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Re: Agenda Item 5: Wildflower Station Townhomes 2 Multifamily Residential Project (TM-02, AR-23-05)

Dear Honorable Mayor Bernal, Members of the City Council, Mr. Scudero, and Ms. Merideth:

On behalf of **Contra Costa Residents for Responsible Development** ("Contra Costa Residents") we submit these comments to the Antioch City Council ("Council") on Agenda Item 5: Wildflower Station Townhomes 2 Multifamily Residential Project (TM-02, AR-23-05) ("Wildflower Townhomes Project" or "Project") proposed by DeNova Homes, Inc. ("Applicant").

The Project consists of a vesting tentative map to create 19 residential lots for 19 townhome buildings, containing 159 residential units total.¹ The Project site is a 10.35 acre undeveloped site located east of Hillcrest Avenue and west of Wildflower Station Place in the City of Antioch ("City").² The Project site is designated High

¹ City of Antioch, Staff Report to the City Council: Wildflower Station Townhomes 2 Multifamily Residential Project (TM-02 and AR-23-05) ("Wildflower Staff Report"), p. 1, available at: <https://www.antiochca.gov/fc/government/agendas/CityCouncil/2025/agendas/092325/092325.pdf>.

² *Id.*

Density Residential (“HDR”) in the Antioch General Plan and zoned High Density Residential District (“R-25”).³

The Staff Report claims that the Project is exempt from further CEQA review pursuant to CEQA Guidelines Section 15183 because it was adequately analyzed by the Antioch Housing, Environmental Hazards, and Environmental Justice Elements Project Environmental Impact Report (“Housing Element EIR”).⁴ Accordingly, the Staff Report recommends that the Council adopt a resolution approving the Project’s Vesting Tentative Subdivision Map (“VTSM”) and Design Review (“DR”).⁵ However, this conclusion is unsupported because the Housing Element EIR did not conduct a site-specific analysis of the Project’s air quality, public health, noise, or transportation impacts. Moreover, as explained below, the City has failed to address Contra Costa Residents’ previous comments to the Planning Commission, which were supported by expert evidence, demonstrating that the Project may result in significant and peculiar air quality, public health, and noise impacts which are not substantially mitigated by the measures in the Housing Element EIR or other uniform development policies.

With respect to air quality and public health, the City failed to respond to expert evidence from Contra Costa Residents’ air quality consultant that the Project will have significant air quality and public health impacts on nearby residents due to diesel emissions from Project construction and operations. These Project-specific impacts were not addressed in the Housing Element EIR. The City has concluded that a single mitigation measure from that EIR applies to this Project, but Contra Costa Residents’ expert evidence shows that the Project’s air quality and public health impacts will be significant even with that measure applied. These impacts are therefore potentially significant and unmitigated.

With respect to noise, the City failed to respond to expert evidence from Contra Costa Residents’ noise consultant that the Project is likely to have significant noise and vibration impacts on nearby residents. The City failed to prepare a Project-specific noise attenuation study, as required by the Housing Element EIR since the Project may exceed General Plan noise objectives. As it has not performed any Project-specific noise analysis, the City lacks any support for its conclusions regarding the Project’s noise impacts.

³ *Id.* at p. 2.

⁴ *Id.* at p. 3.

⁵ *Id.* at p. 1.

In sum, the record before the Council contains substantial evidence that the Project will have significant and site-specific air quality, public health, and noise impacts, which were not analyzed in the Housing Element EIR and have not been adequately analyzed or mitigated. Despite this, the City has not provided substantial evidence to support its reliance on CEQA Guidelines Section 15183 and has not responded to comments that directly refute it. Thus, the City cannot claim exemption under CEQA Guidelines 15183 and must prepare a project-level EIR that analyzes all of the Project's potentially significant and Site-specific environmental impacts before the Council may consider approving the Project or its entitlements.

