in the twelve (12) months preceding the date of the submission of your proposals or the anticipated date of any Council action related to this contract?

YES If yes, please identify the Councilmember(s):

NO

2. Do you, or your company, or any agent on behalf of you or your company, anticipate or plan to make any political contribution of more than \$500 to any City officer in the twelve (12) months following any Council action related to this contract?

YES If yes, please identify the Councilmember(s):

NO

Answering YES to either of the questions above does not preclude the City of Modesto from awarding a contract to your firm or taking any subsequent action related to the contract. It may, however, preclude the identified City officer from participating in any actions related to such contract.

HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

3/23/26
Date


Signature of authorized individual

EPIC WIRELESS
Company/Applicant Name

 <p style="text-align: center;">CITY OF MODESTO COMMITTEE AGENDA REPORT</p>	<p style="text-align: center;">DATE OF MEETING: April 23, 2026</p>
--	---

March 26, 2026

TO: Chairperson Vohra and Members of the Board of Zoning Adjustment

THROUGH: Jessica Hill, Community and Economic Development Director

FROM: Radha Hayagreev, Principal Planner

SUBJECT: Conditional Use Permit for property located at 2007 Yosemite Blvd.

CONTACT: Katharine Martin, Senior Planner, kamartin@modestogov.com
209-577-5267

DESCRIPTION:

Hearing to consider approving a Conditional Use Permit to allow for the service of alcoholic beverages after 11:00 PM at an existing banquet hall within 100-feet of a residential zone, property located at 2007 Yosemite Blvd. (Funding Source: Application Fee)

STRATEGIC PLAN ELEMENT:

This item supports the City of Modesto’s 2025-2026 Strategic Plan’s Area of Economic Vitality: Retain and attract residential, commercial, and industrial development to meet the community’s needs today and for the next generation.

BACKGROUND:

The site is a commercial parcel on the north side of Yosemite Boulevard between Phoenix Avenue and Parry Avenue, Assessor’s Parcel No. 116-078-013. The location is within the General Commercial (C-2) Zone and has been used as a banquet hall since November of 2025. In accordance with Section 10-3.203 of the Modesto Municipal Code, a bar, restaurant and other establishment where alcohol is consumed on the premises with or without a meal in Commercial (C-1, C-2, C-3) and Industrial (C-M, M1 and M-2) Zones are subject to a Conditional Use Permit if the establishment is within 100 feet of a residential zone or use (unless separated from residential areas by a sufficient buffer) and alcohol is served after 11:00 P.M.

The areas to the east and west are zoned as General Commercial (C-2) and the area to the south is part of the Beard Industrial Tract in the jurisdiction of the County of Stanislaus. The area to the north is zoned as Medium Density Residential (R-2) and is developed with primarily single-family residential dwelling units on standard sized lots.

On January 27, 2026, the applicant, Vijay Kumar applied for a Conditional Use Permit to allow for the service of alcoholic beverages later than 11:00 PM as provided by Modesto Municipal Code (MMC) 10-3.203. The business has an existing State of California Alcoholic Beverage Control (ABC) Type 48 license (On-Sale General for Public Premises).

DISCUSSION:

The applicant proposes to extend the service of alcoholic beverages to later than 11:00 PM, at an existing banquet hall located less than 100 feet away from a residentially-zoned property. The applicant has stated that if approved, service would be until 2:00 AM. The rear of the banquet hall is approximately 20 feet away from the property line of the nearest residence, separated by a public alley that extends between Phoenix Avenue and Parry Avenue. No construction, modifications, expansion or alterations of the existing building is proposed as part of this application.

The site is within a strip retail center that is comprised of eighteen commercial parcels, most of which are occupied by retail, restaurant and service uses. The subject site itself was formerly occupied by the United Food and Commercial Workers Union, Golden State Local No. 8, since relocated to a new location. Historically, two other cocktail lounges have been located in the same strip commercial center for many decades, predating the requirement for a CUP.

The subject site's building is constructed with concrete masonry block and extends across the entirety of the parcel. The rear of the building faces a 20-foot wide public alley, and has two steel security doors which are exit-only from the interior and cannot be opened from the outside. The proposed CUP was referred to the City's Police and Fire Departments, who indicated no concerns and provided no comment. Community and Economic Development has confirmed that an Entertainment Permit is required for the site, and this has been made a condition of approval for the proposed Conditional Use Permit.

