



AGENDA ITEM NO: 1-B-1 THRU 4
City Manager: *[Signature]*

- CITY OF CLOVIS - REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: October 19, 2009

SUBJECT: Consider Approval- Res. 09-___, A request to certify the Clovis Research and Technology Business Park Expansion Environmental Impact Report ("EIR"); adopt the CEQA Findings of Fact and Statement of Overriding Considerations; and adopt a Mitigation Monitoring Program. The City of Clovis is the Lead Agency.

Consider Approval - Res. 09-___, GPA2009-01, A request to amend the General Plan and Herndon Shepherd Specific Plan's Land Use Elements and Circulation Elements for the property generally bounded by Nees Avenue to the north, the Enterprise Canal to the west, and State Route 168 to the south and east. Clovis Community Development Agency, applicant; multiple property owners.

Consider Introduction - Ord. 09-___, OA2009-03, A request to amend the Clovis Municipal Code Research and Technology Business Park Zone District to add Mixed Use Area 40 to the ordinance and to modify the development standards to accommodate the new Mixed Use Area 40. Clovis Community Development Agency, applicant.

Consider Approval- Res. 09-___, A request to approve the Central Valley Research and Technology Business Park Architectural Design Guidelines for the Expansion Area. City of Clovis, applicant.

ATTACHMENTS:

Exhibit "1:"	Conditions of Approval
Exhibit "2:"	Location Map
Exhibit "3:"	Conceptual Site Plan
Exhibit "4:"	Trail/Buffer Cross-section
Exhibit "5:"	Current General Plan Designations
Exhibit "6:"	Current General Plan Circulation
Exhibit "7:"	Proposed Circulation

Exhibit "8:"	Proposed Street Cross-Sections
Exhibit "9:"	Central Valley Research and Technology Business Park Architectural Guidelines
Exhibit "10:"	Municipal Code Section 9.3.228 Research and Technology Business Park District
Exhibit "11:"	Modifications to Municipal Code Section 9.3.228
Exhibit "12:"	Public Comments Submitted After Close of EIR Comment Period
Exhibit "13:"	Comment letter dated August 27, 2009, submitted by Dr. Manuel M. Martin-Rodriguez and Staff's Responses

ACCOMPANYING DOCUMENTS:

- August 27, 2009 Planning Commission Minutes
- City Council Draft Resolutions and Ordinance
- Final Environmental Impact Report Prepared for the Clovis Research and Technology Business Park Expansion

CONFLICT OF INTEREST

None

RECOMMENDATION

The Planning Commission and staff recommend the following:

1. That the City Council certify the Project Environmental Impact Report ("EIR"), in compliance with the California Environmental Quality Act ("CEQA"), adopt the CEQA Findings of Fact and Statement of Overriding Considerations and adopt the Mitigation Monitoring Plan.
2. That the City Council approve General Plan Amendment GPA2009-01, subject to the conditions listed in Exhibit "1."
3. That the City Council approve Ordinance Amendment OA2009-03.
4. That the City Council approve the Central Valley Research and Technology Business Park Architectural Design Guidelines for the Expansion Area.

EXECUTIVE SUMMARY AND REPORT ORGANIZATION

The Clovis Research & Technology Park Expansion Project proposes to amend the City of Clovis General Plan and the Herndon Shepherd Specific Plan to add approximately 153 acres to the existing Clovis Research and Technology Business Park (RT Park). Originally approved in 1999, the 180-acre Business Park was established to draw high

quality employment opportunities to Clovis. The Project will expand the Business Park to a total of 333 acres.

The proposed land use designation is Mixed Use Area 40, which will allow a mixture of research and technology uses along with live/work units. The proposed General Plan Circulation changes will extend Alluvial Avenue eastward across the Enterprise Canal and reclassify Nees and Locan Avenues.

The Project includes an ordinance amendment which will change the Research and Technology Business Park Zoning to include Mixed Use 40 and add development standards distinctive to the Project area.

Because the Project has the potential to result in significant environmental impacts, a Draft Environmental Impact Report (EIR) has been prepared and was circulated for public review from March 26, 2009 to May 11, 2009. Agency and public comments submitted were responded to in accordance with CEQA and are included in the Final EIR.

This report is organized as follows:

CONFLICT OF INTEREST	2
RECOMMENDATION.....	2
EXECUTIVE SUMMARY AND REPORT ORGANIZATION	2
BACKGROUND.....	4
Neighborhood Concerns	5
August 27, 2009 Planning Commission Meeting.....	5
PROPOSAL AND ANALYSIS	6
Project Purpose and Objectives	6
Project Overview	7
Permitted R & T Uses.....	7
Open Space	8
Land Use Intensity	8
Clovis General Plan and Herndon-Shepherd Specific Plan Land Use Element Amendments.....	9
Housing Element.....	10
Circulation Element.....	10
Bicycle Transportation Master Plan (BTMP)	11
Architectural Design Guidelines.....	11
R&T Zone District Ordinance Amendment (CMC 9.3.228).....	11
Timing of Development	12
Water Supply	12
CONSISTENCY WITH THE CITY'S ADOPTED GOALS AND POLICIES	12
Clovis General Plan Policies	13
Herndon Shepherd Specific Plan Goals and Objectives.....	13

City of Clovis Economic Development Strategy.....	14
THE ENVIRONMENTAL IMPACT REPORT.....	15
Potentially Significant Impacts Identified in the EIR.....	15
Public Comment on the Draft EIR.....	16
FISCAL IMPACT.....	16
REASONS FOR RECOMMENDATION.....	16
ACTIONS FOLLOWING APPROVAL.....	17

BACKGROUND

The Clovis Research & Technology Park Expansion Project (Project) proposes to amend the City of Clovis General Plan and the Herndon/Shepherd Specific Plan and expand the existing Clovis Research and Technology Business Park (RT Park) that was approved June 21, 1999. The addition of the proposed 153-acre Project to the existing 180-acre R&T Park will expand the Research & Technology Park to a total of 333 acres.

The Project is located in northeastern Clovis. More specifically, the Project site is located east of Temperance Avenue, south of Nees Avenue, north of State Route 168, and west of the Nees Avenue and SR 168 connection (Exhibit "2"). The Project totals approximately 153 acres (approximately 139 net acres, excluding the proposed Alluvial Avenue extension and other street rights-of-way) and includes vacant land and existing residential uses.

The City Council originally considered expanding the Research and Technology Business Park into the 425-acre area now developed as the Harlan Ranch. The City hired Thomas Cooke Associates to prepare an Economic Development Employer Target and Outreach Plan (ETOP), which included a feasibility study and conceptual master plan. Based on the study's conclusions, the City Council directed staff to proceed with the implementation of the plan. However, before the necessary general plan amendment was initiated, the property owners informed staff that they intended to proceed with residential development on the site.

In June, 2004, staff presented Council with an alternative RT Park location east of the existing Research and Technology Business Park, south of Nees Avenue, north of Highway 168, and west of Harlan Ranch. This alternative was supported by a conceptual plan provided by Wilcon LLC, the Harlan Ranch developer. In October, 2004, Council directed staff to proceed with a feasibility study for the eastward expansion of the RT Park consistent with the June, 2004 conceptual plan.

In September, 2005, the completed feasibility study was presented to Council, which directed staff to move forward with implementation of the plan for the RT Park expansion. Implementation included modification of existing RT Park plan policies and zoning regulations, environmental review, and methods of funding required expansion area infrastructure.

The Council subsequently initiated amendments to the General Plan, Specific Plan, and Zoning Ordinance. The Council also directed staff to move forward with the environmental review process, which has been completed.

Neighborhood Concerns

Staff has been working with area property owners to identify their concerns about the Project and identify possible solutions for these issues. Most recently, staff held a neighborhood meeting on August 12, 2009 and a Project property owner meeting on September 29, 2009.

The property owners from the residential area to the west of the Project were concerned with how they will be buffered from the future development. Staff responded by identifying existing development standards in the RT zone district and a mitigation measure of the EIR that will require a buffer consisting of a large setback from future R&T structures. This will allow a combination of block wall, landscaping, and pedestrian trail along the border of the residential subdivision.

The property owners within the Project boundaries have raised concerns of the impacts on those that wanted to stay living in the area and maintain their residential use.

Staff has worked to balance the varied interests of those property owners wanting to sell their property for development with those that want to retain their residential lifestyle. Staff has explained that no new residential development would be allowed in the area, but existing residential property owners would not be forced to sell their property or move. Decisions to sell or develop their properties for R&T uses would remain under their control. That is, existing residents would be able to continue their residential use into the future and at a time of their choosing, sell their home to other residential users or to RT Park developers.

In response to the residents of Locan and Nees Avenue homes, the Project proposes that existing residential uses be a consistent use in Mixed Use 40. Existing residential would retain all existing rights under the current zoning; however, there would be a restriction on subdivision of land for new residential development. Any future development in the area would need to be consistent with the Mixed Use Area 40, which allows Research and Technology uses Project-wide and secondary uses of live/work units along Locan and Nees Avenues.

August 27, 2009 Planning Commission Meeting

The Planning Commission held a hearing on August 27, 2009 to consider the Project. Six project area property owners and two neighboring property owners expressed their concerns about the Project. Comments were mainly directed to two issues: perceived impacts of the land use change on the viability of the existing

owners expressed their concerns about the Project. Comments were mainly directed to two issues: perceived impacts of the land use change on the viability of the existing residential uses and potential noise impacts. Staff explained that the General Plan Amendment allows existing residential uses to stay, with the option of selling their property if and when they decided to do so. Staff also summarized that the EIR and RT zone ordinance standards addressed and mitigate potential noise impacts.

In response to property owner concerns, the Planning Commission added a condition for a masonry wall to mitigate noise impacts to the existing residences along the east and west sides of Locan and to the existing residences that would be located on the north side of the proposed new Alluvial Avenue alignment.

One property owner in the area was concerned that the land use change would severely limit the development options of his 20-acre vacant parcel. Because R&T phases 1 and 2 are currently 14% developed/entitled, staff does not expect to be eligible for grant funding for Project infrastructure until these phases are nearer to 75% developed/entitled. The Project is therefore likely to be developed after the previous phases. The property owner described a scenario where the Project's short-term effect could preclude residential development of his land, and in the long-term the slow funding for major infrastructure improvements could delay Research & Technology development as well.

After deliberation, the Planning Commission voted to recommend approval of the Project.

PROPOSAL AND ANALYSIS

Project Purpose and Objectives

The purpose of the Project is to help address a projected imbalance between jobs and housing. The *City of Clovis Jobs/Housing Balance & Economic Development Study* prepared in January 2003, and follow-up study conducted in May 2004, concluded that within five to ten years the City's supply of suitable sites for employment-generating light industrial and research and technology oriented uses will be exhausted unless changes are made to the General Plan and zoning ordinance. The ratio of housing to local employment is likely to continue to increase creating issues from the shortage of local jobs.

Therefore, the Project's the primary objectives are to:

- Expand the supply of land available for light industrial, business park and research and technology types of development to meet the projected land demand for these uses.

- Increase the availability of high quality, well-paying jobs in Clovis.

- Provide for an orderly transition from the semi-rural, low intensity residential use to light industrial and business park use in a manner that addresses both wishes of some existing residents to remain and service needs of future non-residential users.
- Provide economic incentives to promote the transition to job generating uses.
- Ensure the physical integration of the R&T Park expansion with the existing R&T Park and a compatible relationship to adjacent residential areas.
- Achieve a high standard of design that will enhance both the R&T Park's and the City's image, and in turn enhance the market attraction and long-term economic value of the R&T Park expansion area.
- Extend the boundary of the existing Clovis Research & Technology Park to provide planned, orderly, and an efficient pattern of additional land in Clovis for the development of research and technology land uses;
- Provide for the efficient delivery of public services by the City; and
- Create a mixed use Project including research and technology land uses and a live-work area that reduces traffic and air quality impacts.

Project Overview

The Project site is currently designated for a variety of residential, commercial, and urban uses by the Clovis General Plan and is currently served by a road system that includes Shepherd Avenue, De Wolf Avenue, Nees Avenue and SR 168. Access to SR 168 is provided from Shepherd Avenue. Existing development consists of 17 semi-rural residences.

Permitted R & T Uses

Permitted uses consist of manufacturing, assembly, and research uses and service uses that support Research & Technology Park occupants or provide complementary types of services.

The Project allows a maximum development of up to approximately 2.4 million square feet of research and technology uses based on the net of approximately 139 acres and a Floor Area Ratio (FAR) of 0.40. The 0.40 FAR allows the construction of up to 40% of the net area (139 acres) of the Project area with actual buildings. A conceptual site plan is attached as Exhibit "3" that shows possible orientations of future buildings and integration of the existing residential.

The Project also includes the opportunity for live/work units. This product includes residential and non-residential uses in one building. The proposed live/work units would diversify the City's housing supply and promote a compatible interface with adjoining residential properties. The types of uses anticipated for the live/work units include artist studios/art galleries, professionals/consultants (accounting, lawyers, marketing, graphic artist, etc.), photo studios, coffee shops, boutique retail, etc. The live/work units are proposed for the area along Locan Avenue, south of Nees Avenue.

The live/work units will be processed under the PCC Zone District, which will require public hearings before the Planning Commission and City Council. Since the PCC Zone District requires the submittal of a master development plan and a list of allowed uses, it will allow maximum market flexibility on the type of live/work product and allow staff to review and ensure any live/work product proposed will integrate well into the Business Park and surrounding area.

Open Space

In 2004, the City purchased approximately 25 acres of land from Caltrans that were remnants from the construction of Highway 168. The purchases were conditioned on the use of the land for park or other public uses for 15 years. This use is provided for in the General Plan Amendment; however, the City is currently discussing with Caltrans the potential to develop the land with uses other than park or public uses.

A 30-foot wide trail/greenbelt and a 20-foot wide landscape strip with sidewalk along Alluvial Avenue is proposed. The trail/greenbelt and landscape strip would provide open space along the entire length of Alluvial Avenue through the Project area.

In addition, a trail/landscape buffer is required as a mitigation measure between the Project site and the existing residential development at the southeast corner of Temperance Avenue and Nees Avenue (See Conceptual Site Plan Exhibit "3" and Trail/Buffer Cross-section Exhibit "4"). The trail/buffer is in addition to the development standards of the RT zone district, which require buffering of existing residential uses to reduce noise and aesthetic impacts.

Land Use Intensity

Floor Area Ratio (FAR) measures the percentage of any individual site that can be covered by structures. For instance, a 0.5 FAR means that fifty percent of the site can be developed with buildings and the remaining fifty percent of the site would be devoted for landscaping, streets, sidewalks, parking, etc. The Project proposes a maximum FAR of 0.40 to ensure that development does not exceed the planned capacity of roads and other infrastructure that would serve the Project.

Clovis General Plan and Herndon Shepherd Specific Plan Land Use Element Amendments

The Project amends the Clovis General Plan and the Herndon Shepherd Specific Plan Land Use Elements. The General Plan land use designations for the Project site include Very Low Density Residential (0.6 to 2.0 du/ac), Commercial, and High Density Residential (15.1-25.0 du/ac). Approximately 113 acres are designated as Very Low Density Residential, 19.9 acres are designated as Commercial, and 20.1 acres as High Density Residential (Exhibit "5"). The Herndon-Shepherd Specific Plan designates the Project site as Large Lot Residential (2.2 du/ac) and Open Space.

The Herndon Shepherd Specific Plan identified "floating" designations for Neighborhood Commercial and Multi-Family uses west of Dewolf Avenue and north of State Route 168. These designations were fixed to the land use plan by the 1993 General Plan. They were distributed into the Harlan Ranch Master Planned Community General Plan Amendment in 2005, but due to an error were not removed from their current locations when the land use map was amended. The Project would correct this oversight.

The General Plan and Specific Plan amendment would establish a new land use area for the Project site: Mixed Use Area 40. The Mixed Use Guidelines are shown in the table below and establish the primary and secondary uses, maximum building height, floor area ratios, design features and design features.

R&T Park – Proposed Mixed Use Area No. 40

Area No.	Primary Use	Secondary Uses	Special Uses	Max. Height/ Stories	F.A.R./ Residential Density per acre	Design Features and Comments
40	Research and Technology Business Park	6% live/work units	Hotels, Convention Center Public Open space/Trail Existing residential uses	5	0.4 (maximum) 0.6 for live/work units (0.30 maximum for residential component)	<ul style="list-style-type: none"> ▪ Transit orientation ▪ Pedestrian trail opportunity, which would link to the planned trail network. ▪ Buffer adjacent residential ▪ Live/work units shall be located in the south of Nees Avenue along both sides of Locan Avenue. ▪ Entry treatment opportunity ▪ Special development and design regulations ▪ No portion of an existing or future parcel of land shall be subdivided and developed for new residential uses, excluding live/work units. ▪ R-1-AH and R-A Zone Districts are compatible with this Mixed Use Area as interim zones.

Housing Element

California Housing Law allows a reduction of housing units as long as there are adequate sites remaining to meet the City's RHNA. In this case, there are additional sites remaining that are allocated to meet the City's RHNA. The units being removed are allocated under the above-moderate income category. The RHNA assigns 7,073 units to the City in this category. The Housing Element identifies an excess of 439 units in meeting the RHNA in this category. The removal of 271 units results in a remaining excess of 168 units in the above-moderate category; therefore, not affecting the units needed to meet the RHNA.

Circulation Element

The Project amends the General Plan and Herndon Shepherd Specific Plan Circulation Elements to provide adequate roadways and circulation in the area. Amendments to the circulation system include the extension of Alluvial Avenue from Temperance Avenue through the Project site and revised roadway development standards for Nees and Locan Avenues. Exhibit "6" shows the current approved circulation for the Project area and Exhibit "7" shows the proposed alignment of Alluvial Avenue through the site. Exhibit "8" shows the proposed roadway development standards of Locan, Alluvial and Nees Avenues in cross-section.

The General Plan Circulation Element would be amended to designate the Alluvial Avenue as an Arterial from Temperance to Dewolf. Alluvial Avenue would be extended from its existing terminus at Temperance Avenue northeasterly through the site parallel to State Route 168 to the future Nees interchange at State Route 168. The Alluvial Avenue improvements include a new crossing over the Enterprise Canal, a 4-lane divided arterial that includes a 16-foot wide landscaped median, two 12-foot wide travel lanes in each direction, an 8-foot emergency parking/bike lane in each direction, 30-foot wide trail/greenbelt, and a 20-foot wide landscape strip with sidewalk. The Alluvial Avenue right-of-way would be 130 feet, including 70 feet north of centerline and 60 feet south of centerline. The intersection of Alluvial and De Wolf Avenues would be signalized.

The proposed alignment of Alluvial Avenue will require the removal of the existing residence at 973 N. Locan Avenue. Staff has been in contact with the owner of the property and has informed her of the implications of the proposed alignment. At this time, the City is not in a position to purchase the property for the future right-of-way. It is typical for the City to plan for new street alignments and not obtain needed right-of-way until the street is closer to being constructed. If the Circulation Element is amended, the next step is to create a plan line for the new Alluvial Avenue alignment. Staff will keep the property owner informed of progress of the street alignment and plan line.

The Circulation Element amendment will change Nees Avenue from an Arterial to a Collector east of Temperance Avenue to its intersection with the new alignment of Alluvial Avenue. Nees Avenue between Temperance Avenue and its intersection with new Alluvial Avenue would consist of a 12-foot two-way center left turn lane, one 12-foot wide travel lane in each direction, 8-foot wide parking lanes, 6-foot bike lanes, and 10-foot wide sidewalk/landscape areas on both sides of the street. The Nees Avenue right-of-way would be 84 feet from the centerline and 10-foot sidewalk/landscape areas on both sides of the street. The traffic control at the intersection of Nees and Alluvial Avenues will be determined after further study and could include a roundabout or other traffic controls as determined by the City Engineer.

Locan Avenue, between Nees Avenue and its terminus just north of State Route 168, would be upgraded from a residential local road to an industrial/commercial local road consisting of one 14-foot wide travel lane in each direction, 8-foot wide parking lanes on both sides of the street, and 8-foot wide sidewalk/landscape areas on both sides of the street. The Locan Avenue right-of-way would be 60 feet divided symmetrically from the existing centerline. A four-way stop sign would provide the required traffic control at the intersection of Nees Avenue at Locan Avenue. The appropriate traffic control at the intersection of Alluvial Avenue and Locan Avenue will be determined after further study.

Bicycle Transportation Master Plan (BTMP)

The Project allows the development of a Class II bikeway on Alluvial Avenue continuing from the Enterprise Canal to Harlan Ranch where it would link with the internal network of trails and bikeways within the Harlan Ranch Master Planned Community. The Alluvial Avenue bridge crossing at the Enterprise Channel may include provisions for a separated bikeway and pedestrian way, or alternatively a parallel bridge for bicyclists and pedestrians. A Class II bikeway is also proposed on Nees Avenue. The proposed changes will be included in the BTMP update, which is currently being prepared.

Architectural Design Guidelines

In April, 2008, the City adopted the Central Valley Research and Technology Business Park Architectural Guidelines (Guidelines) for Phases I and II of the Central Valley Research and Technology Business Park (Exhibit "9"). The Guidelines provide an architectural standard for the Research and Technology Business Park that carries an identifiable, compatible, and durable "design vocabulary." The Guidelines are recommended for use in the Project area. The Guidelines are intended to supplement the existing development standards established with under the R&T (Research and Technology Business Park) Zone District.

RT Zone District Ordinance Amendment (CMC 9.3.228)

The Clovis Zoning Ordinance has a zone district specifically for the existing Research and Technology Business Park (Exhibit "10"). The RT zone district provides

development standards such as lot size, minimum building setback distances, maximum building height, types of uses allowed, etc. This RT zone district is consistent with Mixed Use Area Number 40 and will also be used to guide the development of the Project area.

The proposed modifications to the RT zone district will address the unique characteristics of the Project area (Exhibit "11"). For example, the regulations for the existing Business Park require a minimum site of three acres. Staff is proposing an 80,000 square foot minimum parcel size for the Project in response to both the existing parcelization and the area's potential to serve smaller businesses. Other proposed modifications are the inclusion of live/work units as an allowed use, an allowance for a 0.40 FAR, and a 10,000 square foot minimum building size to respond to the development constraints of smaller parcels.

Timing of Development

Development of the Project site is anticipated to be on a project-by-project basis. There are no specific proposals for any development within the Project site at this time. Development is anticipated to occur on an incremental basis over a period of years as individual property owners decide either to sell their property or develop their property themselves.

The costs for infrastructure for the Project, including the development of the Alluvial Avenue extension, will be developer-funded. The infrastructure will likely be installed incrementally as development takes place. However, staff plans to pursue infrastructure grants for the Project which will help offset development costs.

Water Supply

The Project area is outside the Fresno Irrigation District (FID) boundaries and does not have water entitlements allocated to the land. The timing of development will therefore be heavily influenced by the acquisition of an adequate surface water supply for the area. The City is currently working on securing additional long-term water supplies for areas outside the FID, but at this time there is no draft agreement or schedule for completion. However, development within the Project area can not take place until a reliable source of water is secured. A condition of approval of the Project requires that an adequate water supply be secured prior to any development.

CONSISTENCY WITH THE CITY'S ADOPTED GOALS AND POLICIES

Staff has evaluated the Project in light of the General Plan Policies and the Herndon Shepherd Specific Plan Goals and Objectives. The following policies reflect Clovis' desire to develop high quality employment centers to meet the economic needs of the City. The Project is consistent with the high quality job-generating development that is desired, minimizes environmental impacts, and is sensitive to existing residential uses in the area.

Clovis General Plan Policies

- *Land Use Element Policy 5.1 Seek the development of expanded commercial and industrial land uses that are consistent with the economic needs and goals of the City.*
- *Land Use Element Policy 5.2 Promote the development of a range of commercial and clean industrial uses that provide a diversity of employment opportunities.*
- *Land Use Element Policy 5.3 Provide for the development of quality employment centers rather than relatively inefficient strip commercial development.*
- *Land Use Element Policy 5.4 Concentrate employment centers primarily at Transit Centers, at circulation interchanges on transit corridors, at interchanges along the inner and outer beltway, and along the Clovis Avenue, Herndon Avenue and Shaw Avenue business corridors, in order to protect residential neighborhoods from disruption due to vehicular through traffic.*
- *Land Use Element Policy 5.5 Reserve areas designated as employment centers until comprehensive development can be undertaken.*
- *Land Use Element Policy 5.6 Locate expanded, well designed, aesthetically pleasing and environmentally sensitive industrial development in multiple centers throughout the Project Area with emphasis on proximity to transit corridor or business corridor access.*
- *Land Use Element Policy 5.7 Require buffering between industrial and commercial land uses, high traffic corridors and adjacent residential neighborhoods.*
- *Housing Element Policy 1.5: Encourage development that provides the opportunity for local residents to live and work in the same community by balancing job opportunities with housing types.*
- *Air Quality Element Policy 1.1: Encourage new development that provides employment opportunities for residents of Clovis to improve the balance of jobs relative to housing.*
- *Circulation Element Policy 1.3: Levels of Service (LOS) should meet the City standard on major streets and intersections within the Clovis Project Area.*

Herndon Shepherd Specific Plan Goals and Objectives

- *Broaden the economic base of Clovis through the development of more industrial uses.*
- *Plan for the productive use of areas most suitable for light industrial development while minimizing adverse impacts on the environment.*

- *Foster well-designed industrial development to the degree necessary to broaden the economic base of Clovis.*
- *Establish a specific, well-defined pattern of industrial activities, which is compatible with nearby residential and commercial uses, accommodates the personal needs of workers and business visitors and meets the service needs of local businesses.*
- *An industrial manufacturing district shall be established which will provide for manufacturing which can be considered light in nature by reason of size, activity and performance of uses located therein.*
- *Encourage a mixture of compatible industrial uses within the industrial area.*
- *Ensure that future industrial sites will be protected from conflicts with other land uses and guard against unplanned development through the use of legal controls and land use buffers.*
- *Encourage industrial development which presents a park-like atmosphere presenting an attractive and inviting atmosphere to employees, visitors, and employees.*
- *Promote an attractive, high quality industrial area by developing a series of comprehensive design and technical standards.*

City of Clovis Economic Development Strategy

Staff also evaluated the Project in regards to the City's adopted economic goals. The *City of Clovis Economic Development Strategy* (Strategy), adopted in September, 2004, assessed Clovis' economic needs and developed goals and objectives for three individual strategies, which include Industrial Development, Commercial Development, and Tourism. The Strategy discusses the need to balance jobs and housing and states that the primary issue facing Clovis is how to preserve sufficient land for economic development purposes, such as the development of industrial uses.

Industrial uses, including the Research and Technology uses, typically bring higher paying jobs. The Strategy includes several goals and objectives in relation to industrial development. The goals and policies that apply to this Project include the following:

1. Industrial Land – Create opportunities for industrial, job generating development through the following goals and objectives:

1.1. Designate, zone, and protect industrial land to ensure that supply exists to maintain a ratio of 1 to 1 jobs to housing balance.

1.1.2. Discourage the rezoning and/or use of industrial property for other than

job generating uses without substitution of equivalent land.

As stated above, the City's adopted goal for the jobs to housing balance ratio is 1 to 1. The ratio is currently at 0.8 to 1, resulting in a need for additional job generating uses. This Project is consistent with the established goals and objectives of the Economic Development Strategy and will create the opportunity for the development of high paying job generating uses that will have a positive effect on the jobs housing balance.

THE ENVIRONMENTAL IMPACT REPORT

An Environmental Impact Report (EIR) was prepared to assess the impacts of the proposed Project as required by the California Environmental Quality Act (CEQA). CEQA requires that public agencies consider the environmental consequences of Projects over which they have discretionary authority before taking action on those Projects. The City has the primary responsibility for approving and implementing the Project and the principal responsibility for ensuring CEQA compliance.

Potentially Significant Impacts Identified in the EIR

The EIR identifies potentially significant impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Transportation, and Cumulative Impacts. The impacts to these resources are summarized in Chapter 3.0 Mitigation Monitoring Program of the Final EIR and are discussed in more detail in the appropriate sections of the Draft EIR.

A number of the impacts can be reduced to a less-than-significant level by mitigation measures. One impact remains significant and unavoidable despite the mitigation measures. All Project impacts can be mitigated to a less-than-significant level, except the following:

- Air Quality
 - Impact AQ-5: Development of the Project would result in increases in emissions of both ozone precursors and particulate mater.

The air quality impact above has the potential to result in potentially significant and unavoidable impacts which cannot be reduced to a less-than-significant level with mitigation. CEQA requires the City Council to balance, as applicable, the economic, social, or other benefits of the Project against its significant and unavoidable environmental risks when determining whether to approve the Project. If the specific benefits of the Project outweigh the unavoidable adverse effects, the effects may be considered acceptable.

Public Comment on the Draft EIR

A Draft EIR was released for a 45-day public review period on March 26, 2009. Copies of the document were also submitted to the State Clearinghouse for distribution to state agencies with a Notice of Completion. A Notice of Availability was filed with the Fresno County Clerk on March 26, 2009 and published in the *Fresno Bee* on March 26, 2009. Notices of Availability were mailed to interested parties and to property owners within 600 feet of the Project, to all property owners in the adjacent residential neighborhood, and to property owners located within the boundaries of the Locan-Nees Annexation area. Copies of the Draft EIR were available for public review on the City website, at the Planning and Development Services public counter, and at the Clovis Branch of the Fresno County Public Library.

The comment period closed on May 11, 2009. During the public comment period a total of 11 comment letters were submitted from both agencies and the public. The comments received and the responses to those comments are included in the Final EIR. Staff has attached the public comment letters that have been received after the close of the comment period as Exhibits "12" and "13." No comments present new information or analysis to the extent that the EIR needed to be substantially revised and recirculated.

The Final EIR consists of the Draft EIR, comments received on the Draft EIR, and the responses of the City to significant environmental points raised during the comment period.

Notices of the City Council hearing were sent to property owners within a 600 foot radius of the proposed Project, to the property owners within the adjacent residential neighborhood, and to the property owners located within the boundaries of the Locan-Nees Annexation area. The notice was published in the *Fresno Bee* on October 8, 2009.

FISCAL IMPACT

None

REASONS FOR RECOMMENDATION

According to the adopted Economic Development Strategy, the City's goal is to have job to housing ratio of 1:1 (the City's current ratio is approximately 0.8:1). It has been identified in previous studies that it is vital for the City to identify and preserve additional land for job generating uses. The Project is consistent with the adopted goals and policies of the City and can integrate well into the proposed location. Therefore, the Planning Commission and staff recommend approval of the Project as described in the Recommendation section of this report.

ACTIONS FOLLOWING APPROVAL

If approved, staff will file a Notice of Determination with the County Clerk in compliance with Section 15075 of the CEQA Guidelines.

The second reading of Ordinance OA2009-03 will be heard by the City Council at its November 2, 2009 meeting and if approved, will go into effect 30 days from its passage and adoption.

GENERAL INFORMATION

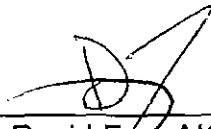
Existing Land Use: Residential/Vacant
General Plan Designation: Very Low Density Residential, High Residential, Commercial

NOTICE OF HEARING

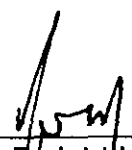
Property Owners notified: 225
Interested individuals notified: 9

Prepared by: Ryan Burnett, AICP, Project Coordinator

Submitted by:



David Fey, AICP
Deputy City Planner



Dwight Kroll, AICP
Director of Planning and
Development Services

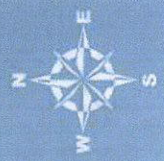
J:\Planning Projects\GPA & SPA\GPA 2009\GPA2009-01 R&T Park Expansion\Documents\CC Staff Report (10-19-09).doc

EXHIBIT "1"
Conditions of Approval- GPA2009-01

Planning and Development Services Department Conditions
(Department Representative- Ryan Burnett, 324-2336)

1. All mitigation measures as presented in the Mitigation Monitoring Program of the Clovis Research and Technology Business Park Expansion EIR are hereby incorporated as conditions of approval.
2. Individual Project applicants shall be required to provide a traffic distribution analysis to determine the actual number of vehicles anticipated to be generated and based on the number of trips pay a fair share of the appropriate traffic mitigation fee for impacts to Fresno County facilities as identified in the Clovis Community Medical Center EIR. The fee will be based on the estimated number of traffic trips generated by each individual Project to the identified intersections on the specific section of Herndon Avenue in Fresno County. The required fee will be paid to Fresno County to construct the required roadway and intersection improvements to accommodate 2030 cumulative traffic.
3. The properties within Mixed Use Area 40 will be required to acquire water entitlement acceptable to the City Engineer and the Director of Public Utilities prior to approval of any development application.

Exhibit “2”



1" = 1000'

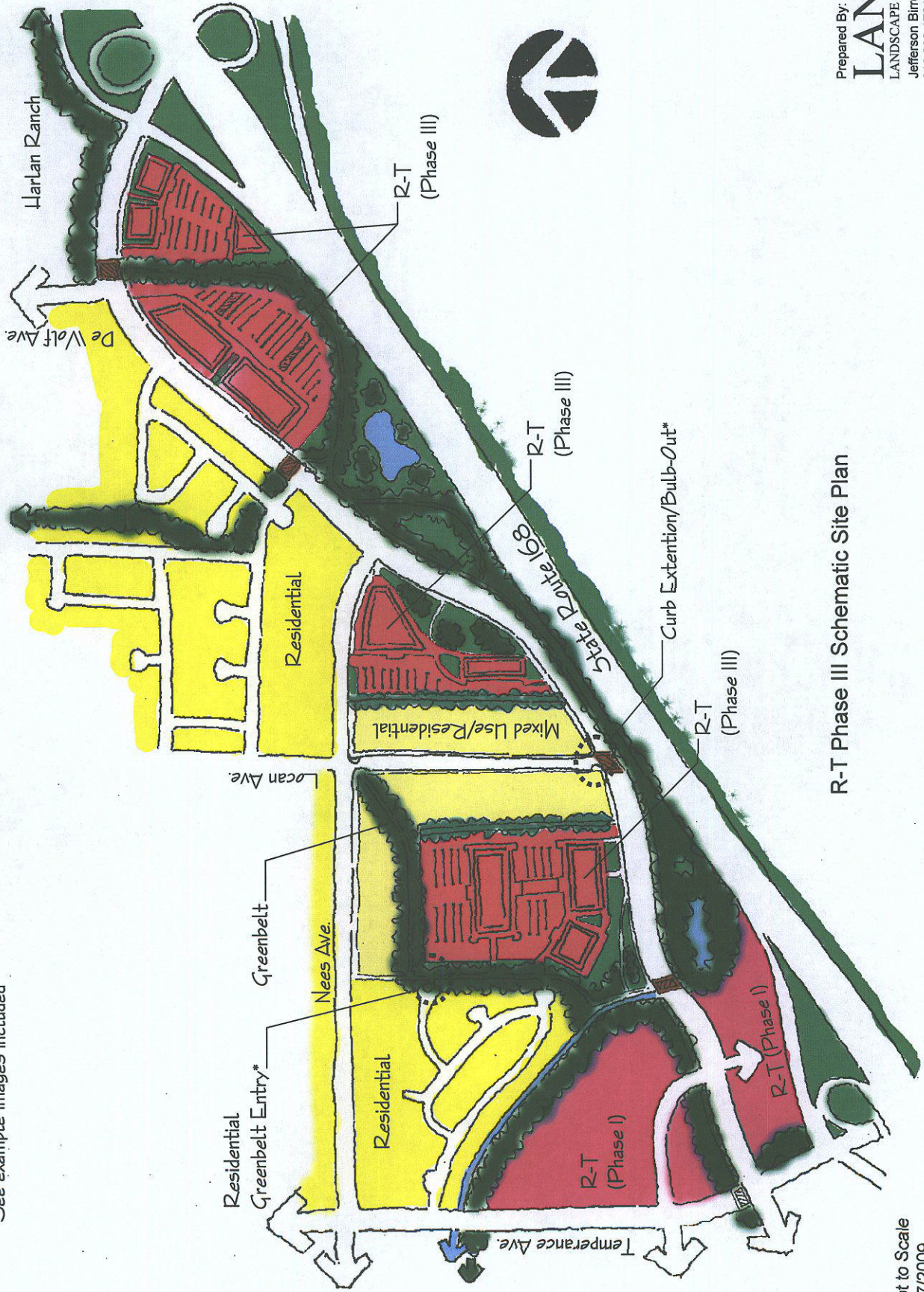
CENTRAL VALLEY RESEARCH AND TECHNOLOGY BUSINESS PARK



JULY 31, 2009

Exhibit “3”

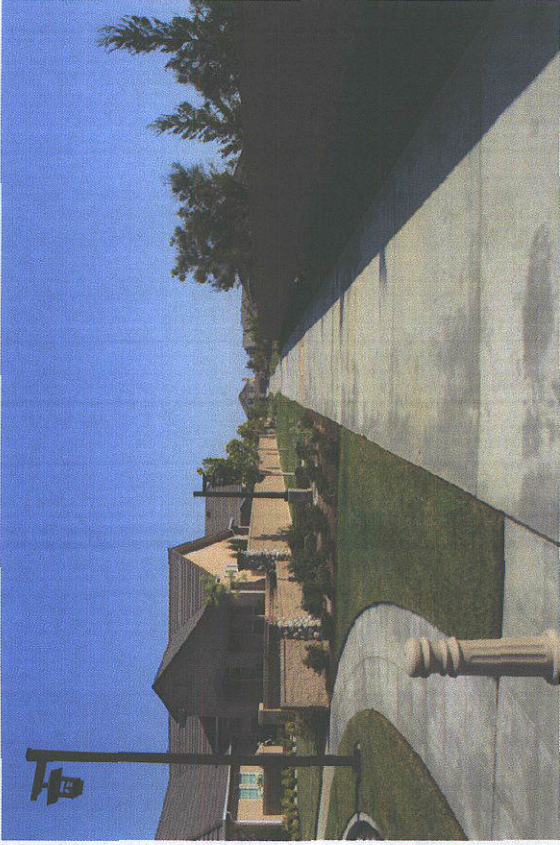
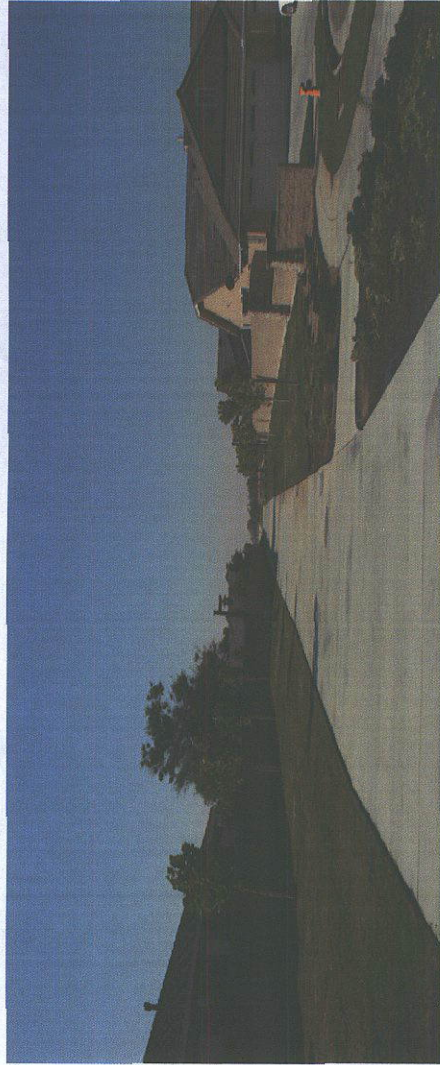
* See example images included.



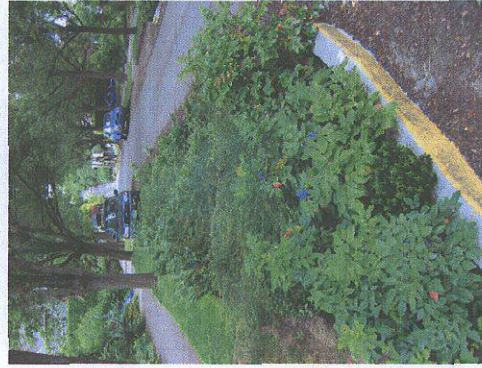
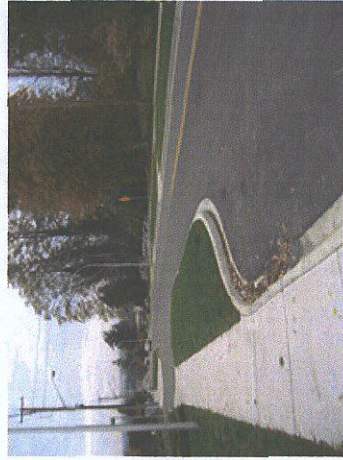
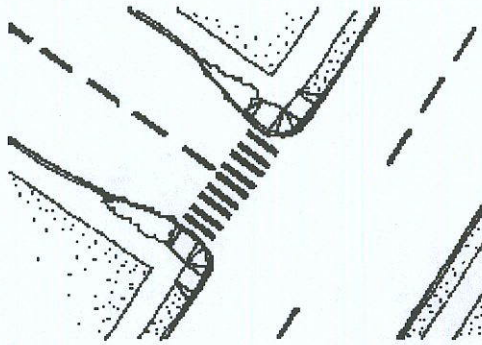
R-T Phase III Schematic Site Plan

Scale: Not to Scale
Date: 10/7/2009

Prepared By:
LANTEX
LANDSCAPE ARCHITECTURE
Jefferson Birrell, LEED AP
916.202.1721



Residential Greenbelt Entry Examples

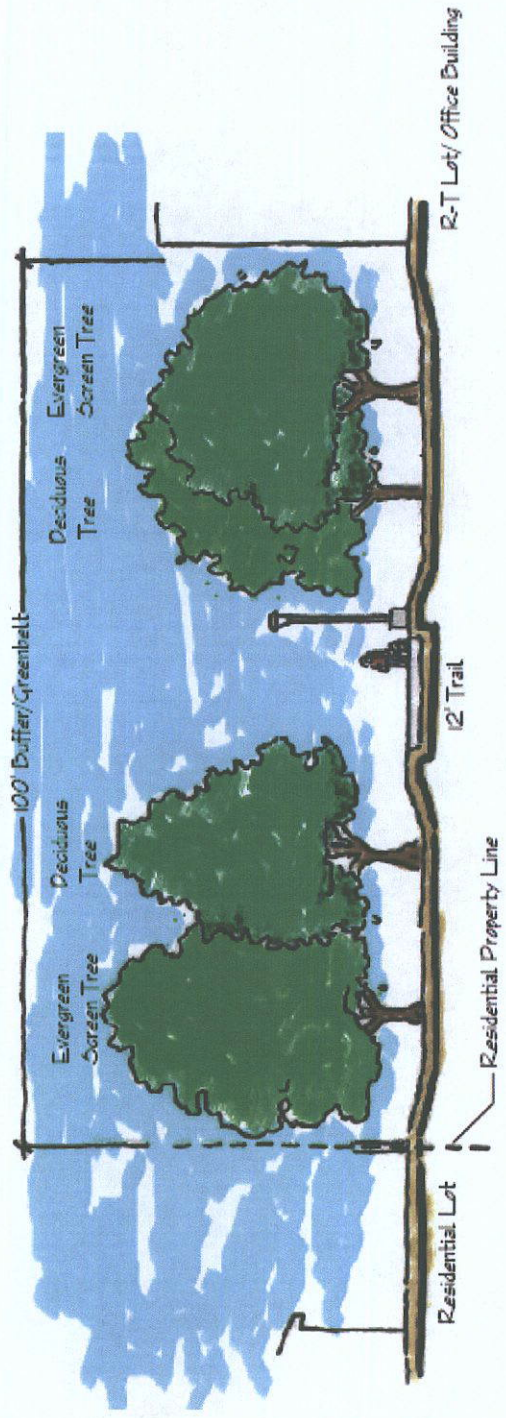


Curb Extension Examples

Date: 10/7/2009

Prepared By:
LANTEX
 LANDSCAPE ARCHITECTURE
 Jefferson Birrell, LEED AP
 916.202.1721

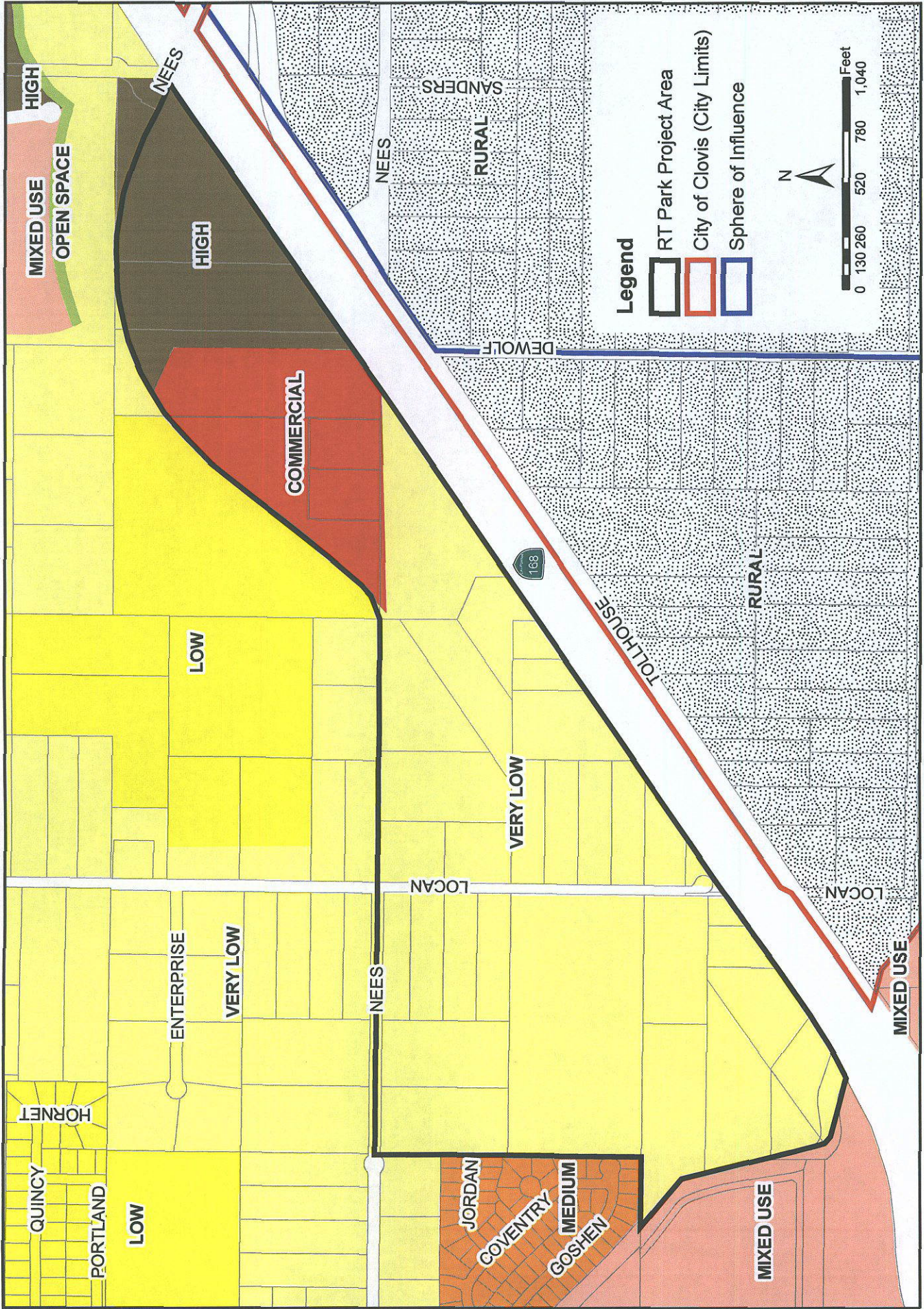
Exhibit “4”



TYPICAL GREENBELT SECTION

Prepared By:
LANTEX
 LANDSCAPE ARCHITECTURE
 Jefferson Birrell, LEED AP
 916.202.1721

Exhibit “5”

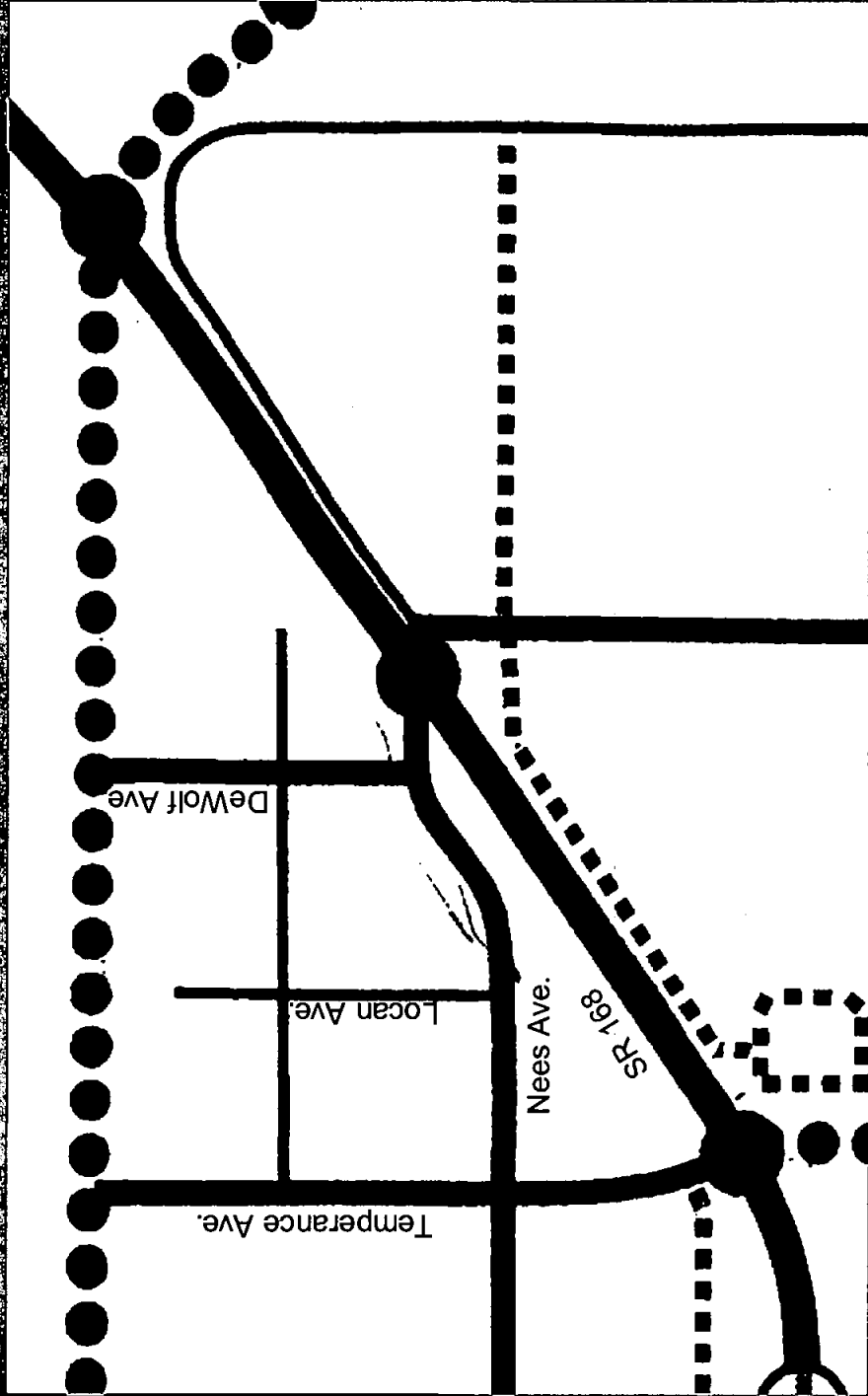


City of Clovis
 Planning and Development Services

Figure 3
 Existing Land Use Designations

Exhibit “6”

Current General Plan Circulation Element



Circulation Plan

- Freeway
- Expressway
- Arterial
- Collector
- Local Road (Special Design)
- Interchange
- Overcrossing

Exhibit “7”



PROPOSED CIRCULATION PLAN

1" = 500'



JULY 28, 2009



Exhibit “8”

PROPOSED STREET CROSS SECTIONS

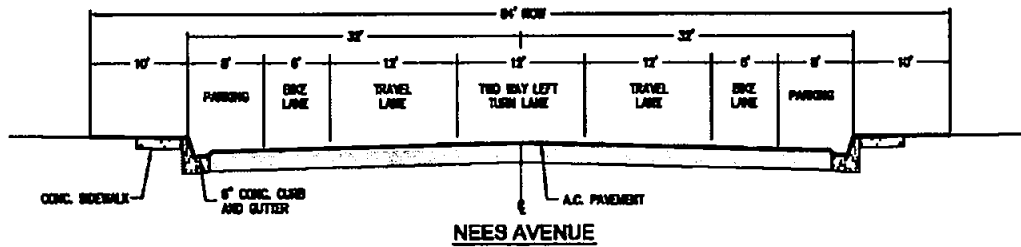
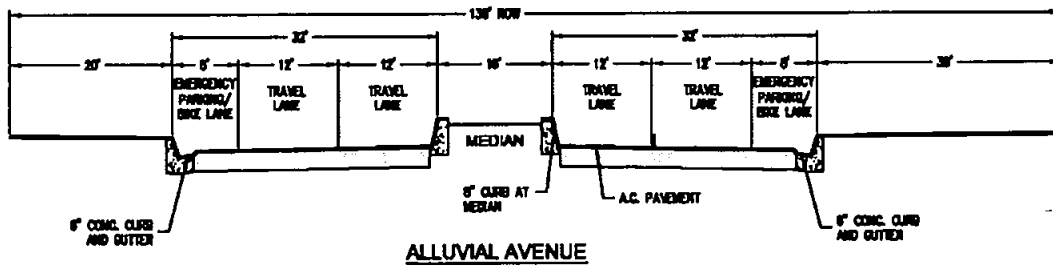
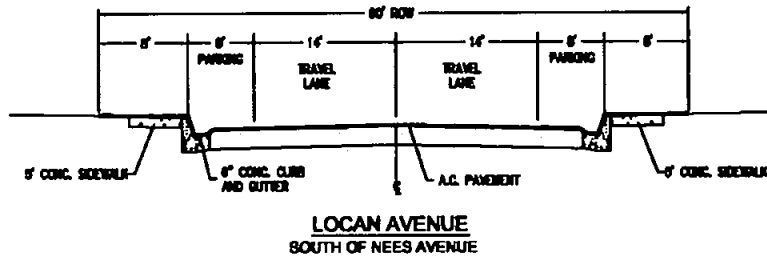
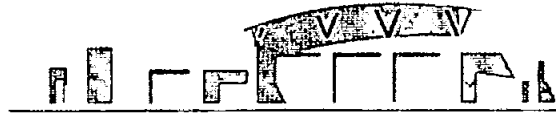


Exhibit “9”



■ Central Valley Research and Technology
Business Park

Architectural Guidelines

Background

The Central Valley Research and Technology Business Park (CVRTBP) was established in 1998 with the intent of drawing high quality employment opportunities to the Clovis community and the greater region. With the adoption of the Research and Technology Park (R-T) Zone District in 2000, a use schedule was developed for the identification of “high tech” clean businesses and headquartered offices.

