



CITY OF CLOVIS  
**MEMORANDUM**

TO: Mayor and Members of the City Council

FROM: Department of Planning and Development Services

DATE: June 21, 1999

SUBJECT: Approval, Res 99- \_\_\_\_, Certification of the Final Environmental Impact Report for General Plan Amendment GPA99-5 - Research and Technology Business Park Project and Adoption of a Mitigation Reporting Monitoring Program.

*Summary*

At the direction of the City Council, staff is proceeding with planning the Research and Technology Business Park. This course of action includes the processing of a general plan amendment, GPA99-5, to redesignate the project area to Mixed Use. To evaluate the potential environmental effects of the project a Final Environmental Impact Report (FEIR) has been prepared (Exhibit "A"). Prior to approving GPA99-5, the City Council must certify the Final EIR. Certification may take place if the Final EIR has been completed in compliance with CEQA and the document has been reviewed and information considered prior to approval of the project. The Council must also adopt a Mitigation Reporting and Monitoring Program (Exhibit "B") for this project prior to approving GPA99-5.

*Recommendation*

Staff recommends that the Council certify the Final Environmental Impact Report and adopt a Mitigation Reporting and Monitoring Program. The Planning Commission concluded that the Draft Environmental Impact Report adequately assessed the potential environmental impacts of General Plan Amendment GPA99-5 – Research and Technology Business Park Project, and recommends Certification of the Final EIR.

## *Background*

Staff is moving forward with the planning, marketing, and development of a Research and Technology Business Park in the southeast quadrant of the Herndon Shepherd Specific Plan. Approval of GPA99-5 is necessary to proceed with this economic development program. To evaluate the potential environmental impacts of the Research and Technology Business Park Project, a Final Environmental Impact Report (DEIR) has been prepared. This document evaluates potential project impacts on land use, air quality, traffic and circulation, visual resources, and public services. The Environmental Impact Report (Draft and Final) was prepared by Land Use Associates, a Fresno consulting firm, under the management of the Planning Division. The City Council may use this report in rendering an informed decision regarding this project.

## *Discussion*

An EIR is an informational document that provides information to public agency decision-makers and the public, generally, about the potential significant environmental effects of a project and identifies possible ways (*mitigation measures*) to minimize any potential significant effects.

Procedurally, a draft EIR is initially prepared and circulated; after the public review period ends, the Final EIR is prepared. Usually the FEIR is a stand-alone document that provides “Responses to Comments” and any corrections or additions to the analysis identified during the public review period. The EIR is an important component in rendering an informed decision on a proposed project. In making a decision about a proposed project, the public agency considers the information in the DEIR and FEIR along with other information, correspondence, public testimony, and comments from public agencies. The information in the EIR constitutes substantial evidence in the record to support the agency’s action on a project.

The Draft EIR for General Plan Amendment GPA99-5, Research and Technology Business Park Project was prepared according to CEQA Guidelines and circulated for public review. The DEIR was submitted to the State Office of Planning and Research for distribution to state agencies such as Caltrans. Copies of the DEIR were also sent to local public agencies, such as Fresno County. City staff also reviewed and made comments on the DEIR. The availability of the DEIR was noticed in the newspaper and posted at the County Clerk’s office. The public review period lasted 45+ days. The consultant in conjunction with City staff prepared the FEIR which includes response to comments, corrections, and

clarification to the DEIR text, a summary of impacts and mitigation measures, and a Mitigation Reporting and Monitoring Program.

Prior to approving General Plan Amendment GPA99-5, Research and Technology Business Park Project the City Council should consider the information provided in the environmental report and determine if the FEIR is adequate and can be “certified”. Certification may take place if the Final EIR has been completed in compliance with CEQA and the report has been reviewed and information considered prior to making a recommendation on the project. Certification of the EIR does not constitute approval of the project by the decision making body.

The EIR analysis concluded that the General Plan Amendment GPA99-5 - Research and Technology Business Park Project would have a significant impact on air quality and land use. Although the EIR has identified these significant, unavoidable impacts to the environment that could result from approval of a project, CEQA allows projects to go forward if written Findings for each significant effect are made and a Statement of Overriding Considerations is adopted by the City Council. The Statement of Overriding Considerations may be adopted when the decision making body determines that the benefits of the proposed project outweigh the unavoidable adverse environmental effects and that these effects may be considered acceptable. Staff has provided a Statement of Findings and Facts and a Statement of Overriding Considerations for the City Council’s consideration in the resolution prepared for project approval (see staff report for GPA99-5).