Contra Costa Residents respectfully requests that the Council continue the hearing and remand the Project to City Staff to prepare a project-level EIR in compliance with CEQA before bringing the Project back for further consideration.

I. STATEMENT OF INTEREST

Contra Costa Residents is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project. The coalition includes the International Brotherhood of Electrical Workers Local 302, Plumbers & Steamfitters Local 159, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, along with their members, their families, and other individuals who live and work in the City of Antioch and Contra Costa County.

Contra Costa Residents' individual members live, work, recreate, and raise their families in the City of Antioch and surrounding communities. Accordingly, they would be directly affected by the Project's environmental, health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

Contra Costa Residents also has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for businesses and industries to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

II. THE CITY FAILED TO ADDRESS EXPERT EVIDENCE DEMONSTRATING POTENTIALLY SIGNIFICANT IMPACTS

On July 15, 2025, Contra Costa Residents submitted comments, supported by expert evidence, explaining that the Project is likely to result in peculiar impacts that were not identified or analyzed in the Housing Element EIR or the 15183 Consistency Memorandum (“Consistency Memorandum”), thereby requiring preparation of a project-level EIR. Specifically, Contra Costa Residents’ expert reports included evidence demonstrating that the Project may result in potentially significant and peculiar impacts on air quality, public health, and noise.

The City failed to analyze noise impacts specific to the Project, while our noise expert identified significant construction noise and vibration impacts that are unique to the Project site and were not addressed in the Housing Element EIR. Additionally, neither the Consistency Memorandum nor the Housing Element EIR included emissions modeling necessary to assess potential air quality and public health impacts.

In response to Contra Costa Residents’ July 15 Comments, the City revised the Consistency Memorandum and provided written responses in the Staff Report prepared for the Planning Commission’s August 20, 2025, meeting.⁶ However, these responses failed to resolve the deficiencies in the Project’s impact analyses. On August 19, 2025, Contra Costa Residents’ submitted comments explaining that the City had not adequately analyzed or mitigated the Project’s significant, site-specific impacts related to air quality, public health, and noise.⁷ We further commented that the City did not provide substantial evidence to show that applicable Housing Element policies or standards will effectively mitigate these Project-specific impacts.

The August 19, 2025 comments were supported by expert analysis. Contra Costa Residents’ air quality and public health experts Matt Hagemann, P.G., C.Hg, and Dr. Paul Rosenfeld, Ph.D. of Soil Water Air Protection Enterprises (“SWAPE”), conducted a screening-level health risk analysis (“HRA”) showing that potentially significant, unmitigated, Project-specific air quality and public health impacts

⁶ City of Antioch, Staff Report to the Antioch Planning Commission Regular Meeting of August 20, 2025, re: Wildflower Station Townhomes 2 Multifamily Residential Project, Attachment E, p. E29.

⁷ ABJC, Comments Re: Antioch Planning Commission Hearing, Agenda Item 6-1; Wildflower Station Townhomes 2 Multifamily Residential Project (TM-02, AR-23-05) (August 19, 2025).

would result from emissions of diesel particulate matter (“DPM”) during Project construction and operation.⁸

Contra Costa Residents’ noise consultant, Jack Meighan, provided substantial evidence that the Project is likely to result in significant construction noise and vibration impacts.⁹ As a result, the City has not complied with the Housing Element EIR’s requirement to prepare a noise attenuation study, rendering the Project inconsistent with the General Plan.¹⁰ Despite this evidence, the Planning Commission recommended approval of the Project to the City Council.¹¹

The Staff Report for the September 23, 2025 City Council meeting acknowledges receipt of these comments but fails to provide any substantive response.¹² Nor does it propose any further revisions to the Consistency Memorandum, mitigation measures, or its COAs. Instead, the City relies solely on statements made by Planning Manager, Zoe Meredith and City Attorney, Derek Cole during the August 20, 2025, Planning Commission hearing.¹³ At that time, City staff summarily concluded that no new issues had been raised and that CEQA requirements had been fully satisfied.¹⁴ This cursory dismissal ignores the extensive technical evidence submitted by Contra Costa Residents’ experts and fails to provide substantial evidence to support the Council’s approval of the Project in reliance on CEQA Guidelines section 15183.