Conditional Use Permit

Per MMC 10-9.703, the following findings must be met for the issuance of a Conditional Use Permit:

- (a) The proposed conditional use is consistent with the objectives and requirements of this Title;

- (b) The proposed conditional use and the conditions under which it will operate is consistent with the General Plan;
- (c) The proposed conditional use will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity; and,
- (d) The proposed conditions of approval will ensure compatibility with surrounding uses.

The applicant has provided statements to address the above findings, as follows:

- (a) The proposed conditional use is consistent with the objectives and requirements of this Title;*

The proposed extension of operating hours for ABC 48 lounge is consistent with the objectives and requirements of the Modesto Municipal Code. The use will continue to operate as a licensed ABC 48 establishment, serving cocktails and cigars, without altering the nature of the business or requiring structural modifications. All operations will comply with local business regulations, zoning requirements and applicable state liquor laws.

- (b) The proposed conditional use and the conditions under which it will operate is consistent with the General Plan;*

The proposed conditional use permit is consistent with the Commercial land use designation of the site under the General Plan. The extension of hours supports the goal of promoting a vibrant and economically active commercial district, while maintaining orderly business operations. The lounge contributes to the City's commercial diversity and nightlife, enhancing the area's appeal to residents and visitors without conflicting with planned land uses.

- (c) The proposed conditional use will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity;*

The extension of hours will not be detrimental to public health, safety or welfare. The establishment is already operating under ABC regulations, and staff are trained in responsible alcohol service. No additional construction or structural changes are proposed. The lounge's operations, including security measures and responsible service policies, minimize potential disturbances to neighboring businesses and residences. Noise levels and public activity are consistent with existing conditions and are not expected to materially impact surrounding uses.

(d) The proposed conditions of approval will ensure compatibility with surrounding uses.

The requested hours extension will be implemented with adherence to the City's standard conditions for ABC 48 establishments, including noise mitigation, proper lighting, and orderly patron behavior. These measures will ensure that the lounge remains compatible with surrounding commercial and retail uses. Any additional measures recommended by the Planning Division or law enforcement will be incorporated into the conditions of approval to maintain neighborhood compatibility and public safety.

Public Notice

This project has been noticed to the property owners and occupants of properties within a 300-foot radius of the subject site, and a notice has been published in the Modesto Bee newspaper, said notice being mailed and published 20 days in advance of the hearing date.

FISCAL IMPACT:

The application fee for this item has been paid by the project applicant in accordance to the fee schedule adopted by the City Council.

CEQA/NEPA REQUIREMENTS:

The project is exempt from CEQA, pursuant to Section 15301 of the CEQA Guidelines, which exempts the operation, repair, maintenance, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Staff has prepared a Notice of Exemption, EA No. C&ED 2026-08.

RECOMMENDED COMMITTEE ACTION:

Staff Recommendations:

Resolution approving a Conditional Use Permit to allow for the service of alcoholic beverages after 11:00 PM at an existing banquet hall within 100 feet of a residential zone, property located at 2007 Yosemite Blvd.

Attachments:

1. Resolution No. 2026-xx
2. ENV Notice of Exemption EA/C&ED 2026-08

3. Floor Plan
4. Financial Interest Disclosure
5. Levine Act Form

**BOARD OF ZONING ADJUSTMENT
RESOLUTION NO. 2026-XX**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR
THE SERVICE OF ALCOHOLIC BEVERAGES AFTER 11:00 PM AT AN
EXISTING BANQUET HALL WITHIN 100 FEET OF A RESIDENTIAL ZONE,
PROPERTY LOCATED AT 2007 YOSEMITE BOULEVARD**

WHEREAS, Section 10-3.203 of the Modesto Municipal Code (MMC) provides that a bar, restaurant and other establishment where alcohol is consumed on the premises with or without a meal in the Commercial Zones (C-1, C-2, C-3 Zones) and Industrial Zones (C-M, M-1, M-2) are subject to a Conditional Use Permit if such establishment is within 100-feet of a residential zone or use and alcohol is served after 11:00 PM; and

WHEREAS, Section 10-9.102 of the MMC authorizes the Board of Zoning Adjustment to grant Conditional Use Permits; and

