

# CHAPTER 1.0

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## Introduction and Reader's Guide to the EIR

### 1.1 Purpose and Use of the EIR

The California Environmental Quality Act (CEQA) requires that all state and local government agencies consider the environmental consequences of programs and projects over which they have discretionary authority before taking action on them. This chapter outlines the overall approach to preparation of the environmental impact report (EIR) on the proposed City of Tulare 2030 General Plan Update (General Plan, also referred to as the Proposed Project). The City of Tulare Planning and Building Department (City) is the CEQA lead agency for the project and the City's Planning Commission and the City Council, as the lead agency's decision-making body, will consider the information presented in this EIR before taking discretionary action on the project.

This EIR has two primary purposes:

- The EIR will assist the City in complying with CEQA requirements for the analysis of environmental impacts by including a complete and comprehensive evaluation of the physical impacts of the project and its alternatives.
- The EIR will inform interested stakeholders (including local residents) and members of the City Council and Planning Commission of the environmental impacts prior to the Planning Commission making its recommendations and the City Council taking action on the project.

Additionally, the EIR is intended to identify ways to minimize significant effects of the project and describe reasonable alternatives to the project that would avoid or reduce the project's significant effects (State CEQA Guidelines Section 15121[a]).

The proposed General Plan includes the Goals and Policies Report (see Appendix C of the Draft EIR), which consists of policies and implementation measures to guide the future growth of the City (see Chapter 2.0 "Project Description"). This Draft EIR evaluates the potential impacts resulting from adoption and implementation of the project. The information contained in this EIR will be used to inform local decision makers and the general public of the potentially significant environmental impacts associated with the project and to assist City officials in reviewing and considering adoption of the project or one of the alternatives. This EIR will also be used as a first-tier (or "program") environmental document for subsequent environmental review of specific plans, infrastructure improvements, general plan and zoning amendments, impact fees, and other local development proposals.

## 1.2 Type of EIR

The CEQA Guidelines provide information on the types of environmental analysis that can be used to analyze a project, and one of these is a Program EIR. According to the CEQA Guidelines (Section 15168[a]), a local agency may prepare a program-level EIR to address a series of actions that can be characterized as one large project or series of actions that are linked geographically; logical parts of a chain of contemplated events; rules, regulations, or plans that govern the conduct of a continuing program; or individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways.

Under CEQA, a Program EIR can function as a first-tier environmental document that assesses and documents the broad environmental impacts of a program with the understanding that a more detailed site-specific review may be required to assess future projects implemented under the program. As described above, the analysis contained in this EIR may also be used as a reference for subsequent environmental review of specific plans, infrastructure improvements, zoning amendments, impact fees, and other development proposals within the City of Tulare.

With respect to the processing of such later, more site-specific projects, the City, in making optimal use of this EIR once it is certified, intends to avail itself of two separate, but complementary processes authorized by CEQA that are intended to streamline the review of projects consistent with approved general plans. These two processes are described below to put the public on notice of how, specifically, the City intends to use this EIR in the future.

First of all, as noted above, this Program EIR also functions as a first-tier EIR. Thus, the scope of future site-specific approvals may be narrowed, pursuant to the rules for tiering set forth in CEQA Guidelines Section 15152. That section provides, for example, that, where a first-tier EIR has “adequately addressed” the subject of cumulative impacts, such impacts need not be revisited in second- and/or third-tier documents. According to subdivision (f)(3) of Section 15152, significant effects identified in a first-tier EIR are adequately addressed, for purposes of later approvals, if the lead agency determines that such effects either (a) “have been mitigated or avoided as a result of the prior [EIR] and findings adopted in connection with that prior [EIR]” or (b) “have been examined at a sufficient level of detail in the prior [EIR] to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.”

Second, future environmental review can also be streamlined pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183. These provisions generally limit the scope of necessary environmental review for site-specific approvals following the preparation of an EIR for a general plan. For such site-specific approvals, CEQA generally applies only to impacts that are “peculiar to the parcel or to the project” and that have not been disclosed in the general plan EIR, except where “substantial new information” shows that previously identified impacts will be

more significant than previously assumed. Notably, impacts are considered not to be “peculiar to the parcel or to the project” if they can be substantially mitigated pursuant to previously adopted “uniformly applied development policies or standards.”

