

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
BYRON AIRPORT DEVELOPMENT PROGRAM (PROJECT)**

I. Introduction

No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried unless one or more written findings is made for each of those significant effects. Public Resources Code 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. Contra Costa County (County) is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines.

Section 15091 of the CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

In accordance with Public Resource Code 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

The County proposed to approve the Byron Airport Development Program (project). The County has certified an Environmental Impact Report (EIR) for the project which identifies significant effects on the environment (SCH# 2017092059). These findings, as well as the accompanying statement of overriding considerations in Section VIII, *infra*, have been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and its implementing guidelines, the CEQA Guidelines (California Code of Regulations Title 14, Section 15000 et seq.)

The Final EIR for the proposed project identified potentially significant effects that could result from implementation. However, the County Board of Supervisors (Board) finds that the inclusion of certain mitigation measures as part of the project approval would reduce most, but not all, of those effects to less than significant levels. Those impacts that are not reduced to less-than-significant levels are identified and overridden due to specific project benefits in a Statement of Overriding Considerations.

In accordance with CEQA and the CEQA Guidelines, the Board adopts these Findings as part of its certification of the Final EIR and approval of the proposed project. Pursuant to Section 21082.1(c)(3) of the Public Resources Code, the Board also finds that the Final EIR reflects the Board's independent judgment as the lead agency for the project. As required by CEQA, the Board, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. The Board finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

II. Project Overview

The County intends to amend its Airport Land Use Compatibility Plan (ALUCP), General Plan, and Planned Unit District zoning to broaden the range of uses allowed on airport property. These amendments will include a variety of aviation uses (terminal, hangers, fixed-base operators, aircraft sales, aviation supporting businesses, etc.) and airport-compatible uses (light industry, warehousing and distribution, general commercial and retail, offices, etc.). Approximately 941,000 square feet of new development may be constructed under the project. The project is further described in Chapter 2, Project Description, of the EIR (incorporated here by reference).

III. Project Objectives

CEQA requires the statement of a project's objectives to be clearly written so as to define the underlying purpose of a project in order to permit development of a reasonable range of alternatives and aid the lead agency in making findings when considering a project for approval. The objectives and goals of the proposed project are as follows:

- Develop airport facilities to support the types of development envisioned in the Airport Master Plan and subsequent airport planning efforts.
- Achieve economic self-sufficiency of the airport through the development of airport-related land uses.
- Protect current and future airport operations from incompatible land uses.
- Provide a streamlined planning framework for future development consistent with the General Plan and the ALUCP.

IV. Environmental Review Process

Notice of Preparation

In accordance with CEQA Guidelines Section 15082, a Notice of Preparation (NOP) was circulated for public and agency review from September 20, 2017, through October 20, 2017 (included as Appendix A of the EIR). The purpose of the NOP was to provide notification that an EIR for the proposed project was being prepared and to solicit guidance on the scope and content of the document.

Pursuant to CEQA Guidelines Section 15082, the lead agency held a public scoping meeting on October 16, 2017. Responsible agencies and members of the public were invited to attend and provide input on the scope of the EIR. Comments from agencies and the public in response to the NOP are provided in Appendix B of the EIR. General concerns and issues raised in response to the NOP are summarized in the Executive Summary of the EIR and are addressed in the technical sections in Chapter 3 of the EIR.

Draft EIR and Public Review

The Draft EIR was circulated for public review and comment for a period of 60 days, between July 1, 2021 and August 30, 2021. All comment letters received in response to the Draft EIR were reviewed and included in the Final EIR, and responses to these comments relevant to CEQA were addressed in the Final EIR in compliance with the CEQA Guidelines (Sections 15088, 15132).

Final EIR

Upon completion of the Draft EIR public review period, a Final EIR was prepared that includes written comments on the Draft EIR received during the public review period and the County's responses to those comments. The intent of the Final EIR is to provide a forum to address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or revisions to the Draft EIR as needed and as appropriate. The Final EIR also includes the MMRP prepared in accordance with Section 21081.6 of the Public Resource Code. The Final EIR includes revisions to the Draft EIR made in

response to agency or public comments. The Draft EIR and Final EIR together comprise the EIR for the proposed project.

V. Record of Proceedings

The record of proceedings, including the Final EIR and supporting documents is available during normal business hours (Monday through Friday, 8 a.m. to 4 p.m.) at:

Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, California 94533

VI. Significant Effects and Mitigation Measures

The EIR identifies significant environmental effects (or impacts) resulting from implementation of the project.