WHEREAS, on January 27, 2026, Vijay Kumar submitted an application for a Conditional Use Permit to allow for the service of alcoholic beverages after 11:00 PM until 2:00AM at an existing banquet hall within 100 feet of a residential zone, property located at 2007 Yosemite Boulevard; and

WHEREAS, the subject property is located within the General Commercial (C-2) Zone and is less than 100 feet away from the adjacent Medium Density Residential (R-2) Zone; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on April 23, 2026, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, City staff has prepared a Notice of Exemption, EA No. C&ED 2026-08, which states that the project is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines, which exempts the operation, repair, maintenance, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment of the City of Modesto that based upon such evidence it certifies and adopts Notice of Exemption EA No. C&ED 2026-08, which states that this matter is exempt under Section 15301 of the CEQA Guidelines, which exempts the operation, repair, maintenance, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment of the City of Modesto that it finds and determines as follows:

1. The proposed Conditional Use Permit is consistent with the objectives and requirements of Title 10 (Zoning Regulations) because the Regulations allow for a bar, restaurant and other establishment serving alcohol after 11:00 PM in the General Commercial (C-2) Zone upon securing a Conditional Use Permit from the Board.
2. The proposed Conditional Use Permit and the conditions under which it will operate is consistent with the General Plan because the proposed use is located within the land use designation of Commercial (C) in the Land Use Element of the City of Modesto Urban Area General Plan. As bars, restaurants and other establishments which serve alcohol after 11:00 PM are permitted in the General Commercial (C-2) Zone with a Conditional

Use Permit, the proposal is therefore consistent with the General Plan.

3. The proposed Conditional Use Permit for the banquet hall serving alcohol later than 11:00 PM until 2:00AM will not be detrimental to the public health, safety or welfare or materially injurious to uses, property or improvements in the vicinity because:
 - a. The establishment is an existing banquet hall operating within an existing commercial building in an established commercial area.
 - b. The establishment is already operating under State of California Alcoholic Beverage Control (ABC) Type 48 regulations, and staff are trained in responsible alcohol service.
 - c. The establishment's operations, including security measures and responsible service polices would minimize potential disturbances to neighboring businesses and residences.
 - d. The design of the floor plan provides for two emergency exits only at the rear of the building towards the adjacent residential zone, and no regular access or exposure to the public areas of the establishment from the residential zone.
 - e. As conditions of approval, the establishment shall restrict access through the rear doors and adhere to the provisions of Title 4, Chapter 9, Article 1 (Noise Regulations) of the MMC.
4. The proposed conditions of approval will ensure compatibility with the surrounding uses because the existing building will not be altered, expanded or modified beyond any tenant improvements required for the operation of a bar, lounge, restaurant or banquet hall, and restricted access from the rear doors of the building.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment of the City of Modesto that a Conditional Use Permit to allow for the service of alcoholic beverages after 11:00 PM until 2:00AM at an existing banquet hall within 100 feet of a residential zone, property located at 2007 Yosemite Blvd, be granted subject to the following conditions:

1. All aspects of the project shall comply with current City of Modesto Codes and Standards and current California Building, Electrical, Plumbing and Energy Codes adopted by the City of Modesto.
2. All signs shall comply with the requirements of the Commercial Zones.
3. The establishment shall adhere to the provisions of the City's Noise Regulations as provided by Title 4, Chapter 9, Article 1 of the MMC.

4. Outdoor activity shall be at the south side (front) of the building, and rear doors located at the north (rear) of the building shall be maintained as emergency exits only with alarm.
5. The establishment shall attain an Entertainment Permit per Title 4, Chapter 1, Article 4 of the Modesto Municipal Code prior to the commencement of operations.
6. All landscaping, fences and walls shall be maintained, and the premises shall be kept free of weeds, trash and other debris.
7. Prior to the issuance of a building permit, plans shall be stamped and signed by a licensed Architect or Engineer. Submitted plans shall include but not be limited to the following:
 - a. The location of all entrances and exits.
 - b. Accessibility to all areas of the establishment including the stage, bar and kitchen.
 - c. The location of all fixtures and seating.
8. At the time of issuance of a building permit, the developer shall pay all applicable development impact fees at the established rate. Such fees may include but not be limited to sewer and water connection fees, community facilities fees, building permit and plan check fees.
9. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

Failure to comply with any of the above conditions is unlawful and shall constitute grounds for revocation of the Conditional Use Permit.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other

exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on April 23, 2026, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at the regular meeting of the Board of Zoning Adjustment held on April 23, 2026, by _____, who moved its adoption, which motion being duly seconded by _____ and was upon roll call carried and the resolution adopted by the following vote:

Ayes:

Noes:

Absent:

Recused:

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MODESTO.

