

Regular Council Meeting

March 19, 2026

FRESNO CITY COUNCIL



Public Comment Packet

ITEM(S)

9:20 A.M. ID 26-266 (TO BE HEARD AT 3:55 P.M. OR THEREAFTER)

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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[Comment Letter \(3.16.26\).pdf](#)

From: Michael C. Titus [REDACTED]
Sent: Monday, March 16, 2026 4:52 PM
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Comment Letter re ID 26-266 (Council Meeting 3.19.26)

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Please see the attached comment letter regarding ID 26-266 on the agenda for Thursday's Fresno City Council Meeting.

Thank you

Michael C. Titus, Esq.

WILD, CARTER & TIPTON

[REDACTED]
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Founded in 1893



MICHAEL C. TITUS

Our File No.:



March 16, 2026

VIA EMAIL

longrangeplanning@fresno.gov

City of Fresno
Planning and Development Department
Sophia Pagoulatos, Planning Manager
2600 Fresno Street, Room 3065
Fresno, California 93721

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

Dear Ms. Pagoulatos:

Our firm represents Green Alliance of Southeast Fresno, a coalition of residents of the City of Fresno (the “City”). I am submitting the following comments on its behalf on the Recirculated Draft Initial Study/Mitigated Negative Declaration (the “IS/MND”) for the City’s proposed Central Southeast Area Specific Plan (“CSASP” or “Project”). Through this letter, I am writing to urge the City to perform further environmental analysis required by the California Environmental Quality Act, Pub. Resources Code, § 21000, *et seq.* (“CEQA”) before considering the CSASP for approval.

A. A Fair Argument Exists that the Project Will Have Significant Effects on the Environment and, as such, an EIR is Required

Prior to considering any “project” under CEQA, a lead agency must first determine whether to prepare a Negative Declaration, a Mitigated Negative Declaration, or an EIR for the project. (CEQA Guidelines, § 15063.) The lead agency makes this determination based on what is called the “fair argument” standard. (CEQA Guidelines, § 15064(f)(1).) As explained by the Supreme Court:

[S]ince the preparation of an EIR is the key to environmental protection under CEQA, accomplishment of the high objectives of that act requires the preparation of an EIR whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.

(*No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68, 75.)

The Supreme Court has explained that even in “close and doubtful cases,” an EIR should

Sophia Pagoulatos
March 16, 2026
Page 2

always be prepared to ensure “the Legislature’s objective of ensuring that environmental protection serve as the guiding criterion in agency decisions.” (*Id.* at 84; see also Pub. Resources Code, § 21001, subd. (d).) Many courts have stated that the “EIR is the heart of CEQA. The report . . . may be viewed as an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes *before* they have reached ecological points of no return.” (*Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 438 [quoting *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810] [emphasis added].)

The CEQA Guidelines set forth the “fair argument” test used to evaluate whether an EIR is required:

If the lead agency finds there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR. Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency *shall prepare an EIR* even though it may also be presented with other substantial evidence that the project will not have a significant effect.

(CEQA Guidelines, § 15064(f)(1); see also Pub. Resources Code, § 21080, subd. (d) [internal citations omitted].)

Moreover, an agency’s failure to gather or analyze information on a project’s impacts can expand the scope of the fair argument standard necessitating the preparation of an EIR. (See, e.g., *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311 [“CEQA places the burden of environmental investigation on government rather than the public,” and a lead agency “should not be allowed to hide behind its own failure to gather data.”].)

Accordingly, if any commenting party makes a fair argument that the proposed project’s environmental impacts “may have a significant effect on the environment,” the City *must* prepare an EIR, even if other substantial evidence supports the argument that adverse environmental effects will *not* occur. (CEQA Guidelines, § 15064(1)(1); see also *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1316 [“[i]f there is substantial evidence of such an impact, contrary evidence is not adequate to support a decision to dispense with an EIR.”].)

A mitigated negative declaration is only appropriate where the applicant has agreed to eliminate or avoid all potentially significant environmental impacts by incorporating mitigation measures into the project. (See Pub. Resources Code, §§ 21064.5, 21080, subd. (c)(2); CEQA Guidelines, §§ 15064(f)(2), 15070(b).)

- 1. The IS/MND’s Reliance on Deferred Analysis Demonstrates That Impacts Cannot Be Determined to Be Less Than Significant**

Throughout the IS/MND, the City acknowledges it cannot quantify or evaluate numerous resource categories because specific future development projects have not yet been proposed.

Sophia Pagoulatos
March 16, 2026
Page 3

Rather than concluding this uncertainty requires EIR-level review, the IS/MND instead defers the analysis and mitigation to future project-level review. The following are just a few examples:

Air Quality: “At this time, it is too speculative to determine whether future individual development projects would result in cumulatively considerable net increases in criteria pollutants. The proposed project is a programmatic project and until specific future projects are proposed, the associated cumulative air pollution impacts cannot be determined or modeled at this time.” (IS/MND at 40.)

Toxic Air Contaminants: “[A]s it is not possible to determine the amount of TAC concentrations at the time of this analysis, it is not possible to calculate the risks for a particular health effect within the Specific Plan Area.” (*Id.* at 42.)

GHG Emissions: Even though it is possible to do so, and the City has done so in all other recent plan-level documents, the IS/MND provides no quantified GHG emissions, yet concludes without evidence any such impacts would be less than significant. (*Id.* at 103-111.)

Energy: The IS/MND acknowledges that “potential improvements to the current energy and natural gas facilities would be identified at the time such projects are considered.” (*Id.* at 93.)

When a lead agency cannot determine that all potentially significant impacts will be mitigated to less-than-significant levels, it cannot adopt a Negative Declaration. The appropriate course is therefore to prepare an EIR, which provides a more rigorous analytical framework, including an alternatives analysis and a statement of overriding considerations for any impacts that cannot be mitigated. (CEQA Guidelines, § 15064, subd. (f)(1); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322.)