Purpose of Design Guidelines

The purpose of the Design Guidelines for the Central Valley Research and Technology Business Park is to foster a unique and high quality architectural package for this campus that carries a “design vocabulary” that is identifiable, compatible and durable.

The site currently contains a mix of contemporary architectural styles and designs, many of which are contributors to a definable research and technological business campus. These guidelines do not seek to impose an overriding style, limiting color pallet or artificial theme, but to enhance and coordinate the area to supplement the existing buildings with quality design.

The Central Valley Research and Technology Business Park Design Guidelines form the basis for design and evaluation of building projects for this site. They are comprised of descriptive recommendations and evaluation criteria guiding the quality of each building project.

These guidelines build on the development concept of a rich “sense of place”, integration of the “Valley” landscape, and reinforcement of the pedestrian experience. Many design features are currently described under the Research and Technology Park (R-T) Zone District and include building siting and setbacks, the placement and allowable height of buildings on each lot, landscaping and parking requirements and pedestrian and bicycle amenities.

Pedestrian circulation and entry into buildings will be guided through careful location of building entries and the use of arcades and colonnades along pathway corridors.

The design of architectural fenestration, roof elements, penthouses, and services bays is guided by recommendations that reinforce the principles of simplicity, balance, and harmony with the building, site, and landscape.

Materials, finishes, color, and glazing recommendations also reflect the desire to complement and harmonize with the natural environment, the adjacent residential areas, the technological goals of the CVRTBP, and to avoid highly individualized or corporately themed design statements.

1. Architectural Design Guidelines

The general theme of the CVRTBP buildings is to produce a visually clean and “edgy” form reflective of the clean technological businesses within. While each building is encouraged to generate their own unique form, overall, the effect of all development should create a sense of place. Upon entering the project area or as viewed from State Highway 168, it should become immediately apparent that the CVRTBP is a unique business environment not only by the uses that have located there, but by the aesthetic and unique quality of the buildings.

1.1 Building Design Principles

The design of buildings in the CVRTBP shall follow the following principles:

Strengthen the business park neighborhood to create a visually richer “sense of place”

- **Buildings should participate and relate to other buildings visually without necessarily adopting existing form and materials of other buildings. Visual richness of form, materials and color is encouraged.**

Integrate the area landscape to balance and ground the “place” in context with the overall business park.

- **Buildings should integrate with the site and landscape context as “emerging out of the site,” rather than appearing to be imposed upon it. Hardscape, planters and other architectural elements should be used to enhance this integration.**

Provide the business park neighborhood with a sense of unity by reinforcing the pedestrian experience.

- **Buildings should be designed as an integral part of the neighborhood pedestrian experience as the first priority of design; the “place” that they create and define is significant. The “place” includes terraces, plazas and walkways.**

Permit phased development of the business park neighborhood in such a way as to maintain the principles established above in each phase.

- **Buildings should reflect a consistent architectural theme throughout the development in terms of design, color and finish as well as signage and landscaping.**

1.2 Building Setbacks

The basic CVRTBP neighborhood setbacks are established by the R-T Zone District. Additional set back consideration should be as follows;

Multi-unit developments should use building setbacks to enhance the project environment.

- **Building setbacks for individual multi-unit development projects should be designed to give a unique commonality of design.**

1.3 Building Height

The basic CVRTBP neighborhood building heights are established by the R-T Zone District. Additional set back consideration should be as follows;

- **Building height should take into consideration the pedestrian scale of spaces along pathways and should avoid the “canyon effect” of multistory elevations on both sides of these pedestrian spaces.**
- **Building height and window orientation should be carefully considered when adjacent to residential development so as to preserve privacy and discourage views into residential areas.**
- **Building height should balance with adjacent structures particularly at predominant campus entries.**

1.4 Building Form and Massing

All buildings should use basic geometric forms in their massing and design.

- **Building walls, roofing, windows, architectural enhancements, screens and enclosures should be comprised of plains, boxes, arches, pyramids, spheres, etc.**
- **The use of “plant-on” elements such as cornices, string courses, projecting sills or ornamentation reflective of other “historic” architectural forms is discouraged.**
- **At least three separate exterior materials of construction shall be utilized for any one building. No building shall be entirely clad in one material such as glass curtain walled construction.**
- **No structure shall utilize a corporate theme in form or coloration unless compatible with these guidelines.**

1.5 Entries

Entry elements are encouraged for the CVRTBP to strengthen and clarify way finding.

- **Entry elements for individual building are to be of a scale for identification from both roadways and the pedestrian network.**
- **Encroachments into setback areas for pedestrian open spaces in context to entries are encouraged.**
- **Building sites should encourage entry from multiple sides.**

1.6 Fenestration

The architectural expression of the building facades should be complimentary to the building form, the function of the building and express the hierarchy of entries and interior spaces.

- **Fenestration should relate to the context of the building and strike a balance between complexity and simple volumetric planes and forms.**
- **Detailed expression should relate to the treatment of openings, environmental control and the play of light and color, shadow and interior lighting.**
- **Ground level fenestration at building entries should be as large and open as practical to emphasize indoor-outdoor relationships and open space connections.**

1.7 Roof Elements

The design of roof elements should be considered of equal importance to that of the elevations of the building.

- **Roof forms should be balanced with the overall building composition, fenestration and building details.**
- **Continuous, uninterrupted horizontal roof forms such as flat roofs with parapets are to be interrupted and articulated as much as possible.**

2. Colors and Materials

The design of buildings in the CVRTBP follows the principles established for the neighborhood concept that strengthen the neighborhood identity to create a visually richer “sense of place”.

Exterior materials of construction shall predominately be un-painted and appear true to their nature. Examples of these materials include:

- **Concrete block and cast systems – this can include cast in place, tilt up, hybrid panel systems, such as glass fiber reinforced concrete and masonry block. Color and texture should be integral to these options and cast material should appear as concrete and not emulate another material. Large expanses of concrete should be avoided.**
- **Cement plaster – This material should emulate concrete and be used as an accent material. Integral color finishes are encouraged over the use of painted surfaces. Detailing should be designed to appear panelized rather than large continuous areas of finish material.**
- **Glass – Clear energy efficient glass is strongly preferred for windows. Glazing is not intended to provide a location for strong accent color. Colored glass, except green and reflective coatings are unacceptable for use. Large expanses of glass**

should be avoided. Curtain wall systems applied over the entire exterior is not permitted.

- **Metal panel cladding systems** – may be used as a primary finish when complimented by a contrasting finish material such as concrete, cement plaster or stone.
- **Tile** – Tile, with or without saturated colors, may be used in accent areas, however is discouraged as surfacing for significant wall areas.
- **Natural stone** – Stone such as slate or sandstone having minimal surface depth is encouraged particularly adjacent to or as viewed from pedestrian areas.
- **Brick** – should be used in the same manner as masonry block.
- **Wood** – wood finished should appear naturally finished as opposed to machine finishes, opaque paint or composite wood finishes.

Reflective materials shall be intended to echo the colors of the exterior environment

No more than two saturated colors may be placed on any one structure.

3. Building Utilities and Systems

Building systems include all mechanical, electrical, plumbing and drainage supply and distribution systems and their related components. If freestanding, this service equipment must be screened from view in the following manner;

On-grade site locations must be fully screened by an architectural enclosure and related landscape screen. Architectural enclosures, whether composed as an extension of the building form and massing or as a freestanding building, should be constructed of the same materials and color palette used on the building. The use of fencing materials is prohibited.

Building locations: Building systems equipment and distribution systems must be housed in an enclosure which is integrated with the overall composition of the building and its materials and color palette, rather than an “attachment” or “penthouse”. Equipment enclosures, exposed piping, vent hoods, risers and other building system elements that are required to penetrate above the roof should be carefully composed and constructed of permanent materials.

4. Miscellaneous Structures

Miscellaneous freestanding site structures required for parking control, parking shading, building service, security or other uses are subject to all design guidelines and shall be complimentary to the main structure(s).

5. Lighting

All campus lighting shall be complimentary to the architectural pattern, provide for safe pedestrian and vehicular movement through the site and be non-obtrusive particularly onto adjoining residential areas. The objective of exterior illumination of the pedestrian areas surrounding buildings is to maintain a minimum allowable lighting level while meeting security and safety standards. This also serves to reduce visual impact of spectral pollution of the nighttime sky.

The illumination of building exteriors serves the following functions;

- **Wayfinding** – A hierarchy of building lighting types and levels of illumination should reinforce the location of building access and entries; generally higher illumination levels should be used at entry points.
- **Safety and security** – Building entry and exterior circulation paths should be adequately illuminated to provide safe passage and to provide for passive security patrol viewing.
- **Aesthetics** – The design of exterior lighting should enhance the architecture of the building, create a sense of place and reinforce the perceptual understanding of its spaces.

Building lighting design should reinforce the overall form, massing and spatial characteristics of the building, rather than create a “statement” about a particular feature of the building. Exterior and interior lighting features should integrate to provide a visual understanding of the building’s composition.

The following guidelines support this approach;

- **Illuminate space and planar elements, rather than particular features. Avoid the “spotlighting” of major building features.**
- **Reserve feature lighting fixtures for important building elements such as entries.**
- **Favor the use of diffuse lighting systems over those generating a strong point source of lighting.**
- **Enhance the visibility of interior building lighting to the exterior, giving a sense of light emanating from the building.**
- **Avoid dramatic changes of illumination levels, which can produce glare and disorientation.**
- **Enhance the illumination of landscape features.**

Selection of lighting fixtures in shared parking areas and in parking areas within the building lots should coordinate with and compliment the building lighting.

6. Landscaping

The landscape pattern should compliment and enhance the architectural quality of buildings. The following criteria should be considered in designing landscaping and selecting material.

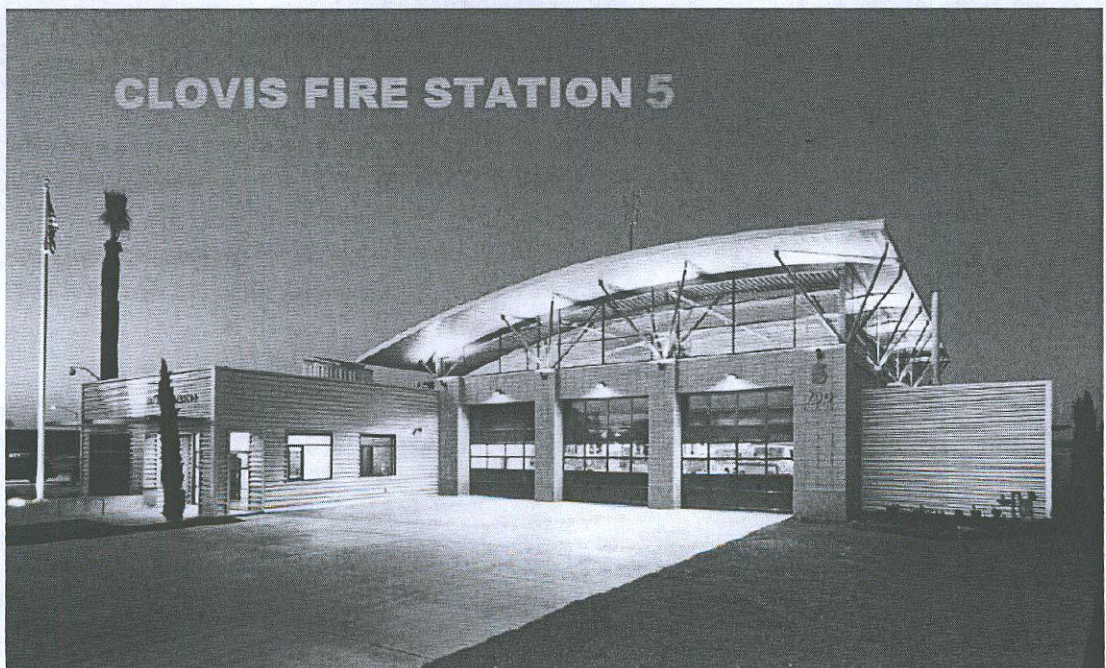
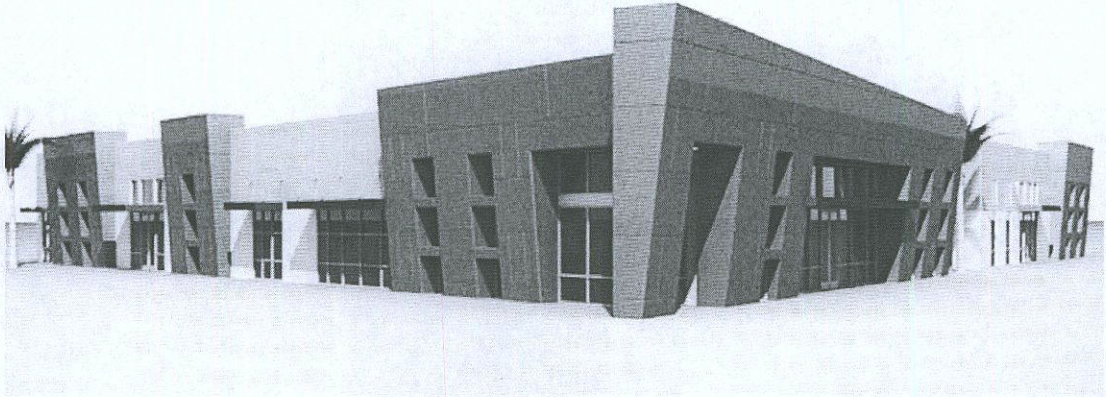
- **Landscape material and patterns should reflect and enhance the geometric quality of the structures.**
- **The agricultural heritage of the site should be reflected through the geometric planting of plants and trees reflective of row crops and orchards.**
- **Landscaping should be provided in a manner that provides clear views of pathways, building entries and usable open spaces.**
- **The pattern and type of landscape material should carry out through a site including the parking area.**
- **Predominant street entries into projects should be identified through an amplified landscape material and compliment other entry features such as project signs.**

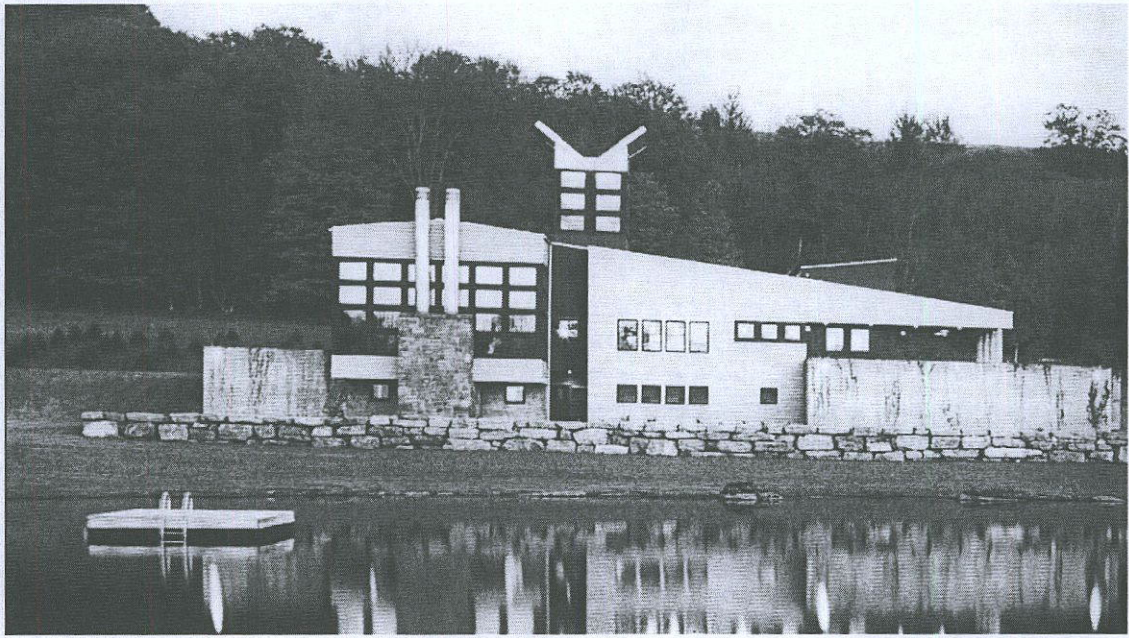
7. Signs

The building and freestanding sign program should compliment and enhance the architectural quality of buildings. All signs shall conform to the City of Clovis sign ordinance. Additionally, the following criteria should be considered in designing project sign programs.

- **Sign design and materials of construction should be consistent with the architecture of the building.**
- **Corporate themes in signs shall be limited to logos or icons and not reflected in the typography or text style.**
- **No “can” or changeable panel or changeable copy signs are allowed. Only individual channelized lettering or a design integral to the building architecture shall be allowed.**
- **The use of external or back lighting (halo) lighting is strongly encourages.**
- **Multi building projects should utilize a common sign theme and program.**

8. Design Examples





Pinpub/dwight/R-T Park/Clovis Research and Technology Park Design Guidelines

Exhibit “10”

Central Valley Research and Technology Business Park

Table of Contents

Introduction	i
Clovis Municipal Code Section 9.3.228	
Research and Technology Business Park District	
A. Purpose.....	1
B. Land Use Tables.....	2
C. Zone-Driven Development Standards.....	6
D. Development Standards.....	9
1. Purpose and applicability.....	9
2. Access.....	9
3. Air Quality.....	10
4. Electrical Interference.....	11
5. Fences, hedges, and walls.....	11
6. Fire Protection.....	14
7. Hazardous materials storage.....	14
8. Height measurement and height limit exceptions.....	15
9. Light and glare.....	15
10. Noise.....	15
11. Odors and noxious matter.....	17
12. Outdoor activities.....	17
13. Screening and buffering.....	18
14. Setback regulations and exceptions.....	19
15. Solid waste/recyclable materials storage.....	21
16. Street design and improvements.....	22
17. Undergrounding of utilities.....	22
18. Vibrations.....	22
E. Landscaping Standards.....	22
1. Purpose.....	22
2. Applicability.....	23
3. Definitions.....	23
4. Landscape concept plan.....	24
5. Detailed construction landscape and irrigation plans.....	24
6. Landscape documentation package.....	25
7. Landscape area requirements.....	26
8. Landscape standards.....	26
9. Maintenance of landscaping.....	27

F. Off-street Parking and Loading Standards.....	27
1. Purpose.....	27
2. Applicability.....	28
3. General parking regulations.....	28
4. Number of parking spaces required.....	28
5. Adjustments to off-street parking requirements.....	30
6. Disabled/handicapped parking requirements.....	30
7. Development standards for off-street parking.....	31
8. Driveways and site access.....	34
9. Bicycle parking.....	37
10. Off-street loading space requirements.....	38
G. Sign Standards.....	40
1. Purpose.....	40
2. Applicability.....	40
3. Reference Chapter 9.4.....	40
4. Definitions.....	40
5. Comprehensive sign program.....	43
6. Sign design.....	44
7. Prohibited signs.....	44
8. Abandoned signs.....	45
9. General provisions for all signs.....	45
10. Standards for specific types of signs.....	47
11. R&T developments: Freestanding monument signs.....	48
12. Commercial component developments.....	49
13. Sign standards for R&T and commercial developments.....	52
H. Design Guidelines.....	54
1. Purpose.....	54
2. Intent of design guidelines.....	54
3. Applicability of design guidelines.....	55
4. R&T design guidelines.....	55
5. Commercial design guidelines.....	71
I. Definitions.....	78
1. Purpose.....	78
2. Director's determination.....	79
3. Definitions of specialized terms and phrases.....	79

9.3.228 Research and Technology Business Park District.

A. PURPOSE. This section provides regulations applicable to development and new land uses in the R & T Business Park zoning district. The purpose and intent of the zoning district, and the individual businesses located within the park, are as follows:

1. Research and technology based land uses. Provide for and encourage research and technology based land uses that will, on a long-term basis:
 - a. Ensure positive future growth in employment within the City;
 - b. Ensure positive future growth in product output within the City;
 - c. Have the ability to generate revenue to the City;
 - d. Have higher than average wages or payroll; and
 - e. Ensure compatibility with local infrastructure, adjacent land uses, and natural resources.
2. Consistency with General Plan. The R & T Business Park zoning district is intended to be consistent with the Mixed Use land use classification of the City of Clovis General Plan.
3. Only conducted within an enclosed structure. All allowable land use activities shall only be conducted within an enclosed structure. The only allowable exception to this prohibition is for the temporary loading and unloading of materials, supplies, and products. These facilities shall be designed, constructed, operated, and properly maintained in compliance with subparagraphs 12 (outdoor activities) and 13 of subsection D of this section (screening and buffering), and subsection F of this section (off-street parking and loading standards).
4. Special regulations for individual "Mixed Use" land use classifications. The following special regulations shall apply to individually specified Mixed Use land use classifications.
 - a. Mixed Use Area Number 36.
 - (1) Visitor serving commercial land uses. This Mixed Use land use classification shall provide suitably sized and located parcels designed to accommodate a hotel (with or without a conference center and accessory retail land use activities) and appropriate, yet limited, highway/visitor serving commercial land use activities (e.g., restaurant and service station) which shall be located at the southeast and southwest corners of the intersection of Temperance Avenue and Alluvial Avenue.
 - (2) Ancillary service-oriented land uses. This Mixed Use land use classification shall provide suitably sized and located parcels designed to accommodate specified land uses (See Table 1 (Allowable Uses and Permit Requirements for the Research and Technology Zoning District) that are clearly secondary and incidental to the research and technology uses for which the park is primarily intended. These service-oriented and appropriate yet limited retail commercial land use activities (e.g., ATM, bank, child care facility, offices, post office, and restaurant) shall be located south of Alluvial Avenue, between Alluvial Avenue and State Route 168, and not within the interior of the R & T Business Park.
 - (3) Not to exceed fifteen percent (15%). The land use activities generally identified in subparagraphs (1) and (2) above shall not exceed fifteen percent (15%) (approximately twenty-five (25) acres) of the total land area of the R & T Business Park. The Council may allow up to the fifteen percent (15%) based upon demonstrated market demand and suitable commercially zoned land available elsewhere in the City.
 - (4) Planned Commercial Center (P-C-C) provisions. The Planned Commercial Center (P-C-C) provisions (See Section 9.3.226) may be utilized in lieu of the R & T Business Park's Commercial component for any portion of the approximately twenty-five (25) acres identified in subparagraph (3), immediately above.
 - (5) Specialty medical center uses shall be allowed only in the area bounded by Temperance, Alluvial and Armstrong Avenues, and State Route 168.

B. LAND USE TABLES.

Table 1 (Allowable Primary Uses and Permit Requirements for the Research and Technology Zoning District) identifies the primary research and technology park land uses permitted in all R-T Park Zone District areas, whether the use is allowed or not allowed, and the land use permit required to authorize the use. The land uses identified in Table 1 are defined in subsection I of this section (definitions).

Table 2 (Allowable Secondary Uses and Permit Requirements for the Research and Technology Zoning District) identifies the secondary research and technology park land uses permitted in R-T Park Zone District areas south of the Alluvial Avenue alignment, whether the use is allowed or not allowed, and the land use permit required to

authorize the use. The land uses identified in Table 2 are defined in subsection I of this section (definitions).

Table 3 (Allowable Ancillary Uses and Permit Requirements for the Research and Technology Zoning District) identifies the ancillary research and technology park land uses permitted in R-T Park Zone District areas south of the Alluvial Avenue alignment, whether the use is allowed or not allowed, and the land use permit required to authorize the use. The land uses identified in Table 3 are defined in subsection I of this section (definitions).

1. Permit requirements for primary, secondary, and ancillary uses. The permitting requirements identified in Table 1, Table 2, and Table 3 are:
 - a. Permitted (P). Uses are allowed subject to compliance with all applicable provisions of this Zoning Ordinance. Site plan review (Section 9.3.408) is required for new construction or change to a more intensive use. Building permits or other permits required by the Municipal Code may also be required. These are shown as "P" uses in the table.
 - b. Director's Review and Approval (D). All uses shown with a "D" in the tables are allowed subject to the approval of a Director's Review and Approval in compliance with Section 9.3.403. Changes to a project authorized through a previous Director's Review and Approval may require a new Director's Review and Approval (see Section 9.3.403).
 - c. Conditional Use Permit (C). All uses shown with a "C" in the tables are allowed subject to the approval of a Conditional Use Permit in compliance with Section 9.3.404. Changes to a project authorized through a previous Conditional Use Permit approval may require a new Conditional Use Permit (see Section 9.3.404).
 - d. Not allowed (empty cell in table). Uses are not allowed in the applicable zoning district. See Section 9.3.406 regarding uses not listed. These are shown as an empty cell (e.g., box) in the table.
2. Uses with specific standards. All uses, regardless of the type of permit that may be required, shall comply with all applicable provisions of this section. In addition, if there is a section number in the last column of the table ("See Standards in Section"), the use is also subject to the referenced provisions.
3. Multiple uses on a single site. Where a proposed project includes more than one type of land use, and consequently more than one type of land use permit is required (e.g., a site plan review and a Conditional Use Permit), the most restrictive land use permit (e.g., Conditional Use Permit) shall incorporate and properly address all of the proposed land uses. In other words, the Commission's favorable approval of the Conditional Use Permit would also serve to approve the other proposed uses normally not requiring a Conditional Use Permit.
4. Accessory uses. Accessory land uses are subject to the requirements of this chapter.
5. Temporary uses. Temporary uses are subject to the requirements of this chapter.

TABLE 1

ALLOWABLE PRIMARY USES AND PERMIT REQUIREMENTS FOR THE RESEARCH AND TECHNOLOGY ZONING DISTRICT

Land Use (1), (2)	Permit Requirement
Manufacturing and Assembly	R & T See Standards in Section
Accessory Uses*	P
Agricultural Technology	P
Bio-Technology	P
Biomedical Technology	P

Business Incubator**	C
Computer Integrated Systems Design	P
Corporate and Business Offices	P
Data Processing and Preparations	P
Dental Equipment and Supply Manufacturing	P
Electrical Equipment Manufacturing	P
Electronic Component Manufacturing	P
Health and Beauty Product Research and Development	P
Marking Device Manufacturing	P
Research and Development (R&D)	P
Software Manufacturing	P
Specialty Medical Center	P
Surgical Appliance and Supply Manufacturing	P
Surgical and Medical Instrument Manufacturing	P
Telecommunication Component Manufacturing	P
Warehousing (only as an accessory use to the main R&T use) ***	
And any similar R&T type use that the Director determines is consistent with the above list of allowable uses as well as the purpose/intent of the R&T Business Park zoning district ***	P

- * Shall be clearly and customarily incidental to the main R & T use. Allowable examples include administrative offices, cafeteria, day care center, engineering and R & D, and loading and unloading (only when in compliance with subparagraph 13 of subsection D of this section [screening of outdoor activities]).
- ** Development standards, including lot coverage, minimum building size, and area devoted to warehousing may be modified through the conditional use permit process for a specific facility.
- *** The total square footage devoted to the warehousing use shall not exceed 30 percent of the square footage devoted to the main R & T use.
- **** The Director may defer judgment and refer the request for similar use findings to the Commission. The Director's determination may be appealed to the Commission in compliance with this chapter.

TABLE 2 – RETAIL

ALLOWABLE SECONDARY USES AND PERMIT REQUIREMENTS FOR THE RESEARCH AND TECHNOLOGY ZONING DISTRICT

Land Use (1), (2)	Permit Requirement	R & T	See Standards in Section
Retail Trade			
Accessory Uses*		P	
Alcohol Sales		C	
Book Stores		P	
Office Supply Store		P	
Retail Stores, General Merchandise (under 5,000 sq. ft.)		P	
Sporting Goods		P	

- * Shall be allowed only if clearly and customarily incidental to the allowed retail uses.

TABLE 2 – SERVICES

ALLOWABLE SECONDARY USES AND PERMIT REQUIREMENTS FOR THE RESEARCH AND TECHNOLOGY ZONING DISTRICT

Land Use (1), (2)	Permit Requirement	R & T	See Standards in Section
Services			
Automatic Teller Machines (ATMs)		P	

Banks and Financial Services	P	
Business Support Services	P	
Child Day Care Center	C	
Copy Service	P	Only when accessory to allowed service use.
Drive-up or Through Service	C	
Health and Fitness Facility	P	The facility should be designed and operated to serve the R & T employees.
Hotel, with or without a conference center and with on-site consumption of alcoholic beverages	C	
Laundry and Dry Cleaning (Drop off/pick up only)	P	
Offices, Business	P	
Offices, Corporate	P	
Offices, Professional	C	
Personal Services (Not an adult business)	P	See Definition, subsection I.
Restaurant*	P	
Restaurant* (With on-site consumption of alcoholic beverages)	C	
Service Station (With or without minor repair)	C	
Technical or Trade School	P	

* Eating establishments are not allowed. Eating establishments generally have the following characteristics: all food and beverages are served to the customer at the area where the order was placed; the food and beverages are ordered from a billboard menu or reader board; and the food and beverages are paid for by the customer before receiving the food or beverage. Allowable restaurants shall have the following characteristics: all food and beverages are served to the customer at a fixed counter, booth, or table; the food and beverages are ordered from individual menus; and the food and beverages are paid for by the customer after service and consumption. See the definitions for "eating establishment" and "restaurant" in Section 9.3.104.2.

TABLE 3 – TRANSPORTATION AND COMMUNICATION

ALLOWABLE ANCILLARY USES AND PERMIT REQUIREMENTS FOR THE RESEARCH AND TECHNOLOGY ZONING DISTRICT

Land Use (1), (2)	Transportation and Communication Facilities	R & T	Permit Requirement See Standards in Section
Alternative Fuels and Recharging Facilities		C	
Broadcast Studio		P	
Recording Studio		P	
Satellite Dish/ Antenna, ground- or surface-mounted		P	
Satellite Dish/Antenna, mast- or tower-mounted		D	
Transit Stations and Terminals		C	
Wireless Facilities, ground- or surface-mounted		P	
Wireless Facilities, mast- or tower-mounted		D	

Symbol	Applicable Process	Key to Permit Requirements Section
P	Permitted use	
D	Director's Review and Approval required	9.3.403
C	Conditional use – Conditional Use Permit required	9.3.404
"Blank"	Use not allowed	

Notes: (1) See Section 9.3.406 regarding uses not listed.
 (2) See Section 9.3.104.2 for definitions of the land uses listed.

C. ZONE-DRIVEN DEVELOPMENT STANDARDS. New land uses and structures, and alterations to existing uses or structures shall be designed, constructed, and/or established in compliance with the requirements identified in Tables 2 (Research and Technology Component) and 3 (Commercial Component), in addition to the applicable development standards for landscaping, off-street parking and loading, outdoor advertising (signs), etc.

TABLE 2
GENERAL DEVELOPMENT STANDARDS REQUIREMENTS
RESEARCH AND TECHNOLOGY COMPONENT

Development Feature	R & T Component
Minimum Parcel Size (1)	3 acres
Minimum Parcel Width	100 feet (minimum average)
Minimum Parcel Depth	150 feet (minimum average)
Maximum Floor Area Ratio (FAR)	0.35
Minimum Building Size (gross floor area) (2)	20,000 sq. ft.
Setbacks Required	
Front (3)	40 feet --- structures 30 feet --- parking
Side (each)	10 feet
Street Side (3)	40 feet --- structures 30 feet --- parking
Rear	15 feet
Accessory Structures	See applicable section
Maximum Height Limit	35 feet (4)
Minimum distance between R & T structures and nearest residences	200 feet (5)
Outdoor Activities	Limited to on-site loading and unloading of products/supplies, patios, and recreational courts (e.g., basketball, tennis, volleyball, etc.) (6)
Landscaping provisions	See subsection E of this section and Section <u>9.3.306(N)(12)</u>
Off-Street Parking and Loading provisions	See subsection F of this section and Section <u>9.3.306(I)(5)</u> and (6)
Outdoor Advertising (Sign) provisions	See subsection G of this section and Chapter 4 of Title 9

Notes:

1. Parcel size means a parcel or group of parcels, which are considered a unit for purposes of development.
2. Allows multitenants within a single building. Allows buildings less than twenty thousand (20,000) square feet to be considered under a Director's Review and Approval process when physically connected with structural components that architecturally integrate with the main buildings, and the total of all buildings connected equals twenty thousand (20,000) square feet or more.

3. The setback shall be measured at right angles from the nearest face of the curb adjoining the street to the nearest point of the wall of the structure, in compliance with subparagraph 14 of subsection D of this section (measurement of setbacks).
4. Greater heights may be allowed with a Conditional Use Permit, in compliance with Section 9.3.404, only with an additional finding that the increased heights would not adversely affect nearby residences or other business park tenants.
5. This area may be used as public open space and/or for the on-site trail system to be provided within the R & T Business Park in conformance with the Hemdon-Sheperd Specific Plan (please refer to 4.4.1 Greenbelt and Trail Systems). Also, this minimum distance may be decreased if it can be demonstrated, to the satisfaction of the applicable review authority, that there would be no adverse visual or acoustical impacts on existing residences.
6. See Section 9.3.403 (Director's Review) and subparagraph 12 of subsection D of this section for restrictions on outdoor activities.

TABLE 3

GENERAL DEVELOPMENT STANDARDS REQUIREMENTS

Development Feature	COMMERCIAL COMPONENT
Minimum Parcel Size	Commercial Component 6,000 sq. ft.
Minimum Parcel Width	60 feet (minimum average)
Minimum Parcel Depth	100 feet (minimum average)
Maximum Floor Area Ratio (FAR)	0.40
Setbacks Required	
Front (1)	40 feet — structures 30 feet — parking
Side (each)	10 feet
Street Side (1)	40 feet — structures 30 feet — parking
Rear	15 feet
Accessory Structures	See applicable section
Outdoor Activities	Limited to on-site loading and unloading of products/supplies (2)
Maximum Height Limit	35 feet (3)
Commercial Retail/Office	Up to 65 feet or 5 stories, whichever is greater (4)
Hotel Use Only	See subsection E of this section and Section
Landscaping provisions	

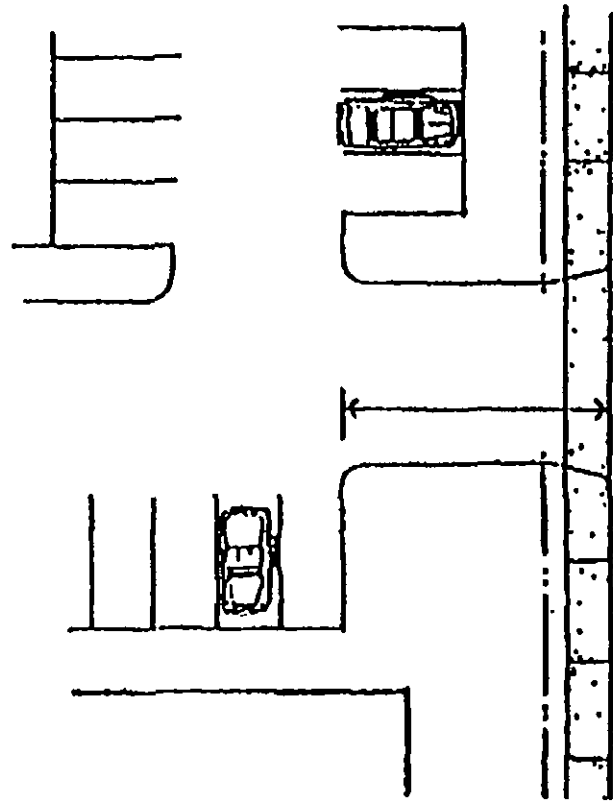
9.3.306(N)(12)

Off-Street Parking and Loading provisions See subsection F of this section and Section 9.3.306(I)(5) and (6)

Outdoor Advertising (Sign) provisions See subsection G of this section and Chapter 4 of Title 9

Notes:

1. The setback shall be measured at right angles from the nearest face of the curb adjoining the street to the nearest point of the wall of the structure, in compliance with subparagraph 14 of subsection D of this section (measurement of setbacks).
 2. See subparagraph 12 of subsection D of this section for restrictions on outdoor activities.
 3. Greater heights may be allowed with a Conditional Use Permit, in compliance with Section 9.3.404, only with an additional finding that the increased heights would not adversely affect nearby residences or other business park tenants.
 4. No variance (Section 9.3.405) shall be granted to allow a height greater than 65 feet or five stories, whichever is greater.
- D. DEVELOPMENT STANDARDS.
1. Purpose and applicability.
 - a. Purpose. The purpose of this subsection is to ensure that all development produces an environment of stable and desirable character that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.
 - b. Applicability.
 - (1) Combination with zone-driven standards. These standards shall be considered in combination with the zone-driven standards for the R & T Business Park zoning district. Where there may be a conflict, the standards specific to the zoning district shall override these general standards.
 - (2) Compliance required. All structures, additions to structures, and uses shall be in compliance with the standards of this subsection as determined applicable by the Director, except as specified in Section 9.3.310 (non-conforming uses and structures).
 - (3) Conformance with adopted plans. Where a business park development abuts a residential use Department design review shall be required to ensure provision of adequate buffers. Suitable height limitations, landscape setbacks, public roads, screening, and sound walls shall be required. Residential development buffers or mitigation measures shall, at minimum, be in conformance with the requirements of the General Plan and any applicable specific plan.
 - (4) Improvements required of new uses. Improvements required to reduce potential negative impacts between existing residential and anticipated nonresidential uses shall be provided by the new nonresidential use, rather than the existing residential use.
 2. Access.
 - a. Access to streets. Every structure shall be constructed upon a legally recorded parcel with a permanent means of access to a public street, or a private street conforming to City standards. All structures shall be located to provide safe and convenient access for servicing, fire protection, and required off-street parking and loading.



Setback of parking spaces at access drives

- b. Access to structures.
 - (1) Accessory structures and architectural features shall be provided so that they do not obstruct access to primary or accessory structures.
 - (2) Fences and walls shall provide an access gate or other suitable opening at least 48 inches in width to provide pedestrian access to primary or accessory structures.
- 3. Air quality.
 - a. Air pollution. Sources of air pollution shall comply with rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the California Air Resources Board. No person shall operate a regulated source of air pollution without a valid operation permit issued by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). Uses, activities, or processes that require SJVUAPCD approval of a permit to operate shall file a copy of the permit with the Department within 30 days of its approval.
 - b. Dust and dirt. Land use activities that may create dust emissions (e.g., construction, grading, etc.) shall be conducted to create as little dust or dirt emission beyond the boundary line of the parcel as possible including the following:
 - (1) Scheduling. Grading activities shall be scheduled to ensure that repeated grading will not be required, and that implementation of the proposed land use will occur as soon as possible after grading;
 - (2) Operations during high winds. Clearing, earth-moving, excavation operations, or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour;
 - (3) Area of disturbance. The area disturbed by clearing, demolition, earth-moving, excavation operations, or grading shall be the minimum required to implement the allowed use;

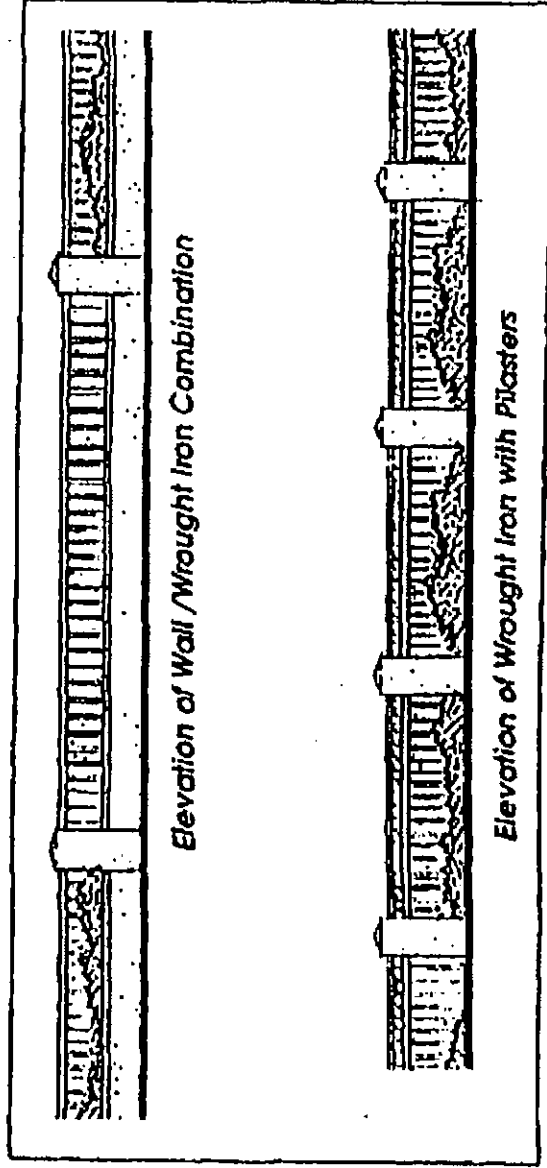
- (4) Dust control. During clearing, demolition, earth-moving, excavation operations, or grading, dust emissions shall be controlled by regular watering, paving of construction roads, or other dust-preventive measures (e.g., hydroseeding, etc.), subject to the approval of the Director.
- (a) Material(s) excavated or graded shall be watered to prevent dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.
- (b) Material(s) transported off-site shall be either sufficiently watered or securely covered to prevent dust.
- (5) On-site roads. On-site roads shall be paved as soon as feasible. During construction, roads shall be watered periodically, and/or shall be chemically stabilized; and
- (6) Revegetation. Graded areas shall be revegetated as soon as possible to minimize dust and erosion. Portions of the construction site to remain inactive longer than 90 days shall be seeded and watered until grass cover is grown and maintained, subject to the discretion of the Director.
- c. Exhaust emissions. Construction-related exhaust emissions shall be minimized by maintaining equipment in good running condition and in proper tune in compliance with manufacturer's specifications. Construction equipment shall not be left idling for long periods of time.
- d. Odor emissions. Noxious odorous emissions in a matter or quantity that is detrimental to or endangers the public health, safety, comfort, or welfare is declared to be public nuisance and unlawful, and shall be modified to prevent further emissions release.
4. Electrical interference.
- a. Compliance. Operators of activities, processes, and uses shall comply with all applicable Federal Communications Commission regulations.
- b. Interference. Activities, processes, and uses shall not operate in a manner that produces electric and/or magnetic fields that adversely affect the public health, safety, and general welfare of the community, including interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.
- c. Public nuisance. Existing or proposed uses that generate electrical disturbances that may be considered hazardous or a public nuisance shall be contained, modified, or shielded to prevent disturbances.
5. Fences, hedges, and walls.
- a. Purpose. The purpose of this subparagraph is to establish requirements for fences, hedges, and walls to ensure that these elements:
- (1) Minimize screening of scenic views and sunlight;
 - (2) Provide adequate buffering between different land uses;
 - (3) Provide suitable screening of allowable outdoor equipment and activities; and
 - (4) Are designed to provide aesthetic enhancement of the business park.
- b. Applicability.
- (1) All fences, hedges, and walls. The provisions of this subparagraph shall apply to all fences, hedges, and walls unless otherwise stated.
 - (2) Site Plan Review. Fences and walls are subject to Site Plan Review in compliance with Section 9.3.408.
 - (3) Exemptions. These regulations do not apply to fences or walls required by regulations of a State or Federal agency, or by the City for reasons of public safety, or to retaining walls which are regulated by subparagraph 14 of this subsection D (setback regulations and exceptions).
- c. General height limitations. Fences, hedges, and walls may be erected/maintained to the heights identified in Table 4, below.

**TABLE 4
MAXIMUM HEIGHT OF FENCES, HEDGES, AND
WALLS**

Location	Maximum Height*
	Using 50% or more Using less than 50%

	<i>of opaque materials</i>	<i>of opaque materials</i>
Front and street side yards**	4 ft.	6 ft.
Rear and interior side yards	6 ft.	8 ft.
On arterial or collector streets	6 ft.	8 ft.
At intersections of alleys, streets, and driveways.**	36 inches	48 inches

- * In granting the Site Plan Review (See Section 9.3.408), the Director may approve additional height to enclose or screen specific areas or uses.
- ** The maximum height of the fence located within a 30-foot street corner cut off shall not exceed 36 inches.
- d. Measurement of fence or wall height. Where there is a difference in the ground level between two adjoining parcels of less than two feet, the height of a fence or wall constructed along the common property line shall be determined by using the highest finish grade.
- e. Walls along arterial and collector streets. If the developer of a site located along either an arterial or collector street chooses to install (or is required to install) a wall, the wall shall be installed and maintained in compliance with the following requirements:
 - (1) Arterial and collector streets. A combination of a landscaped berm and wall equal to a minimum of six feet and a maximum of eight feet in height.
 - (2) Landscaped berms. The height of the landscaped berm identified in subparagraph (1) above shall be a minimum of 25 percent of the overall height of the combined landscaped berm and wall (e.g., a minimum of 18 inches for a six-foot wall and 24 inches for an eight-foot wall).



Appropriate wall treatments.

- f. Walls required between different zoning districts. Walls shall be provided and maintained between different zoning districts in the following manner:
- (1) Nonresidential. Where a nonresidential zoning district adjoins property in a residential zoning district (other than a public right-of-way), a solid decorative masonry wall, a minimum of six feet in height, shall be constructed on the zone boundary line, subject to Director's Review and Approval in compliance with Section 9.3.403. The wall(s) may be constructed higher than six feet if the viewshed is not impacted, subject to Site Plan Review in compliance with Section 9.3.408;
 - (2) Design and construction. The walls shall be of solid masonry construction and shall be of a decorative design when in view of public rights-of-way subject to the approval of the Director; and
 - (3) Modification of requirements. In granting Site Plan Review (See Section 9.3.408), the Director may waive or modify requirements for walls between different zoning districts where a solid masonry wall already exists on the adjoining property if the following findings can be made in a positive manner:
 - (a) The existing wall meets, or would be modified to conform to, the intent of this subparagraph,
 - (b) Suitable landscaping would be installed adjacent to the existing wall to supplement and enhance the desired physical separation,
 - (c) The existing wall would be protected to prevent vehicle damage, if necessary, and
 - (d) Concurrence of the adjoining property owner(s) would be obtained, to modify the existing wall to meet the requirements of this subparagraph.
 - g. Special wall and fencing requirements.
 - (1) Outdoor equipment, storage, and work areas. Screening of allowable outdoor equipment and activities shall be provided in compliance with subparagraph 13 of this subsection D (screening and buffering), below.
 - (2) Temporary fencing. Temporary fencing may be necessary to protect archaeological or historic resources and/or trees during site preparation and construction. Temporary fencing for these purposes shall be subject to the approval of the Director.
 - (3) Fence and wall design. Perimeter fences/walls adjoining public rights-of-way shall be articulated by providing a minimum three-foot deep by six-foot long landscaped recessions for every 50 feet of continuous wall. The design shall include an appropriate mix of materials and landscaping subject to the approval of the Director.
 - h. Security fencing. This subparagraph provides standards for the installation and maintenance of security fencing which shall be subject to the following criteria and standards.
 - (1) Definitions.
 - (a) Barbed wire. A strand of twisted wire armed with barbs or sharp points.
 - (b) Coiled barbed wire. A strand of barbed wire that is used in a coil looping form.
 - (c) Concertina fencing. A type of razor wire or barbed wire in which pairs of loops are clipped together in a coil configuration.
 - (d) Razor wire. A continuous coil of stainless steel ribbon with razor type barbs or sharp points.
 - (e) Security fencing. Barbed wire, coiled barbed wire, concertina wire, razor wire, or other similar products.
 - (2) General standards.
 - (a) A warning sign shall be posted when security fencing is used. Warning signs, at least eight and one-half by eleven inches in size, are posted no more than 10 feet apart on the outside of the fence that does not abut an interior property line. The sign shall have letters at least one inch in height and shall give sufficient warning that the fence incorporates security fencing materials.
 - (b) Security fencing shall be properly maintained at all times by the property owner to ensure the public health, safety and general welfare of the community. The property owner shall repair the security fencing within 24 hours from the time the City issues the property owner a notice of correction.
 - (3) Security fencing only in nonresidential zoning districts.
 - (a) Concertina wire, razor wire, and/or similar products shall be prohibited in conjunction with a commercial land use activity.

- (b) Plans for the use of security fencing shall be approved by the Director, and a Building Permit shall be obtained before installation of the security fencing.
- (c) All security fencing shall be appropriately screened from public view, to the satisfaction of the Director, to ensure that the fencing would not be visible from any residential area/neighborhood or public street rights-of-way.
- (d) Fences or walls shall be a minimum of six feet in height before the installation of barbed wire or coiled barbed wire, and shall not exceed eight feet in height, including the barbed wire or coiled barbed wire.
- (e) Concertina wire, razor wire, or similar products shall only be allowed when the fence or wall has a minimum height of eight feet, before the installation of the wire, and shall not exceed 10 feet in height, including the concertina wire or razor wire.
- (4) Angle of installation. The security fencing shall be installed and maintained at a 45 degree or a 90 degree angle into the property, measured from the vertical axis representing the fence. The security fencing shall not extend over adjoining public or private property.
- (5) Authority to waive or modify requirements. The Director may waive or modify the requirements of this subparagraph in compliance with Section 9.3.408 (Site Plan Review).
6. Fire protection. This subparagraph provides standards for general fire protection requirements for development within the R & T Business Park zoning district.
 - a. Fire hydrant systems. All new or modified development projects shall provide a hydrant system capable of meeting fire flows in compliance with ISO (Insurance Service Office) policy and UFC (Uniform Fire Code) guidelines for determining fire flow. The determination of fire flows shall be subject to the approval of the Fire Chief.
 - b. Automatic fire protection systems required. An automatic sprinkler system, installed in compliance with National Fire Protection Association (NFPA) Standard 13, shall be required for all new or modified development projects containing 5,000 square feet or more of gross floor area. The 5,000 square foot threshold shall be triggered either by a new structure or when the modification brings the total square footage to over 5,000 square feet. The automatic sprinkler systems shall be architecturally integrated into the subject structure(s), subject to the approval of the Director.
 - c. Addressing. Street address numbers shall be a minimum of 12 inches high and one inch wide. Street address numbers are required to contrast with the color of the structure, and shall be illuminated (either internally or externally). Street address numbers are required to be placed on all sides of a structure, at the discretion of the Fire Chief. Roof addressing may be required subject to the discretion of the Police Chief.
 - d. Access systems. All structures are required to have a Lock Box access system installed before issuance of a Certificate of Occupancy. Flush mounting boxes are preferred. For structures with automatic sprinklers, the Lock Box is required to be placed beneath the water flow alarm unit. For structures without sprinklers, the Lock Box shall be placed above the front or rear access or as determined by the Fire Chief.
 7. Hazardous materials storage.
 - a. Compliance with State laws. The following standards are intended to ensure that the use, handling, storage, and transportation of hazardous substances comply with all applicable State laws (Government Code Section 65850.2 and Health and Safety Code Section 25505, et seq.) and that appropriate information is reported to the City.
 - b. Definition of hazardous substances. For the purposes of this subparagraph, "hazardous substances" shall include all substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services.
 - c. Reporting requirements. All businesses required by State Law (Health and Safety Code, Section 6.95) to prepare hazardous materials release response plans shall submit copies of these plans, including any revisions, to the Director at the same time these plans are submitted to the Fire Department.
 - d. Underground storage. Underground storage of hazardous substances shall comply with all applicable requirements of State law (Health and Safety Code, Section 6.7; and Section 79.113(a) of the Uniform Fire Code). Businesses that use underground storage tanks shall comply with the following notification procedures:
 - (1) Notify the Fire Department of any unauthorized release of hazardous substances immediately and take steps necessary to control the release; and
 - (2) Notify the Fire Department and the Director of any proposed abandoning, closing, or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.
 - e. Above-ground storage. Above-ground storage tanks for flammable liquids may be allowed subject to the approval of the Fire Department.