## 1.3 EIR Process

In preparing this EIR and considering approval of the project, the City has completed, or will complete, the activities identified in Table 1-1. Each of these activities is further described below.

**TABLE 1-1  
STATUS OF CITY OF TULARE 2030 GENERAL PLAN UPDATE EIR**

<b>Activity</b>	<b>Status</b>
Notice of Preparation - Preparation and Circulation	Completed August/September 2007
Public Scoping Meeting	Completed August 2007
Draft EIR – Preparation	Completed December 2007
Draft EIR – Circulation - 45 Day Public Review and Comment	To be completed
Final EIR – Preparation	To be completed
Final EIR – Circulation	To be completed

## Notice of Preparation

In accordance with Section 15082(a) of the CEQA Guidelines, the City prepared and circulated a Notice of Preparation (NOP) of a Draft EIR for the project. The NOP was circulated for a 30-day comment period, which began on August 3, 2007, and ended on September 4, 2007. Appendix A contains a copy of the NOP and copies of the comment letters received during the 30-day comment period (August 3, 2007 to September 4, 2007).

## Notice of Preparation Public Scoping Letters

A summary of the comment letters received during the NOP public review period is provided below in Table 1-2. The table identifies the letters received (by date) and the commenter and provides a brief summary of the key issues described in the letters. Additionally, as part of the NOP public review period, a public scoping meeting was held in the City of Tulare on August 17, 2007. A range of issues similar to those identified in the following table was also provided at that meeting.

**TABLE 1-2  
SUMMARY OF KEY ISSUES FROM COMMENTS RECEIVED  
DURING THE PUBLIC REVIEW PERIOD**

Date	Commenter	Summary of Key Issues
August 9, 2007	Native American Heritage Commission	<p>The Cultural Resources section of the EIR should:</p> <ul style="list-style-type: none"> <li>• Contact the California Historic Resources Information Center (CHRIS) and performing a records search;</li> <li>• Contact the NAHC itself for a Sacred Lands File search of the project area;</li> <li>• Contact the Native American contacts on their attached list for input in the project;</li> <li>• Mitigation plans should include provisions for the discovery of subsurface archaeological resources, Native American human remains, or unmarked cemeteries.</li> </ul>
August 9, 2007	San Joaquin Valley Air Pollution Control District	<p>Notes that AB170 requires cities and counties in the San Joaquin Valley to include an air quality element in its General Plan, and forward the air quality element to the District for review.</p> <p>The Air Quality section of the EIR should have four main components:</p> <ul style="list-style-type: none"> <li>• A description of the regulatory and existing conditions impacting the area;</li> <li>• Estimates of existing emissions and projected pollutant emissions related to the increase in project source emissions and vehicle use and the effects of these increases;</li> <li>• Identify and discuss existing District regulations that apply to the plan area;</li> <li>• Identify and discuss all feasible measures that will reduce air quality impacts generated by the project.</li> </ul>
August 15, 2007	Governor's Office of Emergency Services Disaster Assistance Programs Branch	<p>The Safety section of the EIR should:</p> <ul style="list-style-type: none"> <li>• Examine the sections of state planning law that involved potential hazards the city may face, such as: <ul style="list-style-type: none"> <li>○ A Land use element to identify areas covered by the plan that are subject to flooding, and shall be reviewed annually in respect to those areas</li> <li>○ A Safety element relating to geological and seismically induced hazards, flooding, and wildland and urban fires. The section should also include water supply requirements and minimum road widths and clearances as those items relate to identified fire and geological hazards.</li> <li>○ A Conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The Conservation element should also cover: <ul style="list-style-type: none"> <li>▪ Regulation of land use in stream channels and other areas required for the accomplishment of the conservation plan</li> </ul> </li> </ul> </li> </ul>