2. Substantial Evidence of a Fair Argument that Significant Environmental Impacts Will Occur Exists

As explained for each of the resources below, substantial evidence supports a fair argument of potential environmental impacts:

Aesthetics (Light and Glare). CEQA requires analysis of a project’s impacts on “view and other features of beauty.” (*Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 401.) On this topic, “the opinions of area residents, if based on direct observation, may be relevant as to aesthetic impact and may constitute substantial evidence in support of a fair argument; no special expertise is required on this topic.” (*The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 908, 937 [requiring EIR, rather than Initial Study, in part to address neighbors' concerns regarding aesthetic impacts of project].)

The IS/MND concedes “the proposed project could result in additional sources of light and glare,” and that “[n]ew development within the city limits could increase the amount of light from streetlights, exterior lighting systems on private and public property, exterior lighting from buildings, and vehicular headlights, resulting in light spillover onto adjacent properties and substantially illuminating the sky at night.” (IS/MND at 27.) The IS/MND proposes mitigation measures MM AES-4a through MM AES-4e to address these impacts, but these standards lack

Sophia Pagoulatos

March 16, 2026

Page 4

measurable performance standards. For example, MM AES-4b requires that “low intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties,” (IS/MND at 27), without defining “low intensity” or establishing a maximum foot-candle level at the property line. Where the IS/MND concedes that light and glare impacts would be potentially significant and the proposed mitigation measures lack enforceable performance standards, a fair argument exists that impacts may remain significant after mitigation.

Air Quality. The IS/MND acknowledges the Specific Plan Area is located in the San Joaquin Valley Air Basin, which is designated extreme nonattainment for the federal 8-hour ozone standard and serious nonattainment for PM 2.5. (IS/MND at 34-36.) The IS/MND concedes that “[b]uildout of future individual development projects under the Specific Plan would result in direct and indirect criteria air pollutant emissions from area, energy, and mobile sources,” (IS/MND at 40), but asserts that “it is too speculative to determine whether future individual development projects would result in cumulatively considerable net increases in criteria pollutants.” (IS/MND at 40.) The IS/MND also admits that “cumulative growth within the Specific Plan Area could result in an overall impact above the health-based thresholds established by the Valley Air District” for toxic air contaminants. (IS/MND at 43.) When an environmental document’s own text acknowledges impacts may exceed applicable thresholds, a fair argument of significant impact exists as a matter of law. The IS/MND’s failure to quantify any criteria pollutant emissions in the most polluted air basin in the nation provides substantial evidence that air quality impacts may be significant.

The IS/MND also fails to sufficiently explain the nature and magnitude of the Project’s health impacts on area residents. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 523 (hereafter *Friant Ranch*) [emphasizing that “a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact”].) An environmental document must discuss the health and safety problems that the proposed project may induce. (CEQA Guidelines, § 15126.2, subd. (a) [requiring an EIR to discuss the “health and safety problems caused by the physical changes” that the proposed project will induce].) More specifically, when it comes to significant air quality impacts, an environmental document must allow the public to translate bare air pollutant data into adverse health impacts, or to understand why such translation is not possible. (*Friant Ranch, supra*, 6 Cal.5th at 525.) Here, the IS/MND does not adequately address this issue. This is critically important here, as the City has received evidence that similar operations have adversely affected the health of nearby residents and employees.

Biological Resources. The IS/MND identifies 27 special-status species that have the potential to occur within the Specific Plan Area, among them several federally listed species: California tiger salamander (FT), California jewel flower (FE), vernal pool fairy shrimp (FT), succulent owl’s clover (FT), and Greene’s tuctoria (FE). (IS/MND, Tables 7-8, at 54-60.) The IS/MND concedes “[d]evelopment within the Specific Plan Area could result in the loss or degradation of natural habitats such as lacustrine, riverine, and pasture, which may support special-status plant and wildlife species,” (IS/MND at 61), and that “[p]roject-related impacts . . . to any of these habitat types may result in a substantial adverse effect if it is determined that a special-status species would be impacted.” (IS/MND at 61.) Critically, the IS/MND admits that “[s]pecial-status and rare plant surveys were not conducted within the Specific Plan Area,” and

Sophia Pagoulatos

March 16, 2026

Page 5

“[s]pecial-status wildlife surveys were not conducted within the Specific Plan Area.” (IS/MND at 61-62.) The IS/MND identifies 14 acres of lacustrine habitat, 74 acres of deciduous orchard, 25 acres of irrigated row and field crops, and 0.06 acre of annual grassland that may support these species. (IS/MND, Table 5 at 50.) Where a lead agency has identified potentially suitable habitat for federally listed species within a plan area but has conducted no field surveys to determine presence or absence, the record contains substantial evidence supporting a fair argument that the project may have a significant effect on those species.

Cultural Resources and Tribal Cultural Resources. The Recirculated IS/MND's own records search identified 35 cultural resources within the Specific Plan Area, including the Southern Pacific Railroad (P-10-003930), the Burlington Northern Santa Fe Railway (P-10-004675), the Giffen Home (P-10-004249), and 30 single-family residential properties within the Mitchell Simpson Tract. (IS/MND, Table 9, at 70-73.) The IS/MND concedes that “subsequent development under the proposed project could affect known historic resources or previously unidentified or undesignated resources, creating a potentially significant impact.” (IS/MND at 78.) The IS/MND further concedes that “the potential for additional archaeological sites to be present within the Specific Plan Area exists,” (IS/MND at 79), and that there are “two primary surficial deposits in the Specific Plan Area” with “high potential sensitivity” for paleontological resources. (IS/MND at 100.) With 35 known cultural resources in the plan area, no comprehensive pedestrian archaeological survey of the full 2,067-acre area, and the IS/MND's own admission that development “could affect known historic resources,” the record contains a fair argument the CSASP may cause a substantial adverse change in the significance of historical and archaeological resources.