8. Height measurement and height limit exceptions. All structures shall meet the following standards relating to height, except for fences and walls, which shall comply with subparagraph 5 of this subsection D (fences, hedges, and walls).
 - a. Maximum height. The height of structures shall not exceed the standard established by R & T Business Park zoning district. Maximum height shall be measured as the vertical distance from finish grade to an imaginary plane located the allowed number of feet above and parallel to the finish grade.
 - b. Exceptions to height limits. Exceptions to the height limits identified in this Zoning Ordinance shall apply in the following manner:
 - (1) Roof-mounted structures. Roof-mounted structures for the housing of chimneys, elevators, flag poles, lofts, stairways, tanks, towers, ventilating fans, or similar equipment required to operate and maintain the structure shall be allowed up to a maximum of 15 feet above the allowed structure height, but only when properly screened from public view to the satisfaction of the Director. The total square footage of all structures above the allowable maximum heights shall not occupy more than 25 percent of the total roof area of the structure.
 - (2) Parapet walls. Fire or parapet walls may extend up to four feet above the maximum allowable height limits of the structure for the subject zoning district.
 - (3) Telecommunication/wireless facilities. Telecommunication facilities (e.g., antennae, poles, towers, and necessary mechanical appurtenances) may be authorized to exceed the height limit established for the applicable zoning district, subject to the approval of a Conditional Use Permit in compliance with Section 9.3.404.
9. Light and glare.
 - a. Exterior lighting. Exterior lighting shall be:
 - (1) Architecturally integrated with the character of adjacent structure(s);
 - (2) Directed downward and shielded so that all light and glare is confined within the boundaries of the subject parcel;
 - (3) Installed so that lights not blink, flash, or be of unusually high intensity or brightness;
 - (4) Appropriate in height, intensity, and scale to the uses they are serving.
 - b. Security lighting. Security lighting shall be provided at all entrances/exits to structures. The minimum illumination shall be two footcandles at ground level in front of the entrance/exit.
 - c. Shielded lighting. Light sources shall be shielded to direct light rays onto the subject parcel only. The light source, whether bulb or tube, shall not be visible from an adjacent property or public street rights-of-way. This subparagraph does not apply to public street lighting, sign illumination, or traffic safety lighting.
10. Noise.
 - a. Purpose of subparagraph. The purpose of this subparagraph is to establish standards to protect the health, safety, and welfare of those living and working in the City and to implement goals and policies of the Noise Element of the General Plan.
 - b. Declaration of Council policy. Excessive noise levels are detrimental to the health and safety of individuals. Noise is considered a public nuisance and the City discourages unnecessary, excessive, or annoying noises from all sources. Causing, creating, maintaining, or allowing to be caused, created, or maintained any noise in a manner prohibited by the provisions of this subparagraph, or the Noise Element, is a public nuisance and shall be punishable as a misdemeanor.
 - c. Definitions. The following words, terms, and phrases, when used in this subparagraph, shall have the meanings ascribed to them in this subparagraph, except where the context clearly indicates a different meaning:
 - (1) A-weighted sound level. The sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
 - (2) Ambient noise. The composite of all noise from sources near and far, excluding the alleged intrusive noise source. In this context, ambient noise shall constitute the normal or existing level of environmental noise at a given location.
 - (3) Community Noise Equivalent Level (CNEL). A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dBA applied to the evening (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise during these hours.
 - (4) Decibel. A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

- (5) dB (Decibel). A unit used to express the relative intensity of a sound as it is heard by the human ear.
- (6) dBA. The "A-weighted" scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness though the noise is actually 10 times more intense.
- (7) Emergency machinery, vehicle, or alarm. Any machinery, vehicle, or alarm used, employed, performed, or operated in an effort to protect, provide, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.
- (8) Emergency work. Work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- (9) Impulsive noise. A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay.
- (10) Intrusive noise. The alleged offensive noise that intrudes over and above the existing ambient noise at the receptor property.
- (11) Ldn. (Day-Night Average Sound Level.) The A-weighted average sound level for a given area (measured in decibels) during a 24-hour period with a 10 dB weighting applied to nighttime sound levels. The Ldn is approximately numerically equal to the CNEL for most environmental settings.
- (12) Leq. The energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). The Leq is a "dosage" type measure that is the basis for the descriptors used in current standards (e.g., the 24-hour CNEL California).
- (13) Noise disturbance. An alleged noise that violates an applicable noise standard of this subparagraph.
- (14) Noise level (LN). The noise level expressed in decibels that exceeds the identified (L_n) value a percentage of total time measured. For example, an L₂₅ noise level means that noise level that is exceeded 25 percent of the time measured.
- (15) Sound level meter. An instrument (e.g., amplifier, microphone, output meter and frequency weighting network), for the measurement of sound levels, that satisfies the requirements pertinent for Type S2A meters in American National Standards Institute specifications for sound level meters.
- d. Standards. The maximum noise related standards shall comply with the regulations identified in Table 5, below.

**TABLE 5
MAXIMUM NOISE STANDARDS**

Land Use Type	Maximum Allowable Noise Level
R & T uses	Noise shall not exceed 80 dB Ldn/CNEL at the nearest property line.
Commercial uses	Noise shall not exceed 75 dB Ldn/CNEL at the nearest property line.

Exceptions to the above identified noise standards for R & T and commercial uses may be granted only if a recorded noise easement is conveyed by the affected (e.g., impacted) property owner(s).

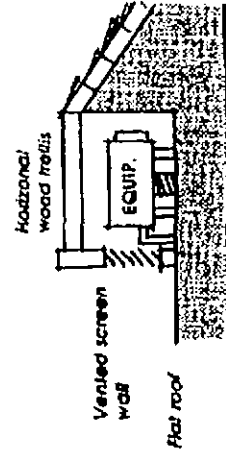
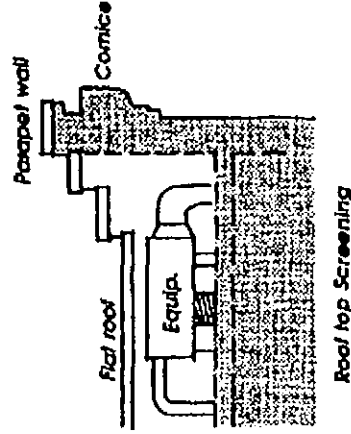
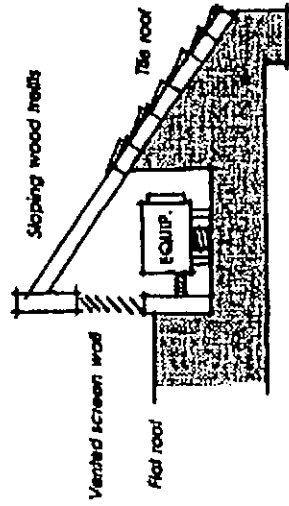
e. Measurement of sound levels. Measurement of sound levels shall be as follows:

- (1) Sound level meter. Sound levels shall be measured on the A-weighting network of a sound level meter meeting the requirements of ASA Standards S14-1971 for General Purpose Sound Level Meters, or the latest revision published by the American National Standards Institute, Inc., using the slow meter response. The meter shall be calibrated and used according to the manufacturer's instructions.
- (2) Location of microphone. Measurements shall be taken with the microphone located at any point on the property line of the noise source, but no closer than three feet from any wall and not less than three feet above the ground.
- (3) Minimum of two readings. A minimum of two readings shall be taken for a period of 10 minutes each with 10 minute interval between measurements. The sound

level shall be the average of these readings.

- f. Activities exempt from regulations. The following activities shall be exempt from the provisions of this subparagraph:
- (1) Emergency exemption. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work;
 - (2) Warning device. Warning devices necessary for the protection of public safety, (e.g., police, fire and ambulance sirens, and train horns);
 - (3) Railroad activities. All locomotives and rail cars operated by a railroad that is regulated by the State Public Utilities Commission;
 - (4) Federal or State pre-exempted activities. Any activity, to the extent regulation thereof has been preempted by Federal or State law;
 - (5) Public health and safety activities. All transportation, flood control, and utility company maintenance and construction operations at any time on public rights-of-way, and those situations that may occur on private property deemed necessary to serve the best interest of the public and to protect the public's health and well being, including, debris and limb removal, removal of damaged poles and vehicles, removal of downed wires, repairing traffic signals, repair of water hydrants and mains, gas lines, oil lines, sewers, restoring electrical service, street sweeping, unplugging sewers, vacuuming catch basins, etc.
- g. Acts deemed violations of subparagraph. The following acts are a violation of this subparagraph.
- (1) Construction noise. Operating or causing the operation of tools or equipment used in alteration, construction, demolition, drilling, or repair work between weekday hours (Monday through Saturday) of 9:00 p.m. and 7:00 a.m., or at any time on Sundays or holidays, so that the sound creates a noise disturbance across a residential property line, except for emergency work of public service utilities. Stationary equipment (e.g., generators) shall not be located adjacent to any existing residences unless enclosed in a noise attenuating structure, subject to the approval of the Director.
 - (2) Places of public entertainment. Operating, playing, or allowing the operation or playing of a drum, musical instrument, phonograph, radio, sound amplifier, television, or similar device that produces, reproduces, or amplifies sound in a place of public entertainment at a sound level greater than 95 dBA, (read by the slow response on a sound level meter) at any point that is normally occupied by a customer is prohibited, unless conspicuous signs are located near each public entrance, stating "Warning: Sound Levels Within May Cause Hearing Impairment."
 - (3) Stationary nonemergency signaling devices. Sounding or allowing the sounding of an electronically amplified signal from a stationary bell, chime, siren, whistle, or similar device intended primarily for nonemergency purposes, from any place, for more than 10 consecutive seconds in any hourly period is prohibited.
 - (4) Compacting mechanisms. Operating or allowing the operation of the compacting mechanism of any motor vehicle that compacts refuse and that creates, during the compacting cycle, a sound level in excess of 85 dBA when measured at 50 feet from any point of the vehicle is prohibited between the hours of 9:00 p.m. and 5:00 a.m.
 - (5) Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in a manner as to cause a noise disturbance across property lines or within a noise-sensitive zone is prohibited.
- h. Responsibility to eliminate or reduce acts deemed violations of subparagraph. Improvements to eliminate or reduce negative impacts between uses deemed violations of this subparagraph shall be provided by the new use, rather than existing use.
11. Odors and noxious matter.
 - a. Compliance. Land use activities that may produce odors or noxious matter (e.g., fumes, gases, heat, smoke, vapor, etc.) shall comply with the rules and regulations of the State Health and Safety Code and the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD).
 - b. Public nuisance. Noxious odorous emissions in a matter or quantity that would be detrimental to, or endanger the public comfort, health, safety, or general welfare of the community, are declared to be a public nuisance and unlawful, and shall be modified to prevent the release of further emissions.
 12. Outdoor activities. This subparagraph provides development standards for allowable outdoor activities (e.g., outdoor loading and unloading areas.)
 - a. Allowable outdoor activities. Allowable outdoor activities are limited to the loading and unloading of materials, supplies, and products consumed and/or produced on-site, patios, and recreational courts (e.g., basketball, tennis, volleyball, etc.)
 - b. Limits on outdoor activities. Allowable outdoor activities shall not be heard by or viewable from off-site adjoining residents. Optional means of achieving this standard may include the following, all of which shall be constructed and properly maintained in compliance with subparagraph 13 of this subsection D (screening and buffering), below.

- (1) On-site structures would be designed and constructed to "envelope" the outdoor loading and unloading areas, thereby providing for proper concealment of these areas.
- (2) Proper screening (e.g., a combination of berms, landscaping, and masonry walls) would be designed, constructed, and properly maintained to screen these areas, in compliance with subparagraph 13 of this subsection D (screening and buffering), below.
13. Screening and buffering. This subparagraph provides standards for the screening and buffering of adjoining land uses, equipment, outdoor loading and unloading areas, and surface parking areas.
 - a. Screening between different land uses. An opaque screen consisting of berms with plant material and a decorative masonry wall, six to eight feet tall, architecturally coordinated with the primary on-site structures and landscaping, shall be installed along parcel boundaries wherever the development adjoins a residential zoning district. Pedestrian access gates, or an alternative means of screening, may be provided between the R & T Business Park and the abutting residential developments, subject to the approval of the Director. The walls shall be architecturally treated on both sides, subject to the approval of the Director.
 - b. Mechanical equipment, loading docks, and refuse areas. Roof or ground mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust, etc.), loading docks, refuse storage areas, and utility services shall be screened from public view from abutting public streets and rights-of-way and abutting area (s) zoned for residential or open space uses. The method of screening shall be architecturally compatible with other site development in terms of colors, materials, and architectural style. Landscaping shall be incorporated adjacent to the walls, subject to the approval of the Director.



Various methods of screening rooftop equipment.

- c. Outdoor storage and work yards prohibited. Outdoor storage and work yards, and any similar outdoor uses, shall be prohibited. Only outdoor loading and unloading activities may be allowed in compliance with subparagraph 12 of this subsection D (outdoor activities), above.
- d. Parking areas abutting public streets and rights-of-way. An opaque screen shall be installed along parking areas abutting public streets and rights-of-way. The screening shall have a height of not less than 36 inches and not more than 42 inches at maturity. Where the finished elevation of a parking area is lower at the boundary line than an abutting property elevation by at least 24 inches, the change in elevation may be used in combination with additional screening to satisfy the requirements of this subparagraph.
 - (1) Opaque screening options. The opaque screen shall consist of one, or a combination, of the following:
 - (a) Landscaped berm. A berm constructed of earthen materials and landscaped to form an opaque screen;
 - (b) Fences. A solid fence constructed of wood, or other suitable materials a minimum nominal thickness of two inches to form an opaque screen; and/or
 - (c) Walls, including retaining walls. A wall of concrete, block, stone, brick, tile, or other similar type of solid decorative masonry material, a minimum of six inches thick.
 - (2) Approval of Director required. The location, design (e.g., colors and materials), and construction of the opaque screen shall be subject to the approval of the Director.
- 14. Setback regulations and exceptions. This subparagraph establishes standards to ensure the provision of open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy and landscaping.
 - a. Setback requirements. All structures shall conform with the setback requirements established by the R & T Business Park zoning district, and with any special setbacks established for specific uses by this section. Portions of a structure, including eaves or roof overhangs, shall not extend beyond a property line or into an access easement or street right-of-way. Each setback shall be open and unobstructed from the ground upward, except as provided in this subparagraph.
 - b. Exemptions from setback requirements. The minimum setback requirements of this section apply to all uses except the following:
 - (1) Fences or walls constructed within the height limitations of the Zoning Ordinance;
 - (2) Decks, steps, terraces, and other site design elements that are placed directly upon the finish grade and do not exceed a height of 18 inches above the surrounding finish grade at any point; and
 - (3) Retaining walls less than four feet in height above finish grade.
 - c. Measurement of setbacks. Setbacks shall be measured as follows.
 - (1) Front setbacks. The front setback shall be measured at right angles from the nearest face of the curb adjoining the street to the nearest point of the wall of the structure, except as follows:
 - (a) Corner parcels. The measurement shall be taken from the nearest point of the structure to the nearest face of the curb adjoining the public street to which the property is addressed and the street from which access to the property is taken.
 - (b) Flag lots. The measurement shall be taken from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the parcel; establishing a building line parallel to the lot line nearest to the public street or right-of-way.
 - (2) Side setbacks. The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure; establishing a setback line parallel to the side property line, that extends between the front and rear yards.
 - (3) Street side setbacks. The side setback on the street side of a corner parcel shall be measured from the nearest face of the curb adjoining the street.
 - (4) Rear setbacks. The rear setback shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the rear property line, that extends between the side yards, except:
 - (a) The rear setback on the street side of a double frontage parcel shall be measured from the nearest point of the rear property line adjoining the street. However, if an access easement or street right-of-way line extends into or through a rear setback, the measurement shall be taken from the nearest point of the easement or right-of-way line; and

(b) Where the side lot lines converge to a point, a line 10 feet long within the parcel, parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback.

d. Allowed projections into setbacks. The following architectural features may extend into the front, side, and rear setbacks, only as follows:

- (1) Chimney. A fireplace chimney, up to six feet in width, may extend 30 inches into a required setback, but no closer than five feet to a side or rear property line.
- (2) Cantilevered architectural features. Cantilevered architectural features on the main structure, including balconies, bay windows, canopies, cornices, eaves, and solar devices, that do not increase the floor area enclosed by the structure, may extend into required setbacks in compliance with Table 6, below.

TABLE 6
MAXIMUM ENCROACHMENTS FOR
ARCHITECTURAL FEATURES

Setback	Maximum Allowable Encroachment
Front	Up to five feet into the required front setback
Side	Up to two feet into a required side setback, but no closer than five feet to a side property line
Rear	Up to five feet into the required rear setback

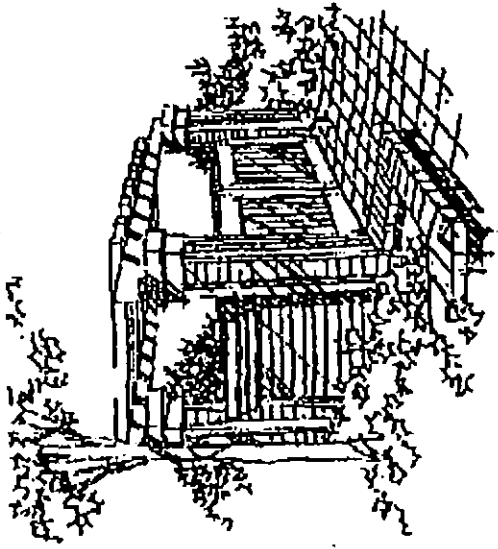
- (3) Porches and stairways. Covered, unenclosed porches, located at the same level as the entrance floor of the structure and outside stairways and landings that are not enclosed, may extend into required setback in compliance with Table 7, below.

TABLE 7
MAXIMUM ENCROACHMENTS FOR
PORCHES AND STAIRWAYS

Setback	Maximum Allowable Encroachment
Front	Up to six feet into a required front setback
Side	Up to three feet into a required side setback, but no closer than five feet to a side property line
Rear	Up to six feet into a required rear setback

- (4) Setback requirements for specific elements/features:
 - (a) Ponds, pools, and other site design elements.

- i. Under 18 inches. Site design elements less than 18 inches above finish grade are exempt from setback requirements. Landscape ponds or recreational pools may be located in a required front or side setback, subject to applicable Building and Health Codes.
 - ii. 18 inches and over. Detached decks, ponds, pools, steps, and other site design elements that are placed directly upon the finish grade, and which equal or exceed a height of 18 inches above the surrounding finish grade at any point, shall conform to the setback requirements established for the R & T Business Park zoning district.
- (b) Retaining walls.
- i. Up to six feet. Retaining walls up to six feet in height may be located within a required setback provided the exposed side of the wall faces into the subject parcel; and
 - ii. Over six feet. Retaining walls greater than six feet in height, or where the exposed side of the wall faces out from the subject parcel without regard to height, shall be subject to the same requirements as the main structure.
15. Solid waste/recyclable materials storage. This subparagraph provides standards for the provision of solid waste (refuse) and recyclable material enclosures in compliance with State law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 through 42911).
- a. All structures and uses. All structures and uses within the R & T Business Park zoning district shall provide refuse and recyclable material enclosures in compliance with the following requirements and subject to the approval of the City's Public Utilities Director.
 - b. Location requirements. Refuse and recyclable materials enclosures shall be located in the following manner:
 - (1) Combined together. Refuse and recyclable material enclosures shall be adjacent/combined with one another. They may only be located inside a specially-designated enclosure, on the outside of a structure in an approved fence/wall enclosure, a designated interior court or yard area with appropriate access or in a side or rear setback, with appropriate screening, in compliance with subparagraph c(4) (be screened) below. Exterior storage area(s) shall not be located in a required front or street side setback, parking space, landscaped or open space areas, or any area(s) required by this Municipal Code.
 - (2) Unobstructed access. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the Public Utilities Department. The location of and access to the enclosures shall be designed to ensure that the collection vehicles would be able to enter and exit in a forward direction.
 - (3) Screening required. Storage bins shall be screened in compliance with subparagraph 13 of this subsection D (screening and buffering) and subparagraph c(4) (be screened) below.
 - (4) Distance from adjacent structures. Enclosures shall not be closer than 20 feet from doors or operable windows of adjacent structures.
 - c. Design and construction. The design and construction of the enclosures shall:
 - (1) Be compatible. Be compatible with the surrounding structures and land uses;
 - (2) Concrete pad required. Provide a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates the handling of the individual bins or containers;
 - (3) Protection from adverse conditions. Protect the areas and the individual bins or containers provided within from adverse environmental conditions that might render the collected materials unmarketable; and
 - (4) Be screened. Be appropriately located and screened from view on at least three sides. Screening shall consist of solid decorative masonry walls, metal gates, and landscaping. The size of the metal gates shall be determined by the Public Utilities Director, based on the use and the projected waste stream. Overhead trellises may be required to screen views from above. The design shall be architecturally compatible with the surrounding structures and subject to the approval of the Public Utilities Director and Director.



Decorative masonry and metal mixed with wood elements create a pleasant trash enclosure.

16. Street design and improvements. The street design shall conform both in alignment and width to the Circulation Element of the General Plan. The rights-of-way for these streets shall be dedicated to the City. The street design shall conform to any proceedings affecting the division of land which may have been initiated or approved by the Council or approved by the Council upon initiation by other legally constituted authorities of the County or State, and shall be subject to the approval of the City Engineer.
 17. Undergrounding of utilities. Cable television, electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring conduits and similar facilities shall be placed underground by the developer for all new development and when a new electrical hookup is provided in conjunction with the installation/replacement of an electrical service panel.
 18. Vibrations. *Uses that generate vibrations that may be considered a nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions.*
 - a. Not perceptible along property line. Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities.
 - b. No discomfort or annoyance. Uses, activities, and processes shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, health, or peace of residents whose property abuts the property lines of the subject parcel.
 - c. No interference. Uses shall not generate ground vibration that interferes with the operations of equipment and facilities on adjoining parcels.
 - d. Temporary construction exempt. Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks) are exempt from the provisions of this subparagraph.
- E. LANDSCAPING STANDARDS.**
1. Purpose. The purpose of this subsection is to achieve the following:
 - a. Enhance the appearance of all development by providing standards relating to the quality, quantity, and functional aspects of landscaping and landscape screening;
 - b. Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of existing residential neighborhoods, and enhancing pedestrian and vehicular traffic and safety;

- c. Decrease the use of water for landscaping purposes by requiring the efficient use of irrigation, appropriate plant materials, and regular maintenance of landscaped areas; and
- d. To achieve water conservation by raising the public awareness of the need to conserve water through education and motivation to embrace an effective water management program.
2. Applicability.
 - a. Landscaping required. All projects shall provide and maintain landscaping in compliance with the provisions of this subsection. Standards for the provision of landscaping within the public right-of-way in conjunction with a development project shall be in compliance with Section 9.2.301(c) (other improvements).
 - b. Landscaping plans subject to Department review. Landscape plans, and plans for the ornamental use of water, including fountains and ponds, shall be submitted to the Department for review for compliance with the requirements of this subsection. Landscaping shall not be installed until the applicant receives approval of the final landscape plan. Changes to the approved landscape plans that affect the character or quantity of the plant material or irrigation system design are required to be resubmitted for approval before installation.
 3. Definitions. For the purpose of this subsection, the following definitions shall apply:
 - a. Anti-drain valve or check valve. A valve located under a sprinkler head or in a water line to hold water in the system to eliminate drainage from the lower elevation sprinkler heads.
 - b. Application rate. The depth of water applied to a given area, usually measured in inches per hour.
 - c. Applied water. The portion of water supplied by the irrigation system to the landscape.
 - d. Automatic control timer. A mechanical or solid-state timer, capable of operating valve stations to set the days and length of time of a water application.
 - e. Cool season turf grass. Turf grass that withstands winter cold and grows best during the cooler months of the year. Examples are bluegrasses, bents, fescues, and ryegrasses.
 - f. Conversion factor (0.62). A number that converts the maximum applied water allowance from acre-inches per acre per year to gallons per square foot per year. The conversion factor is calculated as follows:

$$(325,829 \text{ gallons}/43,560 \text{ sf.})/12 \text{ inches} = (0.62)$$

$$325,829 \text{ gallons} = \text{one acre foot}$$

$$43,560 \text{ sf.} = \text{one acre}$$

$$12 \text{ inches} = \text{one foot}$$

To convert gallons per year to 100-cubic-foot per year, another common billing unit for water, divide gallons per year by 748. (748 gallons = 100 cubic feet).

- g. Crop coefficient. A factor that when multiplied by reference evapotranspiration, estimates the amount of water used by plants. For purposes of this subsection, the average crop coefficient of low water using plants ranges from 0 to 0.3, for average water using plants the range is 0.4 to 0.6, and for high water using plants the range is 0.7 to 1.0.
- h. Effective precipitation. The portion of total precipitation that is used by the plants. Precipitation is not a reliable source of water, but can contribute to some degree toward the water needs of the landscape.
- i. Establishment period. The first year after installing the plant in the landscape.
- j. Estimated applied water use. The portion of the Estimated Total Water Use that is derived from applied water. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance. The Estimated Applied Water Use may be the sum of the water recommended through the irrigation schedule.
- k. Estimated total water use. The annual total amount of water estimated to be needed to keep plants healthy. It is based on factors of the local evapotranspiration rate, the size of the landscaped area, the types of plants and the efficiency of the irrigation system.
- l. ET adjustment factor. A factor of 0.8 that when applied to reference evapotranspiration adjusts for crop coefficient and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the crop coefficient portion of

this calculation. The irrigation efficiency for purposes of the ET Adjustment Factor is 0.625. Therefore, the ET Adjustment Factor is $(0.8) = (0.5/0.625)$.

- m. Evapotranspiration. The quantity of water evaporated from adjacent soil surfaces, transpired by plants, and retained in plant tissue during a specific time.
 - n. Hydrozone. A portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or nonirrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a nonirrigated hydrozone.
 - o. Infiltration rate. The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).
 - p. Irrigation efficiency. The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of this Subsection is 0.625. Greater irrigation efficiency can be expected from well designed and maintained systems.
 - q. Maximum applied water allowance. For design purposes, the upper limit of annual applied water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscaped area.
 - r. Mulch. A material (e.g., bark, leaves, or straw, or similar material) left loose and applied to the soil surface to prevent evaporation of water.
 - s. Rain shut-off device. Senses rainfall and automatically shuts off the irrigation system.
 - t. Reference evapotranspiration or ETo. A standard measurement of environmental parameters which affect the water use of plants. ETo is an estimate of the evapotranspiration of a large field of four to seven inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances so that regional differences in climate can be accommodated.
 - u. Soil moisture-sensing device. A device that measures the amount of water in the soil.
 - v. Station. An area served by one valve or by a set of valves that operate simultaneously.
 - w. Warm season turf grass. Turf grass that begins growing in early spring and continues to grow vigorously throughout the summer and early fall. It may become brown and dormant in cool or cold winters. Its green color may be maintained throughout the year by overseeding during winter months. Examples are bermudas, dichondra, kikuyu, and zoysia grasses.
 - x. *Water conservation concept statement.* A one-page checklist and a narrative summary of the project.
 - y. *Water-efficient landscaping.* A landscape that is designed and maintained to function in a healthful and visually pleasing manner in compliance with the standards provided in this subsection. This generally involves the strategic use of plants which have minimal water requirements for subsistence, plants native to hot/dry environments (xeriscape), and hardscape to achieve an overall landscape concept that is water conserving in nature.
4. Landscape concept plan.
 - a. Concept plan required. A landscape concept plan shall be submitted as part of an application for a land use entitlement.
 - b. Intent of concept plan. The concept plan shall meet the intent of this subsection by exhibiting a design layout that demonstrates the desired landscaping program in terms of function, location, size/scale, theme, and similar attributes. The concept plan shall provide the applicable review authority with a clear understanding of the landscaping program before the preparation of detailed construction landscape and irrigation plans.
 5. Detailed construction landscape and irrigation plans. Detailed landscape and irrigation plans (construction documents) for on-site landscaping shall be prepared following approval of the land use entitlement application by the applicable review authority. This subparagraph, and those that follow, provide standards for preparation of the detailed landscape and irrigation plans.
 - a. Registered landscape architect required. Landscape and irrigation plans shall be prepared by a State registered landscape architect.
 - b. Landscape plan contents. The landscape plan shall be drawn on project base sheets, be fully dimensioned, and include the information specified in subdivision b of subparagraph 6 of this subsection E (landscape design plan), below.
 - c. Irrigation plan contents. A fully-dimensioned irrigation plan shall be drawn on project base sheets separate from the landscape design plan. The scale and format shall be the same as the landscape design plan. The irrigation design plan shall provide information specified in subdivision c of subparagraph 6 (irrigation design plan), below.

Document

6. Landscape documentation package.
 - a. Applicability.
 - (1) Package required. A landscape documentation package conforming to the requirements of this subparagraph shall be submitted for review and approval by the applicable review authority for all projects in which the total landscaped area, including parking lot landscaping, is greater than 2,500 square feet.
 - (2) Less than 2,500 square feet. Projects with less than 2,500 square feet of landscaped area shall follow submittal requirements specified by the Director.
 - b. Landscape design plan. A landscape design plan meeting the following requirements shall be submitted as part of the landscape documentation package.
 - (1) Plant selection and grouping. Any plants may be used in the landscape, providing the estimated applied water use recommended does not exceed the maximum applied water allowance and that the plants meet the requirements provided below. However, the use of drought tolerant plant species is strongly encouraged.
 - (a) Plants having similar water use shall be grouped together in distinct hydrozones.
 - (b) Plants shall be selected based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Existing trees shall be preserved whenever possible.
 - (2) Water features. Only recirculating water shall be used for decorative water features.
 - c. Irrigation design plan. An irrigation design plan meeting the following requirements shall be submitted as part of the landscape documentation package.
 - (1) Irrigation design criteria.
 - (a) Runoff and overspray. Soil types and infiltration rates shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules shall be used to closely match application rates to infiltration rates in order to minimize runoff.
 - (b) Special attention required. Special attention shall be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than 10 feet.
 - (c) Irrigation efficiency. For the purpose of determining the maximum water allowance, irrigation efficiency is assumed to be 0.625. Irrigation systems shall be designed, maintained, and managed to meet or exceed 0.625 efficiency.
 - (2) Equipment.
 - (a) Water meters. Separate landscape water meters shall be installed for any project with a landscaped area greater than 5,000 square feet.
 - (b) Automatic controllers. Automatic control systems shall be required for all irrigation systems and shall be able to accommodate all aspects of the design.
 - (c) Drip irrigation. The use of drip irrigation shall be considered whenever appropriate.
 - (d) Plant groupings. Plants which require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check) valves shall be installed in strategic points to prevent low-head drainage.
 - (e) Sprinkler heads. Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.
 - (f) Rain-sensing devices. Rain sensing override devices shall be required on all irrigation systems.
 - (g) Moisture-sensing devices. Soil moisture sensing devices shall be considered where appropriate.
 - d. Precise grading plan. Precise on-site grading plans satisfying the following conditions shall be submitted as part of the landscape documentation package when required by the Director.
 - (1) A precise grading plan shall be drawn on project base sheets. It shall be separate from but use the same format as the landscape design plan; and
 - (2) The precise grading plan shall indicate finished configurations and elevations of the landscaped area, including the height of graded slopes, drainage patterns, pad elevations, and finish grade.
 - e. Soil analysis and preparation.
 - (1) A soil analysis satisfying the following conditions shall be submitted as part of the landscape documentation package.

- (a) Determination of soil texture, indicating the percentage of organic matter;
 - (b) An approximate soil infiltration rate (either measured or derived from soil texture/infiltration rate tables). A range of infiltration rates should be noted where appropriate; and
 - (c) Measure of pH and total soluble salts.
- (2) An agronomic soils test from a certified laboratory as to required fertilizers for amending and backfill.
 - (3) A mulch of at least two inches in depth shall be applied to all planting areas except turf.
7. Landscape area requirements. Landscaping shall be provided in the locations specified in this subparagraph.
- a. Setbacks. All setback and open space areas required by this Zoning Ordinance shall be landscaped, except where a required setback is occupied by a sidewalk or driveway, or where a required setback is screened from public view and it is determined by the Director that landscaping is not necessary to fulfill the purposes of this subsection E.
 - b. Unused areas. All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped unless it is determined by the Director that landscaping is not necessary to fulfill the purposes of this subsection E. The Director shall determine the level or intensity of landscaping to be provided for vacant pad sites based on an approved phasing plan. Landscaping within vacant pad sites shall not be counted towards meeting the landscape area requirements of this subparagraph 7.
 - c. Parking areas. Parking areas shall be landscaped in compliance with subsection F of this section (off-street parking and loading standards).
 8. Landscape standards. Landscape areas and materials shall be designed, installed, and properly maintained in compliance with the following:
 - a. General design standards. The following features shall be incorporated into the design of the proposed landscape and shown on required landscape plans.
 - (1) Integral part of project design. Landscaping shall be planned as an integral part of the overall project design and not simply located in excess space after parking areas and structures have been planned.
 - (2) Consideration for access. Pedestrian access to sidewalks and structures shall be considered in the design of all landscaped areas.
 - (3) Minimum width. Landscaped areas shall not be less than five feet in width.
 - (4) Concrete curb. Landscape adjacent to driveways and parking areas shall be protected from vehicle damage through the provision of a minimum six-inch high and six-inch wide concrete curb or other suitable type of barrier, as approved by the Director.
 - (5) Concrete mow strips. Concrete mow strips, a minimum of four inches in width, shall be provided to separate all turf areas from other landscaped areas.
 - b. Plant materials. Plant materials shall be selected and installed to comply with the following requirements:
 - (1) Mix of materials. A mix of plant materials shall be provided in compliance with Table 8. Calculations documenting the required mix shall be shown on the landscape plan.

**TABLE 8
MINIMUM REQUIRED MIX OF PLANT
MATERIALS**

Plant Material	Minimum Required Percentage
Trees	
48-inch box	5%*
36-inch box	10%*

24-inch box	20%*
15 gallon	65%
Plants/Shrubs	
5 gallon	70%
one gallon (herbaceous only with City approval)	30%
Groundcover	
Coverage within two years	100%

- * A greater percentage of specimen trees may be utilized with a corresponding reduction in the number of 15 gallon trees subject to the approval of the Director.
- (2) Drought-tolerant. Plant materials shall emphasize drought-tolerant and/or native species.
- (3) Ratio for trees. Trees shall be planted in areas of public view adjacent to and along structures, at an equivalent of at least one tree per 30 linear feet of structure. Other areas shall provide trees at a minimum ratio of one tree for each 300 square feet of landscaped area. The clustering of trees is encouraged.
- (4) Mature trees. Mature specimen trees (e.g., 24-, 36-, and 48-inch box) shall be provided to ensure variety and emphasis at main focal areas.
- (5) Trees to be staked. All trees shall be staked or guyed (on a case-by-case basis) subject to the approval of the Director.
- (6) Clear of service lines. Trees and shrubs shall be planted so that at maturity they do not interfere with service lines and traffic safety sight areas.
- (7) Protection of property rights. Trees and shrubs shall be planted and maintained in a manner that protects the basic rights of adjacent property owners, particularly the right to solar access.
- (8) Prevent damage. Trees planted near public sidewalks or curbs shall be of a species and installed in a manner that prevents physical damage to sidewalks, curbs, gutters and other public improvements.
- (9) Groundcover. Groundcover shall be of live plant material. Limited quantities of bark, colored rock, gravel, and similar materials may be used in combination with a living groundcover.
- 9. Maintenance of landscaping.
 - a. Maintenance defined. Maintenance of approved landscaping shall consist of regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, monitoring for pests and disease, the removal and timely replacement of dead plants, and the repair and timely replacement of irrigation systems and integrated architectural features.
 - b. Maintenance agreement required. Before the issuance of a Certificate of Occupancy, the landowner shall file, with the Department, a perpetual maintenance covenant subject to the approval of the City Engineer. The covenant shall ensure that if the landowner, or subsequent owner(s), fails to properly maintain the installed landscaping, the City will be able to file an appropriate lien(s) against the property in order to accomplish the required maintenance. The requirement for a maintenance covenant shall apply to all sites within the R & T Business Park (Mixed Use Area Number 36).
- F. OFF-STREET PARKING AND LOADING STANDARDS.
 - 1. Purpose. The purpose of this subsection is to provide off-street parking and loading standards to:
 - a. Provide for the general welfare and convenience of persons within the City by ensuring sufficient parking facilities to meet the needs generated by specific uses;
 - b. Provide accessible, attractive, secure, and well-maintained parking and loading facilities;
 - c. Increase public safety by reducing congestion on public streets;

- d. Ensure access and maneuverability for emergency vehicles; and
 - e. Provide loading and delivery facilities in proportion to the needs of allowed uses.
2. Applicability. Every use, including a change or expansion of a use or structure shall have appropriately maintained off-street parking and loading areas in compliance with the provisions of this subsection. A use shall not be commenced and structures shall not be occupied until improvements required by this subsection are satisfactorily completed.
 3. General parking regulations.
 - a. Parking and loading spaces to be permanent. Parking and loading spaces shall be permanently available, marked, and properly maintained for parking or loading purposes for the use they are intended to serve.
 - b. Parking and loading to be unrestricted. Owners, lessees, tenants, or persons having control of the operation of a premises for which parking or loading spaces are required by this subsection shall not prevent, prohibit, or restrict authorized persons from using these spaces without prior approval of the Director.
 - c. Vehicles for sale. Vehicles, trailers, or other personal property shall not be parked upon a public or private street, parking lot, or public or private property for the purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental, unless the property is appropriately zoned, the vendor is licensed to transact the applicable business at that location, and has obtained appropriate land use entitlements.
 - d. Nonconforming status. Existing uses or structures shall not be deemed to be non-conforming solely because of the lack of off-street parking or loading spaces or parking lot improvements; provided that facilities being used for off-street parking or loading shall not be further reduced in number. Structures with parking or loading space deficiencies shall be allowed to be occupied by new uses allowed in the zoning district provided that:
 - (1) The new use has the same or lesser parking or loading space requirement as the existing or previous use; or
 - (2) The new use has a greater parking or loading requirement than the existing or previous use, and a sufficient number of additional parking or loading spaces have been provided to accommodate the increased amount of spaces required for the new use.
 4. Number of parking spaces required. Each land use shall provide at least the minimum number of off-street parking spaces required by this subsection, except where a greater number of spaces is required through land use entitlement approval or where an exception has been granted through approval of a discretionary permit.
 - a. Parking requirements by land use. Each land use shall be provided the number of off-street parking spaces required by Table 9. Additional spaces may be required/approved through discretionary entitlement approval. All sites shall provide adequate on-site parking for the subject use in compliance with this subsection.
 - b. Expansion of structure, change in use. When a structure is enlarged or increased in capacity or intensity, or when a change in use requires more off-street parking, additional parking spaces shall be provided in compliance with this subsection. Also see Section 9.3.3.10 (non-conforming status) of this article.
 - c. Multi-tenant sites. A site with multiple tenants shall provide the aggregate number of parking spaces required for each separate use; except where the site was developed comprehensively as an integrated center, the parking ratio shall be that required for the center as determined through land use entitlement approval.
 - d. Parking required by entitlements and/or development agreements. Parking requirements established by Conditional Use Permits, development agreements, or similar entitlements supersede the provisions of this subsection.
 - e. Uses not listed. Land uses not specifically listed by subparagraph a of this subparagraph 4 (parking requirements by land use), above, shall provide parking as required by the Director. The Director shall use the requirements of Table 9 as a guide in determining the minimum number of off-street parking spaces to be provided.
 - f. Rounding of quantities. When calculating the number of parking spaces required, fractional spaces shall be rounded up to the nearest whole number.
 - g. Company-owned vehicles. The number of parking spaces required by this subsection does not generally include spaces needed for the parking of company-owned vehicles. Parking spaces for company-owned vehicles shall be provided in addition to the requirements for a particular land use.

TABLE 9

PARKING REQUIREMENTS BY LAND USE

Land Use Type:	Vehicle Spaces Required
Manufacturing and Assembly (R)	Vehicle Spaces Required

& T)

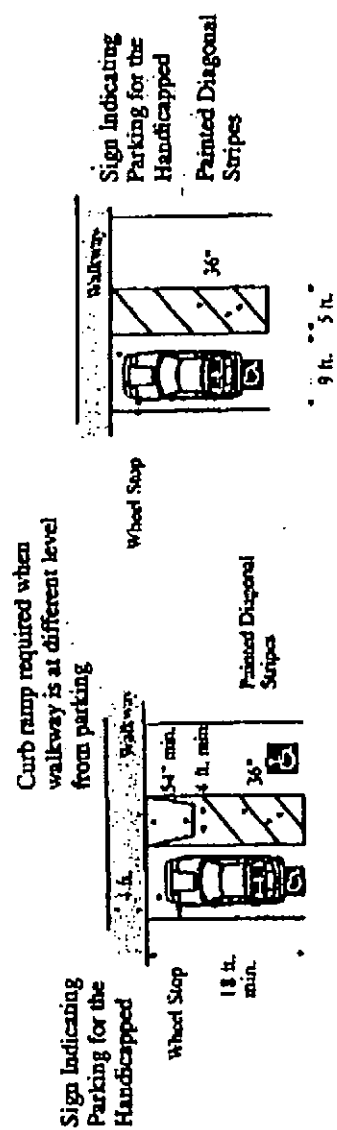
Manufacturing Facilities	2 spaces for each 1,000 sq. ft. of gross floor area for the first 25,000 sq. ft.; and one space for each 1,000 sq. ft. thereafter. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."
Research and Development Facilities	One space for each 350 sq. ft. of gross floor area. The gross floor area shall include incidental office space comprising less than 20% of the total gross floor area. The parking requirements for additional office space shall be calculated separately as provided by this table for "Offices."
Warehouse Facilities	One space for each 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft., and one space for each 2,000 sq. ft. thereafter.
Land Use Type: Retail Trade	Vehicle Spaces Required
Book Store	One space for each 200 sq. ft. of gross sales area, plus one space for each 600 sq. ft. of storage area.
Office Supply Store	One space for each 200 sq. ft. of gross sales area, plus one space for each 600 sq. ft. of storage area.
Retail Stores, General Merchandise	One space for each 200 sq. ft. of gross sales area, plus one space for each 600 sq. ft. of storage area.
Sporting Goods Store	One space for each 200 sq. ft. of gross sales area, plus one space for each 600 sq. ft. of storage area.
Land Use Type: Services	Vehicle Spaces Required
Banks and Financial Services	One space for each 200 sq. ft. of gross floor area.
Child Day-Care Centers	One space for each 6 children, plus permanent drop-off area as approved by the Director.
Copy Services	One space for each 200 sq. ft. of gross floor area.
Health and Fitness Facility	One space for each 100 sq. ft. of gross floor area.
Hotels and Motels	1.2 spaces for each guest room, plus one space for each 2 employees on the largest shift, plus required spaces for accessory uses.

Laundry and Dry Cleaning	One space for each 350 sq. ft. of activity area, plus 1 space for each 1,000 sq. ft. of storage area.
Offices	One space for each 250 sq. ft. of gross floor area.
Personal Services — Barber/Beauty Shops (and other personal services)	One space for each 200 sq. ft. of gross floor area.
Restaurants, Taverns, Lounges, or similar establishments for the consumption of food and beverages on the premises	Up to 1,000 sq. ft. — 1 space for each 200 sq. ft.; 1,000 to 4,000 sq. ft. — 1 space for each 100 sq. ft.; 4,000 sq. ft. and over — 40 spaces plus 1 space for each 50 sq. ft. over 4,000 sq. ft.; plus one space for each 100 sq. ft. of outdoor dining area.
Service Stations	One space for each 200 sq. ft. of gross floor area; plus 3 spaces for each service bay.
Technical or Trade School	One space for each 2 faculty and employee members; plus 1 space for each 2 full time (or equivalent) enrolled students.
Land Use Type:	
Transportation and Communication	Vehicle Spaces Required
Alternative Fuels and Recharging Facilities	2 spaces minimum; plus any additional spaces required by the Conditional Use Permit.
Broadcast Studio	One space for each 400 sq. ft. of gross floor area.
Recording Studio	One space for each 250 sq. ft. of gross floor area.

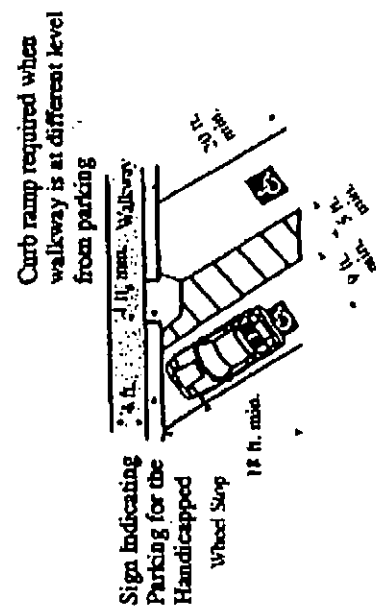
5. Adjustments to off-street parking requirements.

- a. Shared parking provisions. Where two or more adjacent land uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be approved by the Director, provided that the most remote space is located within 300 feet of the use it is intended to serve, or as approved by Director.
- b. Parking study may be required. The Director may require the applicant to submit a parking study, prepared by a person/firm experienced in preparing parking plans, to assist the Director in determining the appropriate shared parking reduction.
- c. Recorded agreement requirement. The property owners involved in the joint use of parking facilities shall record an agreement, approved by the City Attorney, with the County Recorder. A copy of the agreement shall be filed with the Director.
6. Disabled/handicapped parking requirements. Parking areas shall include parking spaces accessible to the disabled in the following manner:
 - a. Number of spaces, design standards. Parking spaces for the disabled shall be provided in compliance with Section 1129B of the Uniform Building Code (UBC);

- b. Reservation of spaces required. Disabled access spaces required by this subparagraph shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use;
- c. Upgrading of markings required. If amendments to State law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in compliance with the new State standards. Upgrading shall be completed by affected property owners within 60 days of being notified in writing by the Department of new State standards; and
- d. Fulfilling of requirements. Disabled accessible parking spaces required by this subparagraph shall count toward fulfilling off-street parking requirements.



Single Handicapped Space



Double Diagonal Handicapped Space



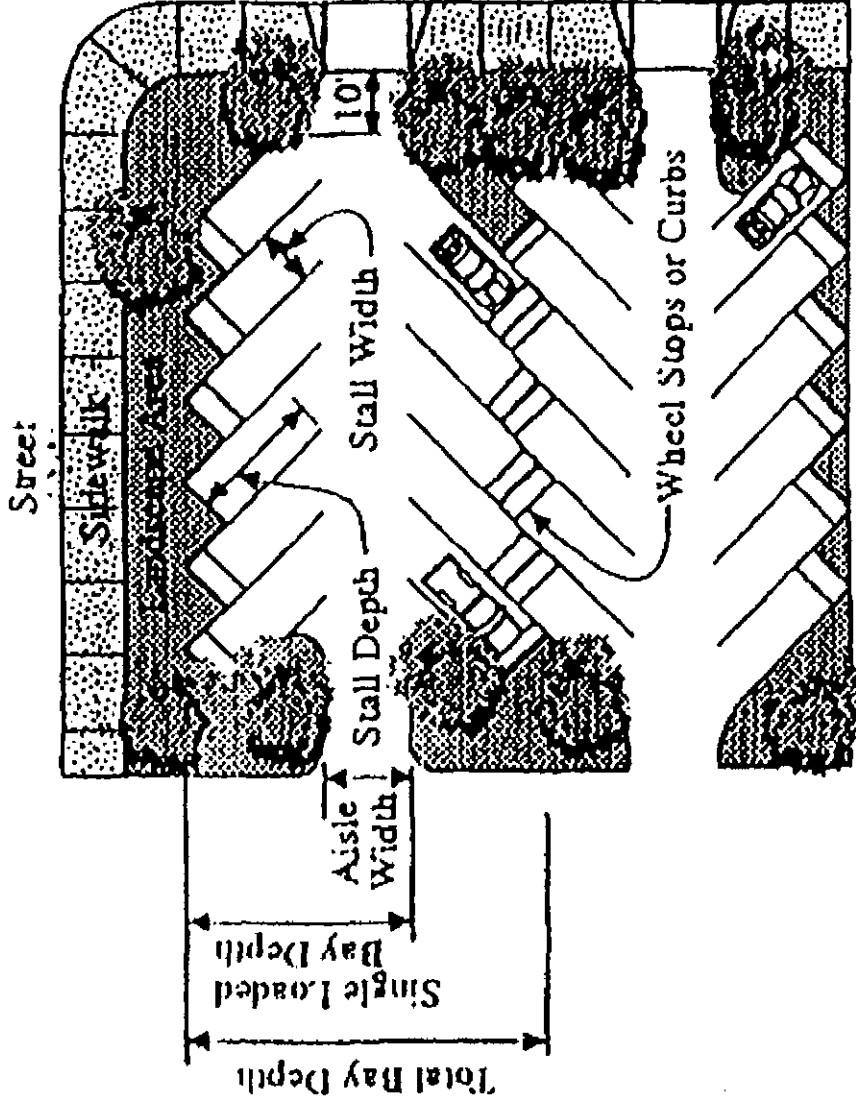
International Symbol of Accessibility

- 7. Development standards for off-street parking. Off-street parking areas shall be provided in the following manner:
 - a. Access to off-street parking areas shall be provided in the following manner:

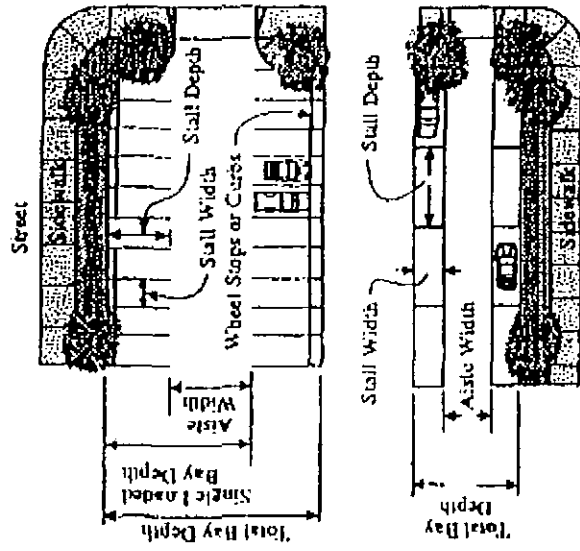
- (1) Suitable maneuvering room. Parking areas shall provide suitable maneuvering room so that vehicles enter an abutting street in a forward direction. Parking lots shall be designed so as to prevent access at any point other than at designated access drives;
 - (2) Distance from driveways. Parking spaces shall not be located within 20 feet of an access driveway, measured from the property line; and
 - (3) Minimum clearance. A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles.
- b. Access to adjacent sites. Applicants are encouraged to provide shared vehicle and pedestrian access to adjacent properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties and running with the land shall be recorded by the owners of the abutting properties, as approved by the Director.
- c. Location. Off-street parking areas shall be located in the following manner:
- (1) Front and street side setbacks. Parking spaces shall be set back a minimum of 30 feet in the front and street side setback areas, in compliance with subsection C (zone-driven development standards). The setback shall be measured at right angles from the nearest face of the curb adjoining the street to the nearest point of the parking stall, in compliance with subparagraph 14 of subsection D of this section (measurement of setbacks).
 - (2) Accessibility of spaces. Parking spaces shall be accessible by drives and aisles in compliance with subparagraph 8 of this subsection, below;
 - (3) Located on same parcel. Required parking shall be located on the same parcel as the uses served, except that parking may be located on a parcel adjacent to the parcel served, subject to the approval of the applicable review authority, and further subject to a recorded covenant running with the land recorded by the owner of the parking lot guaranteeing that the required parking will be maintained exclusively for the use or activity served.
 - (4) Car pool spaces. Car pool and bicycle spaces shall be located as close as is practical to the entrance(s) to the use they are intended to serve. Spaces shall be situated so that they do not obstruct the flow of pedestrians at entrances or sidewalks.
- d. Parking space and lot dimensions. Minimum parking dimensions shall be as follows:
- (1) Minimum dimensions. The minimum standard parking space dimensions shall be 10 feet wide by 20 feet long with up to a three-foot overhang, in compliance with subparagraph h(5) (bumper overhang areas), below.
 - (2) Parallel space dimensions. Parallel parking spaces shall be a minimum of eight feet by 22 feet.
 - (3) Minimum vertical clearance. Every parking space shall maintain a vertical height clearance of seven feet.
- e. Drainage.
- (1) Not over sidewalks. Surface water from parking lots shall not drain over sidewalks or adjacent parcels.
 - (2) Design of drainage improvements. Parking lots shall be designed in compliance with the storm water quality and quantity standards of the City's Best Management Practices (e.g., National Pollutant Discharge Elimination System [NPDES]).
- f. Directional arrows and signs:
- (1) Directional arrows required. In parking facilities, parking spaces, aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines to ensure the safe and efficient flow of vehicles.
 - (2) Traffic signs. The Director may require the installation of the traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.
- g. Grades of entrances, spaces, and driveways.
- (1) Entrance driveways. Driveways shall not exceed a maximum grade of 15 percent or six percent measured along the driveway centerline. Where there is a proposed change in the slope of the driveway, it shall first be demonstrated, to the satisfaction of the Director, that vehicles will be able to pass over the change in slope without interference with the vehicle's undercarriage.
 - (2) Interior driveways. Ramps or driveways within the interior of a parking area shall have a maximum grade of 20 percent. If a ramp or driveway exceeds 10 percent, the design shall include transitions (at each end of the ramp) not less than eight feet in length, having a slope equal to one-half the ramp or driveway slope.
 - (3) Parking spaces. Parking spaces and abutting access aisles shall have a maximum grade of six percent, measured in any direction.