**TABLE 1-2  
SUMMARY OF KEY ISSUES FROM COMMENTS RECEIVED  
DURING THE PUBLIC REVIEW PERIOD**

Date	Commenter	Summary of Key Issues
		<ul style="list-style-type: none"> <li>▪ Prevention, control, and correction of the erosion of soils, beaches and shores</li> <li>▪ Flood control</li> <li>○ The General Plan should be consistent with the airport land use plans</li> <li>○ The inclusion of a Hazards mitigation plan for:               <ul style="list-style-type: none"> <li>▪ Initial earthquake performance evaluation of public facilities that provide essential services, shelter and critical government functions</li> <li>▪ An inventory of private facilities that are potentially hazardous</li> <li>▪ A plan to reduce potential risk from private and governmental facilities</li> </ul> </li> <li>○ An Open Space element that includes areas which require special management or regulation because of hazardous or special conditions, such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and reservoirs, and areas required for the protection and enhancement of air quality</li> <li>• Provide a table to identify specific hazard issues within the community and where they are addressed within the General Plan to demonstrate compliance with state planning law.</li> </ul>
August 21, 2007	Department of Water Resources	Should the project encroach on the State Adopted Plan of Flood Control, the project will require an encroachment permit from the Reclamation Board prior to initiating any activities
August 17, 2007	California Integrated Waste Management Board	Integrated Waste Management Board would like to be included in the circulation of the DEIR.
Sept 6, 2007	Kaweah Delta Water Conservation District	<p data-bbox="776 1318 1357 1381">Would like the City to recognize the groundwater basin's state of overdraft and address the supply of water in terms of "Safe Yield":</p> <ul style="list-style-type: none"> <li>• The rate at which water can be pumped from wells year after year without decreasing groundwater storage to the point where pumping lift would become economically unfeasible or where water of poor quality would begin intruding into the reservoir.</li> <li>• The amount of naturally occurring groundwater that can be economically and legally withdrawn from a basin on a sustained basis without producing an undesired result</li> </ul>
September 5, 2007	San Joaquin Valley Air Pollution Control District	<p data-bbox="776 1612 1305 1654">The Air Quality section of the EIR should have four main components:</p> <ul style="list-style-type: none"> <li>• A description of the regulatory and existing conditions impacting the area;</li> <li>• Estimates of existing emissions and projected pollutant emissions related to the increase in project source emissions and vehicle use and the effects of these increases;</li> </ul>

**TABLE 1-2  
SUMMARY OF KEY ISSUES FROM COMMENTS RECEIVED  
DURING THE PUBLIC REVIEW PERIOD**

Date	Commenter	Summary of Key Issues
September 4, 2007	Department of Fish and Game	<ul style="list-style-type: none"> <li>• Identify and discuss existing District regulations that apply to the plan area;</li> </ul> <p>Identify and discuss all feasible measures that will reduce air quality impacts generated by the project.</p> <p>The Biological Resources section of the EIR should include:</p> <ul style="list-style-type: none"> <li>• Information and mitigation regarding impacts to Rare, Threatened, or Endangered Species, such as San Joaquin Kit Fox, San Joaquin Adobe Sunburst and California Jewel-Flower, Swainson’s Hawk and other raptors.</li> <li>• Impacts to unlisted species that meet the criteria for Rare, Threatened, or Endangered Species should also be considered in the environmental analysis for the project.</li> <li>• Impacts to active nesting sites and birds should also be considered in the environmental analysis for the project.</li> <li>• Impacts to riparian habitat and wetlands should also be considered in the environmental analysis for the project.</li> <li>• Federal Endangered Species Act (FESA) compliance.</li> </ul>
September 6, 2007	California Department of Transportation: District 6	<p>The EIR needs to analyze all existing and future interchanges and intersections on the State Highway System, which includes SR 63, 99, and 137. Traffic impact mitigation is required in order to prevent over dependence on State facilities</p> <p>Suggests the creation of a limited access, high-speed expressway to permit the diversion of traffic away from the State Highway System. This includes the need for alternative routes for STAA trucks.</p> <p>The City should require developers to fully mitigate impacts to the State Highway System, including a Traffic Impact Fee Program for funding major improvements and operational improvements.</p> <p>Any future development adjacent to a State Route should be sent to Caltrans for review.</p>
August 20, 2007	California Department of Transportation: Division of Aeronautics – M.S. #40	<p>The General Plan must be consistent with the adopted airport land use compatibility plans developed by the Tulare County Airport Land Use Commission (ALUC).</p> <p>Plan must show evidence that the City is minimizing “... the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”</p> <p>Should coordinate with Tulare-Mefford Field Airport Staff to ensure compatibility with future as well as existing airport operations.</p> <p>General Plan must demonstrate intent to adhere to ALUC policies to ensure compliance with compatibility criteria, and avoid conflicting uses.</p>

