

BOARD OF ZONING ADJUSTMENT
RESOLUTION NO. 2021-12

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO UNITED SIGN SYSTEMS ON BEHALF OF REDEEMER CHURCH MODESTO FOR A NEW ELECTRONIC MESSAGE BOARD WALL SIGN, LOCATED AT 820 H-STREET

WHEREAS, an application for a Conditional Use Permit to allow for the construction of a new electronic message board wall sign, located at 820 H-Street on the property's frontage facing H-Street, was filed by United Sign Systems on behalf of Redeemer Church Modesto on October 22, 2021; and

WHEREAS, Section 10-6.108(f) of the Modesto Municipal Code allows electronic message boards for churches located on arterial, expressway, or freeway 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 December 16, 2021, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the project is Categorical 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 electronic message board wall signs for churches where located on an arterial street or expressway or freeway, with a conditional use permit.
2. The proposed conditional use and the conditions under which it will operate is consistent with the General Plan because the use for which the sign would identify is consistent with the Downtown (D) 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, brightness, sound, and advertising.
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 a new electronic message board wall sign be granted subject to the following conditions:

1. All development shall conform to the plans from United Sign Systems Labeled "Redeemer Church" stamped and approved by the Board of Zoning Adjustment December 16, 2021.
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. At no time shall the electronic message board display video as defined by Section 10-6.102(a), Video Display Sign.
4. The property owner and developer shall, at their sole expense, defend, with counsel selected by 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 special meeting of the Board of Zoning Adjustment held on December 16, 2021, by Board Member Niskanen, who moved its adoption, which motion was seconded by Board Member Blom and carried by the following vote:

Ayes:	Blom, Niskanen, Goriel, Rodriguez
Noes:	None
Absent:	Desai, Vohra
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

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