- h. Landscaping shall be provided in compliance with the following requirements.
- (1) Landscape plan required. A comprehensive landscape and irrigation plan shall be submitted for review and approval by the applicable review authority in compliance with subsection E of this section (landscaping standards).
 - (2) Landscape materials. Landscaping materials shall be provided throughout the parking lot area using an appropriate combination of trees, shrubs, and ground cover. Drought-tolerant landscape materials shall be emphasized in compliance with subsection E (landscaping standards).
 - (3) Curbing, irrigation. Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide, and provided with an automatic irrigation system. Alternative barrier designs may be approved by the Director.
 - (4) Location of landscaping. Parking lot landscaping shall be located so that pedestrians are not required to cross landscaped areas to reach building entrances from parked cars. This should be achieved through proper orientation of the landscaped fingers and islands.
 - (5) Bumper overhang areas. To increase the parking lot landscaped area, a maximum of three feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a three-foot bumper overhang while maintaining the required parking dimensions. Utilization of the bumper overhang concept shall not allow a vehicle to extend into or over a pedestrian walkway or vehicle access driveway. The additional landscaped area is considered part of the parking space and shall not be counted towards satisfying parking lot landscaping requirements.
 - (6) Perimeter parking lot landscaping.
 - (a) Adjacent to streets. Parking areas adjoining a public street shall be designed to provide a landscaped planting strip between the face of the curb adjoining the street and the parking area of at least 15 feet in width, or a strip equivalent to the required setback for the subject zoning district, whichever would result in a wider landscaped strip.
 - i. The landscaping shall be designed and maintained to screen cars from view from the street to a height of between 36 inches and 42 inches.
 - ii. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices that meet the intent of this requirement.
 - iii. Trees shall be provided at a rate of at least one for every 20 lineal feet of landscaped area.
 - iv. Plant materials, signs, or structures within a traffic safety sight area of a driveway shall not exceed 36 inches in height.
 - (b) Adjacent to side or rear property lines. Parking areas shall provide a perimeter landscaped strip where the facility adjoins a side or rear property line. The width of the perimeter landscaped strip shall be equivalent to the required setback for the subject zoning district, or five feet, whichever would result in a wider landscaped strip. Trees shall be provided at the rate (minimum) of one tree for each 20 lineal feet of landscaped area.
- (7) Interior parking lot landscaping.
- (a) Landscaped islands required. All parking lots shall include appropriately designed, installed, and maintained landscaped islands, subject to the approval of the Director. Each island shall be a minimum of five feet (inside dimension) in width.
 - (b) Shading required. Parking lots shall include shade trees at the minimum ratio of one tree for each five lineal parking spaces provided. The selected trees shall be from an approved list provided by the Department. The trees shall be provided so that the shade canopies will be achieved within a minimum of 10 years after planting. All trees within the parking area shall be a minimum of 1.5-gallon size at planting. However, larger trees (e.g., 24-, 36-, and 48-inch box) may be required by the Director.
 - (c) Planters required. Trees shall be in planters located throughout the parking area. In order to be considered within the parking area, trees shall be located in planters that are bounded on at least three sides by parking area paving. Planters shall have a minimum interior dimension of five feet and be of sufficient size to accommodate tree growth. All ends of parking lanes shall have landscaped islands.
 - (d) Larger projects. Parking lots with more than 100 spaces shall provide a concentration of landscape elements at primary entrances, including specimen trees (e.g., 24-, 36-, and 48-inch box), flowering plants, enhanced paving, and project identification.
 - i. Lighting. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way in compliance with subparagraph 9 of subsection D (light and glare).

- j. Striping and identification.
- (1) Vehicular. Parking spaces shall be clearly outlined with four-inch wide lines painted on the surface of the parking facility. Compact and car pool spaces shall be clearly identified for compact vehicle and car pool usage respectively.
- (2) Disabled. Parking spaces for the disabled shall be striped and marked in compliance with applicable State standards.
- k. Surfacing.
- (1) Vehicular. Parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing approved by the Director.
- (2) Motorcycle. Motorcycle parking areas shall be paved with concrete or equivalent all-weather surfacing approved by the Director.
- (3) Bicycle. Bicycle parking areas shall be surfaced so as to keep the area in a dust-free condition, subject to the approval of the Director.
- l. Wheel stops/curbing. Continuous concrete curbing at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. The continuous curbing shall be placed to allow for a minimum two feet of vehicle overhang area within the dimension of the parking space.
- 8. Driveways and site access. Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and properly maintained as follows.
 - a. Number of driveways. Up to two driveways shall be allowed for each parcel two acres or more in size unless the City Engineer determines that more than two driveways are required to accommodate traffic volumes on specific projects. Additional driveways shall not be allowed if it is determined to be detrimental to traffic flow on the adjacent street(s). Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized, unless otherwise approved by the City Engineer.

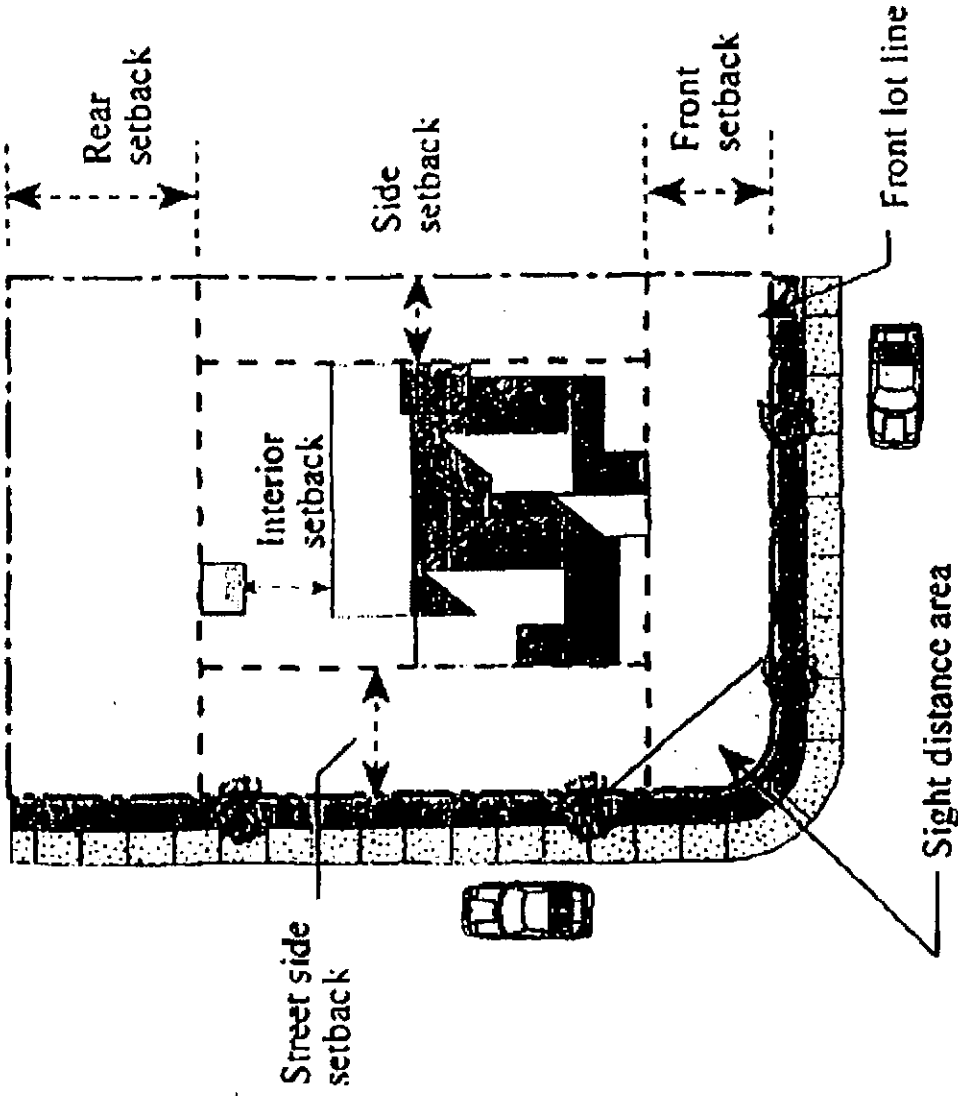


45 Degree Angle Parking



90 Degree Parking

- b. Distance from street corners. Driveways to parking areas shall be located a minimum of 150 feet from the nearest intersection, as measured from the centerline of the driveway to the centerline of the nearest travel lane of the intersecting street. For parcels with frontages less than 150 feet, the minimum distance shall be 100 feet, unless a lesser distance is approved by the City Engineer.
- c. Driveway width and length. Two-way drive aisles within parking areas shall be a minimum of 30 feet in width for general circulation and aisles required for fire access, subject to the approval of the City's Fire Marshal. Aisles that provide access primarily to parking stalls, and are not required for fire access, may be 26 feet in width. One-way aisles shall be a minimum of 17 feet in width unless required for fire access in which case, the minimum width shall be subject to the approval of the City's Fire Marshal.
- d. Clearance from obstruction. The nearest edge of a driveway apron or curb return shall be at least five feet from the nearest property line, centerline of a fire hydrant, utility pole, traffic signal, light standards, or other similar facilities. Driveways shall have a minimum overhead clearance of 14 feet in height, except within a parking structure which may be reduced to seven feet.
- e. Traffic safety sight area. Structures or landscaping over 36 inches in height shall not be allowed within a traffic safety sight area formed by the intersection of public rights-of-way, driveways, or alleys, as determined by the City Engineer.



9. Bicycle parking. Bicycle parking facilities shall be provided for all land uses as follows.
 - a. Number of spaces required. Bicycle parking spaces shall be provided at a rate of five percent of the number of required off-street vehicle parking spaces. The Director may modify this requirement where it can be demonstrated that a lesser number of bicycle spaces can adequately serve the intended use(s).
 - b. Bicycle parking design and devices. Bicycle parking areas shall be designed and provided as follows.
 - (1) Parking equipment. Each bicycle parking space shall include a stationary parking device to adequately support the bicycle.
 - (2) Parking layout.
 - (a) Aisles. Access to bicycle parking spaces shall be at least five feet in width.
 - (b) Spaces. Each bicycle space shall be a minimum of two feet in width and six feet in length and have a minimum of seven feet of overhead clearance.

- (c) Relationship to structure entrances. Bicycle spaces shall be conveniently located and generally within close proximity to the main entrance of a structure and shall not conflict with pedestrian access.
- (d) Relationship to motor vehicle parking. Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall, curb, or by at least five feet of open area, marked to prohibit motor vehicle parking.
- (e) Bicycle parking amenities. Additional amenities, including enclosed bicycle parking, shower facilities, and bike and personal lockers should be provided, as determined to be appropriate by the applicable review authority.

10. Off-street loading space requirements.

a. Number of loading spaces required. All land uses with less than 3,500 square feet of gross floor area shall provide one off-street loading space, which may be combined with an off-street parking space. All land uses with 3,500 square feet of floor area or more shall provide off-street loading space(s) in compliance with Table 10, below. Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the proposed use.

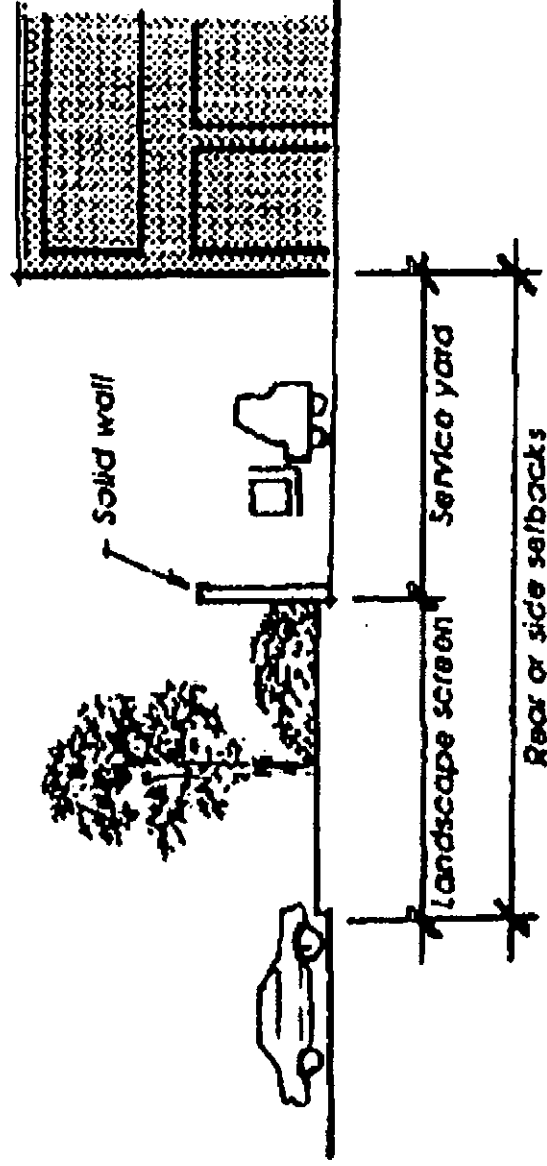
**TABLE 10
REQUIRED LOADING SPACES**

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
Manufacturing, research and development uses (R & T)	3,500 to 40,000 sq. ft.	1
	40,001 to 80,000 sq. ft.	2
	80,001 to 120,000 sq. ft.	3
	120,001 to 160,000 sq. ft.	4
	160,001 sq. ft. and over	5
Office uses	3,500 to 50,000 sq. ft.	1
	50,001 to 100,000 sq. ft.	2
	100,001 sq. ft. and over	3
Retail commercial, hotel, and other allowed uses	3,500 to 15,000 sq. ft.	1
	15,001 to 45,000 sq. ft.	2
	45,001 to 75,000 sq. ft.	3
	75,001 to 105,000 sq. ft.	4
	105,001 sq. ft. and over	5

b. Standards for off-street loading and unloading areas. Off-street loading and unloading areas shall be provided in the following manner:

- (1) Dimensions. Loading spaces shall be not less than 12 feet in width, 40 feet in length, with 14 feet of vertical clearance.
- (2) Location. Loading and unloading areas shall not be located within 200 feet of the property lines of neighboring residential properties. The location shall also ensure that the vehicles would not be able to extend into or over a public right-of-way (e.g., pedestrian walkway or street) when using, or waiting to use, the loading and unloading areas.

- (3) Lighting. Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of adjacent structure(s) in compliance with subparagraph 9 of subsection D (light and glare).
- (4) Loading bays.
- (a) Loading bays and roll-up doors shall be painted to blend with the exterior structure wall(s) and generally located on the rear of the structure.
- (b) Areas for loading and unloading shall be designed to avoid potential adverse noise, visual, and illumination impacts in neighboring 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, subject to the approval of the Director, and in compliance with subparagraphs 12 (outdoor activities), and 13 (screening and buffering) of subsection D:
- Design the structures to enclose the outdoor loading and unloading service areas thereby providing for their concealment;
 - Construct perimeter six to eight-foot high walls to be architecturally coordinated with the primary structures and on-site landscaping; or
 - Screen the loading and unloading areas with dense vegetative hedges, combined with the decorative six to eight-foot high walls.



Masonry walls can be utilized to screen loading areas.

- (c) When it is not possible or desirable to locate the loading/unloading facilities at the rear of the structures, the loading docks and loading doors shall be located on the side of the structures and shall be screened from the public street rights-of-way by a suitable combination of walls and landscaped berms, subject to the approval of the Director.
- (d) The loading and unloading facilities shall be designed and placed on 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.

- (e) Special orientation or design treatment of the loading docks located in close proximity to neighboring residences shall be required in order to reduce the associated light and acoustical impacts to less-than-significant levels, subject to the approval of the Director.
- (5) Loading ramps. Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances.
- (6) Striping. Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.
- (7) Allowable hours of operation.
- (a) For uses sharing a common property line. For all uses that share a common property line with adjacent residential uses, the hours of operation for outside loading and unloading activities shall be restricted to the hours between 7:00 a.m. to 6:00 p.m. No nighttime (after 6:00 p.m.) outdoor loading and unloading activities shall be allowed.
- (b) For all other uses. For all uses that do not share a common property line with adjacent residential uses, outdoor loading and unloading activities shall comply with the City's adopted noise standards, in compliance with subparagraph 10 (noise) of subsection D.

G. SIGN STANDARDS.

1. Purpose. The purpose of this subsection is to provide minimum standards to safeguard life, health, property, and public welfare, and to preserve the character of the R & T Business Park by regulating the construction, design, height, lighting, location, maintenance, quality of materials, and size of signs and sign structures not enclosed within a structure, in order to accomplish the following:
 - a. Provide a reasonable and comprehensive system of sign controls to ensure the development of a high-quality environment;
 - b. Encourage a desirable character with a minimum of clutter, while recognizing the need for signs as a major form of communication;
 - c. Provide for fair and equal treatment of all sign users;
 - d. Encourage signs that are well designed and pleasing in appearance by providing incentive and latitude for good design, location, and spacing;
 - e. Provide for maximum public convenience by properly directing people to various activities; and
 - f. Promote public safety by providing that official traffic regulation devices be easily visible and free from nearby visual obstructions, including blinking signs, excessive number of signs, or signs resembling official traffic signs.
2. Applicability.
 - a. All signs. The standards in this subsection are intended to apply to all signs within the R & T Business Park.
 - b. Allowed signs. Only signs authorized by this subsection shall be allowed unless otherwise expressly provided in this subsection.
 - c. Applicability to sign content. The provisions of this subsection do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or noncommercial.
3. Reference Chapter 9.4.
- a. Chapter 9.4. Reference shall be made to Chapter 9.4 (Signs) of the Municipal Code for all aspects of sign regulations not specifically covered in this subsection.
- b. Apparent discrepancies. If an apparent discrepancy between the specific terms of this subsection and the more general provisions of Chapter 9.4 (Signs) arises, reference shall be made to the following documents, and in the following order:
 - (1) The specific terms of this subsection; and
 - (2) The general provisions of Chapter 9.4 (Signs) of the Municipal Code.
4. Definitions. For the purpose of this subsection, the following definitions shall apply:
 - a. Abandoned sign. Any sign which no longer advertises an activity, business, lessor, owner, product, or service on the premises where the sign is displayed.
 - b. Advertising structure/billboard. An on-site or off-site structure of any kind or character other than the main business identification signs, erected or maintained for outdoor advertising purposes, upon which any bill, painting, poster, printing, or other advertisement may be placed, including statuary for advertising purposes.

- c. Alteration. Any change of color, construction, copy, illumination, location, position, shape, sign face, size, or supporting structure of any sign.
- d. Animated or moving sign. Any sign which uses lighting, movement, or special materials to depict action or create a special effect to imitate movement.
- e. Area of a sign. See "sign area."
- f. Awning sign. Any sign copy or logo attached to or painted on an awning.
- g. Banner, flag, or pennant. Any cloth, bunting, paper, plastic, or similar nonrigid material used for advertising purposes attached to any framing, line, pole, staff structure, or vehicle, not including official flags of the United States, the State of California, and other states of the nation, counties, municipalities, official flags of foreign nations, and nationally or internationally recognized organizations.
- h. Barber pole. A rotating or stationary cylindrical pole of traditional red, white, and blue striped design.
- i. Bench sign. Copy painted on any portion of a bench.
- j. Building frontage. That building elevation which fronts on a public street, public parking lot, private parking lot available to the general public, or pedestrian walk where customer access to a structure is available.
- k. Business frontage. That portion of a building frontage occupied by a single business tenant having a public entrance within the building frontage.
- l. Business identification sign. A sign which serves to identify the name, address, and lawful use of the premises upon which it is located.
- m. Cabinet sign (can sign). A sign which contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.
- n. Changeable copy sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means, including time and temperature.
- o. Channel letters. Three-dimensional individually cut letters or figures, illuminated or unilluminated, affixed to a structure.
- p. Civic event sign. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a civic-fraternal organization, place of worship, public agency, school, or similar noncommercial organization.
- q. Commercial message content, or speech. Any message, the prevailing thrust of which is to propose a commercial transaction.
- r. Contractor or construction sign. A sign which states the name of the developer and contractor(s) working on the site and any related architectural, engineering, or financial organizations involved with the project.
- s. Convenience sign. A sign that conveys information (e.g., entrance, no parking, restrooms, etc.) or minor business identification for directional purposes, and is designed to be viewed on-site by pedestrians and/or motorists.
- t. Copy. Designs, figures, letters, numbers, words, or other symbolic representations incorporated into a sign.
- u. Directional sign. An on-site sign which is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.
- v. Directory sign. A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
- w. Double-faced sign. A sign constructed to display its message on the outer surfaces of two identical and/or opposite parallel planes.
- x. Edge of roof. On a pitched roof, the lowest portion of the fascia board covering the roof rafters, or if no fascia board exists, the lowest point of the roof rafters. On a flat roof, the top of the parapet wall.
- y. Electronic reader board sign. A sign with a fixed or changing display/message composed of a series of lights, but not including time and temperature displays.
- z. Flashing sign. A sign that contains an intermittent or sequential flashing light source.
- aa. Future tenant identification sign. A temporary sign that identifies the names of future businesses that will occupy a site or structure.
- bb. Governmental sign. Signs placed by a governmental entity and/or required by local, State, or Federal law.
- cc. Grand opening. A temporary promotional activity, not exceeding 30 calendar days, used by newly established businesses, within two months after initial occupancy, to inform the public of their location and services available to the community. "Grand Opening" does not mean an annual or occasional promotion of retail sales by a business.
- dd. Height of sign. The vertical distance from the uppermost point used in measuring the area of a sign to the average finish grade immediately below and adjoining

- the sign or the top of the nearest curb of the public street on which the sign fronts, whichever measurement is the greatest.
- ee. Holiday decoration sign. Temporary signs, in the nature of decorations, clearly incidental and customarily associated with nationally recognized holidays and which contain no advertising message.
- ff. Illegal sign. A sign which includes any of the following:
- (1) A sign erected without first complying with all regulations in effect at the time of its construction or use;
 - (2) A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days;
 - (3) A sign that was legally erected which later became non-conforming and then was damaged to the extent of 50 percent or more of its current replacement value;
 - (4) A sign which is a danger to the public or is unsafe;
 - (5) A sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City; or
 - (6) A sign that pertains to the specific event and at least five days have elapsed since the occurrence of the event.
- gg. Internally illuminated sign. A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.
- hh. Marquee (canopy) sign. A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a canopy to provide protection from the weather.
- ii. Monument sign. An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.
- jj. Multiple tenant site/center. A commercial or R & T development consisting of two or more separate businesses that share either the same parcel or structure and use common access and parking facilities.
- kk. Neon sign. Glass tube lighting in which a gas and phosphors are used in combination to create a colored light.
- ll. Noncommercial message content, or speech. Any message that is not determined to be commercial speech, as defined (above) in this subparagraph.
- mm. Nonconforming sign. An advertising structure or sign which was lawfully erected and maintained before the adoption of this Zoning Ordinance, and which has subsequently come under the requirements of this Zoning Ordinance, but does not now comply with this Zoning Ordinance.
- nn. Obscene sign. Signs when taken as a whole, which to the average person applying contemporary statewide standards, appeals to prurient interest and depicts or describes in a patently offensive way sexual conduct which lacks serious artistic, literary, political, or scientific value.
- oo. Off-site directional sign. A sign identifying an emergency facility, publicly owned facility, or a temporary subdivision sign, but excluding real estate signs.
- pp. Off-site sign. Any sign identifying a facility, product, service, or use which is not located, manufactured, or sold on the same premises as the sign or which identifies a facility, product, service, or use by a brand name which, although manufactured or sold on the premises, does not constitute the principal item manufactured or sold on the premises.
- qq. Off-site subdivision sign. A temporary off-site, freestanding sign designed, erected, and maintained to serve the public by providing directions and information regarding new developments and/or community facilities.
- rr. Parking lot sign. An on-site sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a site.
- ss. Permanent sign. A sign constructed of durable materials and intended to exist for the duration of time that the occupant or use is located on the premises.
- tt. Political sign. A temporary sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.
- uu. Portable sign. A sign that is not permanently affixed to a structure or the ground.
- vv. Projecting sign. A sign, other than a wall sign, suspending from, or supported by, a structure and projecting outward.
- ww. Promotional sign. A sign erected on a temporary basis to promote new hours of operation, new management, the sale of new products, a new service, or to promote a special sale.
- xx. Property frontage. The front or frontage is that side of a parcel or development site abutting on a public street.

- yy. Real estate sign. A sign indicating that a property, or any portion thereof, is available for inspection, lease, rent, sale, or directing people to a property, but not including temporary subdivision signs.
- zz. Roof sign. A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.
- aaa. Sign. Any device, display, figure, message, painting, placard, structure, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide data or information in the nature of advertising, to direct or attract attention to a business, event, institution, location, object, person, or service by any means, including colors, designs, figures, fixtures, illumination, letters, projected images, symbols, or words.
- bbb. Sign area. The entire area within a perimeter defined by a continuous line composed of right angles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed.
- ccc. Special event sign/banner. A temporary banner or sign that is intended to inform the public of a unique action, happening, purpose, or occasion (e.g., grand opening or community event).
- ddd. Temporary sign. Any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area, or neighboring property.
- eee. Vehicle sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a business located or a product sold on the property.
- fff. Wall sign. A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
- ggg. Window area. Window area shall be computed by calculating each window pane or panel. The area shall be separate for each building face, and for each window. A group of window panes or panels may be considered one window if they are adjoining on the building face and are less than six inches apart.
- hhh. Window sign. Any sign affixed, painted, placed, or posted in or on any window exposed to public view. Also includes any interior sign which faces any window exposed to public view and which is located within three feet of the window.
5. Comprehensive sign program.
- a. Purpose. The purpose of a Comprehensive Sign Program is to integrate a project's signs with the design of the structures to achieve a unified architectural statement. A Comprehensive Sign Program provides a means for the flexible application of sign regulations for multi-tenant projects and projects with more than five permanent signs in order to encourage creativity and provide incentive and latitude in the provision of multiple signs and to achieve, not circumvent, the intent of this subsection.
- b. Application requirements. The following information is required for the submittal of a Conditional Use Permit application for a Comprehensive Sign Program:
- (1) Plans. Plans, to scale, to include the following:
 - (a) Sign details indicating sign area, colors, dimensions, letter height, letter style, materials, and method of illumination for all signs;
 - (b) Site plan indicating the location of all proposed signs with sign area dimensions;
 - (c) Building elevation(s) with sign locations depicted and with dimensions; and
 - (d) A summary table showing the complete sign program and total square footage of all signs.
- (2) Replacement of signs. A statement explaining how revisions/modifications/replacement of tenant signs will be carried out to limit the possibility of holes being left in the structure's exterior by mounting brackets, electrical connections, or similar items;
- (3) Temporary signs. A statement of how the use of temporary signs, banners, and similar advertising devices will be monitored by the applicant to ensure compliance with the requirements of this subsection. Failure of the applicant to adequately monitor and control the use of temporary signs shall be grounds for revocation of the Conditional Use Permit; and
- (4) Other. Supplemental information required by the Director.
- c. Lessees to be informed of comprehensive sign program. Lessees within developments subject to the requirements of an approved Comprehensive Sign Program

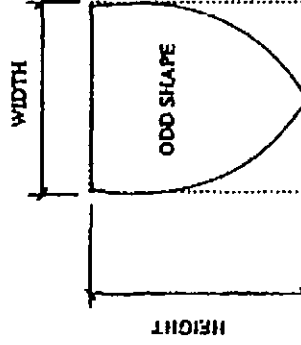
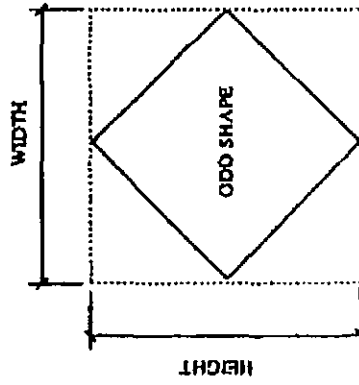
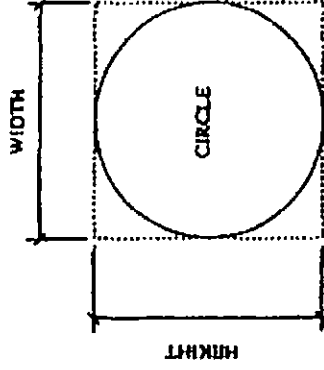
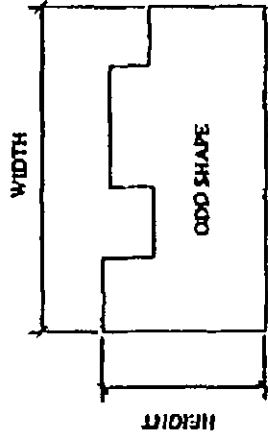
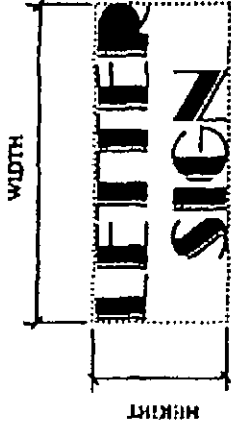
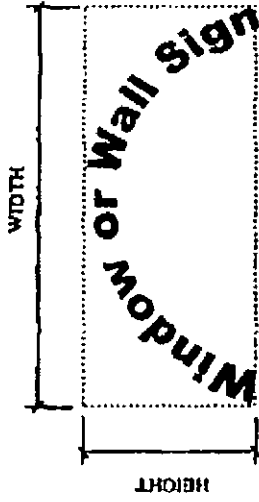
shall be made aware of the Program in their lease and their responsibility to follow the approved Comprehensive Sign Program.

d. Findings. In approving an application for a Conditional Use Permit authorizing a Comprehensive Sign Program, the applicable review authority shall make the following findings, in addition to those required for a Conditional Use Permit in compliance with Section 9.3.404:

- (1) The Comprehensive Sign Program satisfies the purpose and intent of this subsection;
 - (2) The signs enhance the overall development, are in harmony with, and are visually related to other signs included in the Comprehensive Sign Program and to the structure and/or uses they identify, and to surrounding development;
 - (3) The Comprehensive Sign Program accommodates future revisions which may be required due to changes in uses or tenants; and
 - (4) The Comprehensive Sign Program complies with the standards of this subsection, except that flexibility is allowed with regard to sign area, height, location, and/or number to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purpose of this subsection.
- e. Revisions to Comprehensive Sign Programs. Revisions to a Comprehensive Sign Program may be approved by the Director if it is determined that the revision is minor and that the intent of the original approval, and any conditions attached thereto, are not affected. For revisions that would substantially deviate from the original approval, the Director may require a modification to the original Conditional Use Permit, to be considered by the applicable review authority.
6. Sign design. In determining the consistency of each proposed sign with the purpose of this subsection, the following guidelines shall be applied. The proposed sign should:
- a. Legible. Be legible to the intended audience under normal viewing conditions, based on its proposed location, and the design of its visual element;
 - b. Compatibility. Not obscure from view or detract from existing signs, based on its color, location, shape, and other similar considerations. Sign colors should be compatible with the architecture of surrounding structures. The use of garish or fluorescent colors is generally considered inappropriate;
 - c. Harmony. Be harmonious with the color and texture of the structure to which it is affixed and in harmony with adjacent properties and surroundings, based on the color, height, placement, shape, size, texture, and the proximity of the proposed sign to adjacent properties and surroundings; and
 - d. Not a hazard. Be designed, constructed, and located so that it will not constitute a hazard to the public.
7. Prohibited signs. The following signs are inconsistent with the purposes and standards of this subsection and are, therefore, prohibited:
- a. Abandoned and/or dilapidated signs and sign structures;
 - b. Animals or human beings, live or simulated, designed or used so as to attract attention to the premises;
 - c. Animated, blinking, flashing, moving, reflecting, revolving, or other similar signs, except time/ temperature devices and barber poles;
 - d. Banners, pennants, and streamers, except as specifically allowed by the provisions of Chapter 9.4 (Signs);
 - e. Bench signs, except at approved bus passenger loading areas;
 - f. Changeable copy signs, except as approved for a civic organization/institution or gasoline pricing signs;
 - g. *Electronic reader board signs, except time/temperature devices;*
 - h. Inflated signs, balloons, figures, and other inflatable devices;
 - i. Light bulb strings and exposed tubing, except for temporary uses (e.g., Christmas tree lots);
 - j. Off-site signs not specifically allowed by the provisions of this Subsection, including billboards and outdoor advertising;
 - k. Painted signs on fences or roofs;
 - l. Portable freestanding signs;
 - m. Pole-mounted signs;
 - n. Projecting signs;
 - o. Roof signs extending above the edge of the roof of a structure;
 - p. Signs erected in a manner that a portion of its surface or supports will interfere in any way with the free use of an exit, fire escape, or standpipe or obstruct a

required door, stairway, ventilator, or window above the first story;

- q. Signs not in compliance with the provisions of this subsection;
 - r. Signs emitting audible sounds, odors, or visible matter;
 - s. Signs that conflict with or imitate traffic control devices due to color, design, location, illumination, or wording, or that interfere with the safe and efficient flow of vehicular and/or pedestrian traffic;
 - t. Signs on public property or projecting within the public rights-of-way, except with an encroachment permit issued by the City; and
 - u. Vehicle signs attached to or painted on motor vehicles that are parked on or adjacent to property for more than 48 consecutive hours, the principal purpose of which is to attract attention to a product sold or business located on the property.
8. Abandoned signs. A sign shall be removed immediately by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense.
9. General provisions for all signs.
- a. Maintenance of signs.
 - (1) Maintained in good repair. Signs and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times. Repairs to signs shall be of equal or better in quality of materials and design as the original sign.
 - (2) Public nuisance. Signs which are not properly maintained and are dilapidated shall be deemed to be a public nuisance, and shall be abated in compliance with the Municipal Code.
 - (3) Removal of unneeded/unused parts. When existing signs are removed or replaced, all brackets, poles, and other supports and hardware that are no longer required shall be removed. Walls shall be repaired and unpainted areas shall be painted to match the adjacent portion of the building or sign support structure.
- b. Location of signs. The method of installation and location of the signs shall ensure that the signs do not encroach into the public right-of-way.
 - c. Measurement of sign area.
 - (1) How to measure sign area. The surface area of a sign shall be calculated by enclosing the extreme limits of all emblem, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines.



$SIGN\ AREA = WIDTH \times HEIGHT$

- (2) Framework. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- (3) Back-to-back. Double-faced (back-to-back) freestanding signs shall be regarded as a single sign if the distance between each sign face does not exceed two feet.
- (4) Vertical plane. Where a sign consists of one or more three-dimensional objects (e.g., balls, clusters of objects, cubes, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.
- (5) Time and temperature. For signs that incorporate time and temperature devices, the area devoted to the time and temperature devices shall not be included in the total allowable area of the sign.

- d. *Measurement of sign height.* Sign height shall be measured as the vertical distance from the uppermost point used in measuring the area of the sign to the average finish grade immediately below and adjoining the sign or the top of the nearest curb of the public street on which the sign fronts, whichever measurement is the greatest.
- e. Illumination of signs. The artificial illumination of signs, either from an internal or external source, shall be designed and installed to eliminate negative impacts on surrounding rights-of-way and properties.
- (1) Shielded. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
 - (2) Brightness. The light from an illuminated sign shall not be of an intensity or brightness which will interfere with the reasonable enjoyment of structures and properties in direct visual proximity to the sign.
 - (3) Blinking. Signs shall not have blinking, flashing, or fluttering lights or other illuminating devices that have a changing light brightness, color, or intensity.
 - (4) Colored lights. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
 - (5) Not a hazard. Neither the direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
 - (6) Reflective bulbs. Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so as to expose the face of the bulb or lamp to public rights-of-way or adjacent structures and properties.
 - (7) Energy efficient fixtures. Light sources shall utilize energy efficient fixtures to the greatest extent possible.
- f. Sign copy. The City does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is strongly encouraged, but not required.
- (1) Sign copy should relate only to the name and/or nature of the business or commercial center.
 - (2) Permanent signs that advertise continuous sales, special prices, etc. should be avoided.
 - (3) Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.
 - (4) Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant center.
10. Standards for specific types of signs.
- a. Awning signs.
 - (1) Building frontages. Signs on awnings shall only be located on building frontages, including those fronting a parking lot or pedestrian way.
 - (2) Ground level/second story only. Signs on awnings are limited to ground level and second story occupancies only.
 - (3) Not illuminated. Awnings shall not be internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.
 - b. Freestanding monument signs.
 - (1) Street frontages only. Freestanding signs are allowed only on frontages adjoining a public street.
 - (2) Setback. Freestanding signs shall not be located closer than five feet from a property line.
 - (3) Height. Freestanding signs shall not exceed a height of six feet, except as may be allowed by this subsection, measured in compliance with subparagraph d (measurement of sign height), above.
 - (4) Separation. There shall be a minimum of 50 feet between two freestanding signs on adjoining sites to ensure adequate visibility for all signs. The Director may modify or waive this requirement in situations where its enactment would be impractical due to the locations of existing signs on adjacent properties.
 - (5) Not project or obstruct. Signs shall not project over public property, rights-of-way, or vehicular easements. Signs shall not obstruct corner traffic safety sight areas.
 - (6) Landscaping required. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 30 square feet of sign area shall require 60 square feet of landscaped area.
 - (7) Address plate required. Freestanding monument signs should contain an address plate identifying the project or use by specific street address. The address plate shall not exceed four square feet in area. Numbers shall be a minimum of six inches in height. Address plates shall not be included in the total allowable area of the sign.

- c. Off-site business directory signs. Off-premises business directory signs are intended to be a convenience for the traveling public by providing a directory of available services. For this purpose, informational directory signs or kiosks containing small individual off-premises signs may be allowed at entrances to the R & T Business Park subject to the approval of a Conditional Use Permit in compliance with Section 9.3.404. The design, location, size, and maintenance provisions for the sign (s) shall be determined through the Conditional Use Permit process.
- d. Wall signs.
 - (1) Building frontages only. Signs shall be located only on building frontages unless, specifically approved by the Director.
 - (2) Allowed projection. Signs shall not project from the surface upon which they are attached more than required for construction purposes, and in no case more than 12 inches.
 - (3) Height. Signs shall not project above the edge of the roof of a structure and shall be measured in compliance with subparagraph d of subparagraph 9 (measurement of sign height), above.
 - (4) Not obstruct window. Signs shall not be placed to obstruct any portion of a window.
- e. Window signs.
 - (1) Ground level/second story only. Signs shall be allowed only on windows located on the ground level and second story of a building frontage.
 - (2) Painted inside of window. Signs shall be painted or mounted only on the inside of the windows and doors.
 - (3) 25 percent maximum. Signs shall not occupy more than 25 percent of the window area of any one window including permanent and temporary signs.
 - (4) Unobstructed observation. The lowermost portion of the entire window(s) (a minimum of 24 inches) shall be clear of any signs in order to allow for unobstructed observation by security personal (e.g., City police, private security, etc.).
- 11. R & T component developments.
 - a. Application. This subparagraph shall apply to all R & T developments.
 - b. R & T developments: Freestanding monument signs.
 - (1) Size and height. The sign area of each face and sign height shall not exceed the areas and height identified in Matrix A, and shall be measured in compliance with subparagraphs c (measurement of sign area) and d (measurement of sign height) of subparagraph 9 above.

**MATRIX A
R & T DEVELOPMENT SIGNS**

Street Frontage of R & T Use (in feet)	Maximum Height (in feet)	Maximum Face Area (in square feet)
0—75	6	25
76—100	6	50
101—150	6	60
151 —200	8	75
201—Plus	8	100

- (2) Location. The location of the signs shall not be less than one foot inside the property line and shall not interfere with the safety of vehicular traffic entering into or exiting from an R & T development or with vehicular traffic or pedestrians.
- (3) Number. The total face area may be utilized in one sign or, where specifically approved by the Director, the sign area may be divided among one sign per street frontage, with a maximum height in compliance with Matrix A, above and provided a minimum distance of one-half of the width of the parcel is maintained between each

sign and the street frontage of the parcel.

c. R & T developments: On-building identification signs.

(1) Size and height. The sign area of each face and the sign height shall not exceed those areas and height identified in Matrix B, and shall be measured in compliance with subparagraphs c (measurement of sign area) and d (measurement of sign height) of subparagraph 9 above.

MATRIX B

R & T DEVELOPMENT SIGNS

Street Frontage (each) (in feet)	Maximum Height(in feet)	Maximum Face Area (in square feet)
0—100	6	25
101—150	8	50
151—200	10	75
201—400	2	100
401—Plus	20	125

(2) Number allowed. The sign area of each business frontage may be utilized in one or more signs provided the total sign area of all signs on a given frontage does not exceed the maximum allowable area.

12. Commercial component developments. This subparagraph shall apply to all uses designated as commercial or office professional or any variety of these.

a. Commercial developments: Freestanding monument signs.

(1) Size and height. Commercial developments may use one of two optional freestanding sign programs: a single freestanding sign listing the name and address of the center or the business in the case of a single business development. The sign area and the sign height shall not exceed those identified in Matrix C, and shall be measured in compliance with subparagraphs c (measurement of sign area) and d (measurement of sign height) of subparagraph 9 above.

MATRIX C

R & T DEVELOPMENT SIGNS

Street Frontage (each) (in feet)	Maximum Height (in feet)	Maximum Face Area (in square feet)
0—50	6	8
51—100	6	32
101—200	6	50
201—400	8	75
401—Plus	8	100

* An increase in the height may be granted by the Director where the Director feels a taller sign "structure" shall enhance the design of the development.

(2) Location. The location of signs shall not be less than one foot inside the property line and shall not interfere with the safety of vehicular traffic entering into or

exiting from a commercial development or with vehicular street traffic or pedestrians.

(3) Number. The allowable number of freestanding signs shall be as follows:

(a) The total face area may be utilized in one sign or be divided among one sign per street frontage, with a maximum height in compliance with Matrix C, above and provided a minimum distance of one-half of the width of the parcel is maintained between each sign and the street corner of the parcel. This provision shall be for frontages having 201 feet or greater of the total street frontage and shall be approved by the Director.

(b) When a commercial development has more than one tenant, individual low-profile freestanding signs for each tenant may be allowed in lieu of a single freestanding sign for the site, as allowed by Subparagraph a., above. The low-profile signs shall be uniform in construction (except for copy) and shall not exceed four feet in height, eight feet in length, and two feet in width per business. The total face area shall be limited to two times the face area allowed in Matrix C, above. Low profile signs shall be limited to copy on one side and placed parallel to the street.

(4) Directory signs. For directory signs located within the interior of a commercial development, there shall be no quantity limits. For directory signs located along the exterior street frontages of a commercial development, only one sign shall be allowed for each approach entrance, or as determined otherwise by the Director when the design, location, shape of the center, or other special circumstances exist and warrant special consideration.

b. Commercial developments: On-building identifications signs.

(1) Size and height. The sign area of each face and the sign height shall not exceed those areas and height identified in Matrix D, E, and F, and shall be measured in compliance with subparagraphs c (measurement of sign area) and d (measurement of sign height) of subparagraph 9 above.

**MATRIX D
INDIVIDUAL BUSINESS SIGNS**

Street Frontage (each) (in feet)	Maximum Height (in feet)	Maximum Face Area (in square feet)
0—50	6	20
51—100	8	36
101—150	10	40
151—200	12	50
201—400	14	60
401—Plus	20	100

**MATRIX E
MULTI-BUSINESS DEVELOPMENT SIGNS**

Street Frontage Development (each) (in feet)	Maximum Height (in feet)	Maximum Face Area (in square feet)
0—50	6	30
51—100	8	40
101—150	10	50
151—200	12	60

201—400	14	70
401—Plus	20	100

**MATRIX F
SHOPPING CENTER SIGNS**

Street Frontage Center (each) (in feet)	Maximum Height (in feet)	Maximum Face Area (in square feet)
0—200	14	50
201—400	16	70
401—500	20	80
501—Plus	20	100

(2) Location. The location of the signs shall not be less than one foot inside the property line and shall not interfere with the safety of vehicular traffic entering into or exiting from the commercial development or with vehicular street traffic or pedestrians. On corner parcels it is the intent of this subparagraph that signs not be placed at the corner of one street frontage to be viewed from another street frontage. Generally, multiple freestanding signs for independent businesses and commercial developments shall be centered on the street frontage on which they are placed.

(3) Number. Only one freestanding sign shall be allowed for and upon each street frontage. Without increasing the total freestanding sign allowance for corner parcels, the Director may allow the linear footage of two or more connecting street frontages to be combined for corner parcels in order to obtain a greater face area for a freestanding sign along a particular frontage than would otherwise normally be allowed, subject to the following restrictions:

- (a) The height of the freestanding sign does not exceed that otherwise normally allowed for the street frontage on which the sign is placed, based on values denoted for the linear footage on that street; and
- (b) The combined face area of the freestanding sign does not exceed that otherwise normally allowed for the street frontage on which the sign is placed by more than 25 percent.

c. Commercial developments: On-building "frontage" identification signs.

(1) Area allowed for frontages with public entrances. Each business frontage having a public entrance shall be allowed on-building identification signs with the allowable area computed in compliance with Matrix G, which shall be measured in compliance with subparagraph c of subparagraph 9 (measurement of sign area), above.

MATRIX G

AREA ALLOWED FOR FRONTAGES WITH PUBLIC ENTRANCES

Structure Entrance Setback (from property line)	Allowable Sign Area Formula	Minor Tenants Maximum Allowable Sign Area	Major Tenants Maximum Allowable Sign Area*
150 feet or less to the nearest street property line.	One sq. ft. per each linear foot of lease space.	50 sq. ft.	100 sq. ft.
More than 150 feet to the nearest street property	One and one-half sq. ft. per each linear foot of lease	75 sq. ft.	150 sq. ft.

line. space.

- * Major tenants having 100,000 square feet or more gross leasable area shall be eligible for additional on-building sign area under special approval by the Director. In these cases, the Director may increase the maximum allowable areas for major tenants identified in Matrix G from 100 to 200 square feet where the building entrance setback is located less than or equal to 150 square feet from the nearest street property line; or from 150 to 300 square feet where the building entrance setback is located more than 150 feet from the nearest street property line; whichever applies. Without further increasing the allowed on-building sign area, the Director may allow major tenants to transfer, in whole or in part, the on-building sign area allowance from a side street frontage without a public entrance to a frontage with a public entrance.
- (2) Area allowed for street frontages without public entrances. Each business occupying the end of a structure, having a street frontage without a public entrance, shall be allowed one-half square foot of sign area for each one foot of leased building frontage. The maximum area shall be limited to 25 square feet.
- (3) Minimum sign area. Each commercial use which has direct pedestrian access through an exterior building wall which is visible from a public right-of-way shall be allowed 25 square feet of building sign area, regardless of structure occupancy frontage. Commercial uses having a sole access from the interior of any structure or from an enclosed lobby or court shall not be allowed the minimum building wall sign area referred to in this subparagraph.
- (4) Privilege signs. Where a number of commodities with different brand names or symbols are sold on the premises, up to one-fourth of the area of a business sign, or 25 square feet of the sign area, whichever is the lesser, may be devoted to the advertising of one or more of the commodities by brand name or symbol as an accessory function of the business sign provided the advertising is integrated with and a part of the remainder of the business sign.
- (5) Under canopy signs. Under canopy signs shall be allowed in commercial centers provided they shall not exceed six square feet in sign area, nor shall the sign extend lower than seven feet above the area over which it is suspended, and shall be mounted perpendicular to the building face. The signs shall identify only a business name within a business center. Only one sign shall be displayed per frontage with a public entrance.
- (6) Transfer of sign area. When approved by the Director, the sign area may be transferred in part or in whole from a frontage with a public entrance to one without a public entrance provided the signs on a given frontage do not exceed the allowable area, as computed in compliance with Matrix G, above.
- d. Temporary signs. Temporary signs shall be limited to banners, posters, or pennants not to exceed in size the total allowable sign area for the lease space. The signs may be used in conjunction with an event or sale, and shall be displayed for 14 days maximum, and shall be limited to one display four separate times a year. A minimum of seven days shall separate the display periods. The promotional displays shall not list individual product prices and shall require that written notification be given to the Director.
- e. Grand opening signs. A-frame signs and portable changeable copy signs shall be limited to only one grand opening and a maximum display time of 30 days per business, with written notification given to the Director.
- 13. Sign standards for R & T and commercial developments. The sign standards provided in this subparagraph are intended to apply to all signs in the R & T Business Park. Only signs authorized by this subparagraph shall be allowed unless otherwise expressly provided in this subsection. All signs shall comply with the following tables.

TABLE 11

CLASS	SIGN TYPE	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM HEIGHT
SIGN STANDARDS — R & T COMPONENT				
Identification (single tenant, single parcel)	Wall	1 per building face.	10% of the building face, not to exceed 150 square feet.	Not to project above the roofline.
	Monument	1 per street;	36 square feet	6 feet.

		maximum of 2	per side	
Promotional Sales Sign	1 sign per activity or business.	50 square feet.	Director approval.	
Identification (multi-tenant sites)	1 per building face.	10% of the building, 10% of the building face, no case exceed 20 feet.	Not to project above the roofline and in no case exceed 20 feet.	
Monument (business directory)	1 per street frontage or parking area not to exceed 2 per development.	36 square feet.	6 feet.	
Site Directory	1 per vehicular entrance	12 square feet.	6 feet.	

SIGN STANDARDS — COMMERCIAL COMPONENT

Business Identification (businesses not within centers)	1 per building face.	10% of the building face, not to exceed 150 square feet total.	Not to project above the roofline.	
Monument	1 per street; maximum of 2.	36 square feet	6 feet.	
Promotional Sales Signs	1 sign per activity or business	Not to exceed 50 square feet	Per Director approval.	
Business Identification (businesses within centers)	1 per building face.	10% of the building face, not to exceed 150 square feet	Not to project above the roofline.	
Monument	1 per street; maximum of 2.	36 square feet.	6 feet.	
Business Directory (Monument)	To be determined by the Director.	15 square feet per side of sign.	6 feet.	
Business Identification (multiple tenants). The number and placement	To be determined by the Director based on each individual	10% of the face of the structure where sign is to be placed, not to	Not to project above the roofline.	

of wall and directory signs shall be subject to the Director.

Monument

building design. exceed 150 square feet.
 1 per street, maximum of 2. 36 square feet. 6 feet.

Site Directory (Monument)

1 per vehicular entrance. 24 square feet. 6 feet.

Service Station Identification and Pricing

Wall

1 per street; maximum of 2. 10% of building face, not to exceed 150 square feet. Not to project above the roofline.

Monument

1 per street frontage, not to exceed a total of 2 per station. 36 square feet. 6 feet.

Special Service Signs

Wall or Ground

1 for each pump island, not to exceed a total of 4 per station. 2 square feet. If mounted on a wall or pole of the canopy, it shall be no higher than 6 feet. Ground signs shall not exceed 6 feet in height.

Special Advertisement

Wall or Ground

2 per station. 6 square feet. A ground sign shall not exceed 6 feet in height, a window sign shall not exceed 6 feet in height.

Pedestrian Traffic Signs

Wall, Window, Canopy

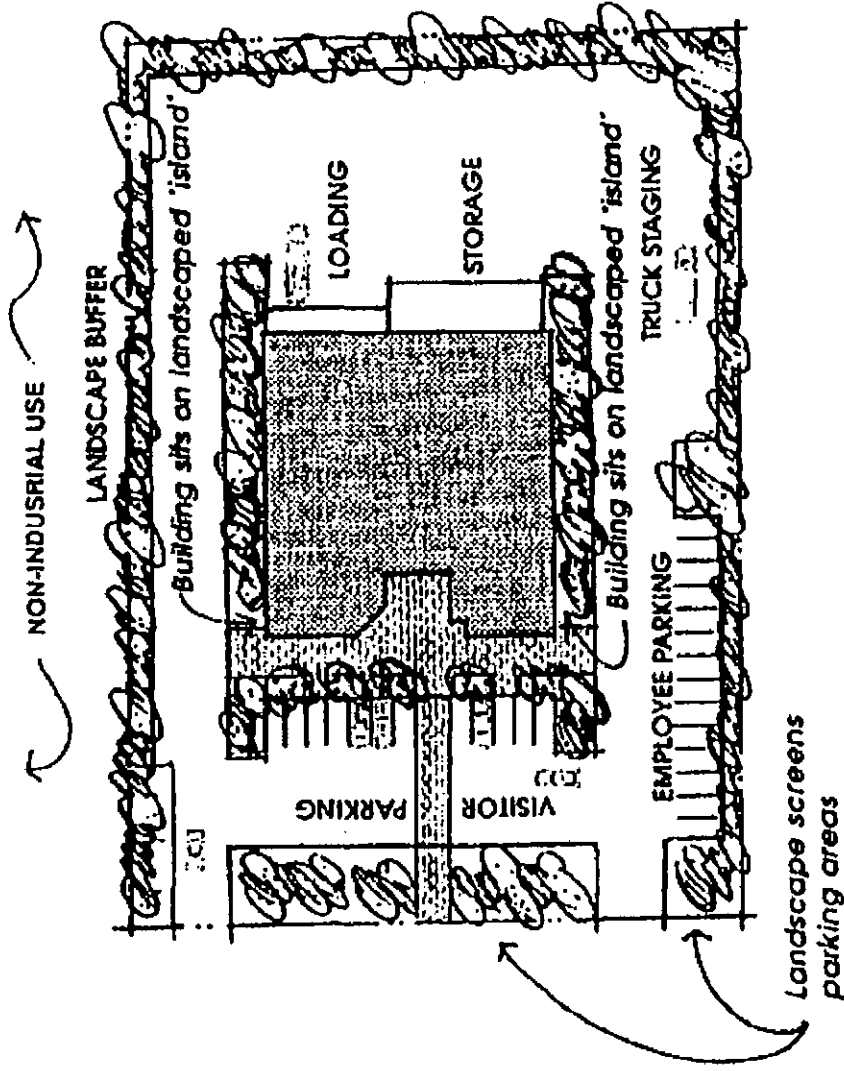
1 per business. 6 square feet. Not to exceed 8 feet above finish grade.