### *Comments and Responses*

Agency and public correspondence, testimony and comments received by staff regarding the analysis presented and adequacy of the draft Environmental Impact Report have been addressed in the Final Environmental Impact Report. No comments were received that changed staff’s recommendation to proceed with certification of the Final EIR and adoption of the recommended Mitigation Reporting and Monitoring Program.


In response to citizen comments and correspondence staff has provided a discussion of Noise impacts including substantial mitigation measures and expanded the mitigation measures recommended for Visual Resources in the Final EIR. Comments regarding the environmental analysis in the draft EIR have also been thoroughly addressed in the Final EIR. The Council is referred to this document to review all comments submitted and staff’s responses. It should be noted that the expanded and updated list of mitigation measures recommended for

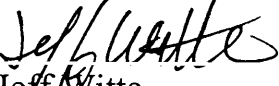
this project listed in the Final EIR, Mitigation Reporting and Monitoring Program, and Facts and Findings documents supercede those presented in the draft EIR.

*Reasons for Recommendations*

In staff's analysis, the Draft and Final Environmental Impact Reports provide objective and comprehensive information about the potential environmental effects of this project and satisfy the requirements of the California Environmental Quality Act (CEQA). It is necessary to certify the Final EIR and adopt a Mitigation Reporting and Monitoring Program prior to considering project approval.

Prepared by Michael Waiczis, AICP, Associate Planner

Submitted by:   
Dwight Krill  
City Planner, AICP

Recommended by:   
Jeff Witte  
Assistant City Manager

RESOLUTION NO. 99-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING A MITIGATION REPORTING AND MONITORING PROGRAM FOR GENERAL PLAN AMENDMENT GPA99-5 - THE RESEARCH AND TECHNOLOGY BUSINESS PARK PROJECT

WHEREAS, the City of Clovis prepared a Final Environmental Impact Report for General Plan Amendment GPA99-5 - Research and Technology Business Park Project, herein incorporated by reference ("Exhibit A"); and

WHEREAS, this City Council has reviewed and considered the Final Environmental Impact Report with respect to approval of General Plan Amendment GPA99-5 - Research and Technology Business Park Project; and

WHEREAS, pursuant to notice duly given, this City Council held a full and fair public hearing to consider the potential environmental effects of General Plan Amendment GPA99-5 - Research and Technology Business Park Project; and

WHEREAS, the City Council considered all comments received regarding the potential environmental effects contained in the Draft Environmental Impact Report, which comments and responses thereto are contained in the Final Environmental Impact Report; and

WHEREAS, the Planning Commission considered information in the Draft Environmental Impact Report prepared and presented to the Planning Commission, pursuant to the California Environmental Quality Act (CEQA), as amended, for General Plan Amendment GPA99-5 - Research and Technology Business Park Project, comments received, and public testimony regarding potential environmental effects of General Plan Amendment GPA99-5 - Research and Technology Business Park Project and found the EIR contained an adequate assessment of potential environmental effects; and

WHEREAS, the Planning Commission recommended that the City Council Certify the Final EIR for this project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLOVIS AS FOLLOWS:

SECTION 1. An Environmental Impact Report was prepared for General Plan Amendment GPA99-5 - Research and Technology Business Park Project. This City Council finds and declares that the Final EIR has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA), as amended, and state and local environmental guidelines and regulations. This City Council finds and declares that the Final EIR was presented to this City Council and that this City Council reviewed and considered the information contained in the Final EIR prior to approving the project. Based on its review of the Final EIR, and after a review of the entire public record, this City Council finds that the Final EIR is an adequate assessment of the potentially significant environmental impacts of

General Plan Amendment GPA99-5 - Research and Technology Business Park Project and represents the independent judgment of the City and sets forth an adequate range of alternatives to the project.

SECTION 2. This City Council has reviewed the mitigation measures listed in the Mitigation Reporting and Monitoring Program, presented in "Exhibit B" attached, and has determined to incorporate these mitigation measures into the project.

SECTION 3. This City Council of the City of Clovis does therefore approve the following:

- a. The City Council hereby Certifies the Final Environmental Impact Report for General Plan Amendment GPA99-5 - Research and Technology Business Park Project.
- b. The Clovis City Council hereby adopts the Mitigation Reporting and Monitoring Program for General Plan Amendment GPA99-5 - Research and Technology Business Park Project and incorporates the mitigation measures contained therein into this project.

The foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on June 21, 1999:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: June 21, 1999

Mayor

City Clerk

## **Exhibit “B”**

### **General Plan Amendment GPA99-5 Clovis Research and Technology Business Park**

#### **FEIR CERTIFICATION STATEMENT MITIGATION REPORTING AND MONITORING PROGRAM**

##### **FEIR CERTIFICATION STATEMENT**

The City Council finds and declares that the EIR has been completed in compliance with CEQA and the State CEQA Guidelines. The City Council finds and declares that the EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the EIR prior to approving the project.

Based on its review of the Final EIR, the City Council finds that the Final EIR is an adequate assessment of the potentially significant environmental impacts of the Clovis Research and Technology Business Park and represents the independent judgment of the City and sets forth an adequate range of alternatives to the project.

The Final EIR is composed of the following elements:

- Draft Environmental Impact Report, General Plan Amendment GPA99-5 Clovis Research and Technology Business Park, April, 1999.
- Final Environmental Impact Report, General Plan Amendment GPA99-5 Clovis Research and Technology Business Park, June, 1999.
- Statement of Facts and Findings. Statement of Overriding Considerations. Mitigation Monitoring Program, General Plan Amendment GPA99-5 Clovis Research and Technology Business Park, June 1999.

All of the above information is on file with the City of Clovis Department of Planning and Development Services, 1033 Fifth Street, Clovis, CA 93612.

# **MITIGATION REPORTING AND MONITORING PROGRAM**

## **Adoption of Mitigation Measures and Reporting and Monitoring Program**

Pursuant to Public Resources Code Section 21081.6, a Mitigation Monitoring Program has been adopted and mitigation measures have been incorporated into the project to avoid or lessen potential significant impacts on the environment.

## **Mitigation Measures and Mitigation Reporting and Monitoring Program**

Public Resources Code 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs for all projects for which a Final EIR has been prepared. The law is intended to implement mitigation measures adopted through the California Environmental Quality Act (CEQA) process. The Mitigation Reporting and Monitoring Program for GPA99-5, Clovis Research and Technology Business Park will be in place through all phases of implementation of the project. The City of Clovis has determined that the mitigation measures contained herein shall be implemented during the implementation of GPA99-5, Clovis Research and Technology Business Park. The City will have the primary enforcement role for mitigation measures that are the responsibility of the City and will cooperate with all responsible agencies, as appropriate, in implementing these measures.

The "Environmental Monitor" (EM) is the Director of Planning and Community Development who will be responsible for the Mitigation Reporting and Monitoring Program. The EM is responsible for coordinating monitoring activities with City staff. The EM may delegate responsibilities to City staff and consultants as necessary. Progress toward completion of the required mitigation program, or violations thereof, shall be reported at reasonable intervals to the EM. The mitigation reporting and monitoring program is closely tied to the regular entitlement and permit clearance process. Zoning, Site Plan Review, Conditional Use Permits, construction contracts, and other entitlements are conditioned with specific development standards and requirements. These conditions of approval incorporate the mitigation measures and monitoring programs for the project.

The following section provides a list of all the mitigation measures and the required Mitigation Reporting and Monitoring Program for the project, including the responsible agency, timing, monitoring program, and standards for success.



## Land Use

### *Mitigation Measures:*

1. As soon as possible, the zoning on land within the Research and Technology Business Park shall be made consistent with the Mixed Use land use designation.
2. To insure compatibility with existing and planned residential uses and to regulate the physical development of individual projects in the Business Park, the City of Clovis shall develop design and development guidelines for Mixed-Use Area No. 36. Design and development guidelines shall be incorporated into the conditions of approval of development entitlements, included in master plans for development of multiple projects, and implemented with the development of individual projects.

### *Monitoring Program:*

**Agency or Individual Responsible for Implementation:** The Department of Planning and Development Services.

**Timing:** The rezoning of the project area and development of guidelines for Mixed-Use Area No. 36 shall be acted on by the City Council within a reasonable period of time following adoption of GPA99-5, Clovis Research and Technology Business Park.

**Monitoring Program:** The City Planner shall initiate, process, and bring to the City Council guidelines for the development of Mixed-Use Area No. 36 and an application to rezone the project in conformance with the general plan as amended as soon as is reasonably possible.