Original, signed copy on file in
CEDD

Radha Hayagreev, Secretary

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

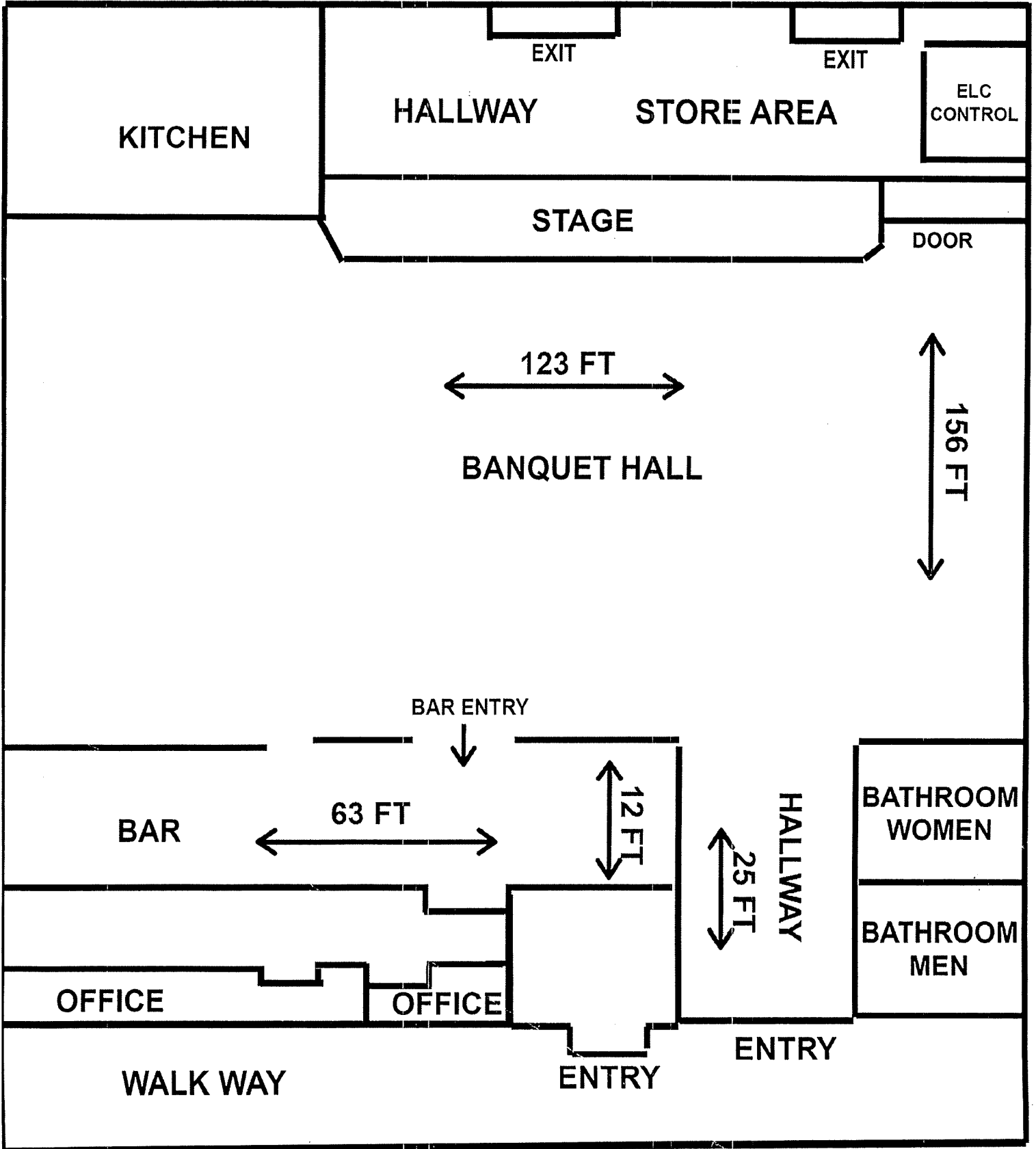
Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

