

BOARD OF ZONING ADJUSTMENT
RESOLUTION NO. 2020-02

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO CALSIGN WHOLESALE, INC. ON BEHALF OF CENTRAL CATHOLIC HIGH SCHOOL FOR THE INSTALLATION OF A FREESTANDING SIGN WITH A NEW ELECTRONIC MESSAGE BOARD, LOCATED AT 200 S. CARPENTER ROAD

WHEREAS, an application for a Conditional Use Permit to install a freestanding sign with an electronic message board sign, located at 200 S. Carpenter Road on the property's western frontage, was filed by CalSign Wholesale, Inc. on behalf of Central Catholic High School on January 29, 2020; and

WHEREAS, Section 10-6.108(f) of the Modesto Municipal Code allows electronic message boards for high schools located on arterial streets or expressways having a minimum campus of 20 acres with approval of a conditional use permit by the Board of Zoning Adjustment; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on March 26, 2020, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the project is categorically exempt from CEQA under Section 15311(a) of the CEQA Guidelines which exempts on-premise signs.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment 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 Code allows for freestanding identification signs and electronic message board signs for high schools having a minimum of 20 acres and located on an arterial street or expressway, with a conditional use permit.
2. The proposed conditional use and the conditions under which it will operate are consistent with the General Plan because the school for which the sign would identify is consistent with the Residential (R) land use designation of 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 because the electronic sign will be required to meet all applicable Zoning and Building Codes.
4. The proposed conditions of approval will ensure compatibility with the surrounding uses because the electronic sign will be required to operate in accordance to the City's Zoning Code which regulates electronic sign placement and sets limitations for message movement, transition, duration and brightness.

5. The proposed project is exempt from CEQA under Sections 15311(a) of the CEQA Guidelines which exempts on-premise signs that are consistent with the Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that a conditional use permit for the installation a freestanding sign containing an electronic message board be granted subject to the following conditions:

1. All development shall conform to the plans from CalSigns Wholesale, Inc. labeled "Customer: Central Catholic High School" stamped and approved by the Board of Zoning Adjustment on March 26, 2020.
2. The electronic sign shall be located and operated in conformance to all requirements and limitations outlined in Section 10-6.108(f)(1)(ii) of the Modesto Municipal Code.
3. No portion of the freestanding sign and its electronic message board component shall encroach into the public right of way without the issuance of a special encroachment permit from the City in accordance to Section 10-6.106(e)(2) of the Modesto Municipal Code.
4. At no time shall the electronic message board display video as defined by Section 10-6.102(ccc), Video Display Sign.
5. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee.
6. The property owner and developer shall, at their sole expense, defend, with counsel selected be the City, 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.

Failure to comply with any of the above conditions is unlawful and will constitute grounds for revocation of the conditional use permit.

The foregoing resolution was introduced at the regular meeting of the Board of Zoning Adjustment held on April 23, 2020, by Board Member Goriel, who moved its adoption, which motion was seconded by Board Member Blom and carried by the following vote:

Ayes:	Blom, Goriel, Moradian, Roddick, Rodriguez, Vohra
Noes:	None
Absent:	Selover
Recused:	None

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

Original, signed copy on file in CEDD

Steve Mitchell, Secretary