Energy. The IS/MND concedes that “[f]uture development under the proposed project would consume energy throughout the construction and operation of such new development, in addition to energy consumption associated with existing development in the Specific Plan Area.” (IS/MND at 90.) Despite acknowledging increased energy demand for project buildout, the IS/MND provides ***no quantified estimate*** of energy consumption within the CSASP at build-out, neither for construction nor operation. The IS/MND relies entirely on qualitative assertions that future development would comply with Title 24, CALGreen, and General Plan policies. (IS/MND at 90-93.) The IS/MND's own cross-reference to the air quality mitigation measures, (see, e.g., MM AIR-1b, MM AIR-1c, and MM AIR-1d), as the sole mitigation for energy impacts, (IS/MND at 94), confirms the energy analysis is derivative of and dependent upon the deficient air quality analysis. Without any quantification of energy demand, the IS/MND cannot demonstrate that energy consumption under the CSASP would not be “wasteful, inefficient, or unnecessary” as required by Appendix F to the CEQA Guidelines.

Geology, Seismicity, and Soils (Paleontological Resources). The IS/MND identifies “two primary surficial deposits in the Specific Plan Area: (1) Pleistocene non-marine; and (2) Quaternary non-marine fan deposits” and states both “are considered to have a high potential sensitivity” for paleontological resources. (IS/MND at 100.) The IS/MND concedes that “excavation and/or construction activities within the Specific Plan Area . . . have the potential to impact paleontological/geological resources during excavation and construction activities within previously undisturbed soils” and characterizes this as “potentially significant.” (IS/MND at 100.) While MM GEO-1a and MM GEO-6 are proposed, these measures defer the actual field

Sophia Pagoulatos

March 16, 2026

Page 6

survey, literature search, and paleontological evaluation entirely to future project-level review, with no commitment to specific monitoring protocols, no identified repository for recovered specimens, and no performance standard guaranteeing that impacts will be reduced below significance. Where the IS/MND itself characterizes both deposit types as having “high potential sensitivity” across the entire plan area, a fair argument of potentially significant paleontological impacts exists.

Greenhouse Gas Emissions. The IS/MND acknowledges the CSASP would generate GHG emissions from “on-site area sources and vehicle trips . . . and indirectly through off-site energy production required for on-site activities, water use, and waste disposal,” (IS/MND at 103), yet provides *no quantified estimate* of those emissions—neither for construction nor for operation. The IS/MND admits the City’s 2021 GHG Reduction Plan was “rescinded by City Council Resolution in March 2025,” and that the surviving 2014 GHG Plan’s targets extend only to 2035, while “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 thus lacks any adopted local climate plan covering the final 15 years of the Project’s operational life.

Hydrology and Water Quality (Groundwater). The IS/MND concedes the Specific Plan Area is underlain by the Kings Groundwater Subbasin, which “has been identified as a critically overdrafted basin by the Department of Water Resources.” (IS/MND at 122.) The CSASP would add numerous new uses, all of whom would draw upon this critically overdrafted basin. The IS/MND’s primary basis for its less-than-significant conclusion is that “the proposed project would result in less development for the Specific Plan Area than accounted for in the General Plan,” (IS/MND at 123), an analysis that improperly uses General Plan buildout rather than existing conditions as the CEQA baseline. The IS/MND relies on the 2020 UWMP, which projects supply only through 2045, (IS/MND at 123), while buildout under the CSASP extends to 2050. (IS/MND at 103.) The IS/MND itself acknowledges that during single dry and multiple dry year scenarios, “groundwater recharge is reduced,” (IS/MND at 122), yet provides no analysis of how the incremental demand from new planned uses would affect the basin’s overdraft condition or the City’s ability to achieve sustainability under the North Kings GSP by 2040.

Noise. The IS/MND acknowledges construction of future development under the CSASP “could result in the potential for relatively high single event construction noise resulting in temporary substantial increases in ambient noise levels in the vicinity of an active construction site, potentially resulting in exceedance of the City’s established construction noise standards.” (IS/MND at 137.) For operational noise, the IS/MND acknowledges “[t]hese stationary source operational noise levels could exceed the City’s noise performance thresholds if they were to occur in areas adjacent to sensitive receptor land uses.” (IS/MND at 139.) The IS/MND further identifies that current market-available commercial HVAC equipment generates “operational noise levels up to 80 dBA Leq at 3 feet” and that unshielded truck loading activity generates “65 dBA to 75 dBA Lmax at 50 feet,” (IS/MND at 138-139)—levels that would exceed the City’s nighttime stationary source standard of 45 dBA Leq, (see IS/MND, Table 14, at 134), at distances well within the Specific Plan Area’s development footprint. Where the IS/MND’s own noise level estimates demonstrate that unmitigated noise levels from reasonably foreseeable development would exceed applicable noise standards at sensitive receptors, a fair argument of significant noise impacts exists.

Sophia Pagoulatos
March 16, 2026
Page 7

Public Services. The IS/MND concedes the CSASP would substantially increase demand for fire protection, police protection, schools, and parks. For fire, the CSASP acknowledges “fire stations will require commensurate increases in firefighter staffing and facilities and equipment,” (IS/MND at 147), but then asserts without evidentiary support that “this increase in demand can be met with additional staffing requirements at the existing fire stations,” and “[i]t would not result in the need to construct additional government facilities.” (IS/MND at 147.) For parks, the IS/MND concedes the Specific Plan Area’s existing park ratio of 1.68 acres per 1,000 residents is already significantly below the General Plan standard of 3.0 acres per 1,000 residents, (IS/MND at 149), and that Specific Plan Policy P-1.1 “recommends that the proposed project develop approximately 40 additional acres of parkland.” (IS/MND at 152.) The construction of 40 acres of new parkland and the expansion of fire, police, and school facilities to serve nearly new growth under the CSASP would itself cause significant environmental impacts, none of which the IS/MND analyzes.