BACK ALLEY



KITCHEN

HALLWAY

STORE AREA

ELC CONTROL

STAGE

DOOR

123 FT

156 FT

BANQUET HALL

BAR ENTRY

BAR

63 FT

12 FT

25 FT

HALLWAY

BATHROOM WOMEN

BATHROOM MEN

OFFICE

OFFICE

ENTRY

WALK WAY

ENTRY

FRONT PARKING

Conditional Use Findings

Please complete the following questions for your Conditional Use Permit Application.

10-9.703 - Required Findings for a Conditional Use Permit.

The applicant for a conditional use permit shall have the burden of proof of showing that:

(a) The proposed conditional use is consistent with the objectives and requirements of this Title;

The proposed extension of operating hours for ABC 48 lounge is consistent with the objectives and requirements of the Modesto Municipal Code. The use will continue to operate as a licensed ABC 48 establishment, serving cocktails and cigars, without altering the nature of the business or requiring structural modifications. All operations will comply with local business regulations, zoning requirements, and applicable state liquor laws.

(b) The proposed conditional use and the conditions under which it will operate is consistent with the General Plan;

The proposed conditional use is consistent with the Commercial land use designation of the site under the General Plan. The extension of hours supports the goal of promoting a vibrant and economically active commercial district, while maintaining orderly business operations. The lounge contributes to the city's commercial diversity and nightlife, enhancing the area's appeal to residents and visitors without conflicting with planned land uses.

(c) The proposed conditional use will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity; and,

The extension of hours will not be detrimental to public health, safety, or welfare. The establishment is already operating under ABC regulations, and staff are trained in responsible alcohol service. No additional construction or structural changes are proposed. The lounge's operations, including security measures and responsible service policies, minimize potential disturbances to neighboring businesses and residences. Noise levels and public activity are consistent with existing conditions and are not expected to materially impact surrounding uses.

(d) The proposed conditions of approval will ensure compatibility with surrounding uses.

The requested hours extension will be implemented with adherence to the City's standard conditions for ABC 48 establishments, including noise mitigation, proper lighting, and orderly patron behavior. These measures will ensure that the lounge remains compatible with surrounding commercial and retail uses. Any additional measures recommended by the Planning Division or law enforcement will be incorporated into the conditions of approval to maintain neighborhood compatibility and public safety.

FINANCIAL INTEREST DISCLOSURE FORM GUIDELINES

City ordinance requires that all individuals with a material interest in a decision of the City Council must be disclosed. The following is for your assistance in completing the attached disclosure form:

1. For all of the below, corporate names/LLC's/limited partnerships are not acceptable in and of themselves, all individuals with an interest of \$2000 or more must be disclosed in these cases.
2. Individuals with a material interest include all property owners.
3. Individuals with a material interest include any developer.
4. Individuals with a material interest include any architect, engineer, or other design professional.
5. Individuals with a material interest include the applicant's attorney or other representative.
6. Individuals with a material interest include any real estate agent who is party to the transaction.
7. Individuals with a material interest include any contractor constructing the project for which the contract has been arranged by the time of the hearing.

The above is for guidance only and not an inclusive list of all individuals at interest. You have a responsibility to determine and list all individuals in accordance with the Tests of Materiality as set forth on the attached.



FINANCIAL INTEREST DISCLOSURE FORM

All persons included within the meaning of either of the following tests have a material financial interest in an agreement, or application for development rights, submitted for approval or disapproval by the City Council, and shall be identified by the applicant, by name.

Tests of Materiality:

1. Whether it is foreseeable to a reasonable person that the value of their interest in property available for use by an applicant, or their interest in the applicant itself, may increase or decrease by an amount greater than \$2,000.00 as a direct or indirect result of Council action on the applicant's agreement or application for development rights.
2. Whether it is foreseeable to a reasonable person that the person's gross income from the applicant may increase or decrease by a sum greater than \$2,000.00 as a direct or indirect result of Council action on the agreement or application for development rights.