**TABLE 1-2  
SUMMARY OF KEY ISSUES FROM COMMENTS RECEIVED  
DURING THE PUBLIC REVIEW PERIOD**

Date	Commenter	Summary of Key Issues
August 29, 2007	Division of Oil, Gas, and Geothermal Resources	<p>General Plan must acknowledge that until ALUC compatibility criteria are incorporated into the general plan, proposals within the airport influence area must be submitted to the ALUC for review.</p> <p>The Caltrans Airport Land Use Planning Handbook is required to be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries (or, if no plan has been adopted, within two nautical miles of the airport).</p> <p>Consideration should also be given to cumulative noise impacts associated with the project site's proximity to roadways and railway lines.</p> <p>General Plan must include policies restricting the heights of structures to protect airport airspace.</p> <p>Schools located within 2 miles of an airport runway require a school site investigation by the Division. This should be a consideration prior to designating residential land uses in the vicinity of the airport.</p> <p>Landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife should be restricted in the vicinity of an airport.</p>
August 31, 2007	California Public Utilities Commission	<p>Recommends that no structures be constructed over abandoned wells, and that the Division is authorized to order the reabandonment of a previously abandoned well when construction could result in a hazard.</p> <p>Suggests that all structures be set back a minimum of 10 feet from abandoned wells</p> <p>Recommends that any development projects planned adjacent or near the rail corridor in the County be planned with the safety of the rail corridor in mind</p> <p>New development is encouraged to pay its fair share for rail safety mitigations improvements, every project adjacent to the rail corridor be required to install vandal resistant fencing to prevent trespassing onto the ROW.</p> <p>Any new or expansion to an existing school where children must cross the tracks to reach the school be required to provide pedestrian improvements at the crossing and fencing to prevent trespassing</p>

Note: EIR = environmental impact report

## Draft EIR

This document constitutes the Draft EIR. The Draft EIR contains a description of the project, discusses potential project impacts, discusses measures (draft general plan policies and/or revisions to draft general plan policies) to be implemented to mitigate impacts found to be significant, as well as analyzes several project alternatives.

As required by CEQA, this Draft EIR focuses on significant or potentially significant environmental effects (CEQA Guidelines Section 15143). Comments received on the NOP helped to further refine the list of environmental issues to be evaluated in this EIR. Please see Section 1.4, Reader's Guide to the EIR for additional information related to the scope and organization of the Draft EIR.

The impacts analyzed in this EIR, including those considered to be less-than-significant, are summarized in Table ES-1 of the Executive Summary.

## **Public Review of the Draft EIR**

This document will be circulated to numerous agencies, organizations, and interested groups and persons for comment during the 45-day public review period for the Draft EIR. The review period begins December 14, 2007 and ends at 5:00 PM on January 31<sup>st</sup>, 2008. A public notice will be posted on the General Plan website (<<http://www.westplanning.com/docs/cityoftulare/>>). The Draft EIR, along with copies of documents referenced herein, is also available for public review at the following location during the review period:

City of Tulare  
Planning and Building Department  
411 E. Kern Ave  
Tulare, CA 93274

To obtain a copy of the EIR, please contact Mark S. Kielty at (559) 684-4217.

The City has planned to have hearings with the Planning Commission on January 7, 2008 and January 28, 2008. Both of these hearings are opportunities for public comment on the Draft EIR. The City will receive public input on the Final EIR at public hearing(s) by the Planning Commission (tentatively planned for March 3, 2008) and City Council (tentatively scheduled for March 18, 2008) before the City Council makes a final decision on the project. Public comment is encouraged during the 45-day public review period and at all public hearings before the City of Tulare Planning Commission and City Council.

## **Final EIR, EIR Certification, and Project Approval**

Written and oral comments received in response to the Draft EIR will be addressed in a response to comments document, which, together with the Draft EIR, will constitute the Final EIR. The City Council will review the Final EIR for adequacy and consider it for certification, pursuant to the requirements of Section 15090 of the CEQA Guidelines. Certification consists of three separate but related findings:

- The Final EIR has been completed in compliance with CEQA.

- The Final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project.
- The Final EIR reflects the lead agency's independent judgment and analysis.

If the City Council certifies the Final EIR and chooses to approve the project, the Council will then be required to adopt findings on the feasibility of reducing or avoiding significant environmental effects (CEQA Guidelines, Section 15091, subd. (a)) and to adopt a statement of overriding considerations that identifies the project benefits that outweigh the project's significant unavoidable effects (CEQA Guidelines, Section 15093).