Transportation/VMT. The IS/MND relies on a VMT Analysis Memorandum prepared in August 2022—more than three years before the IS/MND’s publication date—and on a Final Traffic Study prepared in February 2022 that expressly “references the General Plan Program EIR, which was decertified by court order in 2024.” (IS/MND at 154, n.81.) The IS/MND reports VMT metrics for 2035 buildout conditions, not existing conditions, of 8.7 VMT per capita with the Project and 9.2 VMT per capita without, (IS/MND at 167), but does not disclose the existing VMT per capita in the Specific Plan Area. Without an existing-conditions baseline, there is no way to determine whether the CSASP would result in a net increase in VMT from the current condition—the very impact Section 15064.3 of the CEQA Guidelines is designed to evaluate. The IS/MND’s sole basis for its less-than-significant conclusion is that the CSASP would generate lower VMT than the no-project (General Plan buildout) scenario, (IS/MND at 167); an analysis that improperly substitutes a future planned condition for the existing conditions baseline. Moreover, the IS/MND acknowledges the anticipated trip generation under the CSASP “would result in a reduction of 8,102 total average daily trips compared to the trips that would be generated with development anticipated under the General Plan,” (IS/MND at 138), which necessarily implies the CSASP would generate tens of thousands of daily vehicle trips above existing conditions—an impact the Document never endeavors to quantify or evaluate.

Utilities and Service Systems. The IS/MND acknowledges that the Specific Plan Area's existing sewer infrastructure is deficient: “The primary impact identified within the Plan Area was the Orange Avenue trunk sewer main. The needed capacity improvements consist of replacing approximately 6,050 feet of 36-inch diameter pipeline with a new 42-inch diameter sewer on segments of 8th Street, Woodward Avenue, and Orange Avenue.” (IS/MND at 172.) The IS/MND also identifies the need for a new 36-inch storm drain pipeline requiring a 25-foot-wide storm drain easement along California Avenue. (IS/MND at 124-125.) For solid waste, the IS/MND concedes the American Avenue Landfill “is expected to close in 2031,” (IS/MND at 171), and that “[c]ontinued development under the approved General Plan would result in the generation of approximately 2,223 tons of solid waste per day.” (IS/MND at 175.) Despite these admissions of infrastructure deficiency and capacity limitations, the IS/MND concludes that impacts would be less than significant without analyzing the environmental impacts of constructing the identified infrastructure improvements: a sewer replacement project spanning over 6,000 linear feet and a storm drain project requiring a new 25-foot easement. The

Sophia Pagoulatos
March 16, 2026
Page 8

construction of these facilities would itself cause environmental impacts (noise, air quality, traffic, potential cultural resource disturbance) that must be analyzed under CEQA. Despite this, the CSASP makes no effort to do so.

Mandatory Findings of Significance. The Mandatory Findings of Significance rely repeatedly on MM AIR-2a through MM AIR-2h. However, those mitigation measures appear nowhere in the IS/MND.

Land Use. The CSASP omits information and documentation as it relates to the Roosevelt Community Plan and the Butler/Willow Specific Plan. Without this required documentation, the City would essentially be keeping the residents of these communities “in the dark” as to how the proposed repeal would affect their communities. Without an understanding or documentation explaining the necessity of any such repeal, there is a fair argument of a significant impact on the residents of those communities.

B. The MND Fails to Analyze the Project’s Cumulative Impacts

CEQA “require[s] a finding that a project may have a ‘significant effect on the environment’ if . . . [t]he possible effects of a project are individually limited but cumulatively considerable.” (Pub. Res. Code, § 21083.) A project’s cumulative impacts are significant if the project’s incremental contribution to the impact is “cumulative considerable.” (CEQA Guidelines § 15130(a).) A Project’s incremental contribution is cumulatively considerable if the incremental effects of the project are significant “when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” (CEQA Guidelines § 15065(a)(3).) The fact that a particular project’s incremental impact is not alone significant, or is relatively small when compared to the greater overall problem, does not mean the project does not have significant cumulative impacts. This theory was rejected in *Kings County Farm Bureau* because it would allow “the approval of projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720-21.) The proper standard for a cumulative impacts analysis is whether the impacts are “collectively significant.” (*Id.* at 721 [citing CEQA Guidelines, § 15355].)

If a project’s incremental contribution to the impact is “cumulative considerable,” (CEQA Guidelines § 15130(a)) – *i.e.*, if they are “collectively significant,” (*Kings County Farm Bureau, supra*, 221 Cal.App.3d at 721) – the lead agency must examine reasonable, feasible options for reducing or avoiding the project’s contribution to those significant cumulative effects. (CEQA Guidelines, § 15130(b)(5).) A mitigated negative declaration may not be adopted unless the all potentially significant environmental impacts are eliminated or avoided by incorporating such mitigation measures into the project. (See, e.g., Pub. Resources Code, §§ 21064.5, 21080, subd. (c)(2); CEQA Guidelines, § 15064(f)(2), 15070(b).)

Here, the IS/MND did not include a cumulative impacts analysis. No other projects—past, present, or future—were identified. The only discussion of such impacts is in the Mandatory Findings of Significant; but these are findings without supporting evidence, or even identification to other development in the vicinity. Because the City did not evaluate cumulative impacts in any

meaningful way, the IS/MND cannot be adopted.