III. THE CITY HAS NOT COMPLIED WITH CEQA

As summarized above, Contra Costa Residents and its expert consultants submitted comments to the Planning Commission on August 19, 2025, that provided substantial evidence showing that the City’s revisions to the Consistency Memorandum and COA’s failed to adequately address the Project’s significant, Site-specific impacts related to air quality, public health, noise, and transportation. These impacts were not analyzed in the Housing Element EIR or the Consistency

⁸ See **Exhibit A**, SWAPE, Comments on Wildflower Townhomes 8.20 Planning Commission Hearing Staff Report (August 18, 2025) (“SWAPE Comments”).

⁹ See **Exhibit B**, Jack Meighan, Comments on Wildflower Townhomes 8.20 Planning Commission Hearing Staff Report (August 18, 2025) (“Meighan Comments”).

¹⁰ *Id.*

¹¹ Wildflower Staff Report, p. 1.

¹² *Id.* at p. 10.

¹³ City of Antioch Planning Commission Regular Meeting Minutes for August 20, 2025, pp. 2-3.

¹⁴ *Id.*

Memorandum. The City has failed to respond to this evidence, leaving all issues raised unaddressed. As a result, the City cannot rely on the CEQA Guidelines Section 15183 exemption and must prepare a project-level EIR that fully analyzes and mitigates these issues prior to Project approval.

CEQA Guidelines Section 15183 provides an exemption for projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, *except as necessary to evaluate whether there are project-specific significant impacts which are peculiar to the project or project site*.¹⁵ In relying on section 15183 to approve a project, a lead agency may not forgo further analysis of potentially significant impacts unless it makes certain findings. An agency is required to perform further analysis as to impacts that (1) are peculiar to the proposed project or parcel, (2) were not analyzed as significant effects in a prior EIR for the zoning, community or general plan with which the project is consistent, (3) are potentially significant off-site or cumulative impacts that were not discussed in the prior EIR, or (4) are previously identified significant impacts which, due to substantial new information not known at the time the EIR was certified, are determined to have a more severe impact than discussed in the prior EIR.¹⁶

Under section 15183(f), an effect of a project on the environment is not considered peculiar to the project or project site if “uniformly applied development policies or standards have been previously adopted ...with a finding that the development policies or standards will substantially mitigate the environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect.”¹⁷

Agency determinations under Guidelines section 15183 are reviewed under the substantial evidence standard.¹⁸ In determining whether an agency’s findings concerning the use of a statutory exemption from CEQA may be upheld, courts review the administrative record to see that substantial evidence supports each element of the exemption.¹⁹ This includes the determination that “uniformly applied

¹⁵ 14 CCR § 15183(a).

¹⁶ 14 CCR § 15183(b)(1)-(4).

¹⁷ 14 CCR § 15183(f).

¹⁸ *Lucas v. City of Pomona* (2023) 92 Cal.App.5th 508, 538, citing *Concerned Dublin Citizens v. City of Dublin* (2103) 214 Cal.App.4th 1301, 1311; see also, *Hilltop Group v. County of San Diego* (2024) 99 Cal.App.5th 890, 909-10.