**Standards of Success:** The Planning Commission and City Council will hold public hearings, make recommendations, and take action on the guidelines and rezoning application in accordance with all applicable local and state planning laws.

### *Mitigation Measure:*

3. Prior to development of a parcel encumbered by a Williamson Act Agricultural Preserve Contract, a notice of non-renewal shall be filed and the contract terminated at the end of the non-renewal period or tentatively canceled if the City Council makes findings in accordance with state law requirements. Final cancellation shall be granted by the State of California Department of Land Conservation before development takes place.

### *Monitoring Program:*

**Agency or Individual Responsible for Implementation:** The Department of Planning and Development Services.

**Timing:** The mitigation measure shall be made a part of project plans prior to approval of rezoning, site plan review, conditional use permit, or construction agreements.

**Monitoring Program:** The mitigation measure shall be made a part of project plans and made conditions of approval of rezoning, site plan review, conditional use permit, or construction agreements. Compliance with this measure shall occur prior to entitlement approval.

**Standards of Success:** Building permits and/or occupancy permits will not be issued until the required mitigation measure is satisfied.

### **Traffic and Circulation**

#### *Mitigation Measures:*

##### **A. Year 2003**

(Potentially Significant Environmental Effect: Unacceptable Operation of the Temperance Avenue/Alluvial Avenue Intersection)

1. Signalize the Temperance/Alluvial intersection.
2. Add a second left turn lane on the northbound Temperance Avenue intersection approach.
3. Restripe the eastbound Alluvial Avenue intersection approach to provide a separate left turn, a combined through/right turn and an exclusive right turn lane.
4. Provide loop detection in each left turn lane that will activate the northbound left turn green arrow when vehicle queues are approaching available storage limits.

Resultant operation with signalization and geometric improvements:

AM Peak Hour LOS B Average Vehicle Delay = 12.6 seconds

PM Peak Hour LOS D Average Vehicle Delay = 33.3 seconds

(Potentially Significant Environmental Effect: Project access along Temperance Avenue, Alluvial Avenue, Armstrong Avenue and Nees Avenue)

5. The City Engineer shall provide input to the project planners at the time of specific site development in order to incorporate acceptable spacing between access intersections and to indicate likely intersections that will require signalization. Driveway connections to Temperance Avenue, Alluvial Avenue and Armstrong Avenue should be minimized.

(Although not needed from a capacity standpoint, it is recommended that right turn deceleration lanes be provided on the approaches to all major intersections within the project area to minimize disruption to through traffic flow by turning vehicles. Provisions for bicycle lanes and requests by local transit agencies [location of bus pullouts, etc.] should also be incorporated into the final design plan).

**B. Year 2020**

(Potentially Significant Environmental Effect: Storage Deficiencies on Northbound Approach to the Temperance Avenue/Alluvial Avenue Intersection)

6. Add a second left turn lane on the northbound Temperance Avenue intersection approach.
7. Provide loop detection in each left turn lane that will activate the northbound left turn green arrow when vehicle queues are approaching available storage limits.

Resultant operation:

AM Peak Hour LOS C Average Vehicle Delay = 16.1 seconds

PM Peak Hour LOS D Average Vehicle Delay = 27.0 seconds

*Monitoring Program:*

**Agency or Individual Responsible for Implementation:** The Department of Planning and Development Services and the City Engineering Division.

**Timing:** Planned improvements will be constructed as a series of public projects over time as funds become available as well as incrementally as individual developments occur. For individual projects, the mitigation measures shall be made a part of project plans and made conditions of approval of rezoning, site plan review, conditional use permit, or construction agreements. Compliance with these measures shall occur before or during construction of individual projects or completed prior to project completion. All project plans shall be complete and approved prior to issuance of building permits.

**Monitoring Program:** The City Engineer shall prepare a periodic monitoring report for submission to the City Council detailing progress towards implementing the mitigation measures. The report shall include public and private improvements made, funding sources, and future public projects to implement planned improvements. For individual projects, required improvements must be indicated on the construction and site plans submitted to the City. These plans will be reviewed and approved considering traffic mitigation measures and conditions of approval by the Director of Planning and Community Development and the City Engineer. Mitigation measures shall be implemented during construction of the project. City staff will periodically monitor site development to assure compliance. Each project proponent shall include in its construction agreements/contracts a statement that mitigation monitoring shall be carried out as required. As appropriate, the project proponent shall provide an on-site monitoring

officer or deposit funds with the City to retain a monitoring officer who shall oversee implementation of the Mitigation Reporting and Monitoring Program.