C. Mitigation Measures Are Impermissibly Deferred

Under CEQA, the lead agency must adopt all feasible mitigation measures that minimize the significant environmental impacts of a project. (Pub. Resources Code, § 21002; CEQA Guidelines § 15126.4(a)(1).) Lead Agencies generally may not defer formulation of mitigation measures to the future. (CEQA Guidelines, § 15126.4(a)(1)(B).) A lead agency can only defer mitigation where, *inter alia*, the environmental document sets forth criteria governing future actions to implement mitigation, and the agency has assurances that future mitigation will be both “feasible and efficacious.” (*Califs. for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17.) Impermissible deferral occurs when an EIR calls for mitigation measures to be created based on future studies but the agency fails to commit itself to specific performance standards. (*Cal. Clean Energy Comm. v. City of Woodland* (2014) 225 Cal.App.4th 173, 195.)

To be adequate under CEQA, mitigation measures must also be enforceable through conditions of approval, contracts, or other methods to ensure the measures are legally binding. (Pub. Resources Code, § 21081.6, subd. (b); CEQA Guidelines, § 15126.4(a)(2); *Lotus v. Dept. of Trans.* (2014) 223 Cal.App.4th 645, 651-52.) This requirement is intended to ensure that mitigation measures will actually be implemented, not merely adopted and then ignored. (*Fed. of Hillside & Cyn. Ass’n v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186.)

Many of the IS/MND’s mitigation measures do not meet these minimum standards:

- **MM AIR-1b** requires future applicants to “prepare and submit . . . a technical assessment evaluating potential project construction phase-related air quality impacts” and lists “possible mitigation measures” that “include but are not limited to” a menu of options. (IS/MND at 45-46.) The measure contains no binding performance standard and no commitment to achieve any specific emissions reduction target.
- **MM AIR-1c** similarly defers operational air quality analysis and mitigation to future project-level review, providing only a non-exhaustive menu of “possible mitigation measures.” (IS/MND at 46-48.)
- **MM AIR-1d** defers the preparation of an HRA to future applicants “proposing a project with the potential to introduce sources of diesel particulate matter” within 1,000 feet of a sensitive receptor. (IS/MND at 48-49.) No performance standard is identified, and the measure does not commit to any specific health risk threshold being achieved.

Sophia Pagoulatos

March 16, 2026

Page 10

- **MM BIO-1a through MM BIO-3b** uniformly defer biological surveys, impact assessment, agency consultation, and compensatory mitigation to future project-level review. (IS/MND at 65-68.) None of these measures include specific mitigation ratios, required survey protocols, or binding performance standards.
- **MM GHG-2a** defers GHG analysis to future project applicants, who must “prepare and submit a technical assessment evaluating potential project operational greenhouse gas impacts.” (IS/MND at 110.) The measure contains no quantitative GHG threshold and merely requires “consistency” with the applicable Scoping Plan.

This pattern of deferred analysis and open-ended mitigation demonstrates that the City cannot support a finding that all potentially significant impacts will be reduced to less-than-significant levels, the prerequisite for adopting an MND.

D. The IS/ND Impermissibly Relies Upon a Rescinded Program EIR and Related Documents

1. The General Plan Program EIR and 2021 GHG Reduction Were Rescinded

The IS/MND acknowledges that the City’s General Plan Program EIR (State Clearinghouse Number 2019050005) and the associated 2021 GHG Reduction Plan “were rescinded by City Council Resolution in March 2025.” (IS/MND at 103.) The IS/MND further states 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, including both its findings and its mitigation measures that were previously referenced in both documents, as well as the 2021 GHG Reduction Plan.” (IS/MND at 11.)

Despite this stated intent, the Recirculated IS/MND continues to rely upon analyses, data, and planning assumptions derived from the rescinded Program EIR in several critical respects.

2. 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 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

Sophia Pagoulatos
March 16, 2026
Page 11

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.

3. 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. (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.

4. The GHG Analysis Lacks a Valid Local Benchmark

The IS/MND acknowledges the City’s 2021 GHG Reduction Plan was rescinded 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 thus has ***no adopted local climate plan*** that covers the operational life of the CSASP. 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.

E. The City’s Air Quality Analysis Is Inadequate

1. The Document Fails to Quantify Criteria Pollutant Emissions

The Specific Plan Area is located in the San Joaquin Valley Air Basin, which has significant air quality challenges. (See generally IS/MND at 34-40.) Given this setting, the air quality analysis demands particular rigor.

Despite the severity of the existing air quality conditions, the IS/MND provides no quantified analysis of criteria pollutant emissions for either construction or operation within the Specific Plan Area. The IS/MND acknowledges “[b]uildout of future individual development

Sophia Pagoulatos
March 16, 2026
Page 12

projects under the Specific Plan would result in direct and indirect criteria air pollutant emissions from area, energy, and mobile sources,” (IS/MND at 40), but then asserts it is “too speculative” to quantify those emissions.

This approach is legally deficient. The CSASP defines specific land use designations and acreages for the entire 2,067-acre plan area. (IS/MND, Table 2, at 6-7.) With this information, the City could and should have prepared a programmatic emissions estimate using standard modeling tools such as CalEEMod, which is specifically designed to estimate emissions from land use development projects at varying levels of specificity.

As the City is aware, numerous other specific plan EIRs and IS/MNDs in the San Joaquin Valley have conducted such programmatic emissions analyses for similar planning-level projects. Indeed, the City has recently considered numerous specific plans that calculated programmatic emissions, including the Southeast Development Area Specific Plan EIR,¹ the West Area Neighborhoods Specific Plan,² and the South Central Specific Plan.³ Notably, in each of those specific plans, the potential emissions exceeded screening criteria for construction and operation impacts.