The County's findings with respect to the project's significant effects and mitigation measures are set forth below for each significant impact. The following statement of findings does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, it provides a summary description of each impact, describes the applicable mitigation measures identified in the EIR and adopted by the County, and states the County's findings on the significance of each impact after imposition of the adopted mitigation measures, accompanied by a brief explanation. Full explanations of these environmental findings and conclusions can be found in the EIR. These findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding mitigation measures and the project's impacts and mitigation measures designed to address those impacts. In making these findings, the Board ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

Significant Impacts That Can Be Mitigated to a Less-Than-Significant Level

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, the County Board of Supervisors finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the identified significant effects on the environment to less than significant levels. These findings are explained below and are supported by substantial evidence in the record of proceedings.

Aesthetics

Visual character or quality of public views of the site and its surroundings (Impact 3.1-2). Depending on the massing of these buildings, the impact to public views (public road adjacent to the airport) would be potentially significant.

Mitigation Measure

MM-AES-1: Non-aviation development shall be subject to the following design requirements:

- Long facades should be designed with building articulation and landscaping to break them up into smaller visual elements, avoiding public views of uninterrupted blank walls.
- For industrial and warehouse buildings, bright reflective colors and materials shall not be allowed. Paint colors should be earth tones. Natural finishes such as brick or stone facades may also be incorporated into the design.
- Project lighting shall comply with the policies of the Airport Land Use Compatibility Plan.
- Loading areas should be located and designed to minimize direct exposure to public views.
- Structures and parking lots located on the eastern edge of the airport property shall incorporate landscaping to screen public views. The type, quantity and placement of plant material should be selected for its compatibility with airport uses (tree heights, plants that are not wildlife attractants), as well as structure, texture, color and compatibility with the building design and materials.

The design of non-aviation development shall be reviewed by both Department of Conservation and Development and Airports Division staff prior to issuance of building permits for conformance with these standards. Aviation uses shall be reviewed by Airports Division staff.

Finding

The County Board of Supervisors finds that the above mitigation measure is feasible, will reduce the potential aesthetic impact (Impact 3.1-2) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The proposed mitigation measure includes design requirements and design review procedures to ensure that future structures would be visually compatible and properly screened from views from public roads. With implementation of the mitigation measure, the potential impact to aesthetics would be reduced to less than significant.

Air Quality

Expose sensitive receptors to substantial pollutant concentrations (Impact 3.2-4). Operation of the project could result in exceedances of the Bay Area Air Quality Management District (BAAQMD) significance thresholds for NO_x and PM₁₀ and the project would potentially result in health effects associated with those pollutants; the potential health effects associated with criteria air pollutants are potentially significant.

Mitigation Measures

MM-AQ-3: For non-aviation facilities with construction proposed within 1,000 feet of off-site residential receptors, a construction health risk assessment shall be prepared to assess exposure of existing sensitive receptors to toxic air contaminants (TACs) during project construction. If the health risk assessment determines that cancer and non-cancer impacts would be less than significant, no additional measures are needed. Alternatively, the results of the health risk assessment may necessitate implementation of TAC exposure reduction strategies in order to reduce potential risk to less-than-significant levels, which could include, but are not limited to, the following:

- Portable equipment used during construction shall be powered by electricity from the grid instead of diesel-powered generators, to the maximum amount feasible.
- Equip heavy-duty diesel-powered construction equipment with Tier 4 Interim or better diesel engines, except where Tier 4 Interim or better engines are not available for specific construction equipment. Contra Costa County shall verify and approve all pieces within the construction fleet that would not meet Tier 4 Interim standards. At a minimum, Tier 3 engines will be required if Tier 4 engines are not available.
- All conditions of approval/mitigations shall be placed on construction drawings and part of any construction contract. Physical copies of the plans shall be available at the on-site job trailer.

MM-AQ-4: For non-aviation uses, a health risk assessment of long-term operations shall be prepared if the proposed facility is within 1,000 feet of off-site residential receptors and would result in any of the following:

- Accommodate more than 100 trucks per day, or
- Accommodate more than 40 trucks with operating transport refrigeration units (TRUs) per day, or
- Where TRU operations exceed 300 hours per week.