**Standards of Success:** Building permits and/or occupancy permits will not be issued until required mitigation measures are satisfied. Noncompliance will be immediately referred to the Department of Planning and Development Services. Code enforcement in the form of a citation or legal action will occur if mitigation requirements are not complied with.

## **Air Quality**

### *Mitigation Measures:*

1. Individual projects shall comply with the policies adopted in the Clovis General Plan Air Quality Element.
2. As appropriate, individual projects shall provide the following:
  - bus stops and shelters along major bus routes as required by Clovis Transit and Fresno Area Express to encourage transit use;
  - direct pedestrian access to individual projects from existing or future public transit stops, sidewalks, or pedestrian trails. Such access shall consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.
  - bicycle parking facilities in accordance with state standards for patrons and employees. Enclosed bicycle parking, shower facilities, and bike and personal lockers shall be provided, as deemed appropriate, by the individual developers for employee use.
  - bike lanes on roadways in the Business Park as deemed necessary by the City Engineer. Linkages to bike lanes and the Enterprise Canal trail;
  - priority parking for rideshare employees;
  - on-site automatic teller machines at convenient locations; and
  - promotion of the use of alternative hours/work weeks for employees.
3. Provide a mixture of uses, as feasible in the proposed commercial development that include service-oriented facilities. Such uses as restaurants, banks, a post office, and a child care facility should be included to reduce vehicle trips.

### *Monitoring Program:*

**Agency or Individual Responsible for Implementation:** The Department of Planning and Community Development and its Divisions.

**Timing:** The mitigation measures shall be made a part of project plans and made conditions of approval of rezoning, site plan review, conditional use permit, or construction agreements. Compliance with these measures shall occur before or during construction of individual projects or completed prior to opening. All project plans shall be complete and approved prior to issuance of building permits.

**Monitoring Program:** Required improvements must be indicated on the construction and site plans submitted to the City of Clovis. These plans will be reviewed and approved by the Director of Planning and Development Services and the City Engineer. Mitigation measures shall be implemented during construction of the project. City staff will periodically monitor site development to assure compliance. Each project proponent shall include in its construction agreements/contracts a statement that mitigation monitoring shall be carried out as required. As appropriate, the project proponent shall provide an on-site monitoring officer or deposit funds with the City to retain a monitoring officer who shall oversee implementation of the Mitigation Reporting and Monitoring Program.

**Standards of Success:** Building permits and/or occupancy permits will not be issued until required mitigation measures are satisfied. Noncompliance will be immediately referred to the Department of Planning and Development Services. Code enforcement in the form of a citation or legal action will occur if mitigation requirements are not complied with.

## **Visual Resources**

### *Mitigation Measures:*

1. All development associated with this project shall be required to be consistent with all pertinent policies, development standards, and mitigation measures addressing site design, visual resources, and aesthetics approved with the Herndon Shepherd Specific Plan, the Clovis General Plan, and the Clovis Zoning Ordinance.
2. Building heights inside the Research and Technology Business Park shall be limited to approximately 35 feet. Greater heights may be conditionally permitted only with findings that the increased heights will not adversely affect nearby residences or other business park tenants. Heights of up to 65 feet will only be permitted for hotels located at or near the Temperance Avenue and State Route 168 interchange.
3. Where a business park development abuts a residential use in-house design review shall be required to ensure provision of adequate buffers. Substantial landscape setbacks, sound walls, screening, public roads, and height limitations, shall be required. Residential development buffers or mitigation measures must at minimum be consistent with the requirements of the Clovis General Plan, the Herndon Shepherd Specific Plan, and Clovis Zoning Ordinance regulating the abutment of residential uses and non-residential business park uses. Improvements to reduce negative impacts between uses shall be provided by the new use, rather than existing use.