The City’s failure to quantify criteria pollutant emissions renders the air quality analysis legally inadequate. The public and decision-makers cannot evaluate whether the Project’s air quality impacts are truly less than significant when the environmental document provides no quantitative data to support that conclusion. (*Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117, 1123 [information essential to informed decision-making must be included in CEQA document]; *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1370-1371.)

2. The Document Fails to Adequately Analyze Health Risks to Sensitive Receptors

The Specific Plan Area contains numerous sensitive receptors, including several schools, Fresno Pacific University, and the Boys & Girls Club. (IS/MND at 116.) The IS/MND acknowledges that “[c]onstruction of future individual development projects would involve the use of diesel-fueled vehicles and equipment that emit DPM, which is considered a TAC,” and that “commercial operations could generate a substantial amount of DPM emissions from off-road equipment use and truck idling.” (IS/MND at 42.) It further concedes that “it is not possible to determine the amount of TAC concentrations at the time of this analysis” and therefore “it is not possible to calculate the risks for a particular health effect within the Specific Plan Area.”

1 <https://www.fresno.gov/wp-content/uploads/2025/02/31680037-Fresno-SEDA-Specific-Plan-Project-Recirculated-Draft-EIR.pdf>

2 https://www.fresno.gov/wp-content/uploads/2025/03/Fresno-WANSP-RDEIR_March-2025.pdf

3 https://files.ceqanet.lci.ca.gov/252896-7/attachment/rOpLXb209Ofk3eZe4wDFg7wHQDVSv6wq019ZVSHYYW7VgHSIL_TwoeWyyadgeWrmCOwpSZq5Z-w-IYpd0

Sophia Pagoulatos
March 16, 2026
Page 13

(IS/MND at 42.)

Despite this acknowledged uncertainty and the presence of numerous sensitive receptors including schools, the IS/MND concludes impacts will be less than significant based solely on deferred project-level HRAs, (see MM AIR-1d). This approach is inadequate. The San Joaquin Valley is among the most polluted air basins in the nation, and the communities within the Specific Plan Area already bear disproportionate pollution burdens. The City has an obligation under CEQA—as well as SB 1000—to analyze and disclose the health risks to these communities at the programmatic level. A programmatic HRA, even if based on conservative assumptions, is both feasible and necessary for a plan of this scale.

3. The Air Quality Consistency Analysis Is Conclusory

The IS/MND’s analysis of consistency with the applicable Air Quality Plans is limited to two criteria: (1) whether the CSASP conforms to growth assumptions in the AQPs, and (2) whether the Project complies with applicable control measures. (IS/MND at 37.) The analysis of the first criterion consists entirely of a statement that the CSASP is consistent with the General Plan and that various policies “promote Complete Streets, mixed-use and transit-oriented neighborhoods.” (IS/MND at 38.) The analysis of the second criterion consists of a single sentence: “Future individual development projects under the Specific Plan would comply with all applicable District rules and regulations.” (IS/MND at 39.)

This analysis fails to meaningfully evaluate whether the CSASP would conflict with or obstruct implementation of the applicable air quality plan, as required by CEQA. An adequate analysis must consider whether projected emissions under the CSASP would be consistent with the emissions budget underlying the AQP, and whether the land use changes proposed by the CSASP are consistent with the growth assumptions in the regional emissions inventory. Without quantified emissions data, this determination cannot be made.

4. The IS/MND’s Odor Impact Analysis Is Inadequate

The IS/MND acknowledges that “[g]rowth within the proposed Specific Plan Area could generate new sources of odors” and that “[d]evelopment consistent with the proposed project could also result in sensitive receptors being constructed within the screening level distances from existing odor sources,” potentially resulting in significant impacts. (IS/MND at 43-45.) MM AIR-4, however, defers the odor analysis to future project-level review, requiring only that applicants “proposing a project with the potential to generate significant odor impacts” prepare an odor impact assessment. (IS/MND at 48.)

The IS/MND does not identify existing odor sources within or adjacent to the Specific Plan Area, does not map their screening distances, and does not evaluate whether proposed sensitive receptor land uses would be sited within those screening distances. This information is readily available and should have been included in the programmatic analysis.

F. The IS/MND’s Greenhouse Gas Analysis is Inadequate

1. No Quantification of GHG Emissions

Sophia Pagoulatos
March 16, 2026
Page 14

As with criteria pollutants, the IS/MND provides no quantified estimate of GHG emissions from either construction or operation of the Project. (IS/MND at 103-111.) The Document instead relies entirely on a qualitative consistency analysis with the 2022 Scoping Plan and the Fresno COG 2022 RTP/SCS.

Courts have increasingly scrutinized the use of qualitative consistency analyses as a substitute for quantified GHG emissions analysis. In *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, for example, the Court held a county's use of consistency with a Climate Action Plan as a threshold of significance was inadequate where the underlying plan was legally deficient. Here, the City's situation is even more problematic: the City has no valid adopted local climate plan covering the full buildout period of the Project (to 2050), as the 2021 GHG Reduction Plan was rescinded and the 2014 GHG Plan covers only through 2035. (IS/MND at 103.)

Without any quantified emissions data, neither the public nor decision-makers can evaluate the magnitude of the CSASP's GHG impacts, the effectiveness of proposed mitigation, or the Project's actual consistency with State reduction targets. The IS/MND should have estimated programmatic GHG emissions for the CSASP's buildout using standard modeling tools and compared those emissions to applicable thresholds.