The findings required by Section 15091, subdivision (a), will require the City Council to make one or more of the following three findings with respect to each significant effect identified in this EIR:

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- 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.
- 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.

According to CEQA Guidelines Section 15093, which sets forth the requirements for statements of overriding considerations:

- 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 environmental effects, the adverse environmental effects may be considered "acceptable."
- When the lead agency approves a project that will result in significant effects identified in the Final EIR that 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 information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

Public Resources Code Section 21081.6(a)(1), requires lead agencies to "adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." This mitigation monitoring and reporting program (MMRP) should be adopted when the Council adopts the findings described above. Throughout this Draft EIR, mitigation measures have been clearly identified and presented in language that will facilitate the establishment of an MMRP. Any mitigation measures adopted by

the City may take the form of policies integrated into the General Plan itself. This approach is encouraged by the same statute, which, in subdivision (b), states that “conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.” Case law gives the City the option of integrating its MMRP directly into the General Plan as well. (See *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 380-381.)

If and when, the City Council certifies the adequacy of the Final EIR and approves the project (with the accompanying findings and statement of overriding considerations), the City will file a Notice of Determination with both the City Clerk of the City of Tulare and the State Clearinghouse. The posting of the Notice of Determination will initiate a 30-day statute of limitations during which any affected party can initiate litigation challenging the General Plan on CEQA grounds.

## 1.4 Reader’s Guide to the Draft EIR

### General Plan Documents

The General Plan Update includes the preparation of three documents, divided into two sets: the General Plan Document (adopted) and General Plan supporting documents used to assist in the decision making process.

#### **General Plan Adopted Document:**

**Goals and Policies Report.** This report is the essence of the General Plan. It contains the goals, policies, and diagrams that will guide future development within the City and its Planning Area. This document also identifies implementation measures.

#### **General Plan Supporting Documents:**

**Alternatives Report.** This report provides a discussion of the land and circulation alternatives considered for the General Plan Update. [Previously released November 2006].

**Environmental Impact Report (EIR).** An EIR will be prepared to meet the requirements of the California Environmental Quality Act (CEQA). Information presented in the EIR will be used to better understand the potential environmental impacts associated with implementation of the General Plan elements proposed for update.

### EIR Organization

This draft EIR includes all of the sections required by CEQA as identified in Table 1-3. The EIR is organized into the following chapters so that the reader can easily obtain information about the project and its specific issues:

- **Chapter 1.0, Introduction and Reader's Guide to the EIR**, provides an overview of the purpose and use of an EIR and the EIR process.
- **Chapter 2.0, Project Description**, provides a detailed description of the project objectives and the components of the project.
- **Chapter 3.0, Land Use, Agriculture and Aesthetics**, provides an analysis and discussion of the projects impacts on Land Use, Agriculture and Aesthetics. Mitigation measures (General Plan policies) that would eliminate or reduce significant impacts are also included.
- **Chapter 4.0, Public Services and Utilities**, provides an analysis and discussion of the projects impacts on Public Services and Utilities. Mitigation measures (General Plan policies) that would eliminate or reduce significant impacts are also included.
- **Chapter 5.0, Transportation and Circulation**, provides an analysis and discussion of the projects impacts on Transportation and Circulation. Mitigation measures (General Plan policies) that would eliminate or reduce significant impacts are also included.
- **Chapter 6.0, Air Quality and Global Climate Change**, provides an analysis and discussion of the projects impacts on Air Quality and Global Climate Change. Mitigation measures (General Plan policies) that would eliminate or reduce significant impacts are also included.
- **Chapter 7.0, Noise**, provides an analysis and discussion of the projects impacts on Noise. Mitigation measures (General Plan policies) that would eliminate or reduce significant impacts are also included.
- **Chapter 8.0, Flooding and Water Quality**, provides an analysis and discussion of the projects impacts on Flooding and Water Quality. Mitigation measures (General Plan policies) that would eliminate or reduce significant impacts are also included.
- **Chapter 9.0, Biological Resources**, provides an analysis and discussion of the projects impacts on Biological Resources. Mitigation measures (General Plan policies) that would eliminate or reduce significant impacts are also included.
- **Chapter 10.0, Mineral Resources and Geology**, provides an analysis and discussion of the projects impacts on Mineral Resources and Geology. Mitigation measures (General Plan policies) that would eliminate or reduce significant impacts are also included.
- **Chapter 11.0, Cultural Resources**, provides an analysis and discussion of the projects impacts on Cultural Resources. Mitigation measures (General Plan policies) that would eliminate or reduce significant impacts are also included.
- **Chapter 12.0, Health & Safety**, provides an analysis and discussion of the projects impacts on Health & Safety. Mitigation measures (General Plan policies) that would eliminate or reduce significant impacts are also included.
- **Chapter 13.0, Alternatives to the Project**, evaluates the environmental effects of the alternatives to the project, including the No Project Alternative and the environmentally superior alternative.