Results of the health risk assessment may necessitate implementation of TAC exposure reduction strategies in order to reduce potential risk to less-than-significant levels, which could include, but are not limited to, the following:

- Idling of diesel equipment of any type shall be strictly prohibited at the premises. The property owner/tenant/lessee shall inform all business partners, visitors, etc., of the Zero-Idling Rule in effect for the subject property and area streets. Highly visible signs prohibiting idling shall be posted at each entrance and exits. Violators of this zero-idling rule are subject to fines and or criminal charges.
- Within 90 days of occupying the space, the facility operator shall submit to the Airports Division and the Department of Conservation and Development (DCD) the first of an annual inventory of all equipment that generates criteria pollutant, TACs, and GHG emissions operated at the subject location throughout the life of the project up to year 2035. The equipment inventory shall include the year, make, and model of the equipment that was used in the previous year, including annual hours of operation for each piece of equipment, including but not limited to heavy-duty drayage and non-drayage trucks, yard equipment, bulk material handling equipment (forklifts, etc.), and any other type of material handling equipment. The purpose of the inventory is to track emissions/equipment and to assist in technology reviews.
- The facility operator shall purchase/lease or otherwise acquire zero-emission vehicles/equipment (including: light/heavy duty trucks, drayage equipment, forklifts, and generators) when commercially available as the attrition of gasoline/diesel equipment occurs. The property owner/tenant/lessee is encouraged to utilize any and all funding opportunities offered by CARB and other available programs. The availability of zero-emission equipment shall be determined in a joint effort between the Airports Division and the facility operator as part of an annual technology review.
- The facility operator shall adhere to the findings of the annual technologies review for reducing air emissions as part of the County Climate Action Plan and long-range sustainability goals, which encourage property owners and

tenants to use cleaner technologies over time as they become available. A priority goal of the review will be the replacement of older equipment in operation at the subject site that generates the highest levels of criteria pollutant, TAC, and GHG emissions. The equipment to be replaced will be determined based on the level of emissions and cost-effectiveness of the emissions reduction (e.g., biggest reduction per dollar), and identify implementation mechanisms including, but not limited to, tenant-based improvements, grant programs, or a combination thereof, based on regulatory requirements and the feasibility analysis performed by the Airports Division. The Carl Moyer Program, or similar cost-effectiveness criteria, shall be used to assess the economic feasibility (e.g., cost effectiveness) of the identified new technologies. Zero-emission equipment employed pursuant to this mitigation may be replaced by other technologies or other types of equipment as long as the replacement equipment achieves the same or greater criteria pollutant, TAC, and GHG emission reductions as compared to the equipment identified as part of the technology review.

- Every California based TRU and electronic-TRU (E-TRU) operational at the site must be registered with the Air Resource Board Equipment Registration and shall be labeled with a CARB Identification Number. Business operations handling TRUs shall install charging infrastructure and encourage E-TRUs on site, and require those non-E-TRUs to plug in while stationary at the facility.
- Prior to occupancy the facility operator shall demonstrate compliance with all newly adopted Ordinances/Statutes/Plans and requirements passed by all responsible agencies in relation to traffic, diesel emissions and air quality improvement measures.

Finding

The County Board of Supervisors finds that the above mitigation measures are feasible, will reduce the potential air quality impact (Impact 3.2-4) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Emissions of toxic air contaminants (TACs) may adversely affect sensitive residential receptors. The impact is based on the type and amount of emissions, and the proximity and exposure of the sensitive receptors. The proposed mitigation measures would assess the construction and operation of future developments under the project, and require emission reductions to a level that is

considered a less-than-significant health risk by the BAAQMD and the State of California. As described in the mitigation measures, feasible methods are available to reduce TAC exposure. With implementation of the mitigation measures, the potential impact would be reduced to less than significant.

Biological Resources

Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. (Impact 3.3-1). Three special-status wildlife species were detected during the surveys conducted for the project site, as discussed in Section 3.3.1.3. These species include loggerhead shrike, golden eagle, and tricolored blackbird. Several other special-status species have the potential to utilize the project site for nesting, foraging, cover and/or local migration routes. Although the study area has few mature trees, the project site and adjacent lands have potential nesting habitat for Swainson's hawk and several common raptor species found in California, such as northern harrier and red-tailed hawk (*Buteo jamaicensis*), and common passerine species such as western meadowlark. Increased noise, light, and vibration associated with construction activities could negatively affect nesting success if such activities occur during the nesting season. Annual grassland within the study area provides suitable nesting habitat for Burrowing owl. Ground-disturbing activities in grassland habitat has potential to cause direct impacts to suitable nesting and upland refuge habitat for burrowing owl, California red-legged frog, and California tiger salamander. While no special status plants were identified within the project area, there are nine species with potential to occur in the project area.

Mitigation Measures

MM-BIO-1: *a. Swainson's Hawk Pre-Construction Survey, Avoidance, Minimization and Construction Monitoring.* Prior to any ground disturbance related to covered activities that occurs during the nesting season (March 15–September 15), a qualified biologist shall conduct a preconstruction survey no more than 1 month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied. If potentially occupied nests within 1,000 feet are off the project site, then their occupancy shall be determined by observation from public roads or by observations of Swainson's hawk activity (e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring are required (see below).