¹⁹ *Lucas*, 92 Cal.App.5th at 538.

development policies or standards” will substantially mitigate the project’s environmental effects.²⁰ Agency findings must specifically address the effect of uniform policies and standards on potential environmental impacts.²¹

In addition, CEQA Guidelines section 15168’s two-step inquiry of a program EIR’s applicability to later activities holds that “if a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.” The City insists that, pursuant to sections 15168 and 15183, the Project is within the scope of the program EIR, and no subsequent EIR is required. “Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record.”²²

The City claims that this Project will not result in any significant, Site-specific impacts that were not analyzed or mitigated in the Housing Element EIR. However, as discussed in our previous comments, the Consistency Memorandum does not analyze several significant and Site-specific impacts, rendering this conclusion unsupported. Moreover, the City has not demonstrated that the Housing Element EIR includes development policies or standards that will substantially mitigate those impacts, as required by CEQA Guidelines Section 15183. Contra Costa Residents’ expert consultants provided substantial evidence that the Project will result in significant and Site-specific impacts related to air quality, public health, and noise.

First, the City failed to address the significant air quality and public health impacts identified by SWAPE. **The screening-level HRA conducted by SWAPE calculated that the Project’s construction and operational activities would result in a lifetime cancer risk (30 years) of 16.3 in one million.** This exceeds the Bay Area Air Quality Management District’s (“BAAQMD”) significance threshold of 10 in one million. Neither the Housing Element EIR nor the Consistency Memorandum conducted any Site-specific emissions modeling to identify, analyze, and mitigate these potential impacts. Furthermore, the Consistency Memorandum acknowledges that because of the Project’s size and location, *only* mitigation measure AIR-3a, from the Housing Element EIR applies to this Project. As a result, the proposed Project is required to equip all off-road diesel equipment with Tier 4 engines, and the Applicant must prepare a Construction

²⁰ 14 CCR § 15183(f).

²¹ *Hilltop Group*, 99 Cal.App.5th at 918.

²² CEQA Guidelines § 15168.

Emissions Minimization Plan for all identified reduction measures. However, SWAPE's calculations above accounted for the use of Tier 4 engines and thus the Project's air quality and public health impacts are significant even after mitigation. The Staff Report fails to respond to these findings or provide any contrary evidence.

Second, the City failed to address significant construction noise and vibration impacts. Mr. Meighan provided substantial evidence that construction activity would result in significant noise and vibration levels affecting residences located just 90 feet from the Project site. Neither the Housing Element EIR nor the Consistency Memorandum includes any site-specific analysis of ambient noise or modeling of the Project's construction noise impacts. Instead, the City claims that a noise study is not necessary and that General Plan Policy 11.8.2 is a uniformly applicable development policy identified by the Housing Element EIR as being sufficient to substantially mitigate impacts. However, as Mr. Meighan's previous comments explain, the City has not provided any evidence demonstrating that implementing the measures in Policy 11.8.2 would reduce the Project's noise impacts to less than significant levels. Additionally, this mischaracterizes the Housing Element's own conclusions.

The Housing Element EIR specifically states that pursuant to General Plan Policy 11.8.2(f) a noise attenuation study must be prepared if the Project would exceed the General Plan noise objectives. Because the City has not performed any Project-specific noise analysis, it lacks any evidence demonstrating that the Project will not exceed these noise objectives. In response to Contra Costa Residents' and Mr. Meighan's comments, the Staff Report similarly fails to provide any evidence showing that the Project would not exceed such objectives and thus the City does not comply with General Plan Policy 11.8.2(f) as required by the Housing Element EIR.

Therefore, Contra Costa Residents' prior comments provided substantial evidence demonstrating that the Project will result in significant, Site-specific air quality, public health, and noise impacts. These impacts were not analyzed or mitigated in the Housing Element EIR or the Consistency Memorandum. The City's failure to respond to this evidence leaves these issues unresolved. As a result, the City must prepare a project-level EIR that analyzes and mitigates all of the potentially significant, Project-specific impacts.

IV. THE CITY COUNCIL LACKS SUBSTANTIAL EVIDENCE TO MAKE THE REQUISITE FINDINGS TO APPROVE THE PROJECTS ENTITLEMENTS

The Project requires the City to approve a VTSM for condominium purposes that would subdivide the Project site for the development of 19 townhome buildings totaling 159 residential units.²³ However, the City cannot make the requisite findings to approve the VTSM because the record contains substantial evidence demonstrating that the Project has significant and unmitigated air quality, public health, and noise impacts that are peculiar to the Project site.