- **Chapter 14.0, Additional Statutory Considerations**, provides a discussion of issues required by CEQA that are not covered in other chapters. This includes unavoidable adverse impacts, irreversible environmental changes, growth inducement, and cumulative impacts.
- **Chapter 15.0, Report Preparation**, lists the individuals involved in preparing this EIR.
- **Chapter 16.0, References**, identifies the documents (printed references) and individuals (personal communications) consulted in preparing this EIR.

**TABLE 1-3  
REQUIRED ENVIRONMENTAL IMPACT REPORT CONTENTS AND ORGANIZATION**

<b>Location in the Environmental Impact Report</b>	<b>Requirement (CEQA Section)</b>
Table of Contents	Table of Contents (Section 15122)
Executive Summary	Summary (Section 15123)
Chapter 2.0 Project Description	Project Description (Section 15124)
Chapter 3.0, Land Use, Agriculture, and Aesthetics	Significant Environmental Effects of the Project (Section 15126[a])
Chapter 4.0, Public Services and Utilities	Unavoidable Significant Environmental Effects (Section 15126[b])
Chapter 5.0, Transportation and Circulation	
Chapter 6.0, Air Quality and Global Climate Change	Mitigation Measures (Section 15126[e])
Chapter 7.0, Noise	
Chapter 8.0, Flooding and Water Quality	
Chapter 9.0, Biological Resources	
Chapter 10.0, Mineral Resources and Geology	
Chapter 11.0, Cultural Resources	
Chapter 12.0, Health and Safety	
Chapter 13.0 Alternatives to the Project	Alternatives to the Project (Section 15126[f])
Chapter 14.0 Additional Statutory Considerations	Cumulative Impacts (Section 15130) Growth-Inducing Impacts (Section 15126[d]) Effects Found Not To Be Significant (Section 15128)
Chapter 15.0 Report Preparation	List of Preparers (Section 15129)
Chapter 16.0 References	Organization and Persons Consulted (Section 15129)

Note: CEQA = California Environmental Quality Act

## Issues Addressed in the EIR

As part of the CEQA process for the project, a detailed NOP was prepared and circulated for public comment (see Appendix A). Using the environmental criteria presented in Appendix G “Environmental Checklist Form”, of the CEQA Guidelines, the NOP established the preliminary scope of environmental resources and issues to be addressed in the EIR. Table 1-4 provides a

description of how the environmental criteria were presented in the NOP using the “Aesthetics” section as an example. The NOP provided similar preliminary scope information for all 16 environmental topics identified in Appendix G “Environmental Checklist Form” of the CEQA Guidelines. All potential environmental impacts related to implementation of the Proposed Project identified in the NOP were based on information known at the time of its preparation. To help ensure that this EIR evaluates all topics that may be significantly affected by the project, the comments received during the NOP comment period (see Table 1-2 above) were reviewed and considered during preparation of the EIR.

**TABLE 1-4  
SUMMARY OF ENVIRONMENTAL CRITERIA FOR AESTHETICS**

<b>Environmental Topic</b>	<b>Criteria</b>
Aesthetics	The project may: Have adverse effects on scenic vistas. Damage scenic resources. Degrade the existing visual character or quality of the City and its surroundings. Create a new source of substantial light or glare.

## Terminology Used in the EIR

For each impact identified in this EIR, a statement of the level of significance of the impact is provided. Impacts are categorized in one of the following categories:

- A project impact is considered **beneficial** if it will result in the improvement of a physical condition in the environment (no mitigation required).
- A project impact is considered **less-than-significant** when it does not reach the standard of significance and, therefore, would cause no substantial change in the environment. No mitigation is required for less-than-significant impacts.
- A **significant impact** is a substantial, or potentially substantial, adverse change in the environment. Physical conditions in the area will be directly or indirectly affected by the proposed project. Impacts may be direct or indirect and short-term or long-term. A project impact is considered significant if it reaches or exceeds the threshold of significance identified in the EIR. Mitigation measures may reduce a potentially significant impact to a less-than-significant impact.
- A **significant unavoidable impact** occurs when; even with the adoption of all proposed mitigation measures a significant impact cannot be avoided or mitigated to a less-than-significant level should the project be implemented.