4. Outdoor areas for shipping and receiving operations shall be located to avoid adverse noise, visual, and illumination impacts on nearby residences. These areas shall be concealed from view of the public and adjoining land uses. Concealment and screening may be accomplished by use of any of the following:
  - Design buildings to envelop outdoor service areas thereby providing for concealment;
  - Construction of perimeter 6 feet high walls architecturally coordinated with the primary buildings and site landscaping; or
  - Screening with dense vegetative hedges, combined with walls or fences.
5. Loading facilities shall be screened with landscaping and/or berming and shall not be located at the front of structures. When it is not possible or desirable to locate loading facilities at the rear of the building, loading docks and loading doors shall be located on the side of the building and shall be screened from the street by landscaping offset from driveway openings.
6. No permanent outside storage of materials or products is allowed.
7. Parking areas shall be well landscaped with trees provided along the perimeter and interior of multi-aisle parking areas such that the trees form an overhead canopy providing sun and rain protection for the majority of the parking spaces.
8. Parking areas adjoining public rights-of-way shall be set back a minimum of 15 feet from the right-of-way and the setback areas landscaped to partially screen the parked vehicles. The landscaping should be coordinated with street landscaping to achieve an attractive, unified landscape appearance.
9. On site parking for trucks and vehicles other than passenger cars shall not be permitted within 25 feet of any property line on any street excluding freeways. Parking shall not be permitted within 10 feet of the street side of any office portion of any building.
10. Buildings, structures and loading facilities shall be designed and placed upon the site so that vehicles, whether rear loading or side loading may be loaded or unloaded at any loading dock or door, or loading area, without extending beyond the property line.
11. No loading area shall be located within twenty-five (25) feet of residential property
12. The architectural style of new buildings shall have a contemporary appearance while utilizing elements that complement the existing character of Clovis. This may mean relating to the relatively small scale of adjacent structures and incorporating such elements as variation in textures and materials in the design of elements facing the public street.

13. Building construction and design shall be used to create a structure with substantially equally attractive sides of high quality, rather than placing all emphasis on the front elevation of the structure and neglecting or downgrading the aesthetic appeal of the side elevations of the structure. Any accessory buildings and enclosures, whether attached to or detached from the main building, shall be of similar compatible design and materials.
14. Large, continuous surface treatments of a single material shall be minimized. In the event this is done, textural changes or relief techniques should be introduced to produce a play of shadows on the surface. Large buildings shall have facades that include variations in form and texture.
15. Perimeter landscaping is required adjacent to street frontages. These perimeter areas shall be a minimum of 10 feet wide and include trees, shrubs, and ground cover. Landscaped berms are encouraged to soften the transition between street and parking lot.
16. Both perimeter and interior landscaping shall include canopy-type trees. The location and spacing of trees is dependent on the type of tree used, but the effect should be a consistent tree cover that will provide shade. Generally, a tree should be installed for every five to eight parking spaces.
17. Live plant materials shall be used in all landscaped areas. The use of gravel, colored rock, bark and other similar materials is not acceptable as a sole ground cover material.
18. All exterior trash and storage structures and service areas shall be screened from view with a City approved wall or fence.
19. Utility company equipment and roof-mounted equipment shall be screened from street view.
20. The design of masonry walls, fencing, trash enclosures and similar accessory site elements shall be compatible with the architecture of the building.
21. Lighting shall be placed where it can best aid in illuminating activity areas. The site should not be overly lit. Fixtures should be scaled in size to match the size of areas to be lit.
22. Area lighting shall be directed predominantly downward and placed to prevent glare or excessive spray of light on neighboring sites.
23. Pad-mounted transformers, utility connections, and meter boxes shall be screened and integrated into the site plan.
24. All commercial uses shall be ancillary to the research and technology uses. The retail uses shall be strictly secondary uses to be oriented along the freeway right-of-way only and shall be limited in the interior of the Business Park to businesses that serve the employees of the Business Park.

25. The location of hotel, conference, and personal services shall be concentrated generally at the freeway 168 and Temperance Avenue interchange.
26. The provision for five (5) stories in Mixed Use Area 36 applies to motel or hotel uses only. Maximum height in the Business Park is 35 feet.

*Monitoring Program:*

**Agency or Individual Responsible for Implementation:** The Department of Planning and Community Development and its Divisions.

**Timing:** The mitigation measures shall be made a part of the project plan prior to approval of rezoning, site plan review, conditional use permit, or construction agreement.

**Monitoring Program:** Required improvements must be indicated on the construction and site plans submitted to the City of Clovis. These plans will be reviewed and approved by the Director of Planning and Development Services and the City Engineer. Mitigation measures shall be implemented during construction of the project. City staff will periodically monitor site development to assure compliance. Each project proponent shall include in its construction agreements/contracts a statement that mitigation monitoring shall be carried out as required. As appropriate, the project proponent shall provide an on-site monitoring officer or deposit funds with the City to retain a monitoring officer who shall oversee implementation of the Mitigation Reporting and Monitoring Program.