During the nesting season (March 15–September 15), covered activities within 1,000 feet of occupied nests or nests under construction shall be prohibited to prevent nest abandonment. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a

smaller buffer could be used, the East Contra Costa County Habitat Conservancy shall coordinate with the California Department of Fish and Wildlife (CDFW)/U.S. Fish and Wildlife Service (USFWS) to determine the appropriate buffer size.

If young fledge prior to September 15, covered activities can proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project proponent can apply to the East Contra Costa County Habitat Conservancy for a waiver of this avoidance measure. Any waiver must also be approved by USFWS and CDFW. While the nest is occupied, activities outside the buffer can take place.

All active nest trees shall be preserved on site, if feasible. Nest trees, including non-native trees, lost to covered activities shall be mitigated by planting 15 saplings for every tree lost with the objective of having at least 5 mature trees established for every tree lost according. Preference shall be to provide on-site mitigation if feasible. Planting of replacement trees must be reviewed by the Airports Division for compatibility with airport operations. The project proponent shall either pay the East Contra Costa County Habitat Conservancy (Habitat Conservancy) an additional fee to purchase, plant, maintain, and monitor 15 saplings on the East Contra Costa County Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP) Preserve System for every tree lost, or the project proponent shall plant, maintain, and monitor 15 saplings for every tree lost at a site to be approved by the Habitat Conservancy and per the requirements of the HCP/NCCP.

b. Migratory Bird Treaty Act Nesting Bird Avoidance. As part of the pre-construction survey for Swainson's Hawk, the qualified biologist approved by Contra Costa County shall also survey for native nesting birds protected by the Migratory Bird Treaty Act. If any active nests are observed during surveys, a suitable avoidance buffer from the nests shall be determined and flagged by the qualified biologist based on species, location and planned construction activity. Consultation with CDFW may be required to determine appropriate buffer distances. These nests shall be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. Any habitat (i.e., trees and brush) would be removed outside of the breeding bird season.

MM-BIO-2: *Western Burrowing Owl Pre-Construction Survey, Avoidance, Minimization, and Construction Monitoring.* In accordance with Conditions on Covered Activities described in the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan, prior to any ground disturbance related to covered activities, a U.S. Fish and Wildlife Service (USFWS)/California

Department of Fish and Wildlife (CDFW)-approved biologist shall conduct a preconstruction survey in grassland areas identified as having potential burrowing owl habitat. The surveys shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (CDFG 1995).

On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership shall not be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted.

This measure incorporates avoidance and minimization guidelines from CDFW's *Staff Report on Burrowing Owl Mitigation* (California Department of Fish and Game 1995).

If burrowing owls are found during the breeding season (February 1–August 31), the project proponent shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non-disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1–January 31), the project proponent should avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (described below).

During the breeding season, buffer zones of at least 250 feet in which no construction activities can occur shall be established around each occupied burrow (nest site). Buffer zones of 160 feet shall be established around each burrow being used during the nonbreeding season. The buffers shall be delineated by highly visible, temporary construction fencing.

If occupied burrows for burrowing owls are not avoided, passive relocation shall be implemented. Owls should be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors should be in place for 48 hours prior to excavation. The project area should be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation (CDFG 1995). Plastic tubing or a similar structure should be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

MM-BIO-3: *California Red-Legged Frog Avoidance.* Written notification to U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and the East Contra Costa County Habitat Conservancy, including photos and habitat assessment, is required prior to disturbance of any suitable breeding habitat. The project proponent shall also notify these parties of the approximate date of removal of the breeding habitat at least 30 days prior to this removal to allow USFWS or CDFW staff to translocate individuals, if requested. USFWS or CDFW must notify the project proponent of their intent to translocate California red-legged frog within 14 days of receiving notice from the project proponent. The project proponent must allow USFWS or CDFW access to the site prior to construction if they request it.

There are no restrictions under the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan on the nature of the disturbance or the date of the disturbance unless CDFW or USFWS notify the project proponent of their intent to translocate individuals within the required time period. In this case, the project proponent must coordinate the timing of disturbance of the breeding habitat to allow USFWS or CDFW to translocate the individuals.

USFWS and CDFW shall be allowed 45 days to translocate individuals from the date the first written notification was submitted by the project proponent (or a longer period agreed to by the project proponent, USFWS, and CDFW).

