

Regular Council Meeting

June 18, 2026

FRESNO CITY COUNCIL



Public Comment Packet

ITEM(S)

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CITY OF FRESNO
CITY CLERK'S OFFICE

3:55 PM (ID 26-389)

HEARING to consider the adoption of the Central Southeast Area Specific Plan and related Environmental Assessment. The following Plan Amendment and Rezone applications (collectively numbered as application P23-00400) have been filed by the Fresno City Council and pertain to approximately 2,067 acres in the Southeast area of the City of Fresno (Council Districts 5 and 7)

[TITLE TRUNCATED FOR SUPPLEMENTAL PACKET COVER PAGE]

Contents of Supplement: Public Comment Received

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

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PATIENCE MILROD
LAWYER/LICENCIADA EN LEYES

June 12, 2025

Hon. Nelson Esparza, Council President
Members of the Fresno City Council
2600 Fresno Street
Fresno, CA 93721

by email to [REDACTED] v

RE: Public Comment on Recirculated Draft Initial Study/Mitigated Negative Declaration for Fresno Central Southeast Area Specific Plan (SCH No. 2023020138)

Dear Fresno City Council:

On behalf of the Central Labor Council of Fresno, Madera, Kings & Tulare (CLC), Greenfield Coalition, Concerned Citizens of West Fresno, Golden Westside Planning Committee, League of Women Voters, and Regenerate California Innovation (RCI), I respectfully submit the following comments regarding the Recirculated Draft Initial Study/Mitigated Negative Declaration (the “IS/MND”) for the City’s proposed Central Southeast Area Specific Plan (“CSESP” or “Project”).

A. The IS/MND impermissibly relies upon a statutorily inadequate general plan and decertified Program EIR.

The City’s adoption of its 2021 General Plan amendments was intended to bring its 2014 General Plan into compliance with state law¹. However, in August of 2024, the Fifth District

¹ See, e.g., 2021 PEIR, Appx. J, p.1-1: “The intent of this current effort is to ... update the analysis to be in conformance with State law and to be consistent with recent legislative changes, which include Assembly Bill 32 (2006) and Senate Bill (SB) 32 (2016) regarding climate change, SB 743 (2013) regarding Vehicle Miles Traveled (VMT), and the Sustainable Groundwater Management Act (SGMA) (2014).” [emphasis added]; see also, *City of Fresno GHG Reduction Plan Update, March 2021*, pp. 1-1, 1-2.

Court of Appeal’s order in *South Fresno Community Alliance v. City of Fresno*² required the City to set aside its adoption of the 2021 amendments, and to decertify the supporting PEIR. *Id.* at 50.

As a result, the City’s current operative General Plan is from 2014—a plan which the City has repeatedly conceded is out of compliance with state law. In fact, the City explicitly acknowledges that its proposed Revisions to the City General Plan and Draft EIR currently in progress³ are necessary to bring the City’s planning documents into conformance with statutory requirements⁴.

California requires the City of Fresno to “have a general plan that encompasses all of the requirements of state law.” If the adopted general plan does not reflect substantial compliance with those requirements, the City has failed in the “performance of an act with the law specially enjoins.” *Camp v. Board of Supervisors* (1981) 123 Cal.App.3d 334, 348 (invalidating subdivision map approved under inadequate general plan and prohibiting County from taking other planning actions absent valid general plan).

Thus, while the IS/MND admits that one of the primary reasons for recirculating the IS/MND was “to remove reliance on the City of Fresno 2021 General Plan Program EIR,”⁵ it fails to address an equally significant problem: the 2014 General Plan is also non-compliant. The City cannot adopt a valid Specific Plan at this time, because it cannot make required findings that the new plan is consistent with a valid General Plan

Moreover, the IS/MND’s claims that it does not rely on the findings or mitigation measures of the 2021 General Plan amendments, 2021 PEIR, or the 2021 GHG Reduction Plan are factually inaccurate and contradicted by the record: the Recirculated IS/MND continues to rely upon analyses, data, and planning assumptions derived from the rescinded Program EIR in several critical respects.

1. The Traffic Study Relies on the Rescinded Program EIR

The Final Traffic Study, prepared by Stantec and included as Appendix E, “references the General Plan Program EIR, which was decertified by court order in 2024.” (IS/MND at 154 n.81.) The footnote attempts to disclaim this reliance by asserting “the traffic analysis and underlying data remain independently valid” and “[t]he study does not rely on the Program EIR’s impact determinations.”

This disclaimer is insufficient. The traffic study’s modeling framework includes the 2035 buildout assumptions, baseline conditions, trip generation rates, and roadway network assumptions that were developed in conjunction with and as part of the General Plan Program

² *South Fresno Community Alliance v. City of Fresno*, 2024 WL 3663122, August 6, 2024.

³ https://www.fresno.gov/wp-content/uploads/2026/03/LSA_Fresno-GP_PEIR_Scoping-Meeting-10w1395.pdf

⁴ SCH Number 2026021075, Document Description, <https://ceganet.lci.ca.gov/2026021075>.

⁵ IS/MND at 11.

EIR process. The City cannot simultaneously rescind the Program EIR and continue to rely on technical analyses that were prepared for, and embedded within, that very document. The use of this data without independent validation or updating raises fundamental questions about the reliability of the transportation analysis.