The impact assessment provided in this EIR is divided into a number of individual impact statements that deal with specific topics. For example:

- **Impact AG-1: The Proposed Project would/would not result in the substantial conversion of important farmland to non-agricultural uses.**

Following each impact statement is a discussion of the potential impact and the General Plan policies and implementation measures that would help to mitigate this impact. Following each impact statement, a summary table identifying each impact's level of significance and the key policies that were modified to mitigate the impact is provided.

The draft EIR also identifies mitigation measures. The CEQA Guidelines (Section 15370) define mitigation as:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

## Overall EIR Approach and Assumptions

This EIR is a complete EIR with environmental and regulatory setting, impact analysis, mitigation measures, and evaluation of a range of project alternatives.

As more fully described above under Section 1.2, Type of EIR, this EIR has been prepared as a Program EIR. As a Program EIR, this document focuses on the overall effects of the project. However, the analysis does not examine in detail the localized effects of potential site-specific projects that may occur under the overall umbrella of this program in future years. In fact, this EIR assumes that specific development projects and infrastructure improvement proposals submitted to the City may necessitate an independent environmental analysis in accordance with the requirements of CEQA. (For possible means of streamlining such review, see Section 1.2.) The nature of general plans is such that many proposed policies are intended to be general, with details to be later determined during the implementation phases of the general plan. Consequently, many of the impacts and mitigation measures can only be described in general or qualitative terms.

CEQA mandates that lead agencies adopt MMRPs for projects identified as having significant impacts where mitigation measures have been identified to reduce the impacts to a less-than-significant level. MMRPs are intended to ensure compliance during project implementation. These programs provide the additional advantages of providing staff and decision-makers with feedback as to the effectiveness of mitigation measures, as well as the experience and information to shape future mitigation measures. The proposed General Plan is intended to be self-mitigating, in that the policies and implementation measures are designed to mitigate environmental impacts. This EIR clearly identifies how the impacts of future development in the City of Tulare will be mitigated through the implementation of the policies and measures of the project.

The analysis provided in the EIR is based on the following key assumptions:

- **Full Implementation.** This EIR assumes that all policies in the proposed General Plan will be fully implemented and all future development will be consistent with the population/employment projections used in developing the future growth scenario for the City.
- **Buildout in 2030.** This EIR assumes that overall buildout of the project will occur by 2030. Development under the project will be incremental and timed in response to market conditions. While the proposed General Plan includes policies intended to control the amount and location of new growth, it does not include interim phases (development scenarios) because any attempt to predict the exact pace and locations of market-driven growth is considered speculative.

## Documents Incorporated By Reference

Section 15150 of the CEQA Guidelines permits documents of lengthy technical detail to be incorporated by reference in an EIR. Specifically, Section 15150 states that an EIR may “incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public ....” Incorporated documents are to be briefly summarized in the EIR and made available to the public for inspection or reference. The City of Tulare 2030 General Plan Update Draft EIR incorporates by references the documents noted below, several of which are provided as appendices to this EIR or are available at the City of Tulare Planning and Building Department, 411 East Kern Ave, Tulare, CA 93274. Summaries of important parts of these documents will be provided throughout this EIR in appropriate places.

- ***City of Tulare Goals and Policies Report (December 2007).*** This report is the essence of the General Plan. It contains the goals, policies, implementation measures and diagrams that will guide future development within the City and its Planning Area. This document also identifies implementation measures.
- ***Alternatives Report (November 2006).*** This report provides a discussion of the land and circulation alternatives considered for the General Plan Update.

## 1.5 EIR Preparation

This EIR has been prepared by a consulting team including staff from Mintier & Associates, Matrix Design Group and Environmental Science Associates, under contract to the City of Tulare. The Draft EIR has been prepared for the City of Tulare in accordance with CEQA (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et. seq.). Staff members from the City of Tulare and the consulting team who helped prepare this EIR are identified in Chapter 15.0, Report Preparation.