MM-BIO-4: *California Tiger Salamander Minimization.* Written notification to USFWS, CDFW, and the Implementing Entity, including photos and breeding habitat assessment, is required prior to disturbance of any suitable breeding habitat. The project proponent will also notify these parties of the approximate date of removal of the breeding habitat at least 30 days prior to this removal to allow USFWS or CDFW staff to translocate individuals, if requested. USFWS or CDFW must notify the project proponent of their intent to translocate California tiger salamanders

within 14 days of receiving notice from the project proponent. The applicant must allow USFWS or CDFW access to the site prior to construction if they request it.

There are no restrictions under the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan on the nature of the disturbance or the date of the disturbance unless CDFW or USFWS notify the project proponent of their intent to translocate individual California tiger salamanders within the required time period. In this case, the project proponent must coordinate the timing of disturbance of the breeding habitat to allow USFWS or CDFW to translocate the individuals. USFWS and CDFW shall be allowed 45 days to translocate individuals from the date the first written notification was submitted by the project proponent (or a longer period agreed to by the project proponent, USFWS, and CDFW).

MM-BIO-5: *Rare Plant Surveys and Mitigation.* Prior to commencement of any project-related construction activity, Contra Costa County shall retain a qualified biologist/botanist to conduct protocol-level special-status plant surveys of the undisturbed areas of the project site for alkali milk-vetch (*Astragalus tener* var. *tener*), brittlescale (*Atriplex depressa*), big tarplant (*Blepharizonia plumosa*), round-leaved filaree (*California macrophylla*), Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), recurved larkspur (*Delphinium recurvatum*), spiny-sepaled button-celery (*Eryngium spinosepalum*), diamond-petaled poppy (*Eschscholzia rhombipetala*), and Contra Costa goldfields (*Lasthenia conjugens*).

As part of the East Contra Costa County Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP) application for coverage, the surveys shall be conducted during the appropriate blooming periods. The surveys shall be conducted by a qualified biologist knowledgeable of the plant species in the region. These plant surveys shall be conducted in accordance with 2009 California Department of Fish and Wildlife (CDFW) rare plant survey protocols.

If any special-status plant species are observed during surveys, the project proponent shall notify the HCP/NCCP Implementing Entity (i.e., East Contra Costa County Habitat Conservancy) of the construction schedule so as to allow the HCP/NCCP Implementing Entity the option to salvage the population(s) in accordance with HCP/NCCP Conservation Measure 3.10 (Plant Salvage when Impacts are Unavoidable) described below. Additionally, the project proponent shall confirm with the HCP/NCCP Implementing Entity that the take limits of the HCP/NCCP for the species identified have not been reached.

The following special-status plant species with potential to occur on the project site are covered by the HCP/NCCP: brittlescale, big tarplant, round-leaved filaree, and

recurved larkspur. Alkali milk-vetch, diamond-petaled poppy, and Contra Costa goldfields are analyzed in the HCP/NCCP but are “no take” species, and avoidance is the only acceptable mitigation measure.

Congdon’s tarplant and spiny-sealed button-celery are not addressed in the HCP/NCCP. For these plants, mitigation shall consist of, in order of preference, (1) avoidance, (2) salvage and transplant as described below, or (3) off-site habitat enhancement or restoration in consultation with CDFW.

Plant Salvage when Impacts are Unavoidable (Covered Species)

Perennial Covered Plants

Where impacts to covered plant species cannot be avoided and plants will be removed by approved covered activities, the HCP/NCCP Implementing Entity has the option of salvaging the covered plants. Salvage methods for perennial species shall be tested for whole individuals, cuttings, and seeds. Salvage measures shall include the evaluation of techniques for transplanting as well as germinating seed in garden or greenhouse and then transplanting to suitable habitat sites in the field.

Techniques shall be tested for each species, and appropriate methods shall be identified through research and adaptive management. Where plants are transplanted or seeds distributed to the field they shall be located in preserves in suitable habitat to establish new populations. Field trials shall be conducted to evaluate the efficacy of different methods and determine the best methods to establish new populations. New populations shall be located such that they constitute separate populations and do not become part of an existing population of the species, as measured by the potential for genetic exchange among individuals through pollen or propagule (e.g., seed, fruit) dispersal.

Transplanting within the preserves shall only minimally disturb existing native vegetation and soils. Supplemental watering may be provided as necessary to increase the chances of successful establishment, but must be removed following initial population establishment. See also *All Covered Plants*, below.