H. DESIGN GUIDELINES.

1. Purpose. These R & T Business Park design guidelines address both R & T and commercial structures. The following guidelines seek to ensure high quality development with respect to Business Park structures and related activities by:
 - a. Achieving a well-planned, quality designed Business Park development;
 - b. Ensuring compatibility between new Business Park development and existing community character; and
 - c. Creating environments in which Business Park's activities and operations may be conducted with minimal impact on surrounding land uses and the natural environment.
2. Intent of design guidelines.
 - a. Herndon-Sheperd Specific Plan. The R & T Business Park design guidelines implement the policies related to architectural resources, community character, and

the quality design as contained in the Herndon-Sheperd Specific Plan.

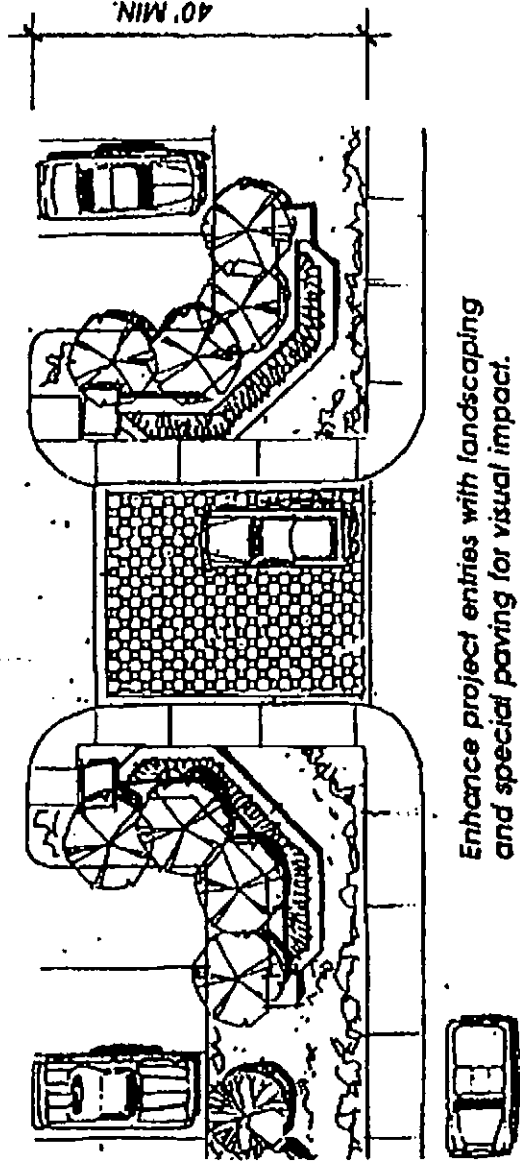
- b. Provide direction. These design guidelines are intended to provide direction to property owners and project designers in understanding the City's goals for maintaining high quality development that is sensitive to the City's unique character.
 - c. Used as criteria. These guidelines will be used during the City's review process as criteria within which projects requiring discretionary approval will be reviewed.
 - d. Design solutions. These design guidelines are intended to complement the mandatory site development regulations outlined in this Zoning Ordinance by providing good examples of potential design solutions. It is recognized, however, that this or any set of design guidelines does not encompass the full range of possibilities for excellence. For this reason, variation from an individual guideline may be considered when compensated by a related improvement, which contributes to the overall excellence of the project.
 - e. Interpreted with some flexibility. The design guidelines may be interpreted with some flexibility in their application to specific projects as not all design principles may be workable/appropriate for each project.
3. Applicability of design guidelines.
 - a. Any development. The provisions of this subsection apply to any R & T Business Park development (addition, remodeling, relocation, or new construction) requiring City approval, in compliance with this Zoning Ordinance.
 - b. Comprehensive review. The design elements of each project (site design, architecture, landscaping, loading, parking, and signs) will be reviewed on a comprehensive basis.
 - c. Other applicable chapters. Other chapters dealing with landscaping, loading, parking, and signs should also be addressed as applicable.
 4. R & T design guidelines.
 - a. General site design guidelines.
 - (1) The primary objective for this category of uses is the arrangement of structures and functions in a clean, campus-like setting, reflective of a high quality Business Park development.
 - (2) A variety of structure and parking setbacks should be provided in order to avoid long monotonous facades and to create diversity within the project.
 - (3) Auxiliary structures associated with Business Park structures and activities (e.g., phone booths, solid waste enclosures, storage areas, and vending machines) should be compatible with and integrated into the overall design of the Business Park.
 - (4) The main elements of a good Business Park site design include provision of the following:
 - (a) Controlled site access;
 - (b) Service areas located at the sides and rear of structures, and away from public view;
 - (c) Convenient public access, visitor parking, and on-site circulation;
 - (d) Suitable loading, parking, service, and storage area screen walls and berms;
 - (e) Screening of outdoor storage, work areas, and mechanical equipment;
 - (f) Suitable emphasis on the primary business entry with significant landscaping;
 - (g) Placement of structures to provide enjoyable plazas and courtyards; and
 - (h) Suitably designed and landscaped open space areas.

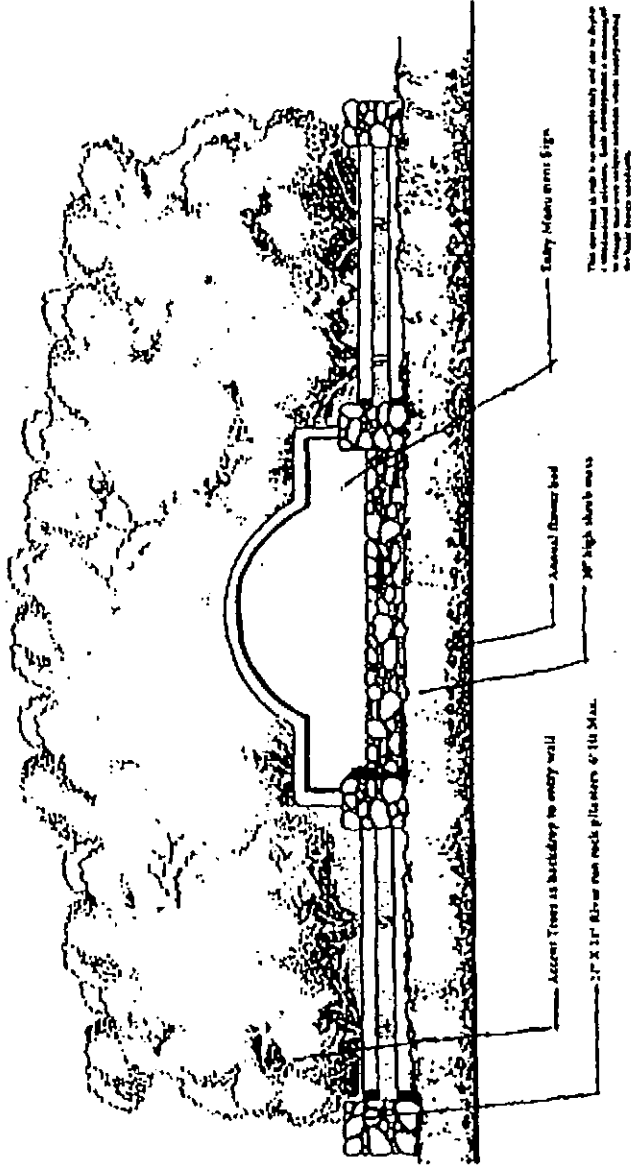


Appropriate industrial site layout prototype.

- (5) Site character.
 - (a) Natural amenities (e.g., views, mature trees, and topographic features) unique to the site should be preserved and incorporated into the project's design whenever possible.
 - (b) Structures should not face their back side or loading areas onto existing or planned amenities (e.g. parks, open space, and water features).
 - (c) Frontage roads or drives should be provided adjacent to open space areas unless the project is designed to provide direct pedestrian access to the open space and the road or drive is not otherwise necessary.
 - (6) Land use buffering.
 - (a) Noise, traffic, or odor-generating activities should be located adjacent to similar activities on adjacent properties whenever possible. Buffering between different land uses shall be in compliance with subparagraph 13 of subsection D (screening and buffering).

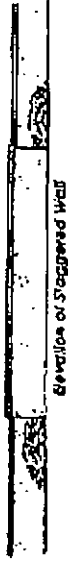
- (b) Access and circulation driveways, loading areas, mechanical equipment, and solid waste storage areas should be located as far as possible from adjacent residences.
- (c) Window orientation should preclude a direct line of sight into adjacent residential units and private open spaces within 200 feet of the property line.
- (d) When nonresidential structures back up to open space areas of residential projects, the rear setback area should be landscaped and combined with the residential open space where feasible.
- (e) Evergreen trees should be planted a minimum of 30 feet on center, and may be required to be planted closer, depending on species, to screen parking lots and large nonresidential building walls in order to provide a visual barrier between nonresidential and residential uses.
- (7) Structure placement.
- (a) Corner structures should provide a strong tie to the setback lines of each street. The primary mass of the structure should not be placed at an angle to the corner. This does not preclude angled or sculpted building corners, or an open plaza at the corner.
- (b) Multiple structures in a single project should provide a functional relationship with one another to achieve a campus-like setting or "village" scale by use of at least two of the following:
- Cluster structures around open plaza areas, not parking lots.
 - Provide courtyards with landscaping and other pedestrian amenities.
 - Provide convenient pedestrian circulation between structures and between parking areas and structures using enhanced paving materials.
 - Link structures together visually using trellis structures, arcades, and enhanced paving.
 - Avoid dated L-shaped type shopping center designs with parking located adjacent to the street.





- (c) Whenever possible, structures should have their entrances oriented towards transit stops for convenient access.
- b. Site access/entries.
 - (1) Pedestrian access and the trail system envisioned by the Herndon-Shepherd Specific Plan should be incorporated into the overall design of the Business Park.
 - (2) The entry to each development area should be clearly visible to pedestrian and motorists.
 - (3) The Business Park should be marked by enhanced entry features (e.g., a monument sign, decorative paving, special lighting, or landscaping).
 - (4) Low ground covers should be used at intersections to maintain proper visibility.
- c. Noise. The following design guidelines should apply to all structures and activities within the Business Park to minimize noise impacts:
 - (1) Limit use of unbroken solid walls along arterial and collector streets in order to avoid a monotonous, walled-community appearance. Provide wide landscaped areas with wall offsets incorporated into the trail system envisioned by the Herndon-Shepherd Specific Plan. Include berms, noise insulation, setbacks, and buffering of noise-sensitive areas from the noise source by landscaped and parking areas or structures.
 - (2) Ensure that new R & T and commercial development projects are designed to minimize noise impacts on neighboring noise-sensitive areas. Reduced noise levels can be achieved with landscaping, sound walls, and additional setbacks where necessary.
 - (3) The use of sound walls alone should be discouraged. Landscaped berms, possibly in combination with low walls, and project site planning are encouraged to provide shielding from excessive noise.
 - (4) Soundwalls adjacent to streets should be a total (maximum height) of eight feet in height comprised of landscaped berms and soundwalls constructed of durable materials (e.g., concrete block or other decorative masonry materials.)
 - (5) Soundwall materials should have irregular and attractive surfaces to reduce glare and reflections.

- d. Views and screening.
- (1) Structures should not detract from the scenic and visual quality of the community, and should not impair views from major public streets, trails, or vehicular turnouts.
 - (2) In scenic areas and areas dominated by landscaping, structures should incorporate natural materials and otherwise "fit into" the natural topography.
 - (3) Landscaped berms and screen walls should be used to minimize the visual impact of new development.
 - (4) Placement of structures which creates opportunities for suitably designed and landscaped courts, gardens, or plazas is strongly encouraged.
 - (5) Screening should be required between noncompatible land uses.
 - (6) Structures should be located so that the main entrance does not directly abut paved parking areas. A minimum eight-foot wide landscaped area should be provided within the parking areas, between the structure and the public pedestrian walk ways (e.g., public sidewalks).
 - (7) Setbacks from property lines should be provided proportionate to the scale of the structure (e.g., height and width) and in consideration of adjacent development. Larger structures may need additional setback areas for a balance of scale and so as not to impose on neighboring uses.
 - (8) Transit and alternative mode access is encouraged over automobile use. This can include designs that minimize transit access distances to structures, providing preferred parking for carpools and vanpools, and providing bicycle storage and locker facilities.
 - (9) Adequate landscaped berms with decorative masonry walls should be provided to guarantee preservation of privacy for adjacent residential uses.



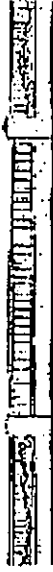
Elevation of Staggered Wall



Elevation of Planter Wall



Elevation of Wall with Breaks



Elevation of Wall, Wrought Iron Combination



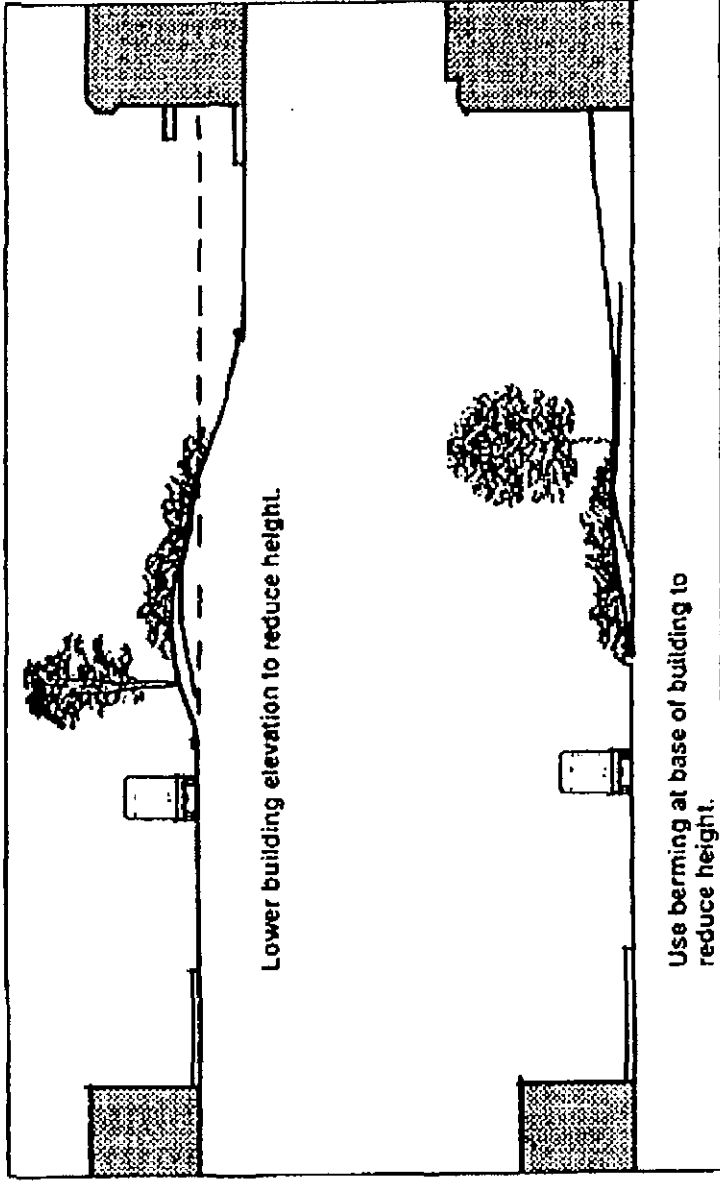
Elevation of Wrought Iron with Pilasters



Elevation of Solid Wall with Pilasters

- (10) Long expanses of wall surfaces should be architecturally designed to prevent monotony.
- (11) Where landscaped berms with decorative masonry walls are used within property frontages, they should enhance the entrance to the property and should not impair traffic (e.g., pedestrian or vehicular) safety by obscuring views.
- (12) All exterior solid waste and storage enclosures and service areas should be screened from public view with a wall of a minimum height of six feet above the street curb level. Storage areas should be set back a minimum of 50 feet from streets, unless fully enclosed in an architecturally compatible enclosure, or as otherwise approved by the Director.
- (13) No storage areas should be allowed within the front, side, or rear setbacks.
- (14) The design of masonry walls, solid waste enclosures, and similar accessory site elements should be compatible with the architecture of the structure.
- (15) Utility company equipment and roof-mounted equipment should be screened from street view.
- e. Landscaping. In addition to the following general guidelines more detailed design guidelines for landscaping are provided in subsection E (landscaping standards).
- (1) Landscaped areas should be planned as an integral part of the overall project and not simply located in left over areas on the site.
- (2) Landscaping should be used to help define outdoor spaces, soften a structure's appearance, and to screen equipment, loading, parking, and storage areas.

- (3) Landscape materials should be compatible with the structure design in terms of type and size/scale.
 - (4) The use of on-site pedestrian amenities (e.g. benches, drinking fountains, lighting, shelters, and solid waste receptacles) is encouraged. These elements should be provided in conjunction with on-site open spaces and be integrated into the site plan as primary features, not afterthoughts tacked on to artificially dress up a proposal.
 - (5) The incorporation of public art into projects when appropriate is strongly encouraged.
 - (6) Perimeter landscaping is required adjacent to all street frontages. These perimeter areas should be a minimum of 10 feet wide and include ground cover, shrubs, and trees. Landscaped berms are encouraged to soften the transition between the public street and off-street parking lots.
 - (7) Completion of landscaping on the site is encouraged to be simultaneous with completion of the structure and other improvements on the site.
 - (8) Landscaping should not obstruct sight lines at street or driveway intersections.
 - (9) Both perimeter and interior landscaping should 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. The use of turf in the narrow tree islands is discouraged.
 - (10) The plant palette should be relatively limited and applied in groupings of similar species rather than a few plants of many different species planted together. The use of water conserving plantings (e.g., California natives and drought tolerant trees, shrubs, and turf) is encouraged.
 - (11) Live plant materials shall be used in all landscaped areas. The use of bark, colored rock, gravel, and other similar materials is not acceptable as a sole ground cover material.
 - (12) Plants should be watered and maintained on a regular basis. The automatic irrigation systems should be designed so as not to overspray parking areas, structures, walks, etc. The use of water conserving systems (e.g., drip irrigation for shrub and tree planting) is encouraged.
 - (13) All undeveloped site areas and building pads should be seeded with perennial grasses before construction of the next phase of a project. All undeveloped pads and site areas should be mowed annually in the spring.
- f. Parking and circulation.
- (1) General.
 - (a) Parking lot spaces should be designed with a clear hierarchy of circulation: major access drives with no parking; major circulation drives with little or no parking; and parking aisles for direct access to parking spaces.
 - (b) Parking lots should be separated from structures by either a raised walkway, landscape strip, or combination at least six feet wide, with a minimum three-foot-wide walkway. Situations where parking aisles or spaces directly abut the structure are strongly discouraged.
 - (c) No more than five percent of the required parking should be located in the rear services area of a project site.
 - (2) Parking lots should not be the dominant visual elements of the site. Large expansive paved areas located between the street and the structures are to be avoided in favor of smaller multiple lots separated by landscaping.
 - (3) Site access and internal circulation should be designed in a straightforward manner which emphasizes safety and efficiency. The circulation system should be designed to reduce conflicts between pedestrian and vehicular traffic.
 - (4) Parking areas should be easily accessible from the street so that circulation to parking areas does not interfere with other site activities.
 - (5) Visitor and handicapped parking areas should be located near the entrance of the structure and be clearly marked.
 - (6) Automobile parking areas should be separated from loading, service, and truck parking areas.
 - (7) Access to and from off-street parking and loading facilities should be clearly marked with appropriate directional signs where multiple access points are provided.
 - (8) Off-street parking lots adjacent to and visible from public rights-of-way should be suitably screened from public view through the installation and maintenance of a combination of landscaped berms, low screen decorative masonry walls, and/or changes in elevation in order to effectively "hide" the vehicles within these lots.

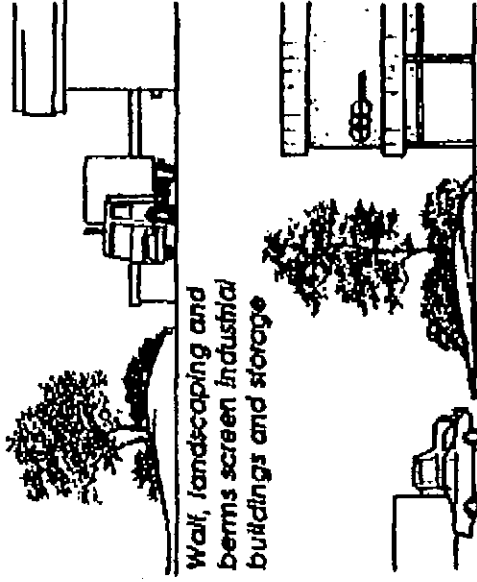


Use berming or grade differentials to screen parking lots.

- (9) The off-street parking areas should be screened from public rights-of-way by means of a minimum four-foot high landscaped berms and decorative masonry walls or solid evergreen shrubbery.
- (10) Off-street parking areas exclusively intended for the temporary parking of service and delivery vehicles should be located out of view from the public right-of-way.
- (11) Parking should not be allowed on any street or drive, or any place other than parking areas located on developed sites.
- (12) Concrete curbs (a minimum of six inches high and six inches wide) should be installed around all landscaped areas to contain and protect plant materials.
- (13) Full curb returns (as opposed to a standard driveway) should be utilized for entries to all individual sites or for common driveways that serve at least two adjacent sites.
- (14) All parking areas and drives should be illuminated at the level of one foot candle or a greater level as may reasonably be required for areas subject to night-time pedestrian and vehicular traffic. All parking areas should be maintained for safe operation of vehicles and to present a slightly and well-kept appearance.
- (15) Off-street loading facilities.
 - (a) All loading activity, including turnaround and maneuvering, should/shall be made on-site.
 - (b) Structures and loading facilities should be designed and placed upon the site so that vehicles, whether rear loading or side loading (of the maximum length allowed by State law at the time of construction of the structures, but in no case less than sixty feet in total length) may be loaded or unloaded at any loading dock door, or

loading area, without extending beyond the property line.

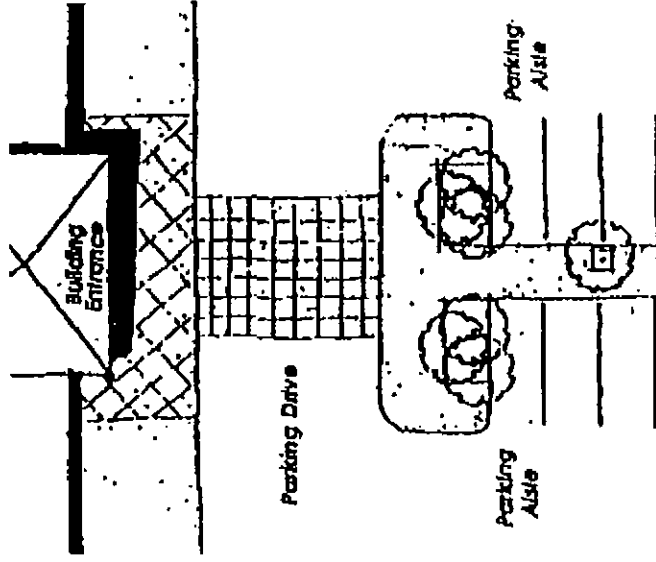
- (c) Outdoor off-street loading areas should not be located within 200 feet of neighboring residential property. If, however, an outdoor loading area is proposed to be located within 200 feet of residential property, a minimum eight-foot high landscaped berm and decorative masonry sound wall should be required to protect the neighboring residential property.
- (d) Outdoor off-street loading facilities should be screened with suitably landscaped berms and decorative masonry walls and should not be located at the front or street side of structures. When it is not possible to locate the loading facilities at the rear of the structure, loading docks and doors should not dominate the street frontage, should be screened from public view by suitable landscaping, and be offset from driveway openings.



Screen all loading facilities.

- (16) Project entry.
- (a) Parking lots with over 100 parking stalls should provide a main entry drive from the public street for a minimum distance of 40 feet and should include a minimum four-foot-wide sidewalk from the street to the first cross aisle on at least one side, and at least one of the following alternatives:
- A minimum seven-foot-wide landscaped center median from the public street to the first cross aisle.
 - Two seven-foot-wide landscaped parkways flanking the main entry drive. The parkway that abuts the sidewalk may be reduced in width to four feet.
- (b) The first aisle juncture that intersects the main entry drive should be placed at least 40 feet back from the public street right-of-way to provide adequate queuing distance off the street.
- (c) Entry drives should be located a minimum of 200 feet apart and at least 100 feet from any street intersection property line to driveway centerline. Also, access drives should be located a minimum of 20 feet from side property lines unless a shared drive is provided, or as otherwise approved by the Director.
- (17) Site access.
- (a) Developments with more than 100 parking stalls that are located on an arterial or larger street should coordinate access points with median openings and existing driveways on the opposite side of the roadway. Final locations shall be subject to review and approval by the City Engineer.

- (b) Developments with more than 200 parking stalls, that are located on an arterial or a larger street should provide deceleration lanes adjacent to their major entry in compliance with City standards.
- (c) Whenever possible, locate access drives on side streets to maintain efficient traffic flow on major roadways.
- (d) All driveway radii shall be in compliance with City standards.
- (18) Pedestrian access.
 - (a) Drop-off points (e.g., wider aisles) should be located near major building entries and plaza areas for projects over 50,000 square feet of building area.
 - (b) Parking areas should be designed so that pedestrians walk parallel to moving cars in parking aisles. Access designs should minimize the need for the pedestrian to cross parking aisles and landscape islands to reach structure entries.
 - (c) Clearly defined pedestrian access should be provided from transit/bus stops to primary structure entrances. In projects with more than 100 parking stalls, pedestrian walkways should be provided through parking areas from transit/bus stops.
 - (d) All projects should provide a suitable connection of the on-site pedestrian circulation system to the off-site public sidewalk.
 - (e) Meandering sidewalks are preferable and should be provided in all appropriate situations, subject to the approval of the Director.
 - (f) Parking lots with over 100 stalls should provide a separate "main" pedestrian walkway from the public sidewalk to the on-site walkways. At a minimum, this main entry sidewalk should:
 - i. Be located on one side of the main entry drive aisle;
 - ii. Be a minimum of four feet wide;
 - iii. Be raised and protected from the drive aisle by a six-inch-high curb;
 - iv. Be constructed of concrete or an interlocking paving system.
 - (g) Emphasis at pedestrian crossings of driveways and major circulation aisles should be accentuated at structure entries by extending the sidewalk to the back edge of the parking spaces.

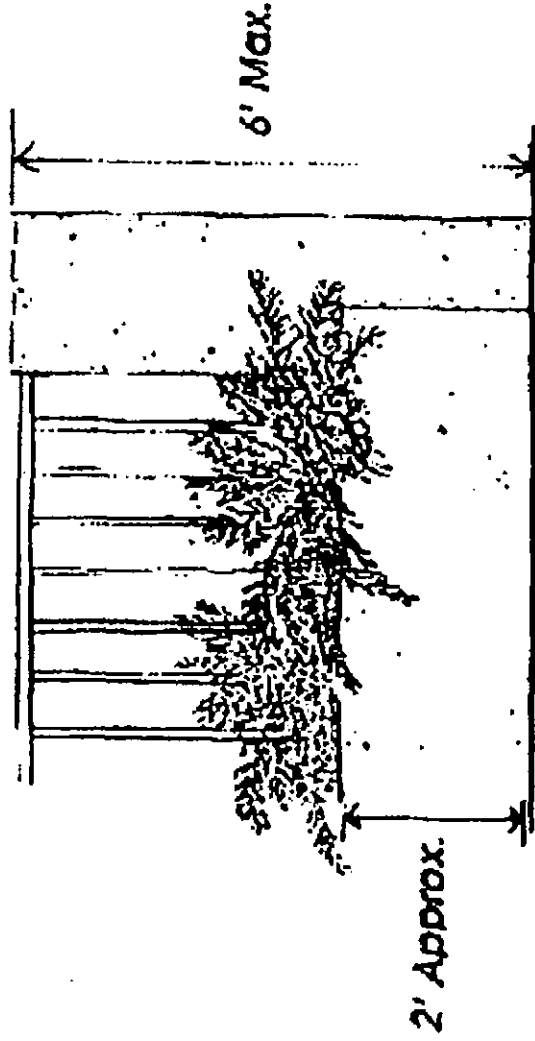


Provide pedestrian links from parking lots to buildings.

- (19) Bus turnouts.
 - (a) Bus turnouts may be required wherever the potential for auto/bus conflicts warrants separation of transit and passenger vehicles. Bus turnouts should be considered by the City Engineer when at least two of the following conditions apply:
 - i. Bus parking in the curb lane is prohibited;
 - ii. Traffic in the curb lane exceeds 250 vehicles during the peak hour;
 - iii. Passenger volumes exceed 20 boardings an hour;
 - iv. Traffic speed is greater than 45 miles per hour; and
 - v. Accident patterns are recurrent.
 - (b) Bus turnouts should be designed in compliance with City standards.
 - g. On-site exterior lighting.
 - (1) Exterior lighting should be designed as part of the architectural and landscape concept of the project.
 - (2) An appropriate hierarchy of lighting fixtures/structures and intensity should be considered when designing the lighting for the various elements of a project (e.g., structure and site entrances, parking areas, walks, or other areas of the site).
 - (3) To achieve the desired lighting level for most projects, the use of many short, low intensity fixtures is encouraged over the use of a few tall fixtures that

illuminate large areas.

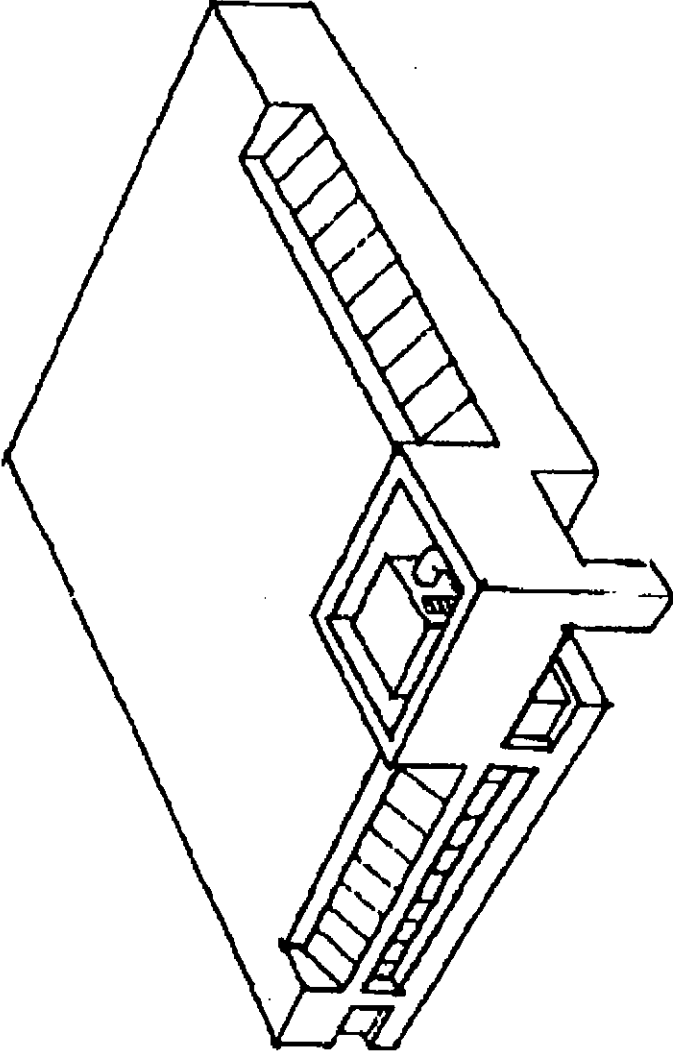
- (4) Lighting should be placed where it can best aid in illuminating activity areas. The site should not be overly lit. Fixtures should be scaled in size to match the size of areas to be lit.
- (5) Area lighting should be directed predominantly downward and placed to prevent glare or excessive spray of light on neighboring sites.
- (6) Accent illumination should be provided at key locations (e.g., structure entries and driveway entries).
- (7) Pedestrian oriented areas (e.g., arcades, covered walkways, courts, gardens, or plazas) and other activity points should be suitably illuminated.
- (8) Lighting or highlighting of building facades is allowed but should be sensitive, subtle, and not excessive.
- (9) Parking and roadways should use either mercury vapor or high pressure sodium lamps.
 - h. Fences, hedges, and walls.
 - (1) If walls are not required for a separation of land uses or a screening/security purpose they should not be used.
 - (2) Where walls are used at property frontages, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Landscaping (e.g., berms, solid evergreen shrubbery, etc.) should be used in combination with walls to soften their appearance.
 - (3) When security fencing is visible from a public right-of-way, it should be a combination of solid pillars, or short solid decorative masonry wall segments, and wrought iron grille work.



Incorporate planters into walls to break up flat surfaces and add interest.

Make security fencing attractive.

- i. Roof top equipment.
 - (1) Roof top equipment should be organized to give an orderly, uncluttered appearance. Due to the amount of roof top equipment that may exist in R & T projects, it may be necessary to provide a roof top equipment layout plan for proper evaluation of the effectiveness of required rooftop screening.
 - (2) All roof top equipment should be appropriately screened, in compliance with subparagraph 1.3 of subsection D (screening and buffering).

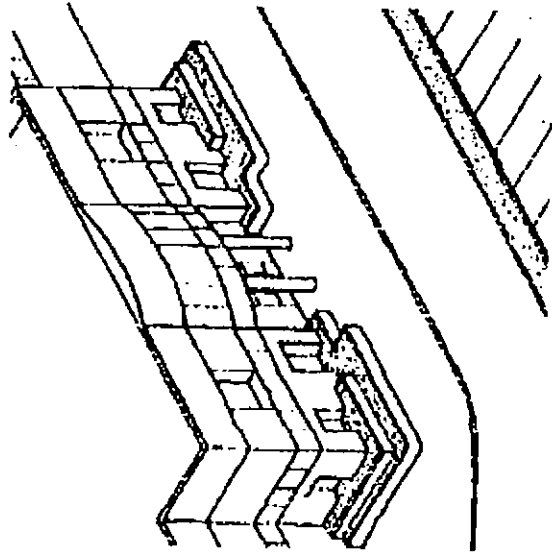


Screen rooftop equipment.

- j. Solar energy. Passive heating and cooling opportunities should be incorporated in all developments in the following manner:
- (1) All future structures should be oriented to maximize solar access opportunities.
 - (2) Parcel sizes/configurations should be designed to maximize the number of structures oriented so that the south wall and roof area face within 45 degrees of due south, while permitting the structures to receive cooling benefits from prevailing breezes and existing and proposed shading.
 - (3) Roof-mounted solar collectors should be placed in the most visually inconspicuous location without reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted collectors should be screened from public view.
 - (4) Roof-mounted collectors should be installed at the same angle or as close as possible to the pitch of the roof.
 - (5) Appurtenant equipment, particularly plumbing and related fixtures, should be installed in the attic or screened from public view.
 - (6) Exterior surfaces of the collectors and related equipment should have a matte finish and should be color-coordinated to harmonize with roof materials and other dominate colors of the structure.
- k. Solid waste storage areas.
- (1) All storage bins should be stored in approved enclosures in compliance with subparagraph 15 of subsection D (solid waste and recyclable materials).
 - (2) The location of enclosures should allow convenient access for each tenant.

- (3) The enclosures should be located as far away from adjacent residential uses as possible.
- (4) Loading facilities should not be located at the front of structures where it is difficult to adequately screen them from public view. These facilities are more appropriate at the rear of the site.
- 1. Utility and mechanical equipment.
 - (1) All mechanical equipment (e.g., air conditioners, chillers, compressors, heating and ventilating equipment, solar collectors, stand pipes, etc.) should be concealed from public view in compliance with subparagraph 13 of subsection D (screening and buffering). Screening devices should be compatible with the architecture and color of the adjacent structures.
 - (2) Mechanical equipment should not be located on the roof of a structure unless the equipment can be screened by building elements that are designed for that purpose and that are an integral part of the building design.
 - (3) Utility equipment (e.g., electric and gas meters, electrical panels, and junction boxes) should be located in utility rooms within the structure or utility cabinets with exterior access.
 - m. Architectural design guidelines.
 - (1) Architectural style. The architectural style of structures within the R & T area of the Business Park should be one that is compatible with its setting. Structures should project an image of high quality through the use of appropriate materials and settings (e.g., courts, gardens, or plazas) which reflect a well landscaped campus-like setting.
 - (a) The architectural style of new structures should have a contemporary appearance while utilizing elements which complement the existing character of Clovis. This may mean relating to the relatively small scale of adjacent structures and incorporating design elements as variation in textures and materials in the design of elements facing the public street.
 - (b) Building construction and design should 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 or rear elevations of the structure. Any accessory structures and enclosures, whether attached to or detached from the main structure, should be of similar compatible design and materials.
 - (c) Large, continuous surface treatments of a single material should 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.
 - (d) Large structures should have facades that include variations in form and texture.
 - (e) Where a R & T area abuts or occurs across the street from a residential neighborhood, abrupt scale changes should not be allowed. The transition from residential to R & T should be gradual; starting with smaller, less intensive uses near the residential with the largest and most intensive uses farthest from the residential.
 - (2) Expression of structure. As categories of structure types, multi-story offices and typically very plain R & T structures often present unattractive, unadorned, boxy forms. A variety of design techniques should be used to help overcome this situation and to direct development into a cohesive design statement.
 - (a) Architectural designs should employ an appropriate variety of forms and shapes to create visual character and interest.
 - (b) Long, unarticulated facades should be avoided. Facades with varied setbacks are strongly encouraged. Visual relief should be provided through color, material change, pilasters, reveals, and offsets in walls. High contrast vertical and/or horizontal banding is discouraged.
 - (c) Main entries should portray a quality office appearance while being architecturally tied into the overall architectural composition of the structure.
 - (d) Offices should avoid the glass box look. Generally, walls should not be more than 60 percent transparent.
 - (3) Base of structure.
 - (a) The base of the structure should be designed with a structural expression that helps to identify main entrances and reinforces a campus-like setting with a pedestrian/human scale.
 - (b) The base of the structure should be a distinctive architectural element that is distinguishable from upper stories. Suitable variations in colors, height, materials, openings, recesses, and wall textures that create light and shadow are encouraged.
 - (c) The use of architectural elements that define and organize space at the ground plane (e.g., arcades, colonnades, covered walkways, courts, gardens, or plazas) are

strongly encouraged.

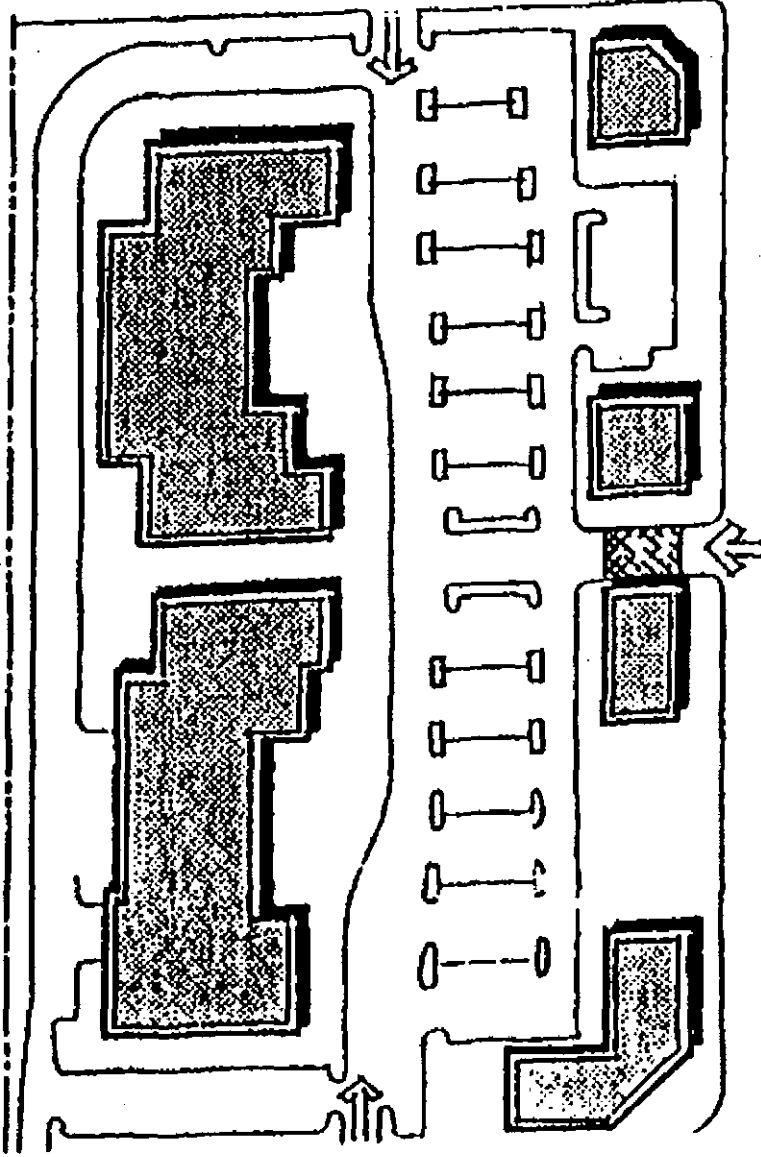


Desirable entry design. Building surfaces relieved by changes in plane, openings, and ornamentation.

- (4) Metal structures.
 - (a) Metal structures are deemed not compatible with the established image for the R & T Business Park and are therefore not allowed, unless expressly approved through the granting of a Conditional Use Permit in compliance with Section 9.3.404. If allowed, the metal structures shall comply with the following requirements:
 - i. All metal structures should be designed to have architectural interest and articulation as is encouraged with conventionally built structures. In addition to architectural metal panels, exterior surfaces should include either brick, decorative masonry, glass, plaster, stone, or stucco. Stock, "off-the-shelf" metal structures are discouraged as main structures.
 - ii. Metal structures should employ a variety of building colors, forms, materials, shapes, and other architectural treatments to add visual interest and variety to the structure. Architectural treatments should emphasize the primary entrance to the structure.
 - iii. Exterior surfaces that have the potential of being contacted by vehicles or machinery should be protected by the use of landscaped areas, raised concrete curbs, and/or traffic barriers.
 - (b) If the applicable review authority finds use of metal structures to be appropriate, the office portions of the structures should be located on the portion of the site facing the public street and not be of metal construction.
- (5) Roofs.
 - (a) Roof shapes and roof elements should be visually integrated into the overall structure form.
 - (b) Mansard or hip roof forms are discouraged. Exceptions may be made for one-story and two-story office-type structures and similar uses, where a smaller scale appearance may be desirable.

- (c) The following roof materials are strongly discouraged unless they are particularly unique to the overall design of the structure:
- i. Corrugated metal (standing rib metal roofs are allowed);
 - ii. Reflective surface; and
 - iii. Illuminated roofing.
- n. Signs.
- (1) Every structure should be designed with a precise concept for adequate signing. Provisions for sign placement, size, and the readability of the sign should be considered in developing the overall signing concept. All signs should be highly compatible with the structure and site design relative to color, material, scale, texture, and placement.
- (2) Monument signs are the preferred sign type for business identification. Where several tenants occupy the same site, individual wall mounted signs are appropriate in combination with a monument sign identifying the business complex and address.
- (3) The use of backlit individually cut letter signs is strongly encouraged.
- (4) The site should be appropriately signed to give directions to loading and receiving areas, visitor parking, and other special areas.
- (5) Signs should not extend above the dominant roofline of a structure.
5. Commercial design guidelines. The following design guidelines relate to the commercial structures within the R & T Business Park. In order to eliminate duplication, these guidelines are intended to rely upon those identified in subparagraph 4 of this subsection (R & T design guidelines) above, addressing areas of like consideration (e.g., fences, hedges, and walls, noise, views and screening, parking and circulation, signs, etc.).
- a. Organization.
 - (1) The design guidelines in this subparagraph are presented in two parts:
 - (a) General design guidelines for all commercial projects (subparagraph b, below); and
 - (b) Design guidelines for pedestrian oriented commercial areas (subparagraph c, below).
 - (2) Project proponents should first consult subparagraph a of subparagraph 4 of this subsection (general design guidelines) above, which is applicable to all projects regardless of use or location.
 - b. General design guidelines for all commercial projects. This subparagraph provides general design guidelines/principles which are applicable to commercial projects including retail, service, and office uses. This subparagraph provides the basic concepts for the creation of good community design and quality development. When appropriate, these guidelines are to be used in conjunction with other, more specific guidelines for pedestrian oriented development identified in subparagraph c (design guidelines for pedestrian oriented commercial areas), below.
 - (1) Overall design objectives for commercial projects. The design of each project should keep in mind the following objectives:
 - (a) Consider the City's small town scale, historic character and demonstrate sensitivity to the contextual influences of the surrounding area;
 - (b) Articulate building forms and elevations to create interesting roof lines, building shapes, and patterns of shade and shadow while maintaining compatibility with surrounding neighborhoods;
 - (c) Utilize landscaping to provide project amenities and to screen parking and equipment areas;
 - (d) Provide site access, parking, and circulation that is laid out in a logical, safe manner;
 - (e) Consider the need for signs and their appropriate locations early in the design process; and
 - (f) Design spaces for loading areas, outside equipment, solid waste storage, and storage areas in the least conspicuous part of the site.
 - (2) General site design guidelines.
 - (a) Consider neighboring development.
 - i. Each development proposal should include a complete analysis of existing conditions on and off the site including the following:

- (A) Land use and site organization of neighboring properties;
 - (B) Architectural character and style of neighboring structures;
 - (C) Existing natural features (e.g., mature trees); and
 - (D) Opportunities to preserve or enhance existing views.
- ii. Plans (e.g., architectural and site development drawings) submitted to the City for review should show structures and other important physical features on adjacent properties.
 - iii. Plans should demonstrate compatibility with the surrounding environment. For example, if adjacent structures are not set back from the sidewalk, the proposed development should not be set back.
 - iv. New projects should provide links to adjacent development using sidewalks and shared access drives, whenever possible.
 - v. New projects should consider the location and type of landscaping and open space on neighboring properties and use these elements to create visual relationships between adjacent developments.
- (b) Functional relationships.
 - i. When required, side and rear yards should be integrated into the overall site arrangement and not left as unused portions of the site.
 - ii. When multiple structures are proposed for a site they should be clustered with parking provided on the sides and rear of the property. This creates opportunities for pedestrian usage (e.g., arcades, covered walkways, courts, gardens, or plazas) and prevents long barracks-like rows of structures. When clustering is impractical, a visual link between structures that may be separated by parking lots should be established. This link can be accomplished through the use of an arcade system, trellis, and special pavement treatments.
 - iii. The location of open space areas should be readily accessible from all structures, and should be oriented to take advantage of sun or shade as appropriate to the use.



Provide buildings at street edge.

- (3) Parking and circulation. In addition to the following general guidelines more detailed design guidelines for parking and circulation are provided in subparagraph f of subsection 4 of this subsection (parking and circulation), above and Subsection F (off-street parking and loading standards).
 - (a) Circulation patterns should provide clear definition of access, pedestrian, and vehicle movements, directions to uses, and relationship of parking distribution to use (e.g., employee, disabled, etc.).
 - (b) Whenever possible, site access for corner properties should be taken from side streets, unless the access would impact adjacent structures and uses.
 - (c) Off-street parking lots adjacent to and visible from public rights-of-way should be suitably screened from public view through the installation and maintenance of a combination of landscaped berms, low screen walls, and/or changes in elevation in order to effectively "hide" the vehicles within these lots.
 - (d) Off-street parking areas exclusively intended for the temporary parking of service and light duty delivery vehicles should be located out of view from the public right-of-way.
- (4) Site utilities.
 - (a) Electrical meters and transformers, telephone junction boxes, traffic control panels, and other above ground utility equipment should be located to reduce their visual impact and should be screened from public view.
 - (b) Newly installed utility services, and service revisions necessitated by exterior alterations, may be required to be placed underground, in compliance with

subparagraph 17 of subsection D. Power lines of 21 kV or less shall be placed underground.

- (c) Pad-mounted transformers, utility connections, and meter boxes should be screened and integrated into the site plan.
- (5) Landscaping. In addition to the following general guidelines more detailed design guidelines for landscaping are provided in subparagraph e of subparagraph 4 of this subsection (landscaping) above and Subsection E (landscaping standards).
 - (a) Landscaped areas should be planned as an integral part of the overall project and not simply located in left over areas on the site.
 - (b) Landscaping should be used to help define outdoor spaces, soften a structure's appearance, and to screen equipment, loading, parking, and storage areas.
 - (c) Landscape materials should be compatible with the structure design in terms of type and size/scale.
 - (d) The use of on-site pedestrian amenities (e.g. benches, drinking fountains, lighting, shelters, and solid waste receptacles) is encouraged. These elements should be provided in conjunction with on-site open spaces and be integrated into the site plan as primary features, not afterthoughts tacked on to artificially dress up a proposal.
 - (e) The incorporation of public art into projects when appropriate is strongly encouraged.
- (6) Screening. In addition to the following general guidelines more detailed design guidelines for screening are provided in subparagraph d of subparagraph 4 of this subsection (views and screening) above.
 - (a) Screening is a technique used to protect and separate uses and site functions from one another for the purpose of decreasing adverse noise, wind, or visual impacts and to provide privacy. The need for screening should be considered early in the design process so that screening elements (e.g., berms, fences, hedges, walls, landscaping, etc.) can be effectively integrated into the overall project design and not added later as an afterthought.
 - (b) Any outdoor equipment, whether on a roof, side of a structure, or on the ground, should be appropriately screened from view, in compliance with the requirements of subparagraph 13 of subsection D (screening and buffering). The method of screening should be architecturally integrated with the adjacent structure in terms of style, materials, and color.
 - (c) Where screening is required, a combination of elements should be considered including landscaped berms, low screen fences or walls, and/or changes in elevation.
- (7) Fences and walls. In addition to the following general guidelines, more detailed design guidelines for fences, hedges, and walls are provided in subparagraph h of subsection 4 of this subsection (fences, hedges, and walls) above.
 - (a) If not required for a separation of land uses or a specific screening/security purpose, fences and walls should not be utilized within commercial areas. Where fences or walls are required, the intent should be to keep them as low as possible while performing their screening and security functions.
 - (b) Where fences are visible from a public right-of-way or a parking lot, they should be compatible with the site's architecture. Landscaping should be used in combination with fences/walls, whenever possible, to conceal their flatness, add greenery, and discourage graffiti.
 - (c) When security fencing is required, it should be a combination of solid walls with pillars and decorative view ports, or short solid decorative masonry wall segments and open wrought iron grille work.
 - (d) Long expanses of fence or wall surfaces should be articulated and architecturally designed to prevent monotony.
 - (8) Equipment and storage areas.
 - (a) Equipment and service areas and solid waste containers should be located in areas out of view from the general public and so that their use does not interfere with parking and circulation. These and similar facilities are not allowed within required setback areas, in compliance with subparagraph 14 of subsection D (setbacks regulations and exceptions).
 - (b) Solid waste storage areas that are visible from the upper stories of adjacent structures should have an opaque or semi-opaque horizontal cover/screen to mitigate unsightly views. The covering structure should be compatible with the site's architecture.
 - (c) All screening facilities should be of adequate size for their intended purpose without dominating the site, blocking sight distances, or creating unnecessary barriers.
- (9) General architectural design guidelines.
 - (a) Structures should have a harmonious relationship with the neighboring structures. Among the factors which contribute to the desired relationship are:

- i. Appropriate design theme;
 - ii. Compatible building scale;
 - iii. Compatible roof shape and materials; and
 - iv. Harmonious colors, textures, and building materials.
- (b) Architectural style.
- i. No predetermined architectural style or design theme is required in the R & T Business Park.
 - ii. While variety in design is generally encouraged, compatibility of new projects with their surroundings should also be a priority.
 - iii. The most critical concerns to be addressed are the R & T Business Park's character and its strong sense of human/pedestrian scale.
- (c) Structure orientation.
- i. The design and orientation of structures should respond to the pedestrian or vehicular nature of the street. Structures on very urban streets with high pedestrian use should face on and be directly accessible from the sidewalk. (Refer to subparagraph c [design guidelines for pedestrian oriented commercial areas] below.)
 - ii. Structures in the R & T Business Park that are more suburban in nature and which rely more on the use of the automobile for access should be oriented to major site open space and streetscape elements.
- (d) Design consistency.
- i. Designs should demonstrate a consistent use of colors, materials, and detailing throughout all elevations of the structure.
 - ii. Elevations that do not directly face a street should not be ignored or receive only minimal architectural treatment.
 - iii. Each facade should be designed for public view and should be appropriately landscaped in compliance with the landscaping standards in subsection E (landscaping standards).
- (e) Form and mass.
- i. Structure design should provide a sense of human scale and proportion. Structures should be designed to avoid a "box-like" appearance. Horizontal and vertical wall articulation should be expressed through the use of wall offsets, recessed windows and entries, awnings, full roofs with overhangs, second floor setbacks, or covered arcades.
 - ii. Projects containing several structures should provide variety in structure size and massing. A transition from low structures on street frontages to larger, taller structures on the interior of the project is encouraged.
- (f) Architectural gimmicks.
- i. Architectural gimmicks should be avoided. The designer should avoid the use of visual contrast from neighboring structures as an advertising tool or attention-getter.
 - ii. The trademark architectural styles of some franchise uses may be incompatible with this principle and may be inappropriate if they are not consistent with the design objectives and guidelines provided in this subparagraph.
- (g) Roofs.
- i. The design of a structure's roof contributes strongly to its image as a quality, permanent structure. Structures with full pitched roofs project a more small town image and reinforce the desired pedestrian orientation. Structures with flat roofs and parapets tend to appear unfinished and less permanent in their structure.
 - ii. Roofs may be gable, hip, or shed-type, but in all cases should either be full pitched or should appear so from the street. Any flat portions (e.g., equipment wells) should be relatively small and not visible from public streets and other areas where the public has access. On larger structures, pitched roofs should be multi-planned to avoid large expanses of monotonous single-planned roofs.
 - iii. Flat roofs may be considered for larger commercial structures when it is determined that a project's overall design is amenable to flat roofs and is otherwise consistent with the objectives of these guidelines. When flat roofs are used, there should be a screening parapet topped with a coping, cornice, or, if determined appropriate to the project's style, a modified mansard. Mansards should maintain the same roof pitch as surrounding structures and should be both high and deep enough

to create the illusion of being a true roof. Small, steeply-pitched mansard "eyebrows" are discouraged.