2. The Scoping Plan Consistency Analysis Is Superficial and Inadequate

The IS/MND's consistency analysis with the 2022 Scoping Plan, (see Table 11, IS/MND at 106-109), consists of vague, boilerplate assertions of consistency without substantive analysis. For example:

- For the measure to “[r]educe or eliminate minimum parking standards,” the IS/MND states only that the CSASP “includes a number of goals and initiatives to support a variety of transportation options with parking requirements that encourage non-automotive travel modes” (IS/MND at 106.) The IS/MND does not identify any actual reduction in parking standards, does not compare the CSASP's parking requirements to existing standards, and does not explain how “goals and initiatives” translate to actual parking reductions.
- For the measure to “[a]dopt all-electric new construction reach codes,” the IS/MND states this is “[n]ot applicable” because it “is not applicable to private development plans or projects.” (IS/MND at 107-108.) This is incorrect. The Scoping Plan measure is directed at local governments adopting reach codes that apply to private development. The City's failure to adopt such codes should be analyzed as a potential inconsistency, not dismissed as inapplicable.
- Several measures are dismissed as “[n]ot applicable” because they are described as not applying to “private development plans or projects,”

(IS/MND at 106, 108), even though the the Specific Plan Area includes governmental land uses and the Specific Plan is a *City-initiated planning document* that establishes the framework for both public and private development.

A meaningful consistency analysis must do more than recite project features that are thematically related to Scoping Plan measures. It must evaluate whether the CSASP, as designed, would actually achieve the reductions contemplated by the Scoping Plan measures, and if not, identify the gap and propose additional measures to close it.

3. The RTP/SCS Consistency Analysis Is Similarly Deficient

The consistency analysis with the Fresno COG 2022 RTP/SCS, (see Table 12, IS/MND at 109-111), suffers from the same deficiency. Each of the five RTP/SCS goals receives an identical treatment: the IS/MND asserts the CSASP is supposedly “[c]onsistent” because it “includes a number of goals and initiatives to support a variety of transportation options.” This boilerplate language, repeated nearly verbatim for each goal, is not a meaningful consistency analysis.

4. MM GHG-2a Contains No Binding Performance Standard

MM GHG-2a requires future applicants to “prepare and submit a technical assessment evaluating potential project operational greenhouse gas impacts” and to “demonstrate consistency with Table 3 of Appendix D of the 2022 Scoping Plan or the policies contained within the currently adopted Scoping Plan at the time of the development application.” (IS/MND at 110-111.)

This measure suffers from two critical deficiencies. First, it contains no quantitative GHG threshold. Whether a future project is “consistent” with the Scoping Plan is a subjective determination that provides no assurance of any particular level of GHG reduction. Second, the measure’s reference to “the currently adopted Scoping Plan at the time of the development application” creates a moving target that could result in inconsistent treatment of projects within the same Specific Plan Area over time.

G. The IS/MND’s Transportation/VMT Analysis Is Inadequate

1. The VMT Analysis Is Based on Stale Data and a Discredited Framework

As discussed above, the VMT Analysis Memorandum was prepared in *August 2022*, more than three years before the publication of the IS/MND. (IS/MND at 93.) The analysis was prepared under the framework of the General Plan Program EIR, which was subsequently decertified by court order in 2024 and rescinded by City Council in March 2025. (IS/MND at 11, 103, 154 n.81.)

CEQA requires an accurate environmental baseline reflecting conditions at or near the time of analysis. (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 327-328.) The 2022 VMT analysis cannot satisfy this requirement for a December 2025 environmental document. The City must prepare an updated VMT analysis

using current data and modeling that does not derive from the rescinded Program EIR.

2. The Traffic Study Framework Is Tainted by the Rescinded Program EIR

The Final Traffic Study, prepared by Stantec in February 2022, explicitly “references the General Plan Program EIR.” (IS/MND at 154 n. 81.) The IS/MND’s attempt to disclaim reliance, asserting the “traffic analysis and underlying data remain independently valid,” is unsupported and conclusory. The IS/MND does not explain how the traffic study’s modeling inputs, growth assumptions, network assumptions, or cumulative project list were developed independently of the Program EIR process. In fact, the traffic study was prepared contemporaneously with, and as a component of, the environmental review process that culminated in the now-rescinded Program EIR.

The City must either (1) obtain a new, independent traffic study that does not rely on any data, assumptions, or analysis from the rescinded Program EIR, or (2) provide a detailed explanation, supported by substantial evidence, of exactly which portions of the traffic study are independent of the Program EIR and why those portions remain valid.

3. The Document Improperly Uses the General Plan as the Baseline for VMT Analysis

Throughout the transportation analysis, the IS/MND compares the CSASP’s VMT to a “no-project scenario” based on buildout of the existing General Plan, and repeatedly emphasizes that “development consistent with the proposed project would reduce the total amount of development in the Specific Plan Area compared to what was contemplated by the General Plan.” (IS/MND at 93-94, 167.)

This approach improperly substitutes the General Plan buildout for the existing conditions baseline required by CEQA. The proper baseline for CEQA analysis is existing physical conditions at the time the environmental review commences, not a hypothetical future buildout of the General Plan. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 447; *Communities for a Better Environment, supra*, 48 Cal.4th at p. 321.) While a comparison to planned buildout may be informative, it cannot substitute for a comparison to existing conditions.

The VMT analysis does report that the Project’s VMT per capita (8.7) and VMT per employee (20.4) would be below the City’s significance thresholds of 14.0 VMT per capita and 22.3 VMT per employee. (IS/MND at 167.) The IS/MND, however, does not disclose the *existing* VMT per capita or VMT per employee in the Specific Plan Area or explain how the thresholds were derived or whether they are based on current (as opposed to projected 2035) conditions. Without this information, the public cannot evaluate whether the VMT analysis is based on an appropriate baseline.