Annual Covered Plants

For annual covered plants, mature seeds shall be collected from all individuals for which impacts cannot be avoided (or if the population is large, a representative sample of individuals). If storage is necessary, seed storage studies shall be conducted to determine the best storage techniques for each species. If needed, studies shall be conducted on seed germinated and plants grown to maturity in

garden or greenhouse to propagate larger numbers of seed. Seed propagation methods shall ensure that genetic variation is not substantially affected by propagation (i.e., selection for plants best adapted to cultivated conditions). Field studies shall be conducted through the Adaptive Management Program to determine the efficacy and best approach to dispersal of seed into suitable habitat. Where seeds are distributed to the field, they shall be located in preserves in suitable habitat to establish new populations. If seed collection methods fail (e.g., due to excessive seed predation by insects), alternative propagation techniques shall be necessary. See also *All Covered Plants*, below.

All Covered Plants

All salvage operations shall be conducted by the HCP/NCCP Implementing Entity. To ensure enough time to plan salvage operations, project proponents shall notify the HCP/NCCP Implementing Entity of their schedule for removing the covered plant population.

The HCP/NCCP Implementing Entity may conduct investigations into the efficacy of salvaging seeds from the soil seed bank for both perennial and annual species. The soil seed bank may add to the genetic variability of the population. Covered species may be separated from the soil through garden/greenhouse germination or other appropriate means. Topsoil taken from impact sites shall not be distributed into preserves because of the risk of spreading new non-native and invasive plants to preserves.

The HCP/NCCP Implementing Entity will transplant new populations such that they constitute separate populations and do not become part of an existing population of the species, as measured by the potential for genetic exchange among individuals through pollen or propagule (e.g., seed, fruit) dispersal. Transplanting or seeding “receptor” sites (i.e., habitat suitable for establishing a new population) should be carefully selected on the basis of physical, biological, and logistical considerations (Fiedler and Laven 1996); some examples of these are listed below:

- Historic range of the species.
- Soil type.
- Soil moisture.
- Topographic position, including slope and aspect.
- Site hydrology.
- Mycorrhizal associates (this may be important for Mount Diablo manzanita).
- Presence or absence of typical associated plant species.
- Presence or absence of herbivores or plant competitors.

- Site accessibility for establishment, monitoring, and protection from trampling by cattle or trail users.

Finding

The County Board of Supervisors finds that the above mitigation measures are feasible, will reduce the potential biological resource impact (Impact 3.3-1) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

While only three special status wildlife species, and no special status plants, were detected in the project area, there is potential habitat on or directly adjacent to the project site. Therefore, the proposed mitigation measures would require pre-construction surveys. If species are detected, avoidance measures and monitoring would be implemented to reduce the potential impacts to special-status wildlife. For nesting Swainson's hawk, mitigation may include replacement of nesting trees. For burrowing owls, if occupied burrows cannot be avoided, passive relocation (exclusion) may be utilized outside of the breeding season. For California red-legged frog and California tiger salamander, individuals may be translocated in coordination with USFWS and CDFW. Mitigation for special status plants includes avoidance and replanting protocols. With implementation of the mitigation measures, the potential impact would be reduced to less than significant.

Substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (Impact 3.3-2). Most areas directly adjacent to the existing airport and to the north and east of the existing runways consist of non-native annual grassland. Sensitive vegetation communities, including wetlands and alkali grasslands, occur within the project site and, under the HCP/NCCP, would require either avoidance or other mitigation. Sensitive resources and habitats include vernal pools, seasonal wetlands, alkali wetlands, and drainages, all of which are potentially jurisdictional features regulated by CDFW, USFWS, and ACOE. Construction of the proposed project could result in direct habitat destruction or modification, which is a potentially significant impact.

Mitigation Measures

MM-BIO-6: a. *Wetlands and Waters of the United States or State.* Prior to commencement of any project-related construction activity, Contra Costa County (County) shall retain

a qualified biologist or wetland scientist to prepare a jurisdictional delineation of the project site to determine the extent of potentially jurisdictional features within the project disturbance area. Impacts to wetlands and other waters of the United States or waters of the state shall require authorization from the U.S. Army Corps of Engineers in the form of a Clean Water Act (CWA) Section 404 Permit, from the Regional Water Quality Control Board in the form of a CWA Section 401 Water Quality Certification, and the California Department of Fish and Wildlife in the form of a California Fish and Game Code Section 1602 Streambed Alteration Agreement. Such permits typically include measures to avoid and minimize or mitigate impacts. Where avoidance of jurisdictional wetlands or waters is not feasible, replacement of resources is required in the form of restoration or creation. The project shall seek coverage under the East Contra Costa County Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP) for impacts to jurisdictional waters or wetlands. If neither avoidance nor coverage under the HCP/NCCP is feasible, the County shall comply with the requirements of the 404 permit coverage for on- or off-site mitigation, at a replacement ration of no less than 1:1.

b. Brushy Creek Setback. Per the requirements of the HCP/NCCP and Contra Costa County General Plan policy, a development setback of 75 feet from Brushy Creek (measured from top of bank) is required. Note that a lesser setback (for an area less than 300 linear feet) may be approved in consultation with the East Contra Costa Habitat Conservancy.