- iv. All roof equipment shall be completely screened from a horizontal line of sight, in compliance with subparagraph 13 of subsection D (screening and buffering). Screening should be an integral part of the roof design and not appear as a tacked-on afterthought. For flat roofs, a screen enclosure behind the parapet wall may be used if it is made to appear as an integral part of the structure. Ground-mounting of mechanical equipment (with appropriate wall or landscape screening) is encouraged as an alternative to roof-mounting.
- (h) Parapets.
 - i. Parapet walls should be treated as an integral part of the structure design. They should receive architectural detailing consistent with the rest of the facade design and should not appear as unrelated elements intended only to screen the roof behind.
 - ii. Where a mansard roof is incorporated into the parapet design, views from above the structure should also be considered relative to any visible structural support elements.
- (i) Entries should be protected from the elements and should create a focus or sense of entry for the structure. Arches, canopies, roof overhangs, signs, wall recesses, and similar architectural features should be integral elements of the structure design calling attention to the importance of the entry.
- (j) Building materials.
 - i. False or decorative facade treatments, where one or more unrelated materials appear tacked onto a structure, should be avoided. Materials should be used honestly. Products which attempt to imitate other materials (e.g., brick, stone, wood, etc.) are discouraged.
 - ii. The following materials are discouraged as exterior wall materials:
 - (A) Asphalt shingles;
 - (B) Corrugated metal, plastic, or fiberglass;
 - (C) Illuminated sidings and awnings;
 - (D) Imitation "rock work" veneers;
 - (E) Plastic laminate;
 - (F) Plywood (painted or otherwise);
 - (G) Reflective mirror-type glass; and
 - (H) Standing seam metal walls.
 - iii. The composition of materials should avoid giving the impression of thinness and artificiality. Veneers should turn corners, avoiding exposed edges.
 - (k) Colors.
 - i. Color(s) should be compatible with the existing colors of the neighboring structures, but need not duplicate existing colors. The use of light muted tones for the structure's base color is recommended.
 - ii. Accent colors should be used carefully and be complementary to the base color or a variation of its hue, either weaker or stronger.
 - iii. The transition between base and accent colors should relate to changes in building materials or the change of building surface planes. Colors should generally not meet or change without some physical change or definition to the surface plane.
 - (l) Additions to existing structures.
 - i. The design of a proposed addition should follow the general detailing, massing, proportion, and scale of the original structure. The addition should be harmonious with the original structure, not a stark contrast.
 - ii. The new addition should be an interpretation of the existing structure where the main characteristics are incorporated into the design of the addition. This may include: the extension of architectural lines from the existing structure to the addition; repetition of window and entrance spacing; use of harmonizing colors and materials; and the inclusion of similar, yet distinct, architectural details (e.g., window/door trim, lighting fixtures, tile/brick decoration, etc.).
 - iii. New additions should be designed so that if the addition were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

- c. Design guidelines for pedestrian oriented commercial areas.
 - (1) Pedestrian oriented development.
 - (a) The primary design issues related to pedestrian oriented commercial areas are issues of neighborhood compatibility, relationship to surrounding structures, and maintaining a strong pedestrian orientation.
 - (b) It is important that the continuity of the street facade be maintained and that new developments not set their structures back from the sidewalk with parking located in front of the structure. This arrangement destroys the overall harmony of the street facade and creates awkward relationships between adjacent structures.
 - (c) The idea of encouraging traditional "storefronts" is an important aspect of pedestrian oriented development.
 - (2) Site planning guidelines for pedestrian oriented commercial areas.
 - (a) Setbacks.
 - i. Structures in pedestrian oriented areas should provide continuous storefronts at the ground level front elevation.
 - ii. Structures located at intersections of commercial streets are encouraged to "cut back" their corners up to six feet along street frontages to create a diagonal at the ground level. Main entrances should be located on the diagonal when appropriate.
 - (b) Parking and access.
 - i. Off-street parking should not be located between the structure and the public street.
 - ii. The preferred location for off-street parking is at the rear of the site. However, if site conditions do not allow parking to be located at the rear, it may be provided on the interior side.
 - iii. Dimensions of parking lots and access drives placed along the primary street frontage should be kept to the minimum required so as to minimize disruption of the continuous storefront facade.
 - (3) Special architectural elements. The use of special architectural elements (e.g., towers, turrets, and corner cut-offs) is encouraged at major street corners to accent structures and provide visual interest. These elements should be kept in scale with the overall structure.
 - (4) Storefront design.
 - (a) The main entrance is one of the most important parts of the facade and should be easily identifiable. The customer should be invited into the store by a pleasant entry.
 - i. Doors and entryways should follow a traditional storefront design (usually recessed) and should be designed to be compatible with the architectural style of the structure.
 - ii. Simple door details (e.g., a handsome brass door pull, an attractive painted sign) can make an entry special.
 - (b) Windows, as an architectural element are of critical importance to the storefront design. Windows create a visual rhythm of structure openings, as well as views of the interior.
 - i. Storefront windows should be square or vertical in proportion and as large as possible but not closer to the ground than 30 inches. By limiting the height of the bottom of the window (bulkhead), visibility to the storefront displays and into the retail interior is maximized.
 - ii. Clear glass (80 percent light transmission) should be used on ground floor windows. Tinted glass allowing a minimum of 50 percent light transmission may be considered only for use in second floor windows. The use of reflective glass is strongly discouraged.
 - iii. A minimum of 24 inches should be provided as display or open space behind all storefront windows. This will allow a view of the shop's interior and discourage the placement of merchandise and the back side of interior displays against the store's front windows.
 - iv. If privacy is desired for certain uses (e.g., restaurants or private offices) windows should be divided into smaller panes. The use of cafe-style curtains may also be an effective means of blocking views at lower levels while still allowing some views and light into the interior.
 - v. If aluminum window frames are used, they should be either factory painted (coated) or anodized a dark color. Bare aluminum or gold color window frames are strongly discouraged.

- vi. Divided windows should use real muntins that are dimensioned appropriately for the size of the window. Fake, snap-in muntins are strongly discouraged.
- (c) Building materials.
- i. The palette of wall materials should be kept to a minimum, preferably no more than two. Using the same wall materials as adjacent or nearby structures will help strengthen the overall character of the area.
- ii. Fake-looking veneers that appear as being "added-on" to a structure should be avoided.
- (d) Awnings can be an important part of the body of the structure and are encouraged. They add visual interest and help reduce a structure's apparent scale and the impression of height by adding a strong horizontal element at the ground level. Awnings also provide protection for pedestrians from sun and rain.
 - i. Awnings used along a row of contiguous storefronts in the same structure should be of the same color, form, and general location.
 - ii. A minimum eight-foot vertical clearance between the sidewalk and the lower most portion of the awning should be maintained.
 - iii. Heavy canvas, matte finish vinyl, and fabric awnings are encouraged. Plastic, shiny vinyl, and plexiglas awnings should be avoided. Metal awnings are appropriate only if they were part of the original design.
 - iv. Internally illuminated awnings are strongly discouraged. When lettering is applied to these types of awnings they become large illuminated signs and the effect of the awning is lost.
 - v. On multi-story structures, the highest point of an awning should not be higher than the midpoint of the space between the second story window sills and the top of the first floor storefront window. This leaves a comfortable space between the top of the awning and the windows and will maintain the proper proportion of awning size to storefront area.
 - vi. Breaking awnings at the vertical divisions of the structure (e.g., the break between the display windows and the entrance) is encouraged in order to eliminate long expanses of awnings that can have a monotonous appearance.
 - vii. Signs may be placed on awnings but should be limited to the awning flap (valance) and end panels. Exceptions may be made for very large awnings where it may be desirable to use a logo or symbol to help lessen the visual impact of a large, flat surface.
 - viii. The use of awnings should be considered in the initial project design so that their shape and style will be compatible with the character of the structure and with the shapes of the openings they are placed over. Awnings should not be placed in a way so that they hide important design features.
 - ix. Painting of awnings is discouraged as this can compromise the fire resistant/retardant properties of the material.
 - (e) Business identification signs are an integral part of any commercial structure. The size, location, and type of signs to be used should be considered in the initial design of the project. Specific provisions for signs are provided in subsection G (sign standards).
 - (f) The provision of secondary public entrances at the rear facade is strongly encouraged. The design of the rear facade and entrance should be appropriately detailed to provide an attractive appearance but should not be overly embellished to compete with the main storefront. The following guidelines should be considered:
 - i. Awnings, planters, and landscaping can be used to identify customer entrances as well as improve the appearance of the structure;
 - ii. Rear entrances should have attractive, inviting signs to identify the business. Signs should be modestly scaled to fit the casual character of the more utilitarian rear facade;
 - iii. Adequate lighting should be provided for security, decorative purposes, and pedestrian safety;
 - iv. Windows and display cases can be utilized to attract shoppers;
 - v. Customer entrances should be well separated from service and solid waste storage areas; and
 - vi. Mechanical equipment, meter boxes, and utility connections/lines should be located away from the customer entrance and appropriately screened from public view.
- I. DEFINITIONS.
- 1. Purpose. This subsection provides definitions of terms and phrases used in this Zoning Ordinance that are technical or specialized, or that may not reflect common usage. If any of the definitions in this subsection conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this

Zoning Ordinance.

2. Director's determination. If a word or phrase is not defined in this subsection, or in other provisions of the Municipal Code, the Director shall determine the correct definition. Likewise, where the phrase "illustrative examples include" is used, the Director shall have the authority to determine if a proposed use is similar enough to the listed examples to be considered allowable under the defined land use category.

3. Definitions of specialized terms and phrases.

a. Definitions, "A". The following definitions are in alphabetical order.

Accessory retail uses. A use that is in addition to, clearly secondary and incidental to, and customarily associated with the primary or main retail use. Examples include, but are not limited to, the retail sales of various products in a store or similar facility that is located within a health care, hotel, industrial, or office complex for the purpose of serving employees or customers.

Accessory structure. A structure that is physically detached from, clearly secondary and incidental to, and customarily associated with the primary or main structure.

Accessory use. A land use that is in addition to, clearly secondary and incidental to, and customarily associated with the primary or main use.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, commissions, and the Council, regarding matters regulated by this Zoning Ordinance.

Agricultural technology. Establishments engaged in conducting research, and experimental design, development, and manufacture of solutions to needs related to agriculture. Illustrative examples include:

- Agricultural solutions and technologies
- Bio-chemical technology
- Bio-degradable agro inputs
- Bio-disinfectants, fertilizers, and pesticides
- Cell culture
- DNA sequencing
- Food plant science and technology
- Genetic engineering, mapping, and transformation
- Genetically modified foods and plants
- Molecular genetics
- Nutrition research
- Pest inhibitors
- Processing of herbs and spices

Alternative fuels and recharging facilities. A retail business selling vehicle fuels (e.g., diesel, gasoline, liquid petroleum gas [LPG], etc.), in addition to offering facilities for recharging electrically powered vehicles.

Alcoholic beverage sales. The retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premises consumption.

Alley. A public or private roadway, generally not more than thirty feet (30') wide that provides vehicle access to the rear or side of parcels having other public street

frontage, that is not intended for general traffic circulation.

Allowed use. A use of land identified as a permitted or conditionally permitted use that may be established with a land use permit and, where applicable, site plan and design review and/or Building Permit approval, subject to compliance with all applicable provisions of this Zoning Ordinance.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Amenity. A public benefit clearly in excess of the minimum that is required to be provided by a developer in conjunction with a development project as a condition of approval. Examples of amenities may include, but are not limited to, on-site child care facilities, permanent open space and landscaping; public art; and recreational facilities.

Approval. Includes both approval and approval with conditions.

Architectural projection. A building feature that is mounted on, and/or extends from, the surface of a building wall or facade, typically above ground level. Examples of architectural projections include balconies, bay windows, lighting fixtures, etc.

Auditoriums and meeting halls. Indoor facilities for public assembly and/or group entertainment, other than sporting events, including: exhibition and conference/convention halls; meeting halls for rent; public and quasi-public auditoriums; and similar public assembly uses.

Automated teller machine (ATM). A pedestrian-oriented machine used by bank and financial service patrons for conducting transactions including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within a bank, or in other locations.

b. Definitions, "B". The following definitions are in alphabetical order.

Banks and financial services. Financial institutions including: banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies; vehicle finance (equity) leasing agencies. See also, "automated teller machine," above.

Bars and alcoholic beverage drinking places. A structure or tenant space within a structure where alcoholic beverages are sold for on-site consumption, that are not part of a restaurant. Includes bars, pubs, taverns, and similar establishments where any food service is clearly subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing), and beer brewing as part of a "brew pub."

Bio-technology. Establishments engaged in the scientific manipulation of living organisms, especially at the molecular genetic level, and the application of advanced biological techniques in the manufacture of useful industrial products, including the production of antibiotics, insulin, and interferon, or for environmental management (e.g., waste recycling). Gene splicing and use of recombinant DNA (rDNA) are major techniques used.

Biomedical technology. Establishments engaged in the use of engineering methods, instrumentation, and technology (e.g., biological, medical, and physical science) to solve medical problems. Illustrative examples include:

- Cell culture
- DNA sequencing
- Design and construction of hospitals
- Manufacture of artificial limbs and organs
- Study of ways to control the environment

Broadcast studio. Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely located within structures.

Building. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Zoning Ordinance, the term "structure" includes "buildings."

Building Official. The City of Clovis employee designated by the City Manager as the City's Building Official.

Business incubator. Building facilities designed for the purpose of new building development and job creation. These facilities provide support services and assistance in business development, including, but not limited to, the following:

- Shared resources such as lobby/reception, meeting rooms, copy and fax equipment, audio visual equipment, clerical services, and kitchen.
- Private offices, cubicles, laboratories, storage, and manufacturing spaces.
- Access to business and technical advice and introduction to a range of qualified service providers, potential mentors, and financial resources.

Business support services. Establishments providing other businesses with services, including maintenance, repair and service, and lease and rental. Illustrative examples include:

- Blueprinting
- Business equipment repair services
- Commercial art and design (production)
- Computer-related services (rental, repair)
- Copying, quick printing, and blueprinting services
- Equipment repair services where repair occurs on the client site
- Mail advertising services (reproduction and shipping)
- Photo finishing
- Definitions, "C". The following definitions are in alphabetical order.

California Environmental Quality Act (CEQA). California Public Resources Code Sections 21000 et seq. and Administrative Code Sections 15000 et seq.

Child day care center. A commercial or nonprofit child day care facility not operated as a small or large family day care home. Includes infant centers, preschools, and extended day care facilities. These may be operated in conjunction with a business, school, or religious facility, or as an independent "stand alone" land use.

City. The City of Clovis, State of California, referred to in this Zoning Ordinance as the "City."

City Council. The Clovis City Council, referred to in this Zoning Ordinance as the "Council."

City Engineer. The City of Clovis employee designated by the City Manager as the City Engineer.

Commission. See "Planning Commission."

Conditional use. A use of land identified by as being allowed in a particular zoning district subject to the approval of a Conditional Use Permit in compliance with Section 9.3.404 (Conditional Use Permits).

Computer integrated systems design. Establishments engaged in planning and designing computer systems that integrate computer hardware, software, and communication technologies. The hardware and software components of the system may be provided by these establishments or companies as part of integrated services or may be provided by third parties or vendors. These establishments often install the system and train and support uses of the system. Illustrative examples include:

- CAD/CAM systems design
- Computer-aided engineering
- Computer systems integration design
- Information management computer systems integration design
- Local area network (LAN) computer systems integration design
- Office automation computer systems integration design

Copy service. Retail trade establishments engaged in the business of copying printed materials for the general public. Examples include, but are not limited to, copying, quick printing (including "minor" binding), and blueprinting services.

County. The County of Fresno, State of California, referred to in this Zoning Ordinance as the "County."

d. Definitions, "D": The following definitions are in alphabetical order.

Data processing and preparations. Establishments engaged in providing electronic data processing services. These establishments may provide complete processing and preparation of reports from data supplied by customers; specialized services (e.g., automated data entry services); or may make data processing resources available to clients on an hourly or timesharing basis. Illustrative examples include:

- Calculating services
- Computer input preparation services
- Computer time leasing/rental
- Data entry/processing services
- Electronic data processing services
- Optical scanning services

Dental equipment and supply manufacturing. Establishments engaged in manufacturing dental equipment and supplies used by dental laboratories and offices of dentists. Illustrative examples include:

- Autoclaves
- Broaches
- Cabinets
- Cutting instruments
- Dental cement
- Dental chairs
- Dental instrument delivery systems
- Dental hand instruments
- Dental impression material

Department. The Clovis Planning Department, referred to in this Zoning Ordinance as the "Department."

Detached. Any structure that does not have a wall or roof in common with another structure.

Development. Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Zoning Ordinance.

Development agreement. A contract between the City and an applicant for a development project in compliance with Government Code Section 65864 et seq. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval. In return, the City may be assured that the applicant will provide infrastructure and/or pay fees required by a new project.

Director. The City of Clovis Planning Director, referred to in this Zoning Ordinance as the "Director."

e. Definitions, "E". The following definitions are in alphabetical order.

Easement. A space on a parcel of land, and so indicated on a subdivision map or in a deed restriction, reserved for and/or used for public utilities, and/or private or public purposes. No structures may be constructed within the space so designated.

Eating establishment. Retail trade establishment engaged in the business of selling prepared and cooked food and beverages within an enclosed structure for consumption anywhere on the premises, including the parking lot, and elsewhere off-site. Eating establishments generally have the following characteristics: all food and beverages are served to the customer at the area where the order was placed; the food and beverages are ordered from a billboard menu or reader board; and the food and beverages are paid for by the customer before receiving the food or beverage.

Electrical equipment manufacturing. Establishments engaged in manufacturing distribution, power, and specialty transformers; electric motors, generators, and motor generator sets; industrial controls; relays; and switchgear and switchboard apparatus (e.g., circuit breakers, fuses, power switching equipment).

Electronic component manufacturing. Establishments engaged in manufacturing electrical equipment and components (except electric lighting equipment, generators, house-hold type appliances, industrial controls, motors, relays, switchgear and switchboard apparatus, and transformers.) Illustrative examples include:

- Antennas
- Cryogenic cooling devices
- Magnetic cores
- Sockets

Enlargement/expansion of use. The expansion of a land use activity on a site or within a structure so that the use/activity occupies more floor or site area than before the expansion.

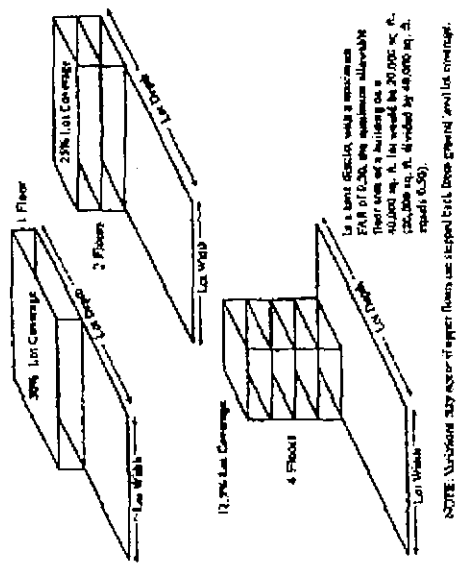
f. Definitions, "F". The following definitions are in alphabetical order.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Floor Area Ratio (FAR). The Floor Area Ratio (FAR) is the ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site (including all structures on the site). The maximum floor area of all structures (measured from exterior wall to exterior wall) allowed on a site shall be determined by multiplying the Floor Area Ratio (FAR) by the total net area of the site (FAR x Net Site Area = Maximum Allowable Floor Area).

Possible Building Configurations for 0.50 FAR

Possible Building Configurations for 0.50 FAR



$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

g. Definitions, "G". The following definitions are in alphabetical order.

Garage. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of subsection F (off-street parking and loading standards).

General Plan. The City of Clovis General Plan, including all elements thereof and all amendments thereto, as adopted by the City Council under the provisions of Government Code Sections 65300 et seq., and referred to in this Zoning Ordinance as the "General Plan."

Grade. The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the allowed height of a proposed structure.

- (1) Average grade. The elevation determined by computing the mathematical average of the elevations of the highest and lowest points on the boundaries of the area for which average grade is being determined.
- (2) Existing or natural grade. The contour of the ground surface before grading.
- (3) Finish grade. The final contour of the ground surface of a site that conforms to the approved grading plan.
- (4) Street grade. The elevation of the centerline of the street adjacent to the site proposed for development.

Grand opening. A promotional activity not exceeding 30 calendar days used by newly established businesses, within two months after initial occupancy, to inform the public of the location and services available to the community. "Grand opening" does not mean an annual or occasional promotional sale conducted by an ongoing business.

h. Definitions, "H". The following definitions are in alphabetical order.

Hazardous materials. Any material or substance that, by reason of its abrasive, caustic, corrosive, toxic, or otherwise injurious properties may be detrimental to the health of any person handling or otherwise coming into contact with the material or substance.

Health and beauty product manufacturing. Establishments engaged in manufacturing health and beauty products. Does not include over-the-counter medicines or prescription drugs. illustrative examples include:

- Cosmetics
- Creams
- Dental care products
- Deodorants
- Feminine hygiene products
- Hair care products (e.g., brushes and combs, dyes, rinses, shampoos, sprays)
- Lotions
- Minerals
- Nail care products (e.g., adhesives, polish, remover)
- Oils
- Powders
- Soaps
- Vitamins

Health/fitness facility. Fitness centers, gymnasiums, health and athletic clubs including indoor sauna and spa facilities, and indoor handball, racquetball, and other indoor sports activities.

Hotel or motel. Facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels generally provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, meeting facilities, personal services, restaurants, etc. Motels generally provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities (e.g., accessory retail uses, indoor athletic facilities, swimming pools, tennis courts, etc.).

i. Definitions, "I". The following definitions are in alphabetical order.

Improvement. For the purposes of subdivision, an improvement includes any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land within an approved subdivision to be used for public or private streets, highways, and easements for the use of the parcel owners and to accommodate neighborhood traffic and drainage needs. Improvement also refers to any other improvements, the installation of which by either the subdivider, a public agency, utility company, or any other entity, is necessary to ensure consistency with, or implementation of the General Plan or any applicable specific plan.

Intensification of use. A change in the use of a structure or site, where the new use is required by subsection F (off-street parking and loading standards) to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation), which generate more activity on the site.

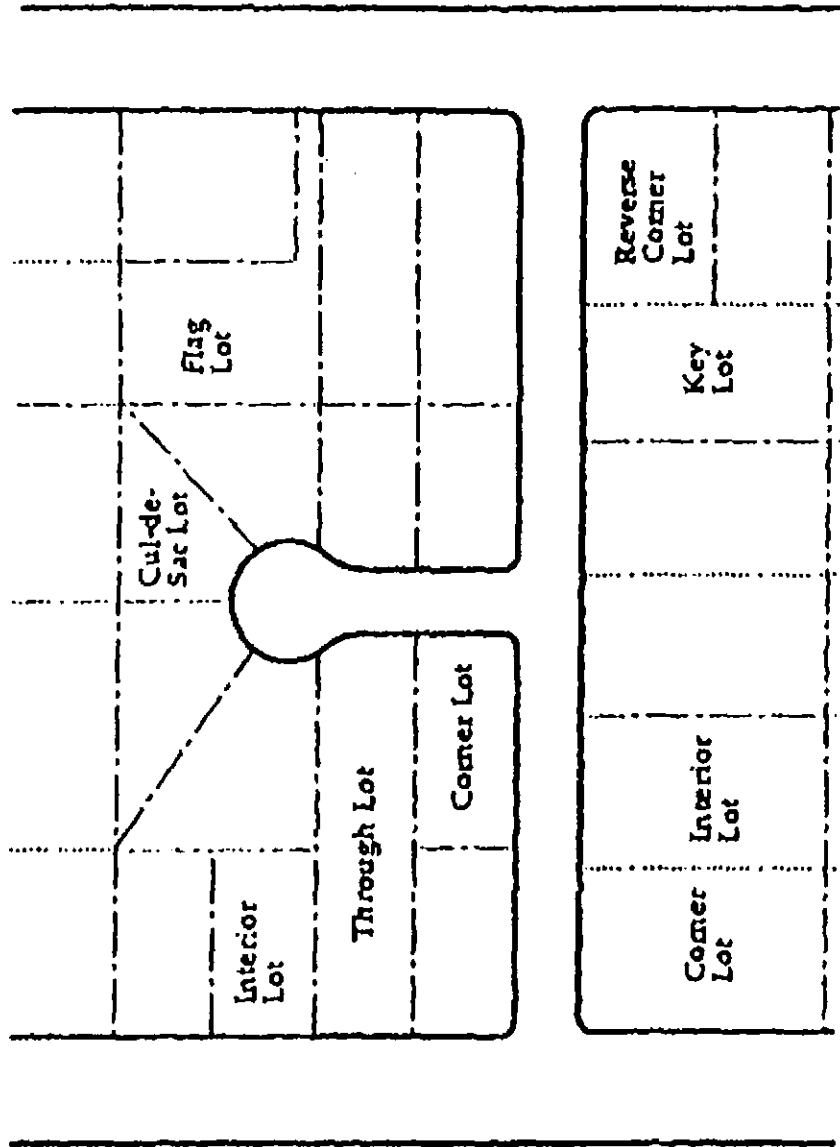
- j. Definitions, "J". No definitions beginning with the letter "J" are used at this time.
- k. Definitions, "K". No definitions beginning with the letter "K" are used at this time.
- l. Definitions, "L". The following definitions are in alphabetical order.

Landscaping. See Subsection E (landscaping standards).

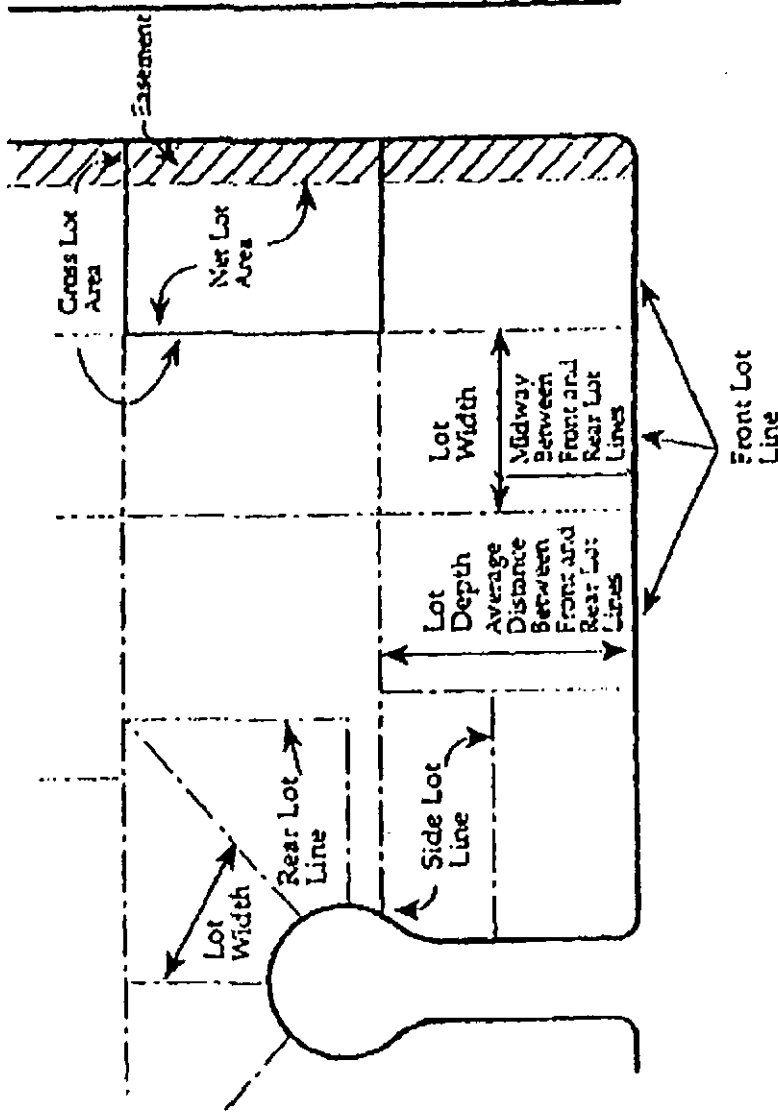
Laundry and dry cleaning. Retail trade establishments engaged in the business of providing cleaning services (e.g., drapes, curtains, garments, table clothes, etc.) for the general public. These establishments are for "drop off/pick up" purposes only. Commercial laundries, dry cleaning plants, and other similar heavy commercial/industrial type of land uses are not included in this category.

Loading space. An off-street space or berth on the same parcel with a main structure, or contiguous to a group of structures, for the temporary parking of commercial vehicles while loading or unloading. The space shall have unobstructed access to an alley, public street, or other appropriate and approved means of ingress and egress.

Lot or parcel. A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and City ordinances, including this Zoning Ordinance. For the purposes of this Zoning Ordinance, the term "parcel" includes "lot." Types of lots include the following.



Lot types.



Lot features.

- (1) Corner lot. A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.
- (2) Flag lot. A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
- (3) Interior lot. A lot abutting only one street.
- (4) Key lot. An interior lot, the front of which adjoins the side property line of a corner lot.
- (5) Reverse corner lot. A corner lot, the rear of which abuts a key lot.
- (6) Through lot. A lot with frontage on two generally parallel streets.

Lot area. Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights-of-way. Net lot area is exclusive of easements, including those for utilities or flood control channels, which limit the use of the lot.

Lot coverage. See "site or parcel coverage."

Lot depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line.

Lot frontage. The boundary of a lot adjacent to a public street right-of-way.

Lot line or property line. Any recorded boundary of a lot. Types of lot lines are as follows:

- (1) Front lot line. On an interior lot, the property line separating the parcel from the street. The front lot line is the line with the shortest frontage. (If the lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
- (2) Interior lot line. Any lot line not abutting a street.
- (3) Rear lot line. A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
- (4) Side lot line. Any lot line that is not a front or rear lot line.

Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Director shall determine lot width for parcels of irregular shape.

m. Definitions, "M". The following definitions are in alphabetical order.

Marking device manufacturing. Establishments engaged in manufacturing equipment and supplies used for marking. Illustrative examples include:

- Dies, hand seal
- Hand stamps and stencils
- Inking pads
- Metal stencils
- Printing dies

Motel. See "Hotel or motel."

Municipal Code. The City of Clovis Municipal Code (CMC), as it may be amended from time to time by the Council, referred to in this Zoning Ordinance as the "Municipal Code."

n. Definitions, "N". The following definitions are in alphabetical order.

Noise. See subparagraph 10 of subsection D (noise).

Nonconforming structure. A structure that was legally constructed before the adoption of this Zoning Ordinance and which does not conform to current Ordinance provisions/standards (e.g., structure height, distance between structures, etc.) prescribed for the zoning district in which the structure is located.

Nonconforming use. A use of a structure (either conforming or non-conforming) or land that was legally established and maintained before the adoption of this Zoning Ordinance and which does not conform to current Ordinance provisions governing allowable land uses for the zoning district in which the use is located.

o. Definitions, "O". The following definitions are in alphabetical order.

Occupancy. All or a portion of a structure occupied by one tenant.

Office supply stores. Retail trade establishments engaged in the business of selling many lines of merchandise customarily used in an office environment. Examples include, but are not limited to, computer products and supplies (e.g., "how to" books, ink cartridges, paper), desk top accessories, office furniture, stationary, etc.

Offices. Service establishments including the following:

- (1) Business offices. Establishments providing direct services to consumers, including answering services, cell phones, insurance agencies, pagers, post offices (not including bulk mailing distribution centers), real estate offices;
- (2) Corporate offices. Office facilities providing management and support services (e.g., accounting, personal, sales, etc.) for large research and technology-related corporations; and
- (3) Professional offices. Illustrative examples include:
 - Accounting, auditing and bookkeeping services
 - Advertising agencies
 - Architectural, engineering, planning, and surveying services
 - Attorneys
 - Counseling services
 - Court reporting services
 - Data processing and computer services
 - Detective agencies and similar services
 - Educational, scientific and research organizations
 - Employment, stenographic, secretarial and word processing services
 - Government offices including agency and administrative office facilities
 - Management, public relations and consulting services
 - Medical services
 - Writers and artists offices outside the home

Incidental offices that are clearly secondary and incidental to another use are allowed as part of an approved principal or main use.

Outdoor retail sales, temporary. Temporary outdoor retail operations including: semi-annual sales of art or handcrafted items in conjunction with community festivals, and sidewalk or parking lot sales.

p. Definitions, "P". The following definitions are in alphabetical order.

Pad. A level area created by grading to accommodate development.

Parcel. See "lot or parcel."

Parks, greenbelts, and landscape areas. Open space areas providing visual separation between different land uses, which may include some passive recreation opportunities.

Patio. A typically paved outdoor area on the site of a structure that is used for lounging, dining, etc.

Permitted use. A use of land identified as being allowed in a particular zoning district, subject to the approval of a Site Plan Review, in compliance with Section [2.3.408](#).

Person. Any association, company, co-partnership, corporation, firm, individual, joint stock association; city, county, state, or district; and includes any assignee, receiver, trustee, or other similar representative thereof.

Personal services. Establishments providing nonmedical related services, including barber and beauty shops; clothing rental; massage services; shoe repair shops; and tanning salons. These uses may also include accessory retail sales of products related to the services provided. Businesses generally considered "adult only" or "adult oriented" are not included in this category.

Planning Commission. The Clovis Planning Commission, appointed by the Clovis City Council in compliance with Government Code Section 65101, referred to in this Zoning Ordinance as the "Commission."

Primary structure. A structure that accommodates the primary use of the site. Also includes "main or principal structure."

Primary use. The main purpose for which a site is developed and/or used, including the activities that are conducted on the site a majority of the hours during which activities occur. Also includes "main or principal use."

- q. Definitions, "Q". No definitions beginning with the letter "Q" are used at this time.
- r. Definitions, "R". The following definitions are in alphabetical order.

Recording studio. Commercial establishments engaged in the business of providing electronic recording services (e.g., duplicating, recording, re-recording, and/or repair of compact disc (cd), audio and video tape, etc.) to the general public, with all related facilities located entirely within a structure(s).

Research and development (R&D). Facilities for scientific research, and the design, development, and testing of computer software, and electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing. Also includes chemical and biotechnology research and development.

Restaurant. Retail trade establishment engaged in the business of selling food and beverages prepared on-site, where most customers are served food at fixed locations (e.g., counter, booth, or table) for on-premises consumption. Restaurants generally have the following characteristics: all food and beverages are served to the customer at a fixed counter, booth, or table; the food and beverages are ordered from individual menus; and the food and beverages are paid for by the customer after service and consumption. These restaurants may also provide food and beverages on a take-out basis, where the take-out is clearly secondary to the on-premises service.

Retail stores, general merchandise. Retail trade establishments selling many lines of merchandise. Illustrative examples include:

- Artists' supplies
- Books
- Cameras and photographic supplies
- Clothing and accessories
- Florists and houseplant stores
- Gifts, novelties, and souvenirs
- Handcrafted items
- Jewelry
- Luggage and leather goods
- Newsstands
- Specialty shops

- Stationery
- Toys and games

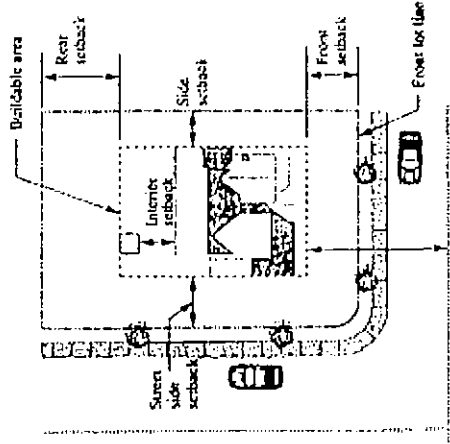
Review authority. The individual or official City body (the Planning Director, Planning Commission, or City Council) identified by this Zoning Ordinance as having the responsibility and authority to review, and approve, or disapprove permit applications.

- s. Definitions, "S". The following definitions are in alphabetical order.

Satellite dish/antenna. An antenna for the reception of data, television, and other telecommunications broadcast from orbiting satellites.

Service station. Retail trade establishment engaged in the business of selling gasoline or other motor vehicle fuels, which may also provide minor vehicle maintenance and repair services clearly secondary and incidental to fuel sales. May also include: a fully enclosed automated self-service vehicle washing facility, accessory towing and trailer rental services, but not the repair, sale, or storage of wrecked or abandoned vehicles, the rental of vehicle storage or parking spaces, or vehicle painting, body, fender, or other similar work.

Setback. The distance by which a structure, parking area, or other development feature must be separated from a lot line, other structure or development feature, or street right-of-way. Setbacks from private streets are measured from the edge of the easement. See also "yard."



Setbacks.

Sign. Also referred to as "outdoor advertising." See Chapter 4 of the City of Clovis Municipal Code (CMC).

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Site or parcel coverage. The percentage of total site area occupied by structures, and paving for vehicle use. Structure/building coverage includes the primary structure, all accessory structures (e.g., garages, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., balconies, decks above the first floor, stairs, etc.).

Structure/building coverage is measured from exterior wall to exterior wall. Pavement coverage includes areas necessary for the ingress, egress, outdoor parking, and circulation of motor vehicles.

Software manufacturing. Establishments engaged in the design, development, engineering, packing, production, and testing of computer software products.

Specialty medical center. Facilities providing for medical services related to a specific medical specialty, including diagnostic, treatment, and surgical services.

State. The State of California, referred to in this Zoning Ordinance as the "State."

Storage, indoor. The storage of various materials entirely within a structure, as the primary use of the structure. The storage of materials, supplies, and products clearly secondary and incidental to a primary use is not considered a land use separate from the primary or main use.

Storage, outdoor. The storage of various materials outside of a structure, other than permanently installed fencing, either as an accessory or primary use.

Story. A horizontal section of a structure, with a single continuous or primarily continuous floor, including all rooms on the same floor or level of the structure.

Street. A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, boulevard, drive, highway, lane, place, road, way, and any other thoroughfare except an alley as defined in this subsection.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Zoning Ordinance, the term "structure" includes "buildings."

Surgical appliance and supply manufacturing. Establishments engaged in manufacturing surgical appliances and supplies. Illustrative examples include:

- Crutches
- Orthopedic devices
- Personal industrial safety devices (except protective eyewear)
- Plugs (e.g., ears, nose, etc.)
- Prosthetic appliances
- Surgical dressings
- Surgical sutures
- Wheelchairs

Surgical and medical instrument manufacturing. Establishments engaged in manufacturing medical, ophthalmic, surgical, and veterinary instruments and apparatus (except electromedical, electrotherapeutic, and irradiation apparatus). Illustrative examples include:

- Anesthesia apparatus
- Blood transfusion equipment
- Catheters
- Eye examining equipment
- Hypodermic needles
- Medical thermometers
- Operating tables

- Surgical clamps
 - Surgical saws
 - Syringes
 - Veterinarians' instruments
- t. Definitions, "T". The following definitions are in alphabetical order.

Telecommunication component manufacturing. Establishments engaged in manufacturing electromagnetic and photoelectrical broadcast, transmission, repeater and receiving station equipment for radio, telegraph, telephone, cellular telephone, television, and data network communications; including commercial earth stations for satellite-based communications. *Illustrative examples include:*

- Antennas
- Cell phones and components
- Personal pagers and components
- Satellite dish antennas and components
- Towers
- Transmission equipment and components

Telecommuting. A work arrangement for performing work electronically, where employees work at a location other than their primary work location (e.g., home, an off-site office, etc.)

Teleconferencing. Telephone and/or video multi-access link for group communications.

Teleservices. Automatic information services (e.g., automatic teller machines, computer mail [e-mail], computer modem, facsimile, telephone information services, telephone banking/transaction, etc.)

Transit stations and terminals. Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing "minor" maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, and railway.

Transit stop shelter. A small-scale covered waiting area for buses, taxis, and rail/mass transit stops.

- u. Definitions, "U". The following definitions are in alphabetical order.

Use. The primary purpose for which land or a structure is arranged, designed, intended, maintained, occupied or operated.

Use, primary. See "Primary use."

- v. Definitions, "V". The following definitions are in alphabetical order.

Variance. A discretionary entitlement that may waive or relax the development standards of this Zoning Ordinance, in compliance with Section 9.3.405 (Variances).

- w. Definitions, "W". The following definitions are in alphabetical order.

Warehousing. Facilities for the "short-term" storage of materials, supplies, and products consumed or stored on the premises, only when clearly secondary and incidental to the main R & T use. Does not include: warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; or warehouse facilities where the primary purpose of storage is for wholesaling and distribution. Additionally, does not include terminal facilities for handling freight.

Wireless facilities. Commercial, private, and public electromagnetic and photoelectrical transmission, broadcast, repeater, and receiving stations for cellular telephone, data network, radio, telegraph, telephone, and television communications; including commercial earth stations for satellite-based communications. Includes antennas, satellite dishes, towers, and associated equipment and facilities. Does not include cable, telegraph, or telephone transmission facilities utilizing hard-wired or direct cable connections.

- x. Definitions, "X". No definitions beginning with the letter "X" are used at this time.
- y. Definitions, "Y". The following definitions are in alphabetical order.

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections allowed by this Zoning Ordinance.

- (1) Front yard. An area extending across the full width of the lot between the front lot line and the required setback.
- (2) Rear yard. An area extending the full width of the lot between a rear lot line and the required setback.
- (3) Side yard. An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.
- z. Definitions, "Z". The following definitions are in alphabetical order.

Zoning district. One of the zoning districts established by this chapter, within which certain uses of land and structures are allowed or prohibited, and within which certain height limits, open space requirements, and setbacks are established for structures by this Zoning Ordinance.

Zoning Ordinance. The Clovis Zoning Ordinance, Title 9 of the Clovis Municipal Code (CMC), referred to herein as "this Zoning Ordinance." (§ 1, Ord. 01-14, eff. June 13, 2001; Exh. A, Ord. 05-03, eff. March 16, 2005; Exh. A, Ord. 05-37, eff. December 14, 2005; § 1, Ord. 06-22, eff. June 7, 2006)

Exhibit “11”

Clovis Municipal Code Modifications
Clovis Research and Technology Business Park Expansion
(Additions in *italics*)

9.3.228 Research and Technology Business Park District

Modification #1

A. 4. b. *Mixed Use Area Number 40*

- (1) *Mixed Use Area Number 40 shall apply to the R&T Park Expansion generally bounded by Nees Avenue to the north, State Route 168 to the east and south, and the Enterprise Canal to the west.*
- (2) *Live/Work units. This Mixed Use classification shall provide suitably sized and located parcels designed to accommodate live/work units. This use shall be located in the general area along Locan Avenue south of Nees Avenue,*
- (3) *Not to exceed six percent (6%). The land use activity described in subparagraph (1) above shall not exceed six percent (6%) (approximately 9 acres) of the total land area of the R&T Business Park expansion area.*
- (4) *Planned Commercial Center (P-C-C) provisions. The Planned Commercial Center (P-C-C) provisions (see Section 9.3.226) shall be utilized for any portion of the approximately 9 acres identified in subparagraph (3), immediately above.*

Modification #2

B. Land Use Tables

Table 2 (Allowable Secondary Uses and Permit Requirements for the Research and Technology Zoning District) identifies the secondary research and technology park land uses permitted in R-T Park Zone District areas south of the Alluvial Avenue alignment *and within Mixed Use 40. Those uses allowed in Mixed Use 40 are denoted. The table identifies whether the uses is allowed or not allowed and the land use permit required to authorize the use. The land uses identified in Table 2 are defined in subsection I of this section (definitions).*

Modification #3

B. Land Use Tables

TABLE 2-SERVICES

ALLOWABLE SECONDARY USES AND PERMIT REQUIREMENTS FOR THE RESEARCH AND TECHNOLOGY ZONING DISTRICT

Land Use (1), (2)	Permit Requirements
Services	R&T See Standards in Section
Hotel, with or without a conference center and with onsite consumption of alcoholic beverages*	C

** Use also allowed within Mixed Use Area Number 40.*

Modification #4

B. Land Use Tables

TABLE 2- RESIDENTIAL

ALLOWABLE SECONDARY USES AND PERMIT REQUIREMENTS FOR THE RESEARCH AND TECHNOLOGY ZONING DISTRICT

Land Use (1), (2)	Permit Requirement
Residential	R&T See Standards in Section
Live/Work*	P

**Allowed only in Mixed Use Area Number 40 in the general area along Locan Avenue south of Nees Avenue. With the inclusion of residential units a maximum FAR 0.60 shall be permitted provided residential space does not occupy more than 50 percent of the total gross floor area and non-residential floor area does not exceed an equivalent of 0.35 FAR. A live-work unit shall not be sold, rented or subdivided as separate residential and non-residential space.*

Modification #5

Table 2
GENERAL DEVELOPMENT STANDARDS REQUIREMENTS
RESEARCH AND TECHNOLOGY COMPONENT

Development Feature	R&T Component
Minimum Parcel Size (1) <i>Mixed Use Area 36</i> <i>Mixed Use Area 40</i>	3 acres 80,000 square feet
Minimum Parcel Width	100 feet (minimum average)
Minimum Parcel Depth	150 feet (minimum average)
Maximum Floor Area Ratio (FAR) (2)	0.35
Minimum Building Size (gross floor area) <i>Mixed Use Area 36</i> <i>Mixed Use Area 40</i>	20,000 sq.ft. (3) 10,000 sq.ft.
Setback Required	
Front (4)	40 feet- structures 30 feet- parking
Side (each)	10 feet
Street Side (4)	40 feet- structures 30 feet- parking
Rear	15 feet
Accessory Structures	See applicable section
Maximum Height Limit	35 feet (5)
Minimum Distance between R&T structures and nearest residences	200 feet (6)
Outdoor Activities	Limited to on-site loading and unloading of products/supplies, patios, and recreational courts (e.g., basketball, tennis, volleyball, etc.) (7)
Landscaping Provisions	See subsection E of this section and Section 9.3.306 (N)(12)

Off-Street Parking and Loading provisions

See subsection F of this section and Section 9.3.306 (l)(5) and (6)

Outdoor Advertising (Sign) provisions

See subsection G of this section and Chapter 4 of Title 9

Notes:

1. Parcel size means a parcel or group of parcels, which are considered a unit for purposes of development.
2. *Mixed Use 40- 0.35 to 0.40 FAR for parcels with average lot width of 300 feet or greater and an area of 90,000 or more square feet and for parcels within an approved multi-parcel site plan for two or more adjoining parcels. The maximum 0.40 FAR shall be granted only if 40 percent or more of the site consists of pervious landscaping or when on-sit stormwater retention facilities, such as allowances for ponding or a roof or subsurface cistern are provided.*
3. Allows multitenants within one single building. Allows buildings of less than twenty thousand (20,000) square feet to be considered under a Director's Review and Approval process when physically connected with structural components that architecturally integrate with the main building, and the total of all buildings connected equals twenty thousand (20,000) square feet or more.
4. The setback shall be measured at right angles from the nearest face of the curb adjoining the street to the nearest point of the wall of the structure, in compliance with subparagraph 14 of subsection D of this section (measurement of setbacks).
5. Greater heights may be allowed with a Conditional Use Permit, in compliance with Section 9.3.404, only with an additional finding that the increased heights would not adversely affect nearby residences or other business park tenants.
6. This area may be uses as public open space and/or for the on-site trail system to be provided within the R&T Business Park in conformance with the Herndon-Shepherd Specific Plan (please refer to 4.4.1 Greenbelt and Trail Systems). Also, this minimum distance may be decreased if it can be demonstrated, to the satisfaction of the applicable review authority, that there would be no adverse visual or acoustical impacts on existing residences.
7. See Section 9.3.403 (Director's Review) and subparagraph 12 of subsection D of this section for restrictions on outdoor activities.

Exhibit “12”

August 7, 2009

Ryan C. Burnett, AICP
Project Coordinator
City of Clovis
1033 Fifth St.
Clovis, CA 93612

Dear Mr. Burnett:

Due to a scheduling conflict, I am unable to attend the August 12, 2009 meeting to discuss the proposed Research and Technology Park Expansion Project. Consequently, I am writing in the hope that this letter will be read at the meeting and considered as a resident's comment against the plan.

My opposition to the proposed expansion is based on the following concerns:

1. The proposed expansion will eliminate trees and other plants that are now at the eastern boundary of the affected neighborhood, replacing them with businesses and parking lots. This will have aesthetics, quality of life, and air quality consequences for the residents, all of them negative.
2. The proposed expansion will result in higher density for the area, with two attendant consequences: a) negative effect on quality of life, and b) negative effect on home values, by adding live/work units and other types of housing not currently allowed in the area.
3. The proposed expansion will result in more noise and increased traffic, thus affecting quality of life.
4. Last, but not least, the expansion creates unspecified dangers related to hazardous materials that the expansion will bring too close to current residents' homes.

For the reasons listed above, the proposed expansion will have a major negative effect on home values for the homes on Coventry and Goshen Ave. With an already depressed housing market, this additional reduction in value will mean severe financial difficulties for many homeowners.

In consequence, I urge the city council not to approve the proposed expansion as submitted, and to solicit alternative plans (including such things as a park or a similar natural boundary zone between the existing residential area and the proposed expanded technological area).

Sincerely,



Dr. Manuel M. Martín-Rodríguez
2729 Goshen Ave.

Exhibit “13”

August 27, 2009

Ryan C. Burnett, AICP
Project Coordinator
City of Clovis
1033 Fifth St.
Clovis, CA 93612

Dear Mr. Burnett:

Due to a scheduling conflict, I am unable to attend the August 27, 2009 Planning Commission Hearing. I called your office yesterday, and I was told that I could send my comments by fax, and that they would be considered at the meeting. My comments are about the proposed Research and Technology Park Expansion Project.

Earlier, on April 28, 2009, I wrote to you expressing my opposition to the proposed expansion. After carefully reviewing the final EIR that you sent me, my opposition is now stronger, for the following reasons:

A) The EIR, as written, shows a complete disregard for most of the warnings that several responders (both individuals and agencies) have expressed. Let me give two examples (among many):

1) In response to my objections (in the letter dated April 28, 2009), the EIR dismisses several of them (e.g. 4-2, 4-3) as "subjective" and states that no fuller answer is therefore needed. My objections, however, were taken directly from the draft EIR in which those problems (increased density, increased traffic) are identified as logical (not subjective) consequences of the proposed expansion. How can the EIR response possibly say that "The affect [sic] of noise and traffic increases on the quality of life is subjective" (EIR 2.0-11)? There are all sorts of medical studies that the city can use to measure the negative effects of noise and pollution on humans. Instead, you are sticking the city's head in the ground, like the proverbial ostrich.

2) In response to the letter from Mr. Steve Ward, Clovis Unified School District, the EIR chooses to ignore his warning about increased schools enrollments as a result of eligibility for the children of prospective employees of the proposed expanded RTP. Here is the EIR response: "Overall, the number of new school age children generated to the District by the project is not anticipated to be significant." (EIR 2.0-8). Based on what? Where is the hard data supporting that assertion? In all honesty, it sounds like a subjective comment to me, so I would tend to dismiss it, were it not for the fact that the Clovis Unified School District is one of the most sought-after in California, and logic suggests that many prospective employees will want to enroll their children in the CUSD.

Martin-Rodriguez Page 2 of 3

B) The same disregard is shown for Alternative 1 (No Project) in the DEIR (section 4.3), which is presented in such a biased language as to suggest that it was given no serious consideration by the City. Again, two examples should suffice:

1) The DEIR suggests that the removal of existing homes would produce essentially the same health risks as the development of the proposed expansion of the RTP. Who is the RTP kidding? First of all, it is unclear to me why Alternative 1 would require the removal of existing homes (the EIR responses later say this would be voluntary). Secondly, if some of those houses required removal, the magnitude of the risk their removal comport would be dwarfed by that of building the proposed expansion. Lastly, there is no guarantee that some houses would not be removed if the RTP is expanded, so the argument against Alternative 1 is just not valid.