Moreover, the footnote itself reveals a significant problem. The Program EIR was “decertified by court order in 2024,” yet the traffic study was prepared in February 2022, before the court order, and has not been updated. The City must prepare an independent traffic study that does not rely on the modeling, data, or assumptions from the rescinded Program EIR.

2. The VMT Analysis Relies on Stale Data

The VMT Analysis Memorandum was prepared by LSA on August 16, 2022, more than three years before the IS/MND was published in December 2025, and prior to decertification of the 2021 PEIR. (IS/MND at 92-93.) CEQA requires that the environmental baseline reflect conditions at or near the time the environmental analysis is commenced. (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 327-328.)

Between 2022 and 2026, conditions in the Specific Plan Area and City have materially changed, including traffic patterns, transit service levels, development activity, and population. The City’s reliance on a 3-year-old VMT analysis, prepared under the framework of a now-rescinded Program EIR, does not satisfy CEQA’s requirement for an accurate and up-to-date environmental baseline.

3. The GHG Analysis Lacks a Valid Local Benchmark

The IS/MND acknowledges the City’s 2021 GHG Reduction Plan was decertified, and falls back on the City’s 2014 GHG Reduction Plan, which “includes reduction targets for 2035.” (IS/MND at 103.) However, the IS/MND elsewhere acknowledges “the full 25-year buildout of the proposed project goes beyond the year 2035 and is anticipated to be fully operational in the year 2050.” (IS/MND at 103.)

The City has no adopted local climate plan that covers the operational life of the CSESP. The 2014 GHG Plan’s targets are limited to 2035 and were adopted over a decade ago under materially different regulatory and planning conditions. The IS/MND’s attempt to bridge this gap by evaluating consistency with ARB’s 2022 Scoping Plan is inadequate because, as discussed below, that consistency analysis is superficial and lacks any quantitative foundation.

B. The City cannot adopt this plan without rigorous disclosure requirements, development standards, and mitigation measures specifically for data centers.

While City staff and the Mayor downplay the likelihood of data center development within this Plan area, the Plan itself identifies data centers as one of its Targeted Industry Sectors:

[Data processing and call centers.](#) Data processing and call center activities are a primary focus of ongoing economic development efforts in the City.

Reliant upon adequate fiber optic and broadband service as well as a seismically stable environment, these industries are a natural fit for the City of Fresno and its workforce. CSE Fresno may be able to attract some of these uses, and the IRS tax return processing site may be appropriately repositioned for these uses.

The proposed Specific Plan and IS/MND entirely fail to address the unique and extraordinary environmental impacts reasonably foreseeable from data center development. These include massive water and energy demand, impacts on water and air quality, and costs imposed on the communities that host such projects. Such costs include grid upgrades, water draw, air emissions from diesel or gas backup generation, and foregone tax revenue. (Virginia's data center sales-tax exemption alone cost an estimated \$1.6 billion in fiscal year 2025.)

As a May 2026 study of California data centers' water use concludes, "In light of data centers' high water and energy demands for cooling, our findings illustrate the need for careful planning, transparent reporting, and integrated management of water, energy, and other social impacts."⁶ Our City can expect to see similar issues with regard to energy use and air quality.

Existing City development standards for industrial uses do not begin to contend with the massive impacts data center development will have on these essential and scarce resources. Fresno has a very poor record of ensuring the public has forewarning of such momentous developments. The current administration's reported practice of requiring Non-Disclosure Agreements from those who participate in conversations with potential new industrial developers does not bode well for full disclosure of impacts to the public, let alone anything like sufficient mitigation of those impacts.

The CSESP and its IS/MND do not begin to meet a standard of careful planning or transparent reporting. This must change before your Council can responsibly adopt this Plan.

Very truly yours,

[REDACTED]

Patience Milrod

Attorney for Central Labor Council of Fresno, Madera, Kings & Tulare (CLC), Greenfield Coalition, Concerned Citizens of West Fresno, Golden Westside Planning Committee, League of Women Voters, and Regenerate California Innovation (RCI)

cc: Clients

[REDACTED]

⁶ *The Intersection of Data Center Development, Water Availability, and Environmental Justice in California*, Santa Clara University Water and Climate Justice Lab, May 2026, <https://www.next10.org/sites/default/files/2026-05/Data-Centers-Water-Use-Report.pdf>, p. 5.

From:

Subject:

Date:

Ecomment for June 18 council agenda

Tuesday, June 16, 2026 6:10:26 PM

External Email: Use caution with links and attachments

Regarding the Central South East Specific Plan

ID 26-389

<https://fresno.legistar.com/LegislationDetail.aspx?ID=8070074&GUID=8F26FFCA-6B65-450D-81B0-E9516B8E7519>

Please vote “no for now” on the Central Southeast Specific Plan. While housing is certainly needed and the reduced zoning for industrial development are good, it is not good to pigeonhole any part of Fresno as a prime location for a data processing center! (See pages 149-150.)

Furthermore to imply that the Fresno workforce is ‘suited’ for this kind of work comes off as insulting.

Like other plans, a restriction can be written in that no data processing centers are to be included given the high water demand they require. (Yes I realize that recycled water is an option but just try to impose regulations on that industry; it’s a battle we are outmatched for.)

Please insist that these simple changes be made before this plan is approved. Thank you for holding out for a better plan for Central South East and all of Fresno.

Shelly Spencer

Resident and employee within District 5