MM-BIO-7: Alkali Grassland Avoidance and Mitigation. A portion of the aviation development area, adjacent to the existing facilities, includes alkali grassland. Ultimate development of this site shall require either avoidance, or establishment of like alkali grassland outside of the development area, which shall be made under consultation with the East Contra Costa County Habitat Conservancy. Because this area is relatively disturbed, is isolated from similar habitat, and is maintained on an on-going basis by airport staff, it does not represent an exemplary patch of alkali grassland. Mitigation ratios for impacts to alkali grassland will be determined in consultation with the East Contra Costa County Habitat Conservancy.

MM-BIO-8: San Joaquin Kit Fox Preconstruction Surveys, Avoidance and Minimization, and Construction Monitoring. Prior to any ground disturbance related to covered activities, a USFWS/CDFW– approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as supporting suitable breeding or denning habitat for San Joaquin kit fox. The surveys shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines.

Preconstruction surveys shall be conducted within 30 days of ground disturbance. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership shall not be surveyed. The status of all dens shall be determined and mapped. Written results of preconstruction surveys shall be submitted to USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to initiation of covered activities.

If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below shall be implemented.

- If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for 3 days by a USFWS/CDFW– approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.
- Unoccupied dens should be destroyed immediately to prevent subsequent use.
- If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.
- If kit fox activity is observed at the den during the initial monitoring period, the den shall be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal’s normal foraging activities).

If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No covered activities shall occur within the exclusion zones. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated with staking

and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.

MM-BIO-9: East Contra Costa County HCP/NCCP Covered Shrimp Preconstruction Survey, Avoidance and Minimization, and Construction Monitoring. Prior to any ground disturbance related to covered activities, a USFWS-approved biologist shall conduct a preconstruction survey in areas identified in the planning surveys as having suitable shrimp habitat. The surveys shall establish the presence or absence of covered shrimp and/or habitat features and evaluate use by listed shrimp in accordance with modified USFWS survey guidelines (USFWS 1996a). Project proponents are required to conduct USFWS protocol surveys in 1 year (rather than 2) to determine presence or absence of listed shrimp species. If covered shrimp are absent from the site, there are no further requirements related to covered shrimp. If covered shrimp are present, the following avoidance and minimization and construction monitoring measures are required.

- To the maximum extent practicable, impacts on occupied habitat of covered shrimp shall be avoided by implementing the following measures based on existing mitigation standards (USFWS 1996b).
- If suitable habitat for covered shrimp will be retained on site, establish a buffer (described below) from the outer edge of all hydric vegetation associated with seasonal wetlands occupied by covered shrimp. Alternatively, at the request of the project proponent, representatives of the East Contra Costa County Habitat Conservancy and USFWS may conduct site visits to inspect the particular characteristics of specific project sites and may approve reductions of the buffer. Buffer reductions may be approved for all or portions of the site whenever reduced setbacks will maintain the hydrology of the seasonal wetland and achieve the same or greater habitat values as would be achieved by the original buffer.
- Activities inconsistent with the maintenance of seasonal wetlands within the buffers and disturbance of the on-site watershed shall be prohibited. Inconsistent activities include altering existing topography; placing new structures within the buffers; dumping, burning, and/or burying garbage or any other wastes or fill materials; building new roads or trails; removing or disturbing existing native vegetation; installing storm drains; and using pesticides or other toxic chemicals.
- Filling of seasonal wetlands, if unavoidable, shall be delayed until pools are dry and samples from the top 4 inches of wetland soils are collected. Soil collection will shall be sufficient to include a representative sample of plant and animal life present in the wetland by incorporating seeds, cysts, eggs, spores, and similar inocula. The amount of soil collected shall be determined by the size of

the wetland filled and the variation in physical and biological conditions within the wetland. The number and size of samples shall be sufficient to capture this variation. For very small wetlands it may be most cost effective to simply collect all topsoil. These samples shall be provided to the East Contra Costa County Habitat Conservancy so that the soil can be translocated to suitable habitat within the inventory area unoccupied by covered shrimp or used to inoculate newly created seasonal wetlands on preserve lands.

- Seasonal wetlands occupied by covered shrimp that are filled shall be offset by preserving or acquiring seasonal wetlands occupied by the covered shrimp species and restoring habitat suitable for the covered shrimp species in accordance with Conservation Measure 3.8. Such mitigation shall supersede requirements for mitigation of impacts on wetland habitat when covered species are present.