It is the legal obligation of all applicants for approval of an agreement or of an application for development rights to verify in writing, under penalty of perjury, that the identity of each person having a material financial interest in the agreement or application or development rights is true, correct and complete. The applicant understands that this information is provided under penalty of perjury, and that intentionally supplying misinformation or deception may result in either invalidation of the agreement or application, or criminal prosecution for misdemeanor violation of the Modesto Municipal Code, or both. Negligent provision of misinformation shall be grounds for invalidation. In accordance with the Modesto Municipal Code, each applicant has a continuing obligation to maintain the truth, accuracy and completeness of the financial interest disclosure information provided below until after final consideration by the City Council of any matter arising out of or relating to the agreement or application.

PROJECT: Extension of Hours – ABC 48 Liquor License



APPLICANT SIGNATURE

Vijay Kumar
APPLICANT NAME (type or print)

In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website: <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>

NAMES

Property Owner(s) – (Please list name of company and names of individual names of said company)

Vijay Kumar (100% ownership) _____

Developer(s) – (Please list name of company and names of individual owner(s) of company)

Not Applicable _____

Architect(s), Engineer(s) or Other Design Professional(s) – (Please list name of company and names of individual owner(s) of company)

Not Applicable _____

Attorney(s) or Representative(s) – (Please list name of company and names of individual owner(s) of company)

Not Applicable _____

Real Estate Agent(s) – (Please list name of company and names of individual owner(s) of company)

Not Applicable _____

Contractor(s)

Not Applicable _____

Other – (Investors, Trustees, etc.)

Not Applicable _____



California Levine Act Disclosure

California Government Code Section 84308, also known as the "Levine Act", prohibits City "officers" from participating in any action related to a license, permit, or other entitlement for use (a "proceeding") if such member accepts, solicits, or directs political contributions from a party to the proceeding or their agent totaling more than \$500 while the proceeding is pending before the agency, and for twelve (12) months following the date a decision concerning the proceeding has been made. The Levine Act also requires disclosure of such contribution by a party to the proceeding.

Section 84308(a)(4) of the Levine Act defines an "officer" as follows: "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency. The term "officer" is further defined 2 Cal. Code Regs. Section 18438.1, which states:

An officer of an agency includes only those persons who make, participate in making, or in any way attempt to use their official position to influence a decision in the license, permit, or entitlement for use proceeding, or who exercise authority or budgetary control over the agency of officers who may do so, and:

- (1) Serve in an elected position, including an official appointed to an elected position due to an interim vacancy or an election otherwise canceled because the official was the sole candidate for the position;
- (2) Serve as a member of a board or commission;
- (3) Serve as the chief executive of a state agency, or county, city or district of any kind; or
- (4) Have decision making authority with respect to the proceeding involving a license, permit, or other entitlement for use and is also a candidate for elected office or has been a candidate for elective office in the 12 months prior to the proceeding.

A list of Modesto City Council Board Members can be found online at: Modesto City Council <https://modestogov.com/706/Council-Members> (modestogov.com). The party making this certification is responsible for determining whether a recipient of a political contribution is a City officer prior to answering the following questions:

1. Have you, your company, or any agent on behalf of you or your company, made any political contributions of more than \$500 to any City officer, in the twelve (12) months preceding the date of the submission of your proposals or the anticipated date of any Council action related to this contract?

YES If yes, please identify the Councilmember(s):

NO

2. Do you, or your company, or any agent on behalf of you or your company, anticipate or plan to make any political contribution of more than \$500 to any City officer in the twelve (12) months following any Council action related to this contract?

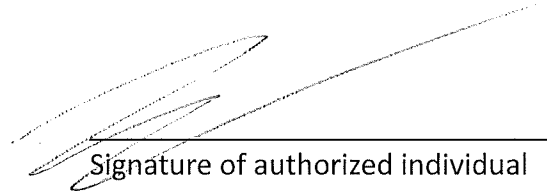
YES If yes, please identify the Councilmember(s):

NO

Answering YES to either of the questions above does not preclude the City of Modesto from awarding a contract to your firm or taking any subsequent action related to the contract. It may, however, preclude the identified City officer from participating in any actions related to such contract.

HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

01 / 27 / 26
Date


Signature of authorized individual

V. J. A. / Kullu
Company/Applicant Name