**Standards of Success:** Building permits and/or occupancy permits will not be issued until required mitigation measures are satisfied. Noncompliance will be immediately referred to the Department of Planning and Development Services. Code enforcement in the form of a citation or legal action will occur if mitigation requirements are not complied with.

**Fire Protection**

*Mitigation Measures*

1. The City of Clovis Fire Department shall be consulted prior to development of any structures in the Business Park to assure that adequate fire protection services are available to serve the proposed development.
2. The City of Clovis will consult with the City of Clovis Fire and Building departments to ensure future projects in the Business Park meet necessary fire safety, Uniform Building Code, and structural standards. The Fire and Building departments shall provide conditions of approval to assure adequate fire safety during the processing of development entitlements



*Monitoring Program:*

**Agency or Individual Responsible for Implementation:** The Department of Planning and Community Development and its Divisions.

**Timing:** The mitigation measures shall be made a part of the project plan prior to approval of rezoning, site plan review, conditional use permit, or construction agreement.

**Monitoring Program:** Mitigation measures shall be implemented during construction of the project. City staff will periodically monitor site development to assure compliance. Each project proponent shall include in its construction agreements/contracts a statement that mitigation monitoring shall be carried out as required. As appropriate, the project proponent shall provide an on-site monitoring officer or deposit funds with the City to retain a monitoring officer who shall oversee implementation of the Mitigation Reporting and Monitoring Program.

**Standards of Success:** Building permits and/or occupancy permits will not be issued until required mitigation measures are satisfied. Noncompliance will be immediately referred to the Department of Planning and Development Services. Code enforcement in the form of a citation or legal action will occur if mitigation requirements are not complied with.

**Police Service**

*Mitigation Measures*

1. The City of Clovis Police Department shall be consulted prior to development of any structures in the Business Park to assure that adequate police protection services are available to serve the proposed development.
2. The City of Clovis shall encourage the design of public and private spaces to minimize opportunities for criminal activity in all future projects in the Business Park. The Police Department shall provide conditions of approval during the processing of development entitlements that address design and operational aspects of proposed projects to minimize the potential for criminal activity in the Business Park.

*Monitoring Program:*

**Agency or Individual Responsible for Implementation:** The Department of Planning and Community Development and its Divisions.

**Timing:** The mitigation measures shall be made a part of the project plan prior to approval of rezoning, site plan review, conditional use permit, or construction agreement.

**Monitoring Program:** Mitigation measures shall be implemented during construction of the project. City staff will periodically monitor site development to assure compliance. Each project proponent shall include in its construction agreements/contracts a statement that mitigation monitoring shall be carried out as required. As appropriate, the project proponent shall provide an on-site monitoring officer or deposit funds with the City to retain a monitoring officer who shall oversee implementation of the Mitigation Reporting and Monitoring Program.

**Standards of Success:** Building permits and/or occupancy permits will not be issued until required mitigation measures are satisfied. Noncompliance will be immediately referred to the Department of Planning and Development Services. Code enforcement in the form of a citation or legal action will occur if mitigation requirements are not complied with.

## **Drainage**

### *Mitigation Measures*

1. Construct on-site detention ponds to reduce the peak flows from the development to that anticipated in the design of the existing Master Plan storm drainage facilities.
2. Implementation of landscaping and open space areas of sufficient size to make the runoff characteristics of the site equivalent to those anticipated by the design of the existing Master Plan storm drainage facilities.
3. Construction of non-Master Plan facilities to increase the system capacity of the District's system.
4. The District shall review and approve any improvement plans and method of providing the proposed mitigation.

### *Monitoring Program:*

**Agency or Individual Responsible for Implementation:** The Department of Planning and Community Development and its Divisions.

**Timing:** The mitigation measures shall be made a part of the project plan prior to approval of rezoning, site plan review, conditional use permit, or construction agreement.

**Monitoring Program:** Required improvements must be indicated on the construction and site plans submitted to the City of Clovis. These plans will be reviewed and approved by the Director of Planning and Development Services and the City Engineer. Mitigation measures shall be implemented during construction of the project. City staff will periodically monitor site development to assure compliance. Each project proponent shall include in its construction agreements/contracts a statement that mitigation monitoring shall be carried out as required. As appropriate, the project proponent shall provide an on-site monitoring officer or deposit funds with the City to retain a monitoring officer who shall oversee implementation of the Mitigation Reporting and Monitoring Program.