California's Subdivision Map Act precludes the approval of a tentative map where the design or improvement of the proposed subdivision is not consistent with the applicable general plan, is likely to cause substantial environmental damage, or is likely to cause serious public health problems.²⁴

Additionally, Antioch Municipal Code Section 9-4.323 states that a VTSM may be made conditional or denied if any of the following is determined:

- A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
- The condition or denial is required in order to comply with state or federal laws.

As detailed in our comments and those of our experts, the City lacks substantial evidence to conclude that the Project will not cause serious public health problems and/or place residents or the immediate community in a condition dangerous to their health or safety.²⁵ There is substantial evidence that the Project may result in potentially significant environmental impacts peculiar to the Project, including: (1) potentially significant and Site-specific air quality and health risks associated with DPM emissions during construction, and (2) significant construction-related noise and vibration impacts. The Consistency Memoranda failed to adequately analyze or mitigate these impacts, and the Staff Report fails to address these concerns in response to Contra Costa Residents' comments. These

²³ Wildflower Staff Report, p. 1.

²⁴ Government Code § 66474(b), (e) and (f).

²⁵ Government Code § 66474(e), (f); Antioch Municipal Code 9-4.323.

unaddressed impacts would be detrimental to the public health, safety, or welfare of the community if the Project proceeds as currently proposed.

The City also lacks substantial evidence to conclude that the Project complies with the General Plan. General Plan Policy 10.6.2(a) requires development projects to minimize particulate emissions during construction by implementing dust abatement actions outlined in the BAAQMD CEQA Handbook.²⁶ As discussed above and in our previous comments, Contra Costa Residents' air quality expert provided substantial evidence showing that cancer risk thresholds would be exceeded. Despite this, the City failed to prepare an HRA or propose mitigation for diesel particulate matter emissions. This violates General Plan Policy 10.6.2(a)

When a project will exceed General Plan noise objectives, General Plan Policy 11.8.2(f) "requires a detailed noise attenuation study to be prepared by a qualified acoustical engineer to determine appropriate mitigation and ways to incorporate such mitigation into project design and implementation."²⁷ Yet the City has provided no analysis to determine whether either of these conditions apply to the Project.²⁸ Instead, it simply asserts, without baseline noise measurements or supporting data, that the Project would not trigger these thresholds.²⁹ This violates General Plan Policy 11.8.2.

Therefore, the City cannot make the required findings under the Subdivision Map Act and Antioch's Municipal Code to approve the VTSM. The Staff Report fails to meaningfully respond to the substantial evidence and expert analysis submitted in our prior comments, leaving critical environmental issues unresolved. As proposed, the Project is inconsistent with key General Plan policies and violates CEQA. The City must prepare a project-level EIR that fully analyzes and mitigates all of the Project's potentially significant and Site-specific impacts before Project approval.

V. CONCLUSION

As discussed herein, the City lacks substantial evidence to rely on the CEQA Guidelines Section 15183 exemption for Project approval. The Project will result in potentially significant, Site-specific air quality, public health, and noise impacts

²⁶ Housing Element EIR, p. II-11

²⁷ Housing Element EIR, p. IV.L-13.

²⁸ Meighan Comments, p. 1.

²⁹ Meighan Comments, p. 1.

September 23, 2025
Page 11

that were not analyzed or mitigated in the Housing Element EIR or the 15183 Consistency Memorandum. The City has failed to respond to or resolve these deficiencies, resulting in violations of both CEQA and the General Plan.

Residents respectfully requests that the City Council continue this hearing, and remand the Project to staff to prepare a project-level EIR that fully evaluates and mitigates these impacts in compliance with CEQA before the City Council considers Project approval.

Sincerely,



Alaura McGuire

Attachments
ARM:acp