2) On page 4-8 of the DEIR the following is stated: "As a result, the No Project alternative could eliminate approximately 5,193 new jobs that could be created by the proposed project compared to build out of the project under the No Project alternative." How can Alternative 1 eliminate jobs that do not exist in the first place? This is a classic example of rhetorical manipulation, and it insults the intelligence of the residents of Clovis. Moreover, if indeed a larger RTP could create 5,193 new jobs (which remains to be seen), there is nothing tying those jobs to the proposed location. As Mr. Robert Donat states in his comments (6-4, as labeled by the DEIR), there is plenty of vacant land to the east of the proposed site, where the City could build a larger RTP without disrupting the quality of life of many of its residents.

C) More worrisome is the almost absolute disregard that the DEIR and the EIR show for the families in the immediate vicinity of the proposed site. The problem begins with some of the consultants used by the city. Here is what Brown-Buntin Associates, Inc. have to say about the area in their "Environmental Noise Assessment": "There are existing residences scattered throughout the expansion area, and many of those residences occupy relatively large parcels." (1). While this is technically true of the proposed construction area, how could they not acknowledge the fact that there are 84 homes in the Tuscany subdivision, next door to the proposed site? Are we not going to be affected by the proposed RTP's noise, etc.? Of course we will and, again, the City should look for an alternative area in a less-populated part of the city.

D) The EIR makes a great deal of the mitigation measures that would be adopted if the expansion is approved, and how they would take care of the very real (not subjective) problems identified throughout the DEIR. However, most of those mitigation measures are just reduced to submitting studies prior to building (e.g. I.0-6), and all monitoring is restricted to "Prior to approval" clauses. There is absolutely no involvement of the affected parties (e.g. residents of the area and of the immediate vicinity) in the monitoring of these potential problems and, based on the DEIR and the EIR themselves, it is easy to see that any number of the

required studies may be flawed or rhetorically manipulated to say whatever they want, and then do likewise.

E) The EIR (and City officials) have taken an absolute pro-business approach, neglecting or minimizing the needs of private residents. For instance, the EIR acknowledges that "The 2004 purchases were conditioned upon the use of the land for park or other public uses" (1.0-3), but it continues by saying that "the City is currently discussing with Caltrans the potential to develop the land with uses other than park or public uses" (1.0-3). And why is that necessary? Why not build a park, small as it might be, to serve as a buffer zone between the Tuscany subdivision (the most densely populated affected area) and the proposed expanded RTP? The City's obligation to Caltrans could be easily renegotiated to alter not the use of the land, but the exact location of that park, thus creating a real, meaningful separation between a wholly developed neighborhood and the proposed expanded RTP.

F) Instead, the EIR vaguely promises trails and other undefined buffer zones for the affected areas. A trail would not meet the need of the existing residents, as a greater separation between family housing and businesses would be needed to maintain quality of life.

For the reasons listed above, I am more convinced than ever that the proposed expansion will have a major negative effect on quality of life and home values for homeowners and their families in the vicinity of the proposed RTP expansion.

In consequence, I urge the Planning Commission not to approve the proposed expansion.

Sincerely,



Dr. Manuel M. Martín-Rodríguez
2729 Goshen Ave.

Please call 559 392-6243
if problems

Staff Responses to Dr. Martin Rodriguez August 27, 2009 letter

- A 1. The EIR based its air quality, noise and traffic conclusions on established thresholds. As discussed in each respective section of the EIR, the project will have potentially significant air quality, noise and traffic impacts. In the case of noise and traffic, mitigation measures are recommended to reduce the identified noise and traffic impacts to less than significant levels, based on the established thresholds. In the case of air quality impacts, again the EIR provides measures to reduce air emissions as much as feasible. However, as stated in the EIR the operational emissions of the project cannot be reduced to adopted San Joaquin Valley Air Pollution Control District standards. Thus, the project will have unavoidable adverse air quality impacts. Similarly, the development currently allowed for the project site based on the Clovis General Plan would also exceed adopted District operational air emissions.
- A 2. The fact that the Clovis Unified School District does not have student generation rates for commercial or industrial development strongly suggests that commercial and industrial development do not directly generate students. Without specific student generation data from Clovis Unified School it is speculative to estimate the number of students that may be indirectly generated by the project. However, as correctly stated on page 3.11-9 of the Draft EIR students may be indirectly generated by the project. Because most of the people that will be employed at the project site in the future are anticipated to live within commuting distance, the Draft EIR correctly states that the number of students indirectly generated is not anticipated to be significant.
- B 1. The Draft EIR is correct as stated on page 4-5 that Alternative 1 could result in greater Toxic Air Contaminants than the proposed project if residences, as allowed by the current General Plan, are constructed in close proximity to SR 168. Thus, exposing a larger number of residents to diesel emissions generated from SR 168 than the proposed project. Alternative 1, like the proposed project, would not require the removal of any existing residences. Existing residents would be allowed to remain with Alternative 1 as with the proposed project. The comment regarding the risk of removing existing houses to development allowed by the proposed project is unclear with regards to the "risk" that is referenced. Again, the removal of any existing housing under either Alternative 1 or the proposed project is totally dependent upon the currently property owners and not the City or the Clovis Community Development Agency.
- B 2. The comment on page 4-8 of the Draft EIR makes reference to the projected future job growth in the RT Park Expansion, which is estimated to generate 5,193 new jobs. The Draft EIR does not state that 5,193 jobs currently exist. The Draft EIR only states that Alternative 1 would eliminate the future opportunity of the proposed project to generate approximately 5,193 new jobs. The vacant land east of the project referred to in Mr. Donat's does not specifically identify the location of the vacant land. Therefore, an evaluation of the suitability of that site to the proposed project site cannot be made.
- C. The noise consultant did not ignore the Tuscany subdivision. Based on current noise measurements that were taken on the site, the estimated noise levels generated by the project, and the mitigation measures N-1 and N-2 of the Draft EIR the residents of the Tuscany subdivision will not be impacted by project noise.

- D. As stated on page 1-1 of the Draft EIR the EIR that was prepared for the Clovis Research & Technology Park Expansion is a Program EIR as allowed by CEQA Guidelines Section 15168. Furthermore, CEQA Guidelines section 15168(c)(1) states, "If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration." As such, CEQA allows for the preparation of follow-up studies by the lead agency for which mitigation measures require their preparation. You can contact the City of Clovis Planning Department and request a copy of all required follow-up studies.
- E. As stated in the Draft EIR the City is continuing to discuss alternative use of the Caltrans property to meet the needs of the community and the City.
- F. A trail is proposed along the northwesterly portion of the project to provide a landscaped buffer between the project and the Tuscany subdivision as suggested by the comment. The final design and alignment of the trail has not been finalized. Along with input from the local community the City will determine the alignment and design of the trail system.

**April 27, 2009 Planning
Commission Minutes**

**Draft City Council Resolutions and
Ordinance**

PUBLIC HEARINGS

A) Consider actions associated with the expansion of the Clovis Research and Technology Business Park generally bounded by Nees Avenue to the north, the Enterprise Canal to the west and State Route 168 to the south and east.

1) Consider Approval – Res. 09-36, A request that the Planning Commission consider and recommend that the City Council adopt the Clovis Research and Technology Business Park Expansion Environmental Impact Report (“EIR”) as in compliance with the California Environmental Quality Act (“CEQA”); adopt the CEQA Findings of Fact and Statement of Overriding Considerations; and adopt a Mitigation Monitoring Program. The City of Clovis is the Lead Agency.
(Approved 5-0)

2) Consider Approval – Res. 09-37, GPA2009-01, A request that the Planning Commission consider and recommend that the City Council approve amendments to the General Plan and Herndon Shepherd Specific Plan’s Land Use Elements and Circulation Elements for the property generally bounded by Nees Avenue to the north, the Enterprise Canal to the west, and State Route 168 to the south and east. The request consists of a change from the Clovis General Plan land use designations of Very Low Density Residential (0.6 to 2.0 du/ac), Commercial, and High Density Residential (15.1-25.0 du/ac) and the Herndon-Shepherd Specific Plan designations of Large Lot Residential (2.2 du/ac), Open Space, Neighborhood Commercial and Multi-Family to Mixed-Use Area 40 (primary use of Research and Technology Business). The Circulation Element amendments consist of the extension of Alluvial Avenue as an Arterial, east of Temperance Avenue to a connection at DeWolf Avenue, and to redesignate Nees Avenue from an Arterial to a Collector east of Temperance Avenue and Locan Avenue, between Nees Avenue and its terminus just north of State Route 168, from a residential local road to an industrial/commercial local road. Clovis Community Development Agency, applicant; multiple property owners. (Approved 4-1, Commissioner Mouanoutoua voting No)

3) Consider Approval – Res.-09-38, OA2009-03, A request that the Planning Commission consider and recommend that the City Council approve an amendment to the Clovis Municipal Code Section Research and Technology Business Park Zone District to add Mixed Use Area 40 to the Ordinance and to modify the development standards to accommodate Mixed Use Area 40.

Clovis Community Development Agency, applicant; multiple property owners. (Approved 5-0)

4) Consider Approval – Res. -09-39, A request that the Planning Commission consider and recommend that the City Council approve the Central Valley Research and Technology Business Park Architectural Design Guidelines for the Expansion Area. (Approved 5-0)

Ryan Burnett, Assistant Engineer, presented the staff report on the entitlement requests and Phil Martin, EIR consultant presented the EIR Staff Report and indicated that staff recommended the following:

1. That the Planning Commission consider the EIR and determine its adequacy in compliance with the CEQA Statute and Guidelines.
2. That the Planning Commission approve Resolution No. 2009-36, Resolution of the Planning Commission of the City of Clovis recommending the City Council:
 - (1) Certify the Clovis Research and Technology Business Park EIR Environmental Impact Report;
 - (2) Adopt the CEQA Findings of Fact and Statement of Overriding Considerations;
 - (3) Adopt a Mitigation Monitoring Program;
3. That the Planning Commission approve Resolution No. 2009-37, Resolution of the Planning Commission of the City of Clovis recommending the City Council approve General Plan Amendment GPA2009-01.
4. That the Planning Commission approve Resolution No. 2009-38, Resolution of the Planning Commission of the City of Clovis recommending the City Council approve Ordinance Amendment OA2009-03.
5. That the Planning Commission approve Resolution No. 2009-39, Resolution of the Planning Commission of the City of Clovis recommending the City Council approve the Central Valley Research and Technology Business Park Architectural Design Guidelines for the Expansion Area.

At this point Commissioner Sigala joined the Commission.

At this point, the public portion of the meeting was opened to anyone wishing to speak in support of these items.

Tina Sumner, Interim Community and Economic Director spoke in favor of the project. She asked that the Commission look at the long view of what the community needed and stated that approval of this request would protect this area for future research and technology park development. Ms. Sumner said the City needed to create better than living wage jobs and a 'jobs/housing balance for financial safety.

At this point, the public portion of the meeting was opened to anyone wishing to speak in opposition to these items.

Kathleen Papenhausen, 7585 E. Nees Avenue had several questions regarding the Environmental Impact Report and requested clarification.

Pamela Schmidt, 1110 N. Locan Avenue asked how this project would affect their property taxes. She also had questions about transfer of ownership and what kind of improvements could be made her property if the land use designation were changed to Research and Technology Park. She said the change in land use made it difficult to sell their property and was not the lifestyle they wanted.

Planning and Development Services Director, Dwight Kroll informed Ms Schmidt that she did have the opportunity to sell her property as a residence. He stated that the proposed modifications to Mixed Use No. 40 allowed for the continued use of the existing residences as a perpetuated use. PDS Director Kroll explained that this General Plan Amendment opened the door to market the property under the land use of residential or Research and Technology Park.

Gary Willis, 7790 N. Locan spoke in opposition to the project. Mr. Willis asked who would guarantee that the Research and Technology Park would increase his property value. He felt that the City should guarantee a certain value for the land. He did not want commercial traffic or a multi-story building adjacent to his property.

Ian Pattie, 1047 N. Locan spoke in opposition to the project. He stated that this project area is all private property and that the City should not change the General Plan land use. Mr. Pattie felt this request should wait until there were developers requesting to do a development. He challenged the Planning Commission to visit their property prior to making a decision and talk to the residents.

Robert Donat, 1025 N. Locan stated he was in opposition to the request. He expressed concern regarding the new Alluvial alignment and how it impacted his

property and the potential for eminent domain. Mr. Donat expressed concerns about property values and impact of noise from Freeway 168,

Jeanette Pattie, 1047 N. Locan expressed concern regarding noise. Existing Freeway 168 already impacts them with noise. She expressed concerns regarding additional noise from the extension of Alluvial Avenue. She felt that the people living on Locan should have some type of buffer to the noise. Ms. Pattie felt that it was not right for the City to tell people what they could do with their land.

Rod Baronian, 1208 N. Locan felt that the area being considered for the Research and Technology Park should be re-evaluated to not include the 15 properties on both sides of Locan south of Nees Avenue. He felt that a block wall should be considered for homes adjacent to Alluvial.

Sergio Stanziale, stated that only 14% of Phase I and II of the Research and Technology Park have been developed since approved in 1999. He felt that changing the land use designation would limit the options for and restrict the use of his property.

There being no further discussion, the public portion of the hearing was closed.

Commissioner Mouanoutoua asked if the EIR took into consideration the double traffic from the Freeway and future Alluvial Avenue.

EIR consultant Martin, stated that the Noise Model took into consideration the potential noise that would be generated.

Commissioner Mouanoutoua asked why there was the urgency to designate the area as Research and Technology Park. *Why couldn't the City use standard practice and allow for subdivision of the acreage incrementally as development was requested?*

Community and Economic Development Director Tina Sumner explained that if the City does not act, slowly but surely the land would be developed as residential and the City would lose the opportunity for job generating uses. She stated that the reason this property works is because it is contiguous with Phase I and II of the Research Technology Park, the land is in close proximity to existing and planned utilities, the land is not encumbered under Williamson Act Contracts, and the site had great Freeway access.

Commissioner Sigala expressed concern that as the Research and Technology designated property developed the noise levels in the area would increase. She felt measures needed to be included to protect the remaining existing residences.

Commissioner Mouanoutoua felt that the proposal was too restrictive at this time for existing residents and that he would like more of Phase I and II of the existing park developed before designating Phase III.

Commissioner Grogan expressed that it was important to consider the future expansion of the Research and Technology Park and create jobs to keep our children here. Commissioner Grogan stated that block walls were needed and he would recommend that the mitigation monitoring program be modified to add block walls as a requirement along Locan Avenue.

Commissioner Morrison also suggested protection and buffering of the residents by the addition of walls and landscaping.

A motion was made by Commissioner Grogan, seconded by Commissioner Morrison, to adopt P.C. Res. 2009-36 recommending certification of the R&T Park Environmental Impact Report, adoption of the CEQA Findings of Fact and Statement of Overriding Considerations and adoption of a Mitigation Monitoring Program. The motion included amending the mitigation monitoring program to require block walls on the west and east side of Locan Avenue and on the north side of the Alluvial Avenue Extension.

AYES: Commissioners Grogan, Morrison, Mouanoutoua, Sigala,
Chairperson Ayello
NOES: None
ABSENT: None
ABSTAIN: None

A motion was made by Commissioner Grogan, seconded by Commissioner Morrison, to adopt P.C. Res. 2009-37 recommending approval of GPA2009-01 including in Mixed Use Area 40 the protection of resident property rights.

AYES: Commissioners Grogan, Morrison, Sigala, Chairperson Ayello
NOES: Commissioner Mouanoutoua
ABSENT: None
ABSTAIN: None

A motion was made by Commissioner Grogan, seconded by Commissioner Morrison, to adopt P.C. Res. 2009-38 recommending approval of OA2009-03.

AYES: Commissioners Grogan, Morrison, Mouanoutoua, Sigala,
Chairperson Ayello
NOES: None
ABSENT: None
ABSTAIN: None

A motion was made by Commissioner Grogan, seconded by Commissioner Morrison, to adopt P.C. Res. 2009-39 recommending approval of the R&T Park Architectural Design Guidelines for the Expansion Area.

AYES: Commissioners Grogan, Morrison, Mouanoutoua, Sigala,
Chairperson Ayello

NOES: None

ABSENT: None

ABSTAIN: None

**CITY OF CLOVIS, CITY COUNCIL
RESOLUTION NO. 2009-___**

**CLOVIS RESEARCH AND TECHNOLOGY BUSINESS PARK EXPANSION
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS: (1) CERTIFY THE CLOVIS
RESEARCH AND TECHNOLOGY BUSINESS PARK EXPANSION ENVIRONMENTAL IMPACT
REPORT; (2) ADOPT THE CEQA FINDINGS AND STATEMENT OF OVERRIDING
CONSIDERATIONS; AND (3) ADOPT A MITIGATION MONITORING/ REPORTING PROGRAM**

WHEREAS, the Project applicant is the Clovis Community Development Agency ("Applicant"), 356 Pollasky Avenue, Clovis, CA 93612; and

WHEREAS, the Applicant is proposing to undertake the Clovis Research and Technology Business Park Expansion Project ("Project") and submitted applications for a General Plan Amendment and Ordinance Amendment; and

WHEREAS, the Project consists of an expansion to the existing 180 acre Research and Technology Business Park of approximately 153 acres bounded generally by Nees Avenue to the north, the Enterprise Canal to the west, and State Route 168 to the south and east, City of Clovis, Fresno County, California; and

WHEREAS, the City caused to be prepared a Draft Program Environmental Impact Report ("Draft EIR") for the Project in April 2009 to evaluate potentially significant adverse environmental impacts; and

WHEREAS, the Draft EIR was made available for public review and comment in conformance with CEQA and the State CEQA Guidelines; and

WHEREAS, written comments were received on the Draft EIR during its public review period; and

WHEREAS, the City caused to be prepared a Final Program Environmental Impact Report ("Final EIR") for the Project in August 2009, which contains the written comments upon the Draft EIR and responses thereto, as well as changes and additions to the Draft EIR text; and

WHEREAS, the Draft EIR and the Final EIR collectively make up the Environmental Impact Report (the "EIR") for the Project; and

WHEREAS, the EIR was prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code, Sections 21000 et seq., and the Guidelines for Implementation of CEQA, 14 California Code of Regulations, Sections 15000 et seq. (the "CEQA Guidelines"); and

WHEREAS, the City's Planning Commission held a noticed Public Hearing on August 27, 2009, to consider the Project and associated EIR, at which time interested persons commented on the Project and EIR; and

WHEREAS, the Planning Commission recommended that the City Council certify the EIR, and adopt the CEQA Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring Plan, and that the Council approve General Plan Amendment GPA2009-01, Ordinance Amendment OA2009-03, and approve the Central Valley Research and Technology Business Park Architectural Design Guidelines for the Expansion Area (the "Project Approvals"); and

WHEREAS, the Planning Commission's recommendations were forwarded to the City Council for consideration; and

WHEREAS, on October 8, 2009, the City published Notice of a City Council Public Hearing for October 19, 2009, to consider the Project and the Planning Commission's recommendation (the "Notice"), and delivered the Notice to interested parties and property owners within 600 feet of the property boundaries, to property owners within the adjacent residential subdivision to the west, and to property owners within the boundaries of the Locan-Nees Annexation 10 days prior to said hearing.

WHEREAS, the City Council held the public hearing on October 19, 2009, to consider the EIR and the Project Approvals; and

WHEREAS, The City Council considered testimony and information received at the October 19, 2009 public hearings, and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to the Project and EIR, which are maintained at the offices of the City of Clovis Department of Planning and Development Services; and

WHEREAS, the City Council has independently reviewed and considered the EIR; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed the EIR, or otherwise commented on the Project; and

WHEREAS, the City Council has independently reviewed and considered the CEQA Statement of Facts and Findings and Statement of Overriding Considerations (Exhibit "A"), and the Mitigation Monitoring Plan (Chapter 3 of the Final EIR).

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Clovis adopts the foregoing recitals as true and correct and resolves as follows:

1. Finds that the EIR for the Project is adequate and has been completed in compliance with CEQA and the CEQA Guidelines.
2. Finds and declares that the EIR was presented to the City Council and that the City Council has independently reviewed and considered the information contained in the EIR prior to recommending approval of the Project Approvals.
3. Based upon its review of the EIR, finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the Project as described in the EIR, sets forth a reasonable range of alternatives to the Project, and represents the independent judgment of the City Council.
4. Finds that the Final EIR additions, clarifications, amplifications, modifications and other information in response to comments on the Draft EIR are not significant new information as that term is defined under the provisions of CEQA or the CEQA Guidelines because such changes and additional information do not indicate that (i) any new significant environmental impacts not already evaluated would result from the Project; (ii) there is any substantial increase in the severity of any environmental impact from the Project unless mitigation measures are adopted that reduce the impact to a level of insignificance; or (iii) any feasible alternatives or mitigation measures considerably different from those previously analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the Project but the proponents decline to adopt it. Accordingly, the City Council hereby finds and determines that recirculation of the Final EIR for further public review and comment is not warranted.
5. The City Council has balanced the benefits of the Project, the significant and unavoidable impacts associated with the Project, has considered and all feasible mitigation measures, and has examined potentially feasible alternatives to the Project.

6. Finds that, none of the project alternatives analyzed in the EIR meet the Project objectives to the same degree as the Project and none of the alternatives are environmentally preferable to the proposed Project
7. Finds that, after considering all feasible mitigation measures and weighing the advantages and disadvantages of the Project, as proposed, with the project alternatives, including the significant and unavoidable impacts, the feasibility of project alternatives, and the "no project" alternative, the Project as proposed and described in the EIR may be approved.
8. Certifies that the EIR is adequate and has been completed in compliance with CEQA and the CEQA Guidelines.
9. Adopts the CEQA Findings and Statement of Overriding Considerations substantially in the form set forth in Exhibit "A."
10. Adopts the Mitigation Monitoring/Reporting Program set forth in Final EIR Chapter 3, including the mitigation measures identified therein and as described in the EIR.
11. Finds that the City Council may proceed to consider the approval of the Project Approvals.
12. Directs that the record of these proceedings be contained in the Department of Planning and Development Services located at 1033 5th Street, Clovis, CA 93612, and that the custodian of the record be the Deputy City Planner or other person designated by the Planning and Development Services Director.
13. Authorizes the Planning and Development Services Director, or his designee, to file a Notice of Determination for the Project in accordance with CEQA and to pay any fees required for such filing, including Department of Fish and Game fees.

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: October 19, 2009

Harry Armstrong, Mayor

City Clerk

Exhibits:

A: CEQA Findings and Statement of Overriding Considerations

Exhibit "A"

**Attachment to
City of Clovis City Council
Resolution No. 2009-___**

**CLOVIS RESEARCH & TECHNOLOGY PARK
EXPANSION PROJECT**

**California Environmental Quality Act
Findings and Statement of Overriding
Considerations**

Table of Contents

Section	Page
I. Introduction	1
II. Findings for Significant Impacts	2
a. Purpose	2
b. Aesthetics	2
c. Air Quality	3
d. Biological Resources	8
e. Cultural Resources	11
f. Geology and Soils	12
g. Hazards and Hazardous Materials	13
h. Hydrology and Water Quality	14
i. Land Use	16
j. Noise	17
k. Public Services, Utilities, and Recreation	19
l. Transportation	20
III. Alternatives Findings	25
a. Purpose	25
b. Project Objectives	25
c. Alternatives Considered and Findings	26
IV. Cumulative Impacts	30
a. Purpose	30
b. Air Quality	30
c. Transportation	30
V. Statement of Overriding Considerations	34
a. Significant Unavoidable Impacts	34
b. Statement of Overriding Considerations	34

I. Introduction

This Attachment contains the substantial evidence in support of the findings and Statement of Overriding Considerations recommended by the City of Clovis Planning Commission for adoption by the Clovis City Council for the Clovis Research & Technology Expansion Project ("Project"). The requirements for findings and statements of overriding considerations are contained in the California Environmental Quality Act ("CEQA") and in Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act ("State CEQA Guidelines"). Pertinent sections from the State CEQA Guidelines are as follows:¹

Findings: State CEQA Guidelines Section 15091(a):

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Statement of Overriding Considerations: State CEQA Guidelines Sections 15093(a) and (b):

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other

¹ All documents and other material that constitute the record of the proceedings upon which this document is based are available for public review at the City of Clovis Planning and Development Services Department, 1033 Fifth Street, Clovis, California 93612.

information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.

II. Findings for Significant Impacts

a. Purpose

Based on the Final EIR, this section presents the significant effects of the project, the mitigation measures identified to avoid or reduce the significant effects and the finding(s) adopted for each significant effect.

b. Aesthetics

Impact AES-3: Substantially degrade the existing visual character or quality of the site and its surroundings (DEIR page 3.1-13).

Mitigation Measures:

AES-3(a): The project (Mixed Use Area No. 40) shall be added to the Clovis Zoning Ordinance 9.3.228 Research and Technology Business Park District. All development standards of Ordinance 9.3.228 shall apply to all development within Mixed Use Area No. 40.

AES-3(b): All properties adjacent to the north side of SR 168 shall construct a landscaped buffer to screen views of the site and blend the mass with the surroundings to the greatest extent feasible. The proposed vegetative screening shall be selected and planted in a manner acceptable to the City of Clovis Planning Department. Required set-backs and other open space areas shall be landscaped and irrigated within six months after issuance of an occupancy permit.

AES-3(c): A landscaped buffer shall be constructed between the project site and the existing residential development at the southeast corner of Temperance Avenue and Nees Avenue by each project. The landscaped buffer shall screen the existing residents from the project site as much as feasible to provide an aesthetic buffer for the residents of the existing development that directly face the project site. The proposed landscaped buffer shall be selected and planted in a manner acceptable to the City of Clovis Planning Department prior to the start of construction on any properties adjacent to the existing residential development. The landscape buffer may include a path or walkway at the discretion of the Planning Department.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measures AES-3(a), AES-3(b), and AES-3(c) have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.1.

Impact AES-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (DEIR page 3.1-15).

Mitigation Measures:

AES-4(a): Each project shall submit a lighting plan to the City for approval prior to the issuance of a building permit. The lighting plan shall identify all exterior lights including parking lot and building exterior lights. The lighting plan shall include the height of all lights, type and light intensity.

AES-4(b): All exterior lighting, including parking lot lighting, shall be shielded to minimize off-site light spillage.

AES-4(c): Off-site light spillage onto adjacent properties shall not exceed 0.2 foot candles.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measures AES-4(a), AES-4(b), and AES-4(c) have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.1.

c. Air Quality

Impact AQ-1: Implementation of the proposed project would result in temporarily increased particulate matter levels at various times and locations over the build out period of the project (DEIR page 3.2-10).

Mitigation Measure:

AQ-1: To control dust emissions the following dust control measures shall be implemented:

- All projects shall install and implement all applicable PM10 construction emission control measures of the San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII Fugitive PM10 Prohibitions Rule 8021):
- Watering for the purpose of dust control, carry-out, and tracking control shall be conducted during construction in accordance with the project Storm Water Pollution Prevention Plan (SWPPP).
- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to two stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off site, all material shall be covered or effectively wetted to limit visible dust emissions and at least 2 feet of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited, except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) The use of blower devices is expressly forbidden.
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure AQ-1 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.2.

Impact AQ-2: Implementation of the project would result in temporarily increased ozone precursor emissions at various times and locations over the build out period of the project (DEIR page 3.2-12).

Mitigation Measure:

AQ-2: To comply with guidance from the SJVAPCD, the following measures are recommended to be incorporated into the construction specifications and project performance specifications for the project:

- The construction contractor for each building site shall ensure that all diesel engines are shut off when not in use on the premises to reduce emissions from idling.
- The construction contractor shall comply with SJVAPCD Rules 8011 to 8081 (Fugitive Dust), 4102 (Nuisance), 4601 (Architectural Coatings), and 4641 (Paving and Maintenance Activities).
- The construction contractor shall use off-road trucks that are equipped with on road engines, when possible.
- The construction contractor shall use light duty cars and trucks that use alternative fuel or are hybrids, if feasible.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure AQ-2 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.2.

Impact AQ-4: The project could result in construction of new sources of Toxic Air Contaminants, and the site is exposed to mobile – source TACs from the SR 168 freeway (DEIR page 3.2-15).

Mitigation Measure:

AQ-4: The following measure shall be implemented to reduce potential toxic air contaminants to sensitive receptors to less than significant:

- A health risk analysis shall be required of projects having the potential to emit toxic air contaminants.
- A health risk analysis shall be performed prior to the approval of any live/work units or child day-care facilities that are proposed within 500 feet of SR 168. The factors that determine minimum setbacks include the nature of the sensitive receptor, the level of diesel truck traffic on SR 168 and the prevailing wind patterns.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure AQ-4 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.2.

Impact AQ-5: Development of the project would result in increases in emission of both ozone precursors and particulate matter (DEIR page 3.2-15).

Mitigation Measure:

AQ-5: All projects shall be required to implement the following:

- All projects shall install secure bicycle racks/storage at locations determined by the City Planner.
- Employers shall provide employees with information regarding the Clovis Transit System for the regional area.

- Solar energy features and/or similar energy savings systems shall be incorporated into all development, including solar panels and passive solar features, if economically feasible.
- All projects shall be designed to include outdoor electrical outlets to allow the use of electric-powered (rather than gasoline-powered) outdoor landscaping equipment.
- Future building structures shall be constructed using high-albedo (reflecting) roofing materials or similar materials, if economically feasible.
- All projects shall be required to pay its fair share (per gross building square foot basis) toward the development of the City's pedestrian trail systems.

Level of Significance: Implementation of the proposed mitigation measures would reduce project generated NO_x and PM₁₀ emissions. The City expects that most of the projects that will be constructed within the RT Park Expansion project will meet Indirect Source Review (ISR) criteria and go through the ISR process to reduce NO_x and PM₁₀ emissions to desired thresholds. The above mitigation measure will apply to both projects that are subject to the ISR process and those that are exempt. The mitigation measures intended to promote the use of alternative means of transportation (i.e., use of outdoor electrical outlets to allow the use of electric powered automobiles, bicycling, pedestrian trails, public transit) would help reduce long-term operational emissions. All projects that meet ISR criteria will be required to reduce NO_x by 33% and project PM₁₀ emissions by 50%, to levels below SJVAPCD thresholds of significance. The City will encourage all projects that don't meet ISR criteria to also implement the same measures as required by ISR, when economically feasible. Even with implementation of proposed mitigation measures, long-term operational emissions are still be anticipated to exceed SJVAPCD's significance thresholds. As a result, this air emission impact is considered significant and unavoidable.

Finding

Mitigation Measures AQ-1 through AQ-5 are feasible and have been incorporated into the project. However, even with the implementation of the mitigation measures, the impact will remain significant and unavoidable. The Planning Commission has considered the project alternatives and recommends that the City Council find that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the Final EIR.

Rationale for finding: See Section III of this Attachment for a description of the specific considerations that make the two project alternatives infeasible. Also, refer to Section IV of this Attachment (Statement of Overriding Considerations) for a discussion of why the benefits of the project outweigh the significant unavoidable impacts.

Reference to record: Draft EIR Chapter 3.2

d. Biological Resources

Impact BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (DEIR page 3.3-17).

Mitigation Measures:

BIO-1(a): The following mitigation measures shall be implemented to mitigate the potential impact to burrowing owls and their habitat to less than significant.

- The developer shall retain a qualified biologist, subject to City approval, to conduct preconstruction surveys for active burrowing owls according to DFG guidelines within 30 days prior to the start of any construction activities, including ground disturbance. DFG recommends that preconstruction surveys be conducted to locate active burrowing owl burrows on the project site and a 250-foot-wide buffer zone around the project site. The recommended 250-foot-wide buffer zone around the site shall include only the properties that are authorized for access. If no burrowing owls are detected, then no further mitigation is required. If active burrowing owls are detected in the survey area, the following measures shall be implemented
- If nesting burrowing owls are present, an appropriate construction buffer shall be provided as required by the DFG prior to the start of any construction activities. No disturbance by the project shall be allowed within the buffer area until the young burrowing owls are determined by a qualified biologist to be independent.
- When destruction of occupied burrows is unavoidable during the non-nesting season (September 1–January 31), unsuitable burrows shall be enhanced (enlarged or cleared of debris) or new burrows created (installing artificial burrows) at a ratio of 2:1 on protected lands approved by DFG. Newly created burrows shall follow guidelines established by DFG.
- If owls must be moved from the project site, passive relocation techniques (e.g., installing one-way doors at burrow entrances) shall be used instead of trapping. At least 1 week shall be necessary to accomplish passive relocation and allow owls to acclimate to alternate burrows.
- If active burrowing owl burrows are found and the owls must be relocated, the City shall offset the loss of foraging and burrow habitat as required by DFG.

BIO-1(b): The following measure shall be implemented to reduce impacts to tree nesting raptors to less than significant.

- Existing large or mature trees that require removal shall be removed during the non-breeding season (September 1 – January 31).
- If it is not possible to remove large or mature trees during non-breeding season, a qualified biologist shall conduct a pre-construction survey for tree-nesting raptors in all trees on the site within 30 days prior to any onsite disturbance during the breeding season (February 1 – August 31). If nesting raptors are detected on or adjacent to the site during the survey, a suitable construction free buffer should be established around all active sites. The buffer areas shall be enclosed with temporary fencing and construction equipment and workers shall not enter the enclosed setback area. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

BIO-1(c): The following measure shall be implemented for other special status and/or migratory bird species:

- If other special status ground nesting or migratory bird nests are observed during surveys for the burrowing owl and/or tree nesting raptors, the mitigation measure recommended for tree nesting raptors (BIO-1(b)) shall be implemented.

BIO-1(d): The following measure shall be implemented for bat nursery sites:

- A bat survey shall be conducted within 30-days prior to the start of any demolition or construction activities. If bats are found to be roosting on the site, the bats shall be removed prior to any onsite disturbance activity. Demolition and planned tree and tree snag removal shall occur after August 31 and before March 1 to avoid interfering with an active nursery.
- If a non-breeding bat hibernaculum is discovered, the individuals shall be safely evicted under the direction of a qualified bat biologist through a “partial dismantle” process whereby the roosting area is opened to allow airflow through and sunlight into the building making it unsuitable habitat and undesirable for the bats to return to the site. Demolition of structures and removal of suitable trees and tree snags should then follow no later than the following day (i.e. there should be no less than one night between initial disturbance for airflow and the demolition), allowing bats to leave during the night and increase their chance to find new roosts with a minimum of potential predation during the daylight hours.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure BIO-1(a) thru BIO-1(d) have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.3.

Impact BIO-2: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (DEIR page 3.3-22).

Mitigation Measures:

BIO-2: Although it is not anticipated at this time that any of the existing water on the site is within the jurisdiction of any regulatory agencies, the following measure shall be implemented to mitigate the potential impact to jurisdictional water by future development of the project.

- Prior to the grading or construction, whichever occurs first, of any parcel that contains an existing water feature, including the man-made pond, three retention basins, and Enterprise Canal, the project applicant/developer shall contact all of the regulatory agencies (California Department of Fish and Game, U.S. Army Corps of Engineers, Regional Water Quality Control Board) to determine if they have jurisdiction of the water. If it is determined that the water is within the jurisdiction of a regulatory agency, the project applicant/developer shall meet the requirements of that agency for the removal or disturbance of the water prior to the issuance of a grading or building permit by the City of Clovis.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure BIO-2 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.3.

e. Cultural Resources

Impact CR-1: Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines (DEIR page 3.4-9).

Mitigation Measures:

CR-1(a): A historical survey for each specific project site that has not been surveyed to date shall be submitted to the Planning Department prior to the issuance of a demolition or grading permit, whichever is issued first. The Planning Department shall determine, based on the historical survey, if historical resources need to be protected pursuant to the standards and requirements in CEQA Guidelines §15064.5 and shall impose necessary protective measures as conditions of the specific site development consistent with Section 15064.5.

CR-1(b): An archaeologist shall be present and monitor demolition and grading within the historical living area of the Clark farm complex. The monitor shall stop all demolition and/or grading in the nearby area if historical resources are discovered. The resources shall be recovered or left in place in compliance with CEQA Guidelines Section 15064.5.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measures CR-1(a) and CR-1(b) have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.4.

Impact CR-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines (DEIR page 3.4-11).

CR-2: An archaeological resource survey of the portion of the project site that has not been surveyed to date shall be submitted to the Planning Department prior to the issuance of a demolition or grading permit, whichever is issued first. The Planning Department shall determine, based on the archaeological survey, if archaeological resources are present and need to be protected pursuant to CEQA Guidelines §15064.5.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure CR-2 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.4.

Impact CR-4: Disturb any human remains, including those interred outside of formal cemeteries (DEIR page 3.4-11).

CR-4: If human remains or artifacts suspected to be human remains are discovered during project grading or construction, all excavation or soil disturbance in the nearby area shall cease and the Fresno County Coroner contacted as required by CEQA Guidelines Section 15064.5(e) and the procedures required by Section 15064.5(e) shall be implemented before further ground disturbing activities are commenced.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure CR-4 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.4.

f. Geology and Soils

Impact GEO-7: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (DEIR page 3.5-7).

Mitigation Measure:

GEO-7: Each project developer shall submit a preliminary soils report to the City prior to the issuance of a grading permit or building permit, whichever is issued first, that states whether or not expansive soils are present. If expansive soils are present the

project developer shall be required to incorporate all design and/or construction measures recommended by the soils engineer to the satisfaction of the City Engineer to reduce soil expansion to acceptable levels in compliance with the Uniform Building Code.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure GEO-7 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.5.

g. Hazards and Hazardous Materials

Impact HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (DEIR page 3.6-13).

Mitigation Measure:

HAZ-1: A Phase I Assessment in compliance with the American Society of Testing Material (ASTM) Standard Practice for Environmental Site Assessments shall be submitted to the City prior to the issuance of a demolition, grading, or building permit for each site specific development project, whichever is issued first. Each project developer shall complete all applicable recommendations in the Phase I Assessment, as determined by the City Engineer, either prior to the issuance of demolition, grading, or building permits, whichever is issued first or on-going during project construction in compliance with the Phase I Assessment.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure HAZ-1 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.6.

Impact HAZ-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (DEIR page 3.6-14).

Mitigation Measure:

HAZ-2: The City shall require all businesses that use or transport hazardous materials to file a hazardous materials report with the Fire Department and/or CUPA as required by law prior to the issuance of a certificate of occupancy. The hazardous materials report shall identify the hazardous materials and quantities that will be used or stored on site. The report shall be updated annually with the Fire Department.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure HAZ-2 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.6.

h. Hydrology and Water Quality

Impact HYD-2: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site (DEIR page 3.7-13).

Mitigation Measures:

HYD-2(a): Prior to the start of any construction activities that include the disturbance of more than 1 acre the City of Clovis shall, in accordance with the City's SWMP and Order No. 501-048/NPDES No. CA0083500, require the project developer to provide evidence of compliance with the State of California's General Construction Permit.

HYD-2(b): The City shall verify that a Notice of Intent (NOI) has been filed with the SWRCB and a SWPPP has been prepared prior to the start of construction. The City or its agent, in accordance with the City's SWMP and Order No. 5-01-048/NPDES No. CA0083500 shall perform inspections of all construction sites to verify that all BMPs specified in the SWPPP are properly installed,

operational and properly maintained. The City shall notify contractors immediately if there is a noncompliance issue that requires compliance.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measures HYD-2(a) and (b) have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.7.

Impact HYD-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site (DEIR page 3.7-14).

Mitigation Measure:

HYD-3: The developer of each parcel shall excavate and improve Basin BX as required by the Fresno Metropolitan Flood Control District Storm Drainage and Flood Control Master Plan. The removal of the material shall increase the capacity of Basin BX to adequately accommodate the quantity of surface water generated by the project, subject to the satisfaction of the FMFCD, prior to the issuance of final occupancy permits.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measures HYD-3(a) and (b) have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.7.

Impact HYD-4: Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (DEIR page 15).

Mitigation Measure:

HYD-4(a): The City shall determine the storm drain improvements that will be required to adequately control storm water from each project development site to the satisfaction of the Fresno Metropolitan Flood Control District prior to the issuance of a grading permit.

HYD-4(b): All developments in the project shall be required to submit a Storm Water Pollution Prevention Plan (SWPPP) to the City Building Department prior to the start of demolition or grading, whichever occurs first. The SWPPP shall be implemented and maintained throughout project construction or as required by the City Engineer.

HYD-4(c): Project development shall be designed to include improvements to the existing pipeline system by either constructing a parallel pipe on Temperance Avenue and increasing pipe sizes on Nees Avenue to provide additional capacity or some type of permanent regional peak reducing facility to the satisfaction of the Fresno Metropolitan Flood Control District.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measures HYD-4(a) through 4(c) have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.7.

i. Land Use

Impact LU-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. (DEIR page 3.8-14).

LU-2: The project shall obtain amendments to the Clovis General Plan and the Herndon-Shepherd Specific Plan to Mixed Use Area 40.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure LU-2 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.8.

j. Noise

Impact N-1: Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies (DEIR page 3.9-10).

Mitigation Measures:

N-1(a): All truck deliveries shall be restricted to the hours of 7 am to 6 pm for projects located adjacent to an existing residence, (closer than 50 feet from the nearest residential property line), unless a noise study can be provided to the City prior to the issuance of an occupancy permit that provides proof that truck deliveries will not exceed the City's noise standard at the nearest property line.

N-1(b): Prior to the issuance of a building permit a noise study shall be submitted to the City for all projects that include truck loading docks to provide proof the location of the loading dock and the loading dock activities will not exceed the City's noise standard at the nearest property line.

N-1(c): Prior to the issuance of a building permit a noise study shall be submitted to the City for all projects located adjacent to an existing residence (closer than 50 feet from the nearest residential property line) to provide proof the operation of all mechanical equipment including, but not limited to, trash compactors, cardboard balers, air conditioners, air compressors, etc. will not exceed the City's noise standard at the property line.

N-1(d): Prior to approval of any development entitlement for a live/work project an acoustical report shall be provided to the City to identify any design or construction methods required to ensure the project complies with the City's exterior and interior noise standards for residential development.

N-1(e): All engine powered construction equipment shall be properly maintained and muffled in compliance with manufacture's specification.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measures N-1(a) through N-1(e) have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.9.

Impact N-2: Expose persons to or generate excessive ground borne vibration or ground borne noise levels (DEIR page 3.9-19).

Mitigation Measure:

N-2: A vibration study shall be submitted to the City prior to the issuance of a demolition or grading permit, whichever is issued first, for all projects that will require the operation of grading or heavy construction equipment within 50 feet of an existing residence to provide proof that vibrations will not exceed 80 VdB at the property line.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure N-2 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.9.

Impact N-3: The Planning Commission at its August 27, 2009 hearing recommended to the City Council the following noise mitigation measures to protect existing residents north and adjacent to the proposed alignment of Alluvial Avenue.

Mitigation Measure:

N-3: A masonry wall or equivalent shall be required between existing residential uses on the east and west sides of Locan Avenue and future Research and Technology Business Park uses, in accordance with the existing Research and Technology Business Park Zone District. The

wall shall be installed at the time of development of an adjacent Research and Technology Business Park use.

- N-4: A masonry wall or equivalent along the north side of the proposed Alluvial Avenue shall be required for the adjacent existing residential uses to ensure that noise levels from Alluvial Avenue meet City noise standards. The dimensions of the wall shall be determined by a future noise study to ensure compliance with the General Plan Noise Standards. The noise study shall be prepared at the time of final design of Alluvial Avenue. The wall shall be installed with the construction of Alluvial Avenue.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen environmental effects as identified in the August 27, 2009 Planning Commission hearing.

Rationale for finding: Mitigation Measures N-3 and N-4 have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.9.

k. Public Services, Utilities, and Recreation

- Impact PSU-4:*** Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed (DEIR page 3.11-12).

Although the DEIR concludes on page 3.11-11 that the City has an adequate source of water supply to provide potable water to the development of the ultimate build-out of the project the following mitigation measure is recommended to ensure that an adequate water supply is available for the project.

Mitigation Measure:

- PSU-1: The properties within Mixed Use Area No. 40 will be required to acquire water entitlement acceptable to the City Engineer and the Director of Public Utilities prior to approval of any development application.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measure.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measure PSU-1 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.11.

1. Transportation

Impact TR-1: Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections) (DEIR page 3.12-9).

Mitigation Measures:

TR-1(a): The project shall construct the following improvements at the intersection of Temperance Avenue @ Alluvial Avenue based on follow-up traffic studies and/or field conditions as determined by the City Engineer.

- Eastbound – one left turn lane, two through lanes, and a shared right-turn lane.
- Westbound – two left-turn lanes (400 feet long), one through lane, and one right-turn lane.
- Northbound – one left turn lane (280 feet long), two through lanes, and two right-turn lanes. The westernmost lane shall be at least 300 feet in length and the eastern lane at least 75 feet in length. Caltrans and the City shall monitor the northbound queues and construct the second 75 foot left turn lane if northbound right-turn queues regularly exceed 300 feet.
- Southbound - one left turn lane (300 feet long) two through lanes, and one right-turn lane.

TR-1(b): The existing crosswalk on the south side of Alluvial Avenue that crosses Temperance Avenue shall be eliminated in conjunction with the construction of traffic signal modifications and/or determined by the City Engineer.

TR-1(c): The project shall pay its fair share for the following traffic improvements:

- Signalize the intersection of Temperance Avenue @ Shepherd Avenue.
- Signalize the intersection of Temperance Avenue @ Nees Avenue.
- Signalize the intersection of Locan Avenue @ Alluvial Avenue.
- Construct a second eastbound left-turn lane at Temperance Avenue @ SR 168 eastbound ramp and interconnect traffic signals with the intersection of Temperance Avenue @ Alluvial Avenue.

- Signalize the intersection of DeWolf Avenue @ Alluvial Avenue.
- Signalize the intersection of Locan Avenue @ Shepherd Avenue.
- Construct an interchange at Nees Avenue @ SR 168.

TR-1(d): All live/work units shall be oriented away from Alluvial Avenue.

TR-1(e): All projects shall be encouraged to use Alluvial Avenue for all delivery trucks as much as feasible.

TR-1(f): Each project shall be required to pay their fair share towards the construction of a pedestrian and bicycle trail along the west project boundary, adjacent to the Enterprise Canal, and the southern project boundary to connect to the Harlan Ranch trail to allow non-motorized access to the site.

TR-1(g): The City shall work with Clovis Transit to provide bus turnouts and bus shelters along Alluvial Avenue through the site.

TR-1(h): All businesses shall provide bicycle racks as determined by the Planning Director.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measures TR-1(a) through TR-1(h) have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.12.

Impact TR-2: Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (DEIR page 3.12-13).

Mitigation Measures:

TR-2(a): The project shall pay its fair share to signalize the intersection of Temperance Avenue @ Shepherd Avenue.

TR-2(b): The project shall pay its fair share to construct the following improvements at the intersection of Temperance Avenue @ Shepherd Avenue:

- Eastbound – one left turn lane, two through lanes, and one right-turn lane.
- Westbound – one left-turn lane and two through lanes with a shared right-turn lane.

- Northbound – two left turn lanes and one through lane with a shared right-turn lane.

TR-2(c): The project shall pay its fair share to construct the following improvements at the intersection of Locan Avenue @ Shepherd Avenue:

- Eastbound – one left turn lane and two through lanes with a shared right-turn lane.
- Westbound – one left-turn lane and one through lane with a shared right-turn lane.
- Northbound – one left turn lane and one right-turn lane.

TR-2(d): The project shall pay its fair share to signalize the intersection of Temperance Avenue @ Nees Avenue.

TR-2(e): The project shall pay its fair share to construct the following improvements at the intersection of Temperance Avenue @ Nees Avenue:

- Eastbound – one left turn lane, one through lane, and one right-turn lane.
- Westbound – one left-turn lane and one through lane with a shared right-turn lane.
- Northbound – two left turn lanes and two through lanes with a shared right-turn lane.
- Southbound - one left turn lane, two through lanes, and one right-turn lane.

TR-2(f): The project shall pay its fair share to construct the following improvements at the intersection of De Wolf Avenue @ Alluvial Avenue:

- Eastbound – one left turn lane and two through lanes.
- Westbound – two through lanes and one right-turn lane.
- Southbound - one left turn lane and one right-turn lane.

TR-2(g): The project shall pay its fair share to signalize the intersection of Locan Avenue @ Alluvial Avenue.

TR-2(h): The project shall pay its fair share to convert the Nees Avenue @ SR 168 intersection to a freeway interchange.

TR-2(i): The project shall pay its fair share to construct the following improvements at the intersection of Temperance Avenue @ Alluvial Avenue based on follow-up traffic studies and/or field conditions as determined by the City Engineer.

- Eastbound – one left turn lane and two through lanes with a shared right-turn lane.
- Westbound – two left-turn lanes (400 feet long), two through lanes, and one right-turn lane.

- Northbound – one left turn lane (280 feet long), two through lanes, and two right-turn lanes. The westernmost lane shall be at least 300 feet in length and the eastern lane at least 75 feet in length. However, Caltrans and the City shall monitor the northbound queues and construct the second 75 foot left turn lane if northbound right-turn queues regularly exceed 300 feet.
- Southbound - one left turn lane (300 feet long), two through lanes, and one right-turn lane.

TR-2(j): The intersection of Temperance Avenue @ Alluvial Avenue shall be interconnected and coordinated with the existing traffic signals at the SR 168 @ Temperance Avenue interchange.

TR-2(k): The project shall pay its fair share to construct the following improvements at the intersection of Temperance Avenue @ SR 168:

- Eastbound – construct a second left-turn lane and a second right-turn lane on the existing off-ramp.
- Interconnect the traffic signals at Temperance Avenue @ SR 168 westbound ramp and the intersection of Temperance Avenue @ Alluvial Avenue.

TR-2(l): The project shall pay its fair share to construct the following improvements at the intersection of Temperance Avenue @ Herndon Avenue:

- Eastbound – two left turn lanes, two through lanes, and one right-turn lane.
- Westbound – two left-turn lanes, two through lanes, and one right-turn lane.
- Northbound – two left turn lanes, two through lanes, and one right-turn lane.
- Southbound - two left turn lanes, two through lanes, and one right-turn lane.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale for finding: Mitigation Measures TR-2(a) through TR-2(l) have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.12.

Impact TR-3: As a result of the County of Fresno comment letter dated May 6, 2009, the following mitigation measure has been added to reduce potential Project related traffic impacts to intersections and road segment within Fresno County jurisdiction.

Mitigation Measure

TR-3: Prior to the issuance of a building permit for each individual development within the RT Park Expansion, City of Clovis will require a traffic distribution analysis to determine the actual number of vehicles anticipated to be generated to this specific section of Herndon Avenue and based on the number of trips pay the appropriate traffic mitigation fee. The fee will be based on the estimated number of traffic trips generated by each individual project to the identified intersections on the specific section of Herndon Avenue in Fresno County. The required fee will be paid to Fresno County to construct the required roadway and intersection improvements to accommodate 2030 cumulative traffic. The payment of the traffic impact fee to Fresno County by future developers within the RT Park would reduce potential traffic impacts to the identified intersections and road segments on Herndon Avenue to less than significant levels.

Level of Significance: This impact will be less than significant with the incorporation of the mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen environmental effects as identified in the County of Fresno comment letter dated May 6, 2009.

Rationale for finding: Mitigation Measures TR-3 has been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 3.12.

III. Alternatives Findings

a. Purpose

Pursuant to State CEQA Guidelines Section 15091(a)(3), this section presents specific economic, legal, social, technological, or other considerations, which make infeasible the project alternatives. Under State CEQA Guidelines Section 15126.6(a), an EIR must address reasonable alternatives to a project that would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project.

b. Project Objectives

The primary objectives of Clovis Research & Technology Park Expansion, as described in the Executive Summary of the Draft EIR are to:

- Expand the supply of land available for light industrial, business park and research and technology types of development to meet the projected land demand for these uses.
- Increase the availability of high quality, well paying jobs in Clovis.
- Provide for an orderly transition from the semi-rural, low intensity residential use to light industrial and business park use in a manner that addresses both wishes of some existing residents to remain and site and service needs of future non-residential users.
- Provide economic incentives to promote the transition to job generating uses.
- Ensure the physical integration of the R&T Park expansion with the existing R&T Park and a compatible relationship to adjacent residential areas.
- Achieve a high standard of design that will enhance both the R&T Park's and the City's image, and in turn enhance the market attraction and long-term economic value of the R&T Park expansion area.
- Extend the boundary of the existing Clovis Research & Technology Park to provide planned, orderly, and an efficient pattern of additional land in Clovis for the development of research and technology land uses;
- Provide for the efficient delivery of public services by the City; and
- Create a mixed use project including research and technology land uses and a live-work area that reduces traffic and air quality impacts.

c. Alternatives Considered and Findings

1. Introduction

CEQA requires the identification of the environmentally superior alternative in the EIR. The No Project Alternative would have the fewest environmental impacts. CEQA requires that if the No Project Alternative is the environmentally superior alternative the EIR must also identify another environmentally superior alternative among the remaining alternatives. The Lower Density Alternative has the potential to generate fewer impacts than the other alternatives. For these reasons, the Planning Commission finds, and recommends that the City Council find, that the Lower Density Alternative is the environmentally superior alternative even though it would not achieve all of the same objectives as the proposed Project.