4. No Project-Level VMT Mitigation Framework Is Established

The IS/MND states that “future development projects would be required to comply with the City’s VMT Guidelines and new VMT Reduction Program, including completing project-level evaluations to determine project-specific VMT impacts if they do not screen out under the City’s thresholds.” (IS/MND at 167.) The IS/MND, however, does not describe the City’s “new VMT Reduction Program,” does not identify specific VMT reduction strategies applicable to the Specific Plan Area, and does not establish any mechanism to ensure that the aggregate VMT from all future development within the Specific Plan Area remains within acceptable levels.

A programmatic document like a specific plan IS/MND should establish the VMT reduction framework for the plan area, including identification of applicable VMT reduction strategies, performance monitoring requirements, and adaptive management measures. Deferring the entire VMT analysis and mitigation framework to future project-level review is inconsistent with the purpose of programmatic CEQA review. (See CEQA Guidelines, § 15168, subd. (b)(2) [program EIRs should “[e]nsure consideration of cumulative impacts that might be slighted in a case-by-case analysis”].)

H. The IS/MND’s Hydrology and Water Quality Analyses Are Inadequate

1. The IS/MND Minimizes Impacts to a Critically Overdrafted Groundwater Basin

The IS/MND acknowledges the Kings Groundwater Subbasin, which underlies the Specific Plan Area, “has been identified as a critically overdrafted basin by the Department of Water Resources.” (IS/MND at 122.) Despite this critical designation, the IS/MND concludes groundwater impacts would be less than significant, primarily because “the proposed project would result in less development for the Specific Plan Area than accounted for in the General Plan.” (IS/MND at 123.)

This analysis is deficient for several reasons.

First, as discussed above, the proper CEQA baseline is existing conditions, not the hypothetical buildout of the General Plan. The question under CEQA is not whether the CSASP would use less water than a theoretical maximum, but whether the CSASP’s *incremental demand* on an already critically overdrafted basin would have a significant impact. The IS/MND fails to answer this question.

Second, the IS/MND relies on the City’s 2020 UWMP for its water supply projections. (IS/MND at 122-123.) The 2020 UWMP projects supply through 2045, but the Project buildout extends to approximately 2050. (IS/MND at 103 [acknowledging “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”].) The IS/MND does not explain how water supplies will be secured for the five-year gap between the UWMP’s planning horizon and the CSASP’s full buildout.

Third, the IS/MND notes the City “has invested in other water supplies such as surface water, recycled water and conservation, and groundwater levels in the Kings Subbasin have begun

Sophia Pagoulatos
March 16, 2026
Page 18

to recover.” (IS/MND at 122.) However, this statement is unsupported by any quantitative data demonstrating the rate of recovery, the sustainability of current extraction rates, or the projected impact of adding up to approximately 28,806 new residents to the basin's demand.

Fourth, the IS/MND fails to address the requirements of the Sustainable Groundwater Management Act (“SGMA”) in sufficient detail. While the IS/MND references the North Kings GSP, (IS/MND at 126), it does not discuss or analyze whether the additional water demand from CSASP buildout would be consistent with the GSP’s sustainability goal of reaching sustainability by 2040 or whether the development within the CSASP would impede the GSP’s planned reduction in groundwater outflows.

2. The IS/MND Fails to Adequately Analyze Impacts to Stormwater Infrastructure

The IS/MND acknowledges “future development under the proposed project has the potential to increase the amount of paved, impervious surfaces within the Specific Plan Area,” (IS/MND at 124), but dismisses this concern by asserting “development proposed in the Specific Plan is less than what was contemplated by the General Plan.” This again improperly relies on the General Plan buildout as the baseline rather than existing conditions.

The IS/MND identifies only one specific infrastructure need, a 36-inch storm drain pipeline along California Avenue requiring a 25-foot-wide storm drain easement. (IS/MND at 124-125.) For a 2,067-acre plan area, this analysis is remarkably scant. The IS/MND does not evaluate whether the existing FMFCD stormwater infrastructure has capacity to serve the CSASP’s increased impervious surface area under existing conditions, only that it is consistent with General Plan assumptions.

3. The IS/MND Fails to Analyze Climate Change Impacts on Water Supply

The IS/MND does not address how climate change may affect the availability and reliability of the City’s water supplies over the CSASP’s 25-year buildout horizon. The San Joaquin Valley is projected to experience significant changes in precipitation patterns, snowpack levels, and drought frequency due to climate change. These changes could materially affect the availability of surface water supplies from the San Joaquin and Kings Rivers, as well as groundwater recharge rates. The failure to consider these reasonably foreseeable changes in the environmental setting renders the water supply analysis incomplete. (CEQA Guidelines, § 15126.2, subd. (a).)

4. The IS/MND Over-Relies on Compliance with Existing Regulations

The hydrology and water quality analysis repeatedly concludes that impacts will be less than significant because future development will “comply with” or be “required to comply with” existing regulations, including the NPDES permit, the City’s grading plan check process, and the FMFCD Storm Drainage and Flood Control Master Plan. (See, e.g., IS/MND, at 121-126.)

Sophia Pagoulatos

March 16, 2026

Page 19

While compliance with existing regulations may be relevant to the analysis, mere regulatory compliance does not automatically render an impact less than significant under CEQA. (*Califs. for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 15-16.) The IS/MND must analyze whether existing regulatory requirements are actually sufficient to reduce the CSAS's specific impacts to less-than-significant levels, rather than simply assuming they will.

I. Conclusion

For all of the foregoing reasons, the IS/MND for the CSASP fails to comply with CEQA. The IS/MND's pervasive reliance on deferred analysis and mitigation, its failure to quantify key environmental impacts, its dependence on stale data and a rescinded Program EIR, and its inadequate treatment of air quality, GHG emissions, transportation, and hydrology all demonstrate that a fair argument exists that the CSASP may have significant environmental effects that cannot be mitigated to less-than-significant levels.

Respectfully submitted,

A black rectangular redaction box covering the signature of Michael C. Titus.

Michael C. Titus