**Standards of Success:** Building permits and/or occupancy permits will not be issued until required mitigation measures are satisfied. Noncompliance will be immediately referred to the Department of Planning and Development Services. Code enforcement in the form of a citation or legal action will occur if mitigation requirements are not complied with.

## **Noise**

### *Mitigation Measures:*

1. All development associated with this project shall be required to be consistent with all pertinent policies, development standards, and mitigation measures addressing noise impacts approved with the Herndon Shepherd Specific Plan, the Clovis General Plan, and Clovis Zoning Ordinance.
2. The City of Clovis shall evaluate potential noise conflicts for each proposed individual development in the business park and require mitigation of all potentially significant noise impacts as a condition of project approval.
3. All development projects occurring in the business park locating near existing or planned residential areas shall demonstrate that the project, when constructed, will comply with the City noise requirements.
4. The City's noise standards for land use compatibility as adopted in Table 8-3 of the Clovis General Plan shall be adhered to and implemented during the review of all proposed development projects. Conditions of approval shall be incorporated into all development projects to attenuate exterior/interior noise levels to acceptable levels.
5. Noise mitigation shall include a combination of site planning techniques, landscape setbacks and berms and/or noise walls, and architecture treatments. Required mitigation shall be incorporated into the design of all proposed developments in the Research and Technology Business Park Project to ensure that the adopted 65dB CNEL (outside) and 45dB CNEL (inside) City noise standard is achieved.
6. The use of sound walls shall be discouraged. Berms, greenbelts, and public park areas shall be utilized when feasible to reduce potential noise impacts.
7. All business activities, other than shipping and receiving, shall take place inside the buildings.
8. A minimum distance of approximately 200 feet shall be maintained between all structures and existing residences. A portion of this setback area shall be improved as a greenbelt or park. This distance can be decreased only with the submission of an acceptable noise study indicating that there will not be any significant acoustical impacts on adjacent land uses.

9. The hours of operation of outside business activities shall be restricted to the hours between 7 a.m. to 6 p.m. No nighttime (after 9 p.m.) shipping and receiving activities will be allowed in the Business Park.
10. All buildings near residential areas shall be oriented to shield outdoor living areas from noise sources. Noise tolerant land use elements such as parking lots, maintenance facilities, and utility areas shall be placed between noise sources and sensitive receptors.
11. Special orientation or design treatment of loading docks located in proximity to residential areas shall be required to reduce noise impacts to less-than-significant levels.
12. During construction, the operation of heavy equipment shall be limited to the daytime hours (Monday through Saturday, 7 a.m. to 6 p.m.). Stationary equipment (e.g., generators) shall not be located adjacent to any existing residences unless enclosed in a noise attenuating structure. The hours of construction activity near residential areas shall be limited to Monday through Saturday, 7 a.m. to 6 p.m. with no activity allowed on Sundays and holidays.
13. The City of Clovis shall provide quick response to noise complaints and rapid abatement of noise nuisances within the scope of the City Police enforcement powers.

*Monitoring Program:*

**Agency or Individual Responsible for Implementation:** The Department of Planning and Community Development and its Divisions.

**Timing:** The mitigation measures shall be made a part of the project plan prior to approval of rezoning, site plan review, conditional use permit, or construction agreement.

**Monitoring Program:** Required improvements must be indicated on the construction and site plans submitted to the City of Clovis. These plans will be reviewed and approved by the Director of Planning and Development Services and the City Engineer. Mitigation measures shall be implemented during construction of the project. City staff will periodically monitor site development to assure compliance. Each project proponent shall include in its construction agreements/contracts a statement that mitigation monitoring shall be carried out as required. As appropriate, the project proponent shall provide an on-site monitoring officer or deposit funds with the City to retain a monitoring officer who shall oversee implementation of the Mitigation Reporting and Monitoring Program.

**Standards of Success:** Building permits and/or occupancy permits will not be issued until required mitigation measures are satisfied. Noncompliance will be immediately referred to the Department of Planning and Development Services. Code enforcement in the form of a citation or legal action will occur if mitigation requirements are not complied with.

## **Conclusion**

The City Council finds that, to the extent that any impacts attributed to the project remain unmitigated, such impacts are acceptable in light of the overriding social, economic, and other considerations set forth herein. The Council finds that the specific social, economic, and other benefits of the project outweigh the unmitigated, unavoidable significant impacts and justify approval of the project (refer to the Facts of Findings and Statement of Overriding Considerations).