As discussed above, there are no feasible alternatives to the Project that would meet most or all of the Project objectives and avoid or substantially lessen the significant and unavoidable air quality impacts associated with the project. While the Lower Density Alternative will eliminate unavoidable adverse air quality impacts associated with the project, it will not eliminate cumulative unavoidable adverse air quality impacts. The alternative also will not meet some of the proposed project objectives.

In accordance with CEQA, this EIR addresses the “no project” alternative and one project design alternative. The development of the project at an alternative location site is not considered feasible for the reasons discussed in the Draft EIR Chapter 4 and below:

- The City considered an alternative location for the project. However, an alternative location was not considered for the following reasons: 1) the proposed site is located adjacent to the existing RT Park. Other locations would be separated from the existing RT Park and would not be desirable from a marketing or land use standpoint. The proposed site is conveniently located to the existing RT Park; 2) the site is located adjacent to SR 168, which will reduce truck congestion on city streets, allows safe and convenient truck deliveries, and possibly redirect some employee traffic trips from city streets to SR 168 to reduce congestion. For these reasons an alternative site was not considered as a viable environmental alternative to the proposed site.

2. No Project Alternative

Under the No Project alternative, the project would not be developed and the project site would remain as it currently exists. The No Project alternative reflects the existing use of the site and the use of the site when the Notice of Preparation for this EIR was published. Under the No Project alternative, none of the significant impacts of the project identified in this EIR would occur, except for Reactive Organic Gases (ROG) and PM₁₀ emissions, which would exceed SJVAPCD emission thresholds for significance to a greater degree than the proposed project due primarily to consumer project emissions associated with residential uses for ROGs while the higher residential wood burning fireplaces would exceed PM₁₀ thresholds.

The No Project/Existing Conditions alternative would not attain any of the project objectives because the project would not be developed.

3. Finding for No Project Alternative

The Planning Commission finds and recommends that the City Council find that the No Project Alternative is infeasible because it would not attain any of the project objectives.

4. Lower Density Alternative

This alternative would reduce the intensity or amount of development that would occur on the site compared to the proposed project in an effort to meet San Joaquin Valley Air Pollution Control District (SJVAPCD) air emission thresholds. The proposed project would exceed SJVAPCD thresholds for nitrogen oxides (NO_x), reactive organic gases (ROG), and particulate matter (PM₁₀) during the operation and life of the project. The Lower Density project alternative would reduce development to a level that meets SJVAPCD air emission thresholds for these pollutants. However, the Lower Density project alternative's cumulative impact to air quality would remain significant and unavoidable.

This project alternative would allow a maximum development of 1,113,000 square feet of research and technology use compared to 2,400,000 square feet by the proposed project. The Lower Density alternative represents a 54% reduction in development compared to the proposed project. While the same types of uses would be allowed with the Lower Density alternative, including live/work units, the 1,113,000 square feet of research and technology use would equally reduce office park and light industrial space to 708,000 and 405,000 square feet, respectively. This reduced square footage for office park and light industrial use represents the same development percentage breakdown as the proposed project. While the Lower Density alternative would meet some of the objectives of the proposed project it would not be a feasible development.

5. Finding for Lower Density Alternative

The Planning Commission finds and recommends the City Council find that the Lower Density Alternative is infeasible because it would substantially impede the attainment of four of the nine proposed project objectives. The four project objectives that would not be met with the Lower Density Alternative include: 1) increasing the availability of high quality, well paying jobs in Clovis; 2) providing economic incentives to promote the transition to job generating uses; 3) extending the boundary of the existing Clovis Research & Technology Park to provide planned, orderly and an efficient pattern of additional land in Clovis for the development of research and technology land uses; and 4) provide for the efficient delivery of public services by the City. While the Lower Density Alternative would meet SJVAPCD air emission thresholds for NO_x, ROG, and PM₁₀ and thus eliminate unavoidable air quality impacts, four key project objectives would not be met with this project alternative. The reason the four objectives would not be met with the Lower Density Alternative are discussed below:

1. The project objective, "increasing the availability of high quality, well paying jobs in Clovis" would be met somewhat by the Lower Density alternative. The Lower Density alternative would, like the proposed project, increase the current availability of high quality and well paying jobs. However, this alternative would not generate the same number of jobs as the proposed project due to the reduced density. The proposed project is estimated to generate approximately 5,544 new jobs. The Lower

Density alternative would generate approximately 2,571 jobs or 2,973 few jobs. Although the Lower Density alternative will provide new employment opportunities, it will provide 54% fewer new jobs than the project.

While the current economic conditions may delay the time period for the ultimate buildout of the proposed project and justify the Lower Density Alternative. But, the long-term demand for the proposed project remains. The Lower Density Alternative would reduce by 54% the number of high quality and well paying jobs available to the Clovis community. The project objective to, "Increase the availability of high quality, well paying jobs in Clovis" would not be met with the Lower Density alternative to the same level as the proposed project.

2. The project objective, "providing economic incentives to promote the transition to job generating uses" would be met by the Lower Density Alternative. However, with less development the City would receive less revenue from property taxes, employer and employee spending in the Clovis community, and other direct and indirect revenue sources associated with new business. With the same or close to the same fixed costs to install the infrastructure for 57% less development the City cannot expect the same return on that investment in terms of the increase in the number of new jobs, increase in property taxes, etc. As a result, the City may not have the financial resources to provide the level of economic incentives necessary to attract new business and jobs to Clovis as the proposed project.
3. The project objective, "extending the boundary of the existing Clovis Research & Technology Park to provide planned, orderly and an efficient pattern of additional land in Clovis for the development of research and technology land uses" would be met by the Lower Density Alternative. The Lower Density Alternative would not, however provide a planned, orderly, and efficient pattern of additional land because it would require less area for development. With less density the project site would be reduced in size. Although the land area would be reduced to accommodate less development some of the infrastructure required to serve the project could not be equally reduced. For instance, the proposed project would extend Alluvial Avenue from Temperance Avenue east through the site and connect to Highway 168. Underground utilities such as water, sewer, and electricity, natural gas, and storm drains would be constructed within the Alluvial Avenue right-of-way. A Lower Density project alternative could require a reconfiguration and/or design of Alluvial Avenue and the other infrastructure that would be constructed within its right-of-way. As a result, the planned and orderly development of the site could be impacted if the alignment of Alluvial Avenue is changed or altered due to less density, infrastructure is redesigned or downsized, etc. The change in roadway and infrastructure alignments could change and impact the future development of the remaining area of the site that would not be developed impacting the orderly and efficient development of this area in the future.
4. Finally, the project objective, "provide for the efficient delivery of public services by the City" would be met with the Lower Density Alternative; however, there could be inefficiencies with regards to providing public services. As with all development there are certain efficiencies with providing public services to new development areas. The Lower Density Alternative could require increases in public service staffing levels to adequately serve the development. The staffing level increases could be just above minim required

levels, but not to an efficient level for that public service. For instance, the Lower Density alternative could require an increase in current police and fire personnel equal to the levels required by the proposed project. As a result, the increased staffing levels for the Lower Density alternative would not be an efficient use of public service resources or cost effective.

IV. Cumulative Impacts

a. Purpose

Based on the Final EIR, this section presents the potential significant cumulative transportation impacts of the project, the mitigation measures identified to avoid or reduce the significant effects and the finding(s) adopted for significant cumulative transportation effects.

b. Cumulative Air Quality

Impact Air Quality: The development of the cumulative projects would contribute to air emissions that exceed air emission thresholds during both their construction and the life of the projects. The development of the cumulative projects would contribute to a cumulative net increase in ozone precursors and PM10, for which the project region is in nonattainment. The area will experience degradation in overall air quality from cumulative development which would be an adverse impact. While each cumulative project, like the proposed project, can incorporate measures to reduce air emissions as much as feasible, cumulatively there would be a significant and unavoidable air quality impact.

Level of Significance: The potential cumulative air quality impact will be significant and unavoidable even with the incorporation of air quality mitigation measures for each individual cumulative project. As a result, a Statement of Overriding Considerations for cumulative air quality impacts is required as discussed in Section V below.

Finding

The Planning Commission finds and recommends that the City Council find that even with the incorporation of feasible mitigation measures for each cumulative project the cumulative air quality impact cannot be avoided or substantially lessened to meet San Joaquin Valley Air Pollution Control District air emission thresholds as identified in the Final EIR.

Rationale for finding: Statement of Overriding Considerations for cumulative air quality impacts.

Reference to record: Draft EIR Chapter 5.3.

c. Cumulative Transportation

Impact Transportation: The results of the cumulative traffic analysis indicates that several intersections in the project area would operate at unacceptable levels of services (level of service E or F) due to increased numbers of vehicle trips by the cumulative projects. For instance, Temperance Avenue at Shepherd Avenue, Locan Avenue at Shepherd Avenue, Temperance Avenue at Nees

Avenue, Locan Avenue at Alluvial Avenue, and DeWolf at Alluvial Avenue would all operate at LOS F in both the morning and afternoon peak hour. Six other area intersections (Temperance at Alluvial, Alluvial at Nees, Nees at SR 168, Temperance Avenue at SR 168 westbound) would operate at unacceptable levels of service in either the morning or afternoon peak hour, or both.

Mitigation Measures:

5.11-1: The intersection of Temperance and Shepherd Avenues is expected to require signalization with protected left-turn phasing and the following minimum lane configurations. The City of Clovis shall monitor the intersection and implement construction of traffic signals when the signals are warranted.

- Eastbound: one left-turn lane, two through lanes, and one right-turn lane.
- Westbound: one left-turn lane and two through lanes with a shared right turn.
- Northbound: two left-turn lanes and one through lane with a shared right turn.
- Southbound: one left-turn lane and through lane with a shared right turn.

5.11-2: The intersection of Locan and Shepherd Avenues is expected to require signalization with protected left-turn phasing and the following minimum lane configurations. The City of Clovis shall monitor the intersection and implement construction of traffic signals when the signals are warranted.

- Eastbound: one left-turn lane and two through lanes with a shared right-turn.
- Westbound: one left-turn lane and one through lane with a shared right turn.
- Northbound: one left-turn lane and one right-turn lane.

5.11-3: The intersection of SR 168 and Shepherd Avenue is expected to require a second westbound through lane on Shepherd Avenue to operate at acceptable levels of service. This improvement was identified as being required based on the cumulative no-project analyses, and the proposed project is not expected to exacerbate this condition. The existing intersection is constructed to accommodate an additional through lane.

5.11-4: The intersection of Temperance and Nees Avenues is expected to require signalization with protected left-turn phasing and the following minimum lane configurations. The City of Clovis shall monitor the intersection and implement construction of traffic signals when the signals are warranted. It should be noted that the extension of Alluvial Avenue provides an alternate route that eliminates the need for two westbound left-turn lanes on Nees Avenue at Temperance Avenue with the proposed project. The City of Clovis shall monitor the intersection and implement construction of traffic signals when the signals are warranted.

- Eastbound: one left-turn lane, one through lane, and one rightturn lane.
- Westbound: one left-turn lane and one through lane with a shared right turn.
- Northbound: two left-turn lanes and two through lane with a shared right turn.
- Southbound: one left-turn lane, two through lanes, and one rightturn lane.

5.11-5: The intersection of De Wolf and Alluvial Avenues is expected to require signalization with protected left-turn phasing and the following minimum lane configurations:

- Eastbound: one left-turn lane and two through lanes.
- Westbound: two through lanes and one right-turn lane.
- Southbound: one left-turn lane and one right-turn lane.

5.11-6: The analyses indicate that the intersection of Nees Avenue and SR 168 should be converted to a freeway interchange prior to the year 2030. Previous studies have concluded that the interchange will be warranted in approximately the year 2023 or sooner. The project shall pair its fair share towards the cost to construct this freeway interchange when determined to be needed by the City. "

5.11-7: The intersection of Temperance and Alluvial Avenues is currently signalized, but will require the following minimum lane configurations to operate at acceptable levels of service.

- Eastbound: one left-turn lane and two through lanes with a shared right turn.
- Westbound: two left-turn lanes (400 feet long), two through lanes, and one right-turn lane
- Northbound: one left-turn lane (280 feet long), two through lanes, and two right-turn lanes.
- Southbound: one left-turn lane (300 feet long), two through lanes, and one right-turn lane.
- It is recommended that two northbound left-turn lanes be constructed to provide efficient access to the project site and to minimize northbound queues. The analyses suggest that the 95thpercentile queue for the northbound right-turn will be on the order of two to three vehicles (requiring up to approximately 75 feet of storage). However, the 95th-percentile queue for the northbound through movement is expected to be on the order of 305 feet. Therefore, it is recommended that the westernmost of the two northbound right-turn lanes be constructed with a length of at least 300 feet to allow access to the right-turn lane despite the northbound through queues. The eastern right-turn lane should be constructed with a length of at least 75 feet. The construction of the second northbound right-turn lane may be deferred. The City and Caltrans shall monitor the northbound queues at the intersection in the future and a second 75-foot-long northbound right-turn lane shall be constructed east of the 300-foot-long right-turn lane if the northbound right-turn queues regularly exceed 300 feet.

- 5.11-8: The existing crosswalk on the south side of the intersection, crossing Temperance Avenue shall be eliminated to minimize conflicts with the northbound right turns and the westbound left turns.
- 5.11-9: The intersection of Temperance and Alluvial Avenues shall be interconnected and coordinated with the existing traffic signals at the SR 168 /Temperance Avenue interchange.
- 5.11-10: Peak-hour traffic signal warrants are expected to be satisfied at the intersection of Locan and Alluvial Avenues. Traffic signal warrants shall be analyzed as new development occurs in the region, including the project site.
- 5.11-11: As an alternative, a roundabout shall be considered. A roundabout can function as an efficient intersection control feature while also acting as a traffic calming device.
- 5.11-12: The intersection of Temperance Avenue and the SR 168 eastbound ramps is expected to require a second eastbound left-turn lane and a second eastbound right-turn lane on the existing off ramp. In addition, the intersection should be interconnected with the intersection of Temperance Avenue/SR 168 westbound ramps and the intersection of Temperance and Alluvial Avenues. The City of Clovis and Caltrans shall monitor the ramp intersection and the City shall implement ramp widening once it is warranted based on operational analyses.
- 5.11-13: The intersection of Temperance and Herndon Avenues is currently signalized, but will require the following minimum lane configurations to operate at acceptable levels of service based on the cumulative conditions:
- Westbound: two left-turn lanes, two through lanes, and one right-turn lane.
 - Northbound: two left-turn lanes, two through lanes, and one right-turn lane.
 - Southbound: two left-turn lanes, two through lanes, and one right-turn lane.
- 5.11-14: The intersection analyses at Temperance and Nees Avenues and at Locan and Ness Avenues indicate that only one lane will be required on Nees Avenue. It is noted that the number of lanes required on a road segment is typically governed by the number of lanes required at intersections for adequate storage and levels of service. Therefore, Nees Avenue east of Temperance Avenue may be classified as a "Collector" with one through travel lane in each direction. A two-way left-turn lane may be constructed to allow access to driveways along Nees Avenue without interfering with travel in the through lanes.

Level of Significance: The potential cumulative transportation impacts will be less than significant with the incorporation of the cumulative transportation mitigation measures.

Finding

The Planning Commission finds and recommends that the City Council find that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen cumulative transportation effects as identified in the Final EIR.

Rationale for finding: Mitigation Measures 5.11-1 through 5.11-14 have been incorporated into the project by the City.

Reference to record: Draft EIR Chapter 5.3.

V. Statement of Overriding Considerations

a. Significant Unavoidable Impacts

Significant unavoidable impacts are impacts that cannot be feasibly mitigated to a less than significant level. The significant unavoidable impacts of the project are as follows:

Air Quality

Project Impact AQ-5: Although the City will require each development to include mitigation measures to reduce NO_x and PM₁₀ emissions for non-Indirect Source Review (ISR) applicable projects, the emissions could still exceed adopted SJVAPCD significance thresholds for NO_x and PM₁₀ emissions.

Cumulative: While all cumulative projects will be required to incorporate measures to reduce air emissions as much as feasible, the cumulative air quality impacts will be significant and unavoidable.

b. Statement of Overriding Considerations

The City has made a reasonable and good faith effort to mitigate potential impacts resulting from the development of the project. Changes and alterations to the proposed development have been adopted that will substantially lessen or avoid significant environmental impacts as identified in the Draft EIR. Additionally, the City has adopted a Mitigated Monitoring Program for the Clovis Research & Technology Park Expansion, which outlines how the mitigation measures that were adopted as part of the project will be implemented, monitored, and evaluated. The benefits of the proposed project have been balanced against and outweigh the unavoidable adverse environmental impacts identified in the Draft EIR. The City of Clovis makes the following Statement of Overriding Considerations.

The following project-specific and cumulative impacts of the Clovis Research & Technology Park Expansion are considered significant and unavoidable based on the Draft EIR, Final EIR, Mitigation Monitoring Program, and the findings discussed previously:

1. The project will contribute to project generated air quality unavoidable air quality impacts in the San Joaquin Valley Air Basin.
2. The project will contribute to cumulative air quality impacts in the San Joaquin Valley Air Basin.

The City of Clovis, acting pursuant to Section 15093 of the State CEQA Guidelines, hereby finds that for the reasons set forth below, the economic, social, and other benefits of the project outweigh the unavoidable air quality impacts identified in the findings. In making this finding, the City of Clovis has balanced the benefits of the proposed project against its unavoidable environmental impacts and has indicated its willingness to accept those risks.

The project will provide the following benefits:

1. Increase property tax for the City.
2. Provide new jobs for the community, which are needed.

The Planning Commission, based on the balancing test as required by law, hereby finds and recommends that the City Council find that each of the economic, legal, social, technological, or other benefits of the project (collectively referred to herein as "Benefit"), as enumerated below, both individually and collectively outweigh the unavoidable adverse effects.

Benefits: The project will allow additional research and technology development providing long-term, higher paying jobs for the residents of the City of Clovis.

The existing 188-acre Research & Technology Park is being developed with research and technology uses. As the existing Research & Technology Park develops further and nears build out and demand continues the proposed Project will allow additional companies to locate in Clovis adjacent to and in close proximity to other research and technology companies. The project will allow the city to provide additional land exclusively for research and technology uses. Most of the public services and utilities required for the project, including fire and police protection, water supply, wastewater treatment, solid waste collection, electricity, natural gas, telephone, and circulation system exist in the project area and can be extended without any significant impacts. Other infrastructure needs such as storm drain facilities can be upgraded and constructed to accommodate the project without any significant impacts.

All research and technology development within the project site will be required to meet all applicable development standards, which include required building set-backs from property lines, landscaping, block walls, noise and lighting restrictions, etc. As the demand for research and technology space increases in the future the project will allow the City of Clovis to meet that demand and provide employment for its residents.

The Research & Technology Park expansion is estimated to generate approximately 5,544 new jobs once the project is built out (based on 2.31 employees per thousand square feet²). Along with 5,544 new full time jobs some part-time positions will likely be available as well. Along with the full-time jobs there will be also be on-going construction jobs available throughout the build-out of the project.

² Fresno County COG, "Employment Conversion" (R&D/Light Industrial uses) in employment square foot conversion factors.

In addition to providing employment for approximately 5,544 people, other employment opportunities and related economic benefits will occur including increased demand for supporting goods and services in the local economy. The increased need for goods and services will provide revenue to local businesses and increase sales tax revenues for the city as well as other governmental agencies. Property tax revenue will increase from increased assessed property values as residential land is developed with research and technology use. Tax revenues are an extremely important source of funding for the operation and maintenance of essential city services and facilities, such as police, fire, parks and recreation, transit, water service and sewer service and the project will provide additional revenue for those public services.

**CITY OF CLOVIS, CITY COUNCIL
RESOLUTION NO. 2009-____
CLOVIS RESEARCH AND TECHNOLOGY BUSINESS PARK EXPANSION
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING GENERAL
PLAN AMENDMENT, GPA2009-01.**

WHEREAS, the Project applicant is the Clovis Community Development Agency ("Applicant"), 356 Pollasky Avenue, Suite 200, Clovis, CA 93612; and

WHEREAS GPA2009-01 is a request to approve amendments to the General Plan and Herndon Shepherd Specific Plan's Land Use Elements and Circulation Elements for the property generally bounded by Nees Avenue to the north, the Enterprise Canal to the west, and State Route 168 to the south and east. The request consists of a change from the Clovis General Plan land use designations of Very Low Density Residential (0.6 to 2.0 du/ac), Commercial, and High Density Residential (15.1-25.0 du/ac) and the Herndon-Shepherd Specific Plan designations of Large Lot Residential (2.2 du/ac), Open Space, Neighborhood Commercial and Multi-Family to Mixed-Use Area 40 (primary use of Research and Technology Business) (Exhibit "A"). The Circulation Element amendments consist of the extension of Alluvial Avenue as an Arterial, east of Temperance Avenue to a connection at DeWolf Avenue; to redesignate Nees Avenue from an Arterial to a Collector east of Temperance Avenue; and redesignate Locan Avenue, between Nees Avenue and its terminus just north of State Route 168, from a residential local road to an industrial/commercial local road (Exhibit "B"); and

WHEREAS, the City published a Notice of the City Council Public Hearing for October 19, 2009 in the Fresno Bee, to consider General Plan Amendment GPA2009-01. A copy of the Notice was delivered to interested parties and property owners within 600 feet of the property boundaries, to property owners within the adjacent residential subdivision to the west, and to property owners within the boundaries of the Locan-Nees Annexation 10 days prior to said hearing; and

WHEREAS, on October 19, 2009, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to General Plan Amendment GPA2009-01, which are maintained at the offices of the City of Clovis, Department of Planning and Development Services; and

WHEREAS, the City Council has reviewed and considered the staff report and all written materials submitted in connection with the request, including the conditions attached as Exhibit "C" to this Resolution and incorporated herein by this reference, and heard and considered the testimony presented during the public hearing; and

WHEREAS, the proposed amendment, GPA2009-01 is consistent with the Environmental Impact Report prepared for the Clovis Research and Technology Business Park Expansion under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the City Council together with comments received and public comments, and the entire public record was reviewed; and

WHEREAS, after hearing substantial evidence in the record the City Council, finds as follows:

1. The amendment is consistent with the Clovis General Plan.
2. The amendment is in keeping with the intent and purpose of the Zoning Ordinance.
3. The amendment is granted subject to performance of the conditions of approval set forth in the attached Exhibit "C." Said conditions of approval are deemed necessary to protect the public health, safety, and general welfare.

4. The amendment is consistent with the Environmental Impact Report prepared for the Clovis Research and Technology Business Park Expansion.

NOW, THEREFORE, BE IT RESOLVED that the Clovis City Council does hereby approve GPA2009-01, subject to the attached conditions labeled Exhibit "C."

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: October 19, 2009

Harry Armstrong, Mayor

City Clerk

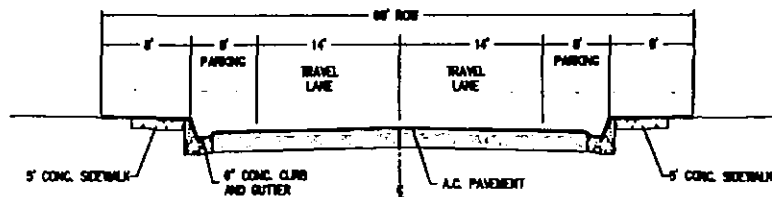
DRAFT

Exhibit "A"

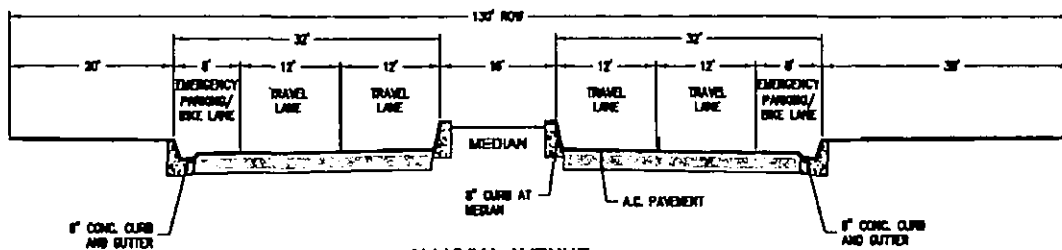
Area No.	Primary Use	Secondary Uses ¹	Special Uses	Max. Height/ Stories	F.A.R./ Residential Density per acre	Design Features and Comments
40	Research and Technology Business Park	6% live/work units	Hotels, Convention Center Public Open space/Trail Existing residential uses	5	0.4 (maximum) 0.6 for live/work units (0.30 maximum for residential component)	<ul style="list-style-type: none"> ▪ Transit orientation ▪ Pedestrian trail opportunity, which would link to the planned trail network. ▪ Buffer adjacent residential ▪ Live/work units shall be located in the south of Nees Avenue along both sides of Locan Avenue. ▪ Entry treatment opportunity ▪ Special development and design regulations ▪ No portion of an existing or future parcel of land shall be developed for new residential use, excluding live/work units. ▪ R-1-AH and R-A Zone Districts are compatible with this Mixed Use Area as interim zones.

Exhibit "B"

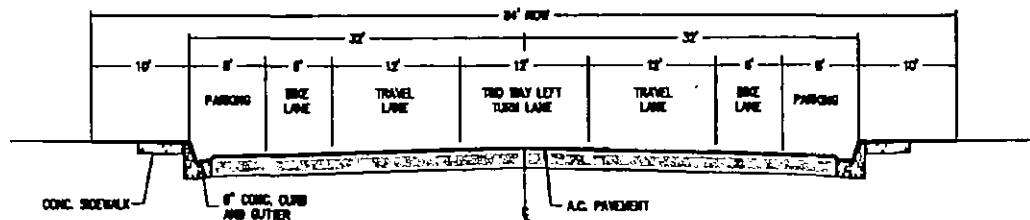
PROPOSED STREET CROSS SECTIONS



LOCAN AVENUE
SOUTH OF NEES AVENUE



ALLUVIAL AVENUE



NEES AVENUE



PROPOSED CIRCULATION PLAN

1" = 500'



JULY 28, 2009



Exhibit "C"

Conditions of Approval- GPA2009-01

Planning and Development Services Department Conditions **(Department Representative- Ryan Burnett, 324-2336)**

1. All mitigation measures as presented in the Mitigation Monitoring Program of the Clovis Research and Technology Business Park Expansion EIR are hereby incorporated as conditions of approval.
2. Individual Project applicants shall be required to provide a traffic distribution analysis to determine the actual number of vehicles anticipated to be generated and based on the number of trips pay a fair share of the appropriate traffic mitigation fee for impacts to Fresno County facilities as identified in the Clovis Community Medical Center EIR. The fee will be based on the estimated number of traffic trips generated by each individual Project to the identified intersections on the specific section of Herndon Avenue in Fresno County. The required fee will be paid to Fresno County to construct the required roadway and intersection improvements to accommodate 2030 cumulative traffic.
3. The properties within Mixed Use Area 40 will be required to acquire water entitlement acceptable to the City Engineer and the Director of Public Utilities prior to approval of any development application.

CITY OF CLOVIS, CITY COUNCIL

ORDINANCE NO. 2009-___

**CLOVIS RESEARCH AND TECHNOLOGY BUSINESS PARK EXPANSION
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS AMENDING CLOVIS MUNICIPAL CODE
SECTION 9.3.228 RESEARCH AND TECHNOLOGY BUSINESS PARK DISTRICT TO ADD MIXED USE
AREA 40 AND TO MODIFY THE DEVELOPMENT STANDARDS**

WHEREAS, the project proponent, the Clovis Community Development Agency, 356 Pollasky Avenue, Suite 200, Clovis, CA 93612 filed said application at the initiation of the ordinance amendment by the City Council; and

WHEREAS, the purpose of the proposed ordinance is to amend Clovis Municipal Code Section 9.3.228 Research and Technology Business Park District to add Mixed Use Area 40; and modify the development standards as shown in Exhibit "A," and

WHEREAS, the City published a Notice of the City Council Public Hearing for October 19, 2009 in the Fresno Bee, to consider Ordinance Amendment OA2009-03;

WHEREAS, on October 19, 2009, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Ordinance Amendment, OA2009-03 which are maintained at the offices of the City of Clovis, Department of Planning and Development Services; and

WHEREAS the City Council, has reviewed and considered the staff report and all written materials submitted in connection with the request and heard and considered the testimony presented during the public hearing; and

WHEREAS, the proposed amendment, OA2009-03 is consistent with the Environmental Impact Report prepared for the Clovis Research and Technology Business Park Expansion under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the Planning Commission, together with comments received, and the entire public record was reviewed; and

WHEREAS, after hearing evidence gathered by itself and on its behalf, the City Council of the City of Clovis finds as follows:

1. The ordinance amendment is in keeping with the intent and purpose of the Zoning Ordinance.
2. The ordinance is consistent with the Clovis General Plan.
3. There is a need to adopt health, safety, and welfare regulations, including appropriate zoning regulations, to avoid adverse impacts on the community that may arise from the development and operation of the Research and Technology Business Park.
4. The ordinance amendment is consistent with the Environmental Impact Report prepared for the Clovis Research and Technology Business Park Expansion Project.

NOW, THEREFORE, BE IT RESOLVED that the Clovis City Council does amend the Clovis Municipal Code modifying Section 9.3.228 as shown on the attached Exhibit "A."

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: October 19, 2009

Harry Armstrong, Mayor

City Clerk

DRAFT

Exhibit "A"

Clovis Municipal Code Modifications
Clovis Research and Technology Business Park Expansion
(Additions in *italics*)

9.3.228 Research and Technology Business Park District

Modification #1

A. 4. b. *Mixed Use Area Number 40*

- (1) *Mixed Use Area Number 40 shall apply to the R&T Park Expansion generally bounded by Nees Avenue to the north, State Route 168 to the east and south, and the Enterprise Canal to the west.*
- (2) *Live/Work units. This Mixed Use classification shall provide suitably sized and located parcels designed to accommodate live/work units. This use shall be located in the general area along Locan Avenue south of Nees Avenue,*
- (3) *Not to exceed six percent (6%). The land use activity described in subparagraph (1) above shall not exceed six percent (6%) (approximately 9 acres) of the total land area of the R&T Business Park expansion area.*
- (4) *Planned Commercial Center (P-C-C) provisions. The Planned Commercial Center (P-C-C) provisions (see Section 9.3.226) shall be utilized for any portion of the approximately 9 acres identified in subparagraph (3), immediately above.*

Modification #2

B. Land Use Tables

Table 2 (Allowable Secondary Uses and Permit Requirements for the Research and Technology Zoning District) identifies the secondary research and technology park land uses permitted in R-T Park Zone District areas south of the Alluvial Avenue alignment *and within Mixed Use 40. Those uses allowed in Mixed Use 40 are denoted. The table identifies whether the uses is allowed or not allowed and the land use permit required to authorize the use. The land uses identified in Table 2 are defined in subsection I of this section (definitions).*

Modification #3

B. Land Use Tables

TABLE 2-SERVICES

ALLOWABLE SECONDARY USES AND PERMIT REQUIREMENTS FOR THE RESEARCH AND TECHNOLOGY ZONING DISTRICT

Land Use (1), (2) Services	Permit Requirements R&T	See Standards in Section
Hotel, with or without a conference center and with onsite consumption of alcoholic beverages*	C	

** Use also allowed within Mixed Use Area Number 40.*

Modification #4

B. Land Use Tables

TABLE 2- RESIDENTIAL

ALLOWABLE SECONDARY USES AND PERMIT REQUIREMENTS FOR THE RESEARCH AND TECHNOLOGY ZONING DISTRICT

Land Use (1), (2)	Permit Requirement	
Residential	R&T	See Standards in Section
Live/Work*	P	

**Allowed only in Mixed Use Area Number 40 in the general area along Locan Avenue south of Nees Avenue. With the inclusion of residential units a maximum FAR 0.60 shall be permitted provided residential space does not occupy more than 50 percent of the total gross floor area and non-residential floor area does not exceed an equivalent of 0.35 FAR. A live-work unit shall not be sold, rented or subdivided as separate residential and non-residential space.*

Modification #5

Table 2
GENERAL DEVELOPMENT STANDARDS REQUIREMENTS
RESEARCH AND TECHNOLOGY COMPONENT

Development Feature	R&T Component
Minimum Parcel Size (1) <i>Mixed Use Area 36</i> <i>Mixed Use Area 40</i>	3 acres <i>80,000 square feet</i>
Minimum Parcel Width	100 feet (minimum average)
Minimum Parcel Depth	150 feet (minimum average)
Maximum Floor Area Ratio (FAR) (2)	0.35
Minimum Building Size (gross floor area) <i>Mixed Use Area 36</i> <i>Mixed Use Area 40</i>	20,000 sq.ft. (3) <i>10,000 sq.ft.</i>
Setback Required	
Front (4)	40 feet- structures 30 feet- parking
Side (each)	10 feet
Street Side (4)	40 feet- structures 30 feet- parking
Rear	15 feet
Accessory Structures	See applicable section
Maximum Height Limit	35 feet (5)
Minimum Distance between R&T structures and nearest residences	200 feet (6)
Outdoor Activities	Limited to on-site loading and unloading of products/supplies, patios, and recreational courts (e.g., basketball, tennis, volleyball, etc.) (7)
Landscaping Provisions	See subsection E of this section and Section 9.3.306 (N)(12)

Off-Street Parking and Loading provisions

See subsection F of this section and Section 9.3.306 (I)(5) and (6)

Outdoor Advertising (Sign) provisions

See subsection G of this section and Chapter 4 of Title 9

Notes:

1. Parcel size means a parcel or group of parcels, which are considered a unit for purposes of development.
2. *Mixed Use 40- 0.35 to 0.40 FAR for parcels with average lot width of 300 feet or greater and an area of 90,000 or more square feet and for parcels within an approved multi-parcel site plan for two or more adjoining parcels. The maximum 0.40 FAR shall be granted only if 40 percent or more of the site consists of pervious landscaping or when on-sit stormwater retention facilities, such as allowances for ponding or a roof or subsurface cistern are provided.*
3. Allows multitenents within one single building. Allows buildings of less than twenty thousand (20,000) square feet to be considered under a Director's Review and Approval process when physically connected with structural components that architecturally integrate with the main building, and the total of all buildings connected equals twenty thousand (20,000) square feet or more.
4. The setback shall be measured at right angles from the nearest face of the curb adjoining the street to the nearest point of the wall of the structure, in compliance with subparagraph 14 of subsection D of this section (measurement of setbacks).
5. Greater heights may be allowed with a Conditional Use Permit, in compliance with Section 9.3.404, only with an additional finding that the increased heights would not adversely affect nearby residences or other business park tenants.
6. This area may be uses as public open space and/or for the on-site trail system to be provided within the R&T Business Park in conformance with the Herndon-Shepherd Specific Plan (please refer to 4.4.1 Greenbelt and Trail Systems). Also, this minimum distance may be decreased if it can be demonstrated, to the satisfaction of the applicable review authority, that there would be no adverse visual or acoustical impacts on existing residences.
7. See Section 9.3.403 (Director's Review) and subparagraph 12 of subsection D of this section for restrictions on outdoor activities.

**CITY OF CLOVIS, CITY COUNCIL
RESOLUTION NO. 2009-___**

**CLOVIS RESEARCH AND TECHNOLOGY BUSINESS PARK EXPANSION
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING THE ARCHITECTURAL
DESIGN GUIDELINES FOR THE CENTRAL VALLEY RESEARCH AND TECHNOLOGY BUSINESS PARK
FOR THE EXPANSION AREA**

WHEREAS, the Architectural Design Guidelines for the Central Valley Research and Technology Business Park were approved for Phase I and II by the City Council on April 2, 2008;

WHEREAS, it is requested that the Architectural Design Guidelines be approved for the Clovis Research and Technology Business Park Expansion Area also know as Phase III, generally bounded by State Route 168 to the south and east, the Enterprise Canal to the west, and Nees Avenue to the north;

WHEREAS, the City published a Notice of the City Council Public Hearing for October 19, 2009 in the Fresno Bee, to consider this item.

WHEREAS, on October 19, 2009, the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to this item which are maintained at the offices of the City of Clovis, Department of Planning and Development Services; and

WHEREAS, after hearing evidence gathered by itself and on its behalf, the City Council of the City of Clovis finds as follows:

1. Due to the City's efforts to establish a unique, viable and recognizable Research and Technology Park campus, there is a need to approve the architectural guidelines for development projects within the Clovis Research and Technology Business Park Expansion Area.
2. The guidelines can be used by developers, professional designers, staff, the Planning Commission and the City Council in reviewing project design requests.
3. The guidelines represent appropriate architectural styles for the Research and Technology Park campus.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Clovis approves the architectural guidelines for the Clovis Research and Technology Business Park Expansion Area attached as Exhibit "A."

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 19, 2009, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: October 19, 2009

Harry Armstrong, Mayor

City Clerk

Exhibit “A”



**■ Central Valley Research and Technology
Business Park**

Architectural Guidelines

Background

The Central Valley Research and Technology Business Park (CVRTBP) was established in 1998 with the intent of drawing high quality employment opportunities to the Clovis community and the greater region. With the adoption of the Research and Technology Park (R-T) Zone District in 2000, a use schedule was developed for the identification of "high tech" clean businesses and headquartered offices.

Purpose of Design Guidelines

The purpose of the Design Guidelines for the Central Valley Research and Technology Business Park is to foster a unique and high quality architectural package for this campus that carries a "design vocabulary" that is identifiable, compatible and durable.

The site currently contains a mix of contemporary architectural styles and designs, many of which are contributors to a definable research and technological business campus. These guidelines do not seek to impose an overriding style, limiting color pallet or artificial theme, but to enhance and coordinate the area to supplement the existing buildings with quality design.

The Central Valley Research and Technology Business Park Design Guidelines form the basis for design and evaluation of building projects for this site. They are comprised of descriptive recommendations and evaluation criteria guiding the quality of each building project.

These guidelines build on the development concept of a rich "sense of place", integration of the "Valley" landscape, and reinforcement of the pedestrian experience. Many design features are currently described under the Research and Technology Park (R-T) Zone District and include building siting and setbacks, the placement and allowable height of buildings on each lot, landscaping and parking requirements and pedestrian and bicycle amenities.

Pedestrian circulation and entry into buildings will be guided through careful location of building entries and the use of arcades and colonnades along pathway corridors.

The design of architectural fenestration, roof elements, penthouses, and services bays is guided by recommendations that reinforce the principles of simplicity, balance, and harmony with the building, site, and landscape.

Materials, finishes, color, and glazing recommendations also reflect the desire to complement and harmonize with the natural environment, the adjacent residential areas, the technological goals of the CVRTBP, and to avoid highly individualized or corporately themed design statements.

1. Architectural Design Guidelines

The general theme of the CVRTBP buildings is to produce a visually clean and “edgy” form reflective of the clean technological businesses within. While each building is encouraged to generate their own unique form, overall, the effect of all development should create a sense of place. Upon entering the project area or as viewed from State Highway 168, it should become immediately apparent that the CVRTBP is a unique business environment not only by the uses that have located there, but by the aesthetic and unique quality of the buildings.

1.1 Building Design Principles

The design of buildings in the CVRTBP shall follow the following principles:

Strengthen the business park neighborhood to create a visually richer “sense of place”

- **Buildings should participate and relate to other buildings visually without necessarily adopting existing form and materials of other buildings. Visual richness of form, materials and color is encouraged.**

Integrate the area landscape to balance and ground the “place” in context with the overall business park.

- **Buildings should integrate with the site and landscape context as “emerging out of the site,” rather than appearing to be imposed upon it. Hardscape, planters and other architectural elements should be used to enhance this integration.**

Provide the business park neighborhood with a sense of unity by reinforcing the pedestrian experience.

- **Buildings should be designed as an integral part of the neighborhood pedestrian experience as the first priority of design; the “place” that they create and define is significant. The “place” includes terraces, plazas and walkways.**

Permit phased development of the business park neighborhood in such a way as to maintain the principles established above in each phase.

- **Buildings should reflect a consistent architectural theme throughout the development in terms of design, color and finish as well as signage and landscaping.**

1.2 Building Setbacks

The basic CVRTBP neighborhood setbacks are established by the R-T Zone District. Additional set back consideration should be as follows;

Multi-unit developments should use building setbacks to enhance the project environment.

- **Building setbacks for individual multi-unit development projects should be designed to give a unique commonality of design.**

1.3 Building Height

The basic CVRTBP neighborhood building heights are established by the R-T Zone District. Additional set back consideration should be as follows;

- **Building height should take into consideration the pedestrian scale of spaces along pathways and should avoid the “canyon effect” of multistory elevations on both sides of these pedestrian spaces.**
- **Building height and window orientation should be carefully considered when adjacent to residential development so as to preserve privacy and discourage views into residential areas.**
- **Building height should balance with adjacent structures particularly at predominant campus entries.**

1.4 Building Form and Massing

All buildings should use basic geometric forms in their massing and design.

- **Building walls, roofing, windows, architectural enhancements, screens and enclosures should be comprised of plains, boxes, arches, pyramids, spheres, etc.**
- **The use of “plant-on” elements such as cornices, string courses, projecting sills or ornamentation reflective of other “historic” architectural forms is discouraged.**
- **At least three separate exterior materials of construction shall be utilized for any one building. No building shall be entirely clad in one material such as glass curtain walled construction.**
- **No structure shall utilize a corporate theme in form or coloration unless compatible with these guidelines.**

1.5 Entries

Entry elements are encouraged for the CVRTBP to strengthen and clarify way finding.

- **Entry elements for individual building are to be of a scale for identification from both roadways and the pedestrian network.**
- **Encroachments into setback areas for pedestrian open spaces in context to entries are encouraged.**
- **Building sites should encourage entry from multiple sides.**

1.6 Fenestration

The architectural expression of the building facades should be complimentary to the building form, the function of the building and express the hierarchy of entries and interior spaces.

- **Fenestration should relate to the context of the building and strike a balance between complexity and simple volumetric planes and forms.**
- **Detailed expression should relate to the treatment of openings, environmental control and the play of light and color, shadow and interior lighting.**
- **Ground level fenestration at building entries should be as large and open as practical to emphasize indoor-outdoor relationships and open space connections.**

1.7 Roof Elements

The design of roof elements should be considered of equal importance to that of the elevations of the building.

- **Roof forms should be balanced with the overall building composition, fenestration and building details.**
- **Continuous, uninterrupted horizontal roof forms such as flat roofs with parapets are to be interrupted and articulated as much as possible.**

2. Colors and Materials

The design of buildings in the CVRTBP follows the principles established for the neighborhood concept that strengthen the neighborhood identity to create a visually richer “sense of place”.

Exterior materials of construction shall predominately be un-painted and appear true to their nature. Examples of these materials include:

- **Concrete block and cast systems** – this can include cast in place, tilt up, hybrid panel systems, such as glass fiber reinforced concrete and masonry block. Color and texture should be integral to these options and cast material should appear as concrete and not emulate another material. Large expanses of concrete should be avoided.
- **Cement plaster** – This material should emulate concrete and be used as an accent material. Integral color finishes are encouraged over the use of painted surfaces. Detailing should be designed to appear panelized rather than large continuous areas of finish material.
- **Glass** – Clear energy efficient glass is strongly preferred for windows. Glazing is not intended to provide a location for strong accent color. Colored glass, except green and reflective coatings are unacceptable for use. Large expanses of glass

should be avoided. Curtain wall systems applied over the entire exterior is not permitted.

- **Metal panel cladding systems** – may be used as a primary finish when complimented by a contrasting finish material such as concrete, cement plaster or stone.
- **Tile** – Tile, with or without saturated colors, may be used in accent areas, however is discouraged as surfacing for significant wall areas.
- **Natural stone** – Stone such as slate or sandstone having minimal surface depth is encouraged particularly adjacent to or as viewed from pedestrian areas.
- **Brick** – should be used in the same manner as masonry block.
- **Wood** – wood finished should appear naturally finished as opposed to machine finishes, opaque paint or composite wood finishes.

Reflective materials shall be intended to echo the colors of the exterior environment

No more than two saturated colors may be placed on any one structure.

3. Building Utilities and Systems

Building systems include all mechanical, electrical, plumbing and drainage supply and distribution systems and their related components. If freestanding, this service equipment must be screened from view in the following manner;

On-grade site locations must be fully screened by an architectural enclosure and related landscape screen. Architectural enclosures, whether composed as an extension of the building form and massing or as a freestanding building, should be constructed of the same materials and color palette used on the building. The use of fencing materials is prohibited.

Building locations: Building systems equipment and distribution systems must be housed in an enclosure which is integrated with the overall composition of the building and its materials and color palette, rather than an “attachment” or “penthouse”. Equipment enclosures, exposed piping, vent hoods, risers and other building system elements that are required to penetrate above the roof should be carefully composed and constructed of permanent materials.

4. Miscellaneous Structures

Miscellaneous freestanding site structures required for parking control, parking shading, building service, security or other uses are subject to all design guidelines and shall be complimentary to the main structure(s).

5. Lighting

All campus lighting shall be complimentary to the architectural pattern, provide for safe pedestrian and vehicular movement through the site and be non-obtrusive particularly onto adjoining residential areas. The objective of exterior illumination of the pedestrian areas surrounding buildings is to maintain a minimum allowable lighting level while meeting security and safety standards. This also serves to reduce visual impact of spectral pollution of the nighttime sky.

The illumination of building exteriors serves the following functions;

- **Wayfinding** – A hierarchy of building lighting types and levels of illumination should reinforce the location of building access and entries; generally higher illumination levels should be used at entry points.
- **Safety and security** – Building entry and exterior circulation paths should be adequately illuminated to provide safe passage and to provide for passive security patrol viewing.
- **Aesthetics** – The design of exterior lighting should enhance the architecture of the building, create a sense of place and reinforce the perceptual understanding of its spaces.

Building lighting design should reinforce the overall form, massing and spatial characteristics of the building, rather than create a “statement” about a particular feature of the building. Exterior and interior lighting features should integrate to provide a visual understanding of the building’s composition.

The following guidelines support this approach;

- **Illuminate space and planar elements, rather than particular features. Avoid the “spotlighting” of major building features.**
- **Reserve feature lighting fixtures for important building elements such as entries.**
- **Favor the use of diffuse lighting systems over those generating a strong point source of lighting.**
- **Enhance the visibility of interior building lighting to the exterior, giving a sense a light emanating from the building.**
- **Avoid dramatic changes of illumination levels, which can produce glare and disorientation.**
- **Enhance the illumination of landscape features.**

Selection of lighting fixtures in shared parking areas and in parking areas within the building lots should coordinate with and compliment the building lighting.

6. Landscaping

The landscape pattern should compliment and enhance the architectural quality of buildings. The following criteria should be considered in designing landscaping and selecting material.

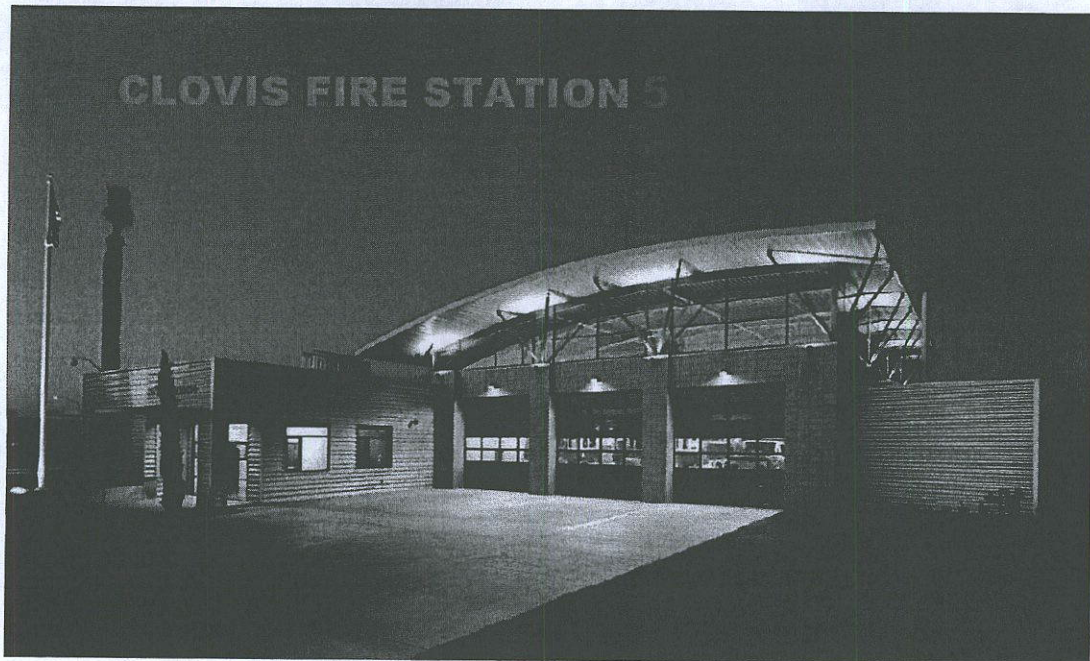
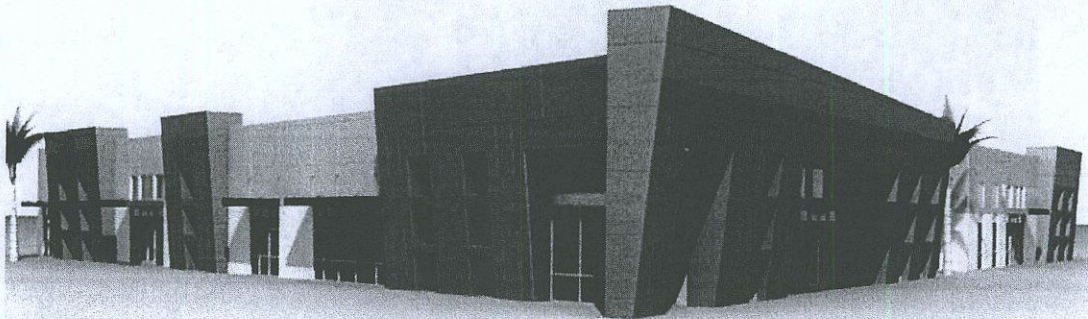
- **Landscape material and patterns should reflect and enhance the geometric quality of the structures.**
- **The agricultural heritage of the site should be reflected through the geometric planting of plants and trees reflective of row crops and orchards.**
- **Landscaping should be provided in a manner that provides clear views of pathways, building entries and usable open spaces.**
- **The pattern and type of landscape material should carry out through a site including the parking area.**
- **Predominant street entries into projects should be identified through an amplified landscape material and compliment other entry features such as project signs.**

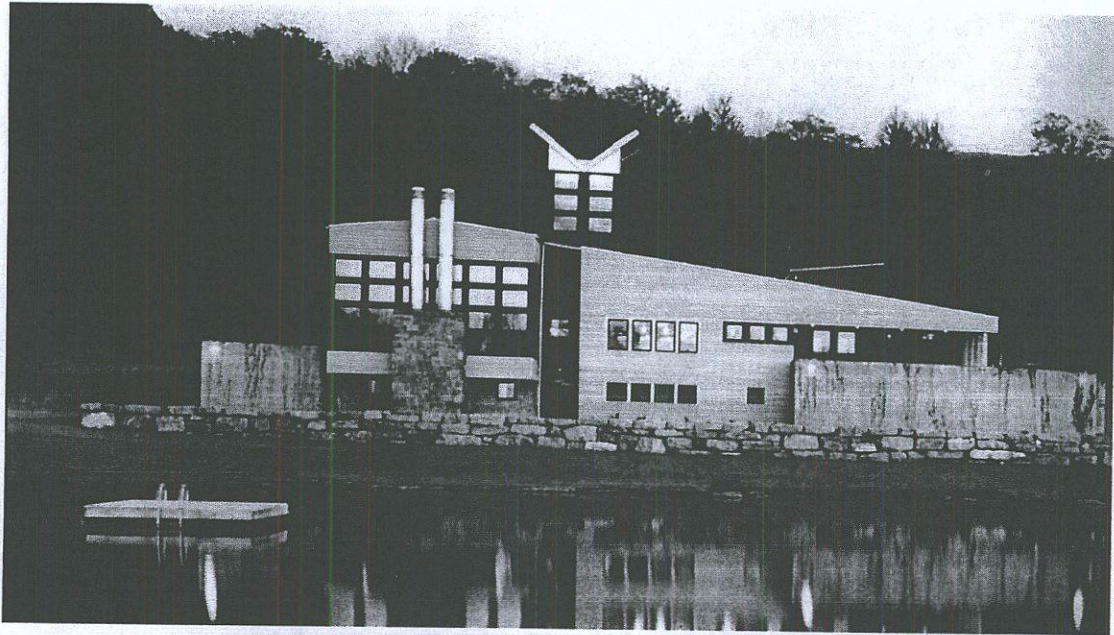
7. Signs

The building and freestanding sign program should compliment and enhance the architectural quality of buildings. All signs shall conform to the City of Clovis sign ordinance. Additionally, the following criteria should be considered in designing project sign programs.

- **Sign design and materials of construction should be consistent with the architecture of the building.**
- **Corporate themes in signs shall be limited to logos or icons and not reflected in the typography or text style.**
- **No "can" or changeable panel or changeable copy signs are allowed. Only individual channelized lettering or a design integral to the building architecture shall be allowed.**
- **The use of external or back lighting (halo) lighting is strongly encourages.**
- **Multi building projects should utilize a common sign theme and program.**

8. Design Examples





Pinpub/dwight/R-T Park/Clovis Research and Technology Park Design Guidelines