

PLANNING COMMISSION
RESOLUTION NO. 2025-01

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
A CONDITIONAL USE PERMIT FOR A DIGITAL FREEWAY BILLBOARD
LOCATED AT 2024 W. ORANGEBURG AVE (OUTFRONT MEDIA)

WHEREAS, an application for a Conditional Use Permit for a freeway digital billboard located at 2024 W. Orangeburg Ave., was filed by Outfront Media; and

WHEREAS, Section 10-6.108(f)(3) of the Municipal Code authorizes the Planning Commission to review a Conditional Use Permit and provide a recommendation to the City Council for a digital freeway billboard; and

WHEREAS, a public hearing was held by the Planning Commission on January 6, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies that it has received and reviewed the Notice of Exemption for the project, which states that the project may be found categorically exempt under CEQA Guidelines Section 15302 (Replacement or Reconstruction). This exemption applies to the replacement of a commercial structure with a new structure that is substantially the same in terms of size, purpose, and capacity. Additionally, the staff has prepared a Notice of Exemption with the reference number EA/C&ED 2024-31.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed use is consistent with the objectives and requirements of Title 10 (Zoning Regulations) because the code allows digital freeway billboards along the state highway.
2. The proposed use and the conditions under which it will operate are consistent with the General Plan because digital freeway billboards contribute to economic development through advertising.
3. The proposed use will not be detrimental to public health, safety, or welfare, or materially injurious to uses, properties, or improvements in the vicinity because the digital freeway billboard will be required to meet all applicable Zoning and Building Codes and be subject to the mitigation measures of the Operating Agreement. The Zoning Code includes standards that will address the visual impacts of billboards by limiting the location and level of brightness.
4. The proposed conditions of approval will ensure compatibility with the surrounding uses because the digital freeway billboard will be required to operate in accordance with the City's Zoning Code which limits message movement, duration, and brightness.

5. The proposed digital freeway billboard will not create a hazard to vehicular or pedestrian traffic since the sign structure will not disrupt vehicular or pedestrian traffic flow on the site. Additionally, the sign is required to display only static messages and will have to meet brightness level and duration requirements that will minimize distraction to drivers on the highway and nearby streets.
6. The advertising on the digital freeway billboard will conform to the Outdoor Advertising Act in the California Business and Professions Code and other applicable state and federal rules and regulations. The California Department of Transportation requires the applicant to obtain a permit from the Office of Outdoor Advertising.
7. The proposed use will result in a public benefit to the City in the form of increased aesthetics, safety, and/or economic revitalization efforts for the City's commercial centers through signage. The public benefit outweighs any adverse impacts, such as light pollution or visual impact that might be caused by the advertising display. There is a community benefit that results from the removal of four non-digital billboards within the City's Sphere of Influence in exchange for the new digital freeway billboard, and through the provision of community advertising on the proposed digital freeway billboard.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council the approval of a digital freeway billboard at 2024 W. Orangeburg Avenue subject to the following conditions:

1. All development shall conform to the plans from Outfront Media Labeled "Site Plan for Outfront Media Inc 2024 West Orangeburg Ave" stamped and approved by the City Council.
2. The digital freeway billboard shall be located and operated in conformance with all requirements and limitations outlined in Section 10-6.108(f)(3)(iii) of the Modesto Municipal Code.
3. The Operating Agreement between the City of Modesto and Outfront Media for the digital freeway billboard at 2024 W. Orangeburg Avenue shall be executed prior to the issuance of a building permit. The removal of the four billboards identified in the Operating Agreement shall be completed prior to the issuance of a building permit.
4. Outfront Media shall obtain a permit from the California Department of Transportation Office of Outdoor Advertising prior to the issuance of a building permit.
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 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 regular meeting of the Planning Commission held on January 27, 2025, by Commissioner Russell, who moved its adoption, which motion was seconded by Commissioner Arroyo, and carried by the following vote:

Ayes: Arroyo, Goriel, Grewal, Hauselmann, Russell
Noes: Black, Shanks
Absent: None
Recused: None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD

Tristan Osborn, AICP, Secretary