If suitable habitat for covered shrimp shall be retained on site, project proponents shall establish a buffer from the outer edge of all hydric vegetation associated with seasonal wetlands occupied (or assumed to be occupied) by covered shrimp. This buffer zone shall be determined in the field by the biologists as the immediate watershed feeding the seasonal wetland or a minimum of 50 feet, whichever is greater. Buffers shall be marked by brightly colored fencing or flagging throughout the construction process. Activities shall be prohibited within this buffer in accordance with the minimization measure above.

Construction personnel shall be trained to avoid affecting shrimp. A qualified biologist approved by USFWS shall inform all construction personnel about the life history of covered shrimp, the importance of avoiding their habitat, and the terms and conditions of the Eastern Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan related to avoiding and minimizing impacts on covered shrimp

Finding

The County Board of Supervisors finds that the above mitigation measures are feasible, will reduce the potential biological resource impact (Impact 3.3-2) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds that, pursuant to Public Resources Code Section 21081(a)(1) and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The proposed mitigation measures would require that a wetlands delineation is performed and avoidance buffers around potentially jurisdictional resources are established prior to construction, and also implements a setback from Brushy Creek. Mitigation measures would also require that alkali grassland on site is avoided and would reduce impacts to sensitive natural communities. Surveys for San Joaquin kit fox would be required and, if detected, avoidance measures and monitoring would be implemented. If wetlands containing covered shrimp species, including longhorn fairy shrimp, vernal pool fairy shrimp, conservancy fairy shrimp, and vernal pool tadpole shrimp, cannot be avoided, samples of wetland soils provided to the East Contra Costa County Habitat Conservancy for translocation. In addition, compensation for wetlands habitat would be provided, either on or off-site. With implementation of the above discussed mitigation measures, the potential impact would be reduced to less than significant.

Substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (Impact 3.3-3). Potential impacts from the project could occur through the construction of the proposed project involving the removal, filing, and/or hydrological interruption of protected wetlands.

Mitigation Measure

MM-BIO-6: See above.

Finding

The County Board of Supervisors finds that the above mitigation measure is feasible, will reduce the potential biological resource impact (Impact 3.3-3) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The proposed mitigation measures require a detailed jurisdictional delineation to be performed by a qualified biologist or wetland scientist prior to project development activities. If jurisdictional features would be impacted by the project, authorization from the resource agencies listed above would be required in the form of wetland permits (e.g., 404 Nationwide Permit, 401 Water Quality Certification, and 1602 Streambed Alteration Agreement respectively). Required compensatory

mitigation would provide no net loss of jurisdictional habitats. With implementation of the mitigation measure, the potential impact would be reduced to less than significant.

Cultural Resources

Substantial adverse change in the significance of a historic resource as defined in CEQA Guidelines Section 15064.5. (Impact 3.4-1). Due to the presence of cultural resources within the eastern portion of the project site, it is possible that historical resources would inadvertently be discovered during construction.

Mitigation Measure

MM-CUL-1: Accidental Discovery of Archaeological Resources. Prior to commencement of any construction activities involving ground disturbance, Contra Costa County, a qualified archaeologist, representatives from interested Native American Tribes, and the construction contractor shall be invited to meet or otherwise discuss by conference call the project site's archaeological sensitivity and determine the duration and extent of monitoring for archaeological deposits that may be uncovered during construction. Given the present disturbed condition in some locations surrounding existing airport facilities, areas of elevated potential for encountering unanticipated resources should be considered those within 500 feet of the historic-era corral and Brushy Creek, and no deeper than 4 feet below the present ground surface. An archaeological monitor and a monitor from a culturally affiliated Native American Tribe shall be present for initial ground-disturbing work in these areas, after which the monitoring frequency shall be reduced to periodic spot-checks elsewhere. The monitoring strategy shall be adjusted (increased, decreased, or discontinued) based on the results of monitoring within areas of elevated archaeological sensitivity and as recommended by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards, in consultation with culturally affiliated Native American Tribes. In the event that archaeological resources are exposed, work within 100 feet of the find shall be halted or directed to another location until a qualified archaeologist can evaluate the significance of the find. If the resources are determined to be historical resources or unique (pursuant to Section 15064.5 of the CEQA Guidelines), the qualified archaeologist shall make recommendations prioritizing resource avoidance, or, where avoidance is infeasible, data recovery.

Finding

The County Board of Supervisors finds that the above mitigation measure is feasible, will reduce the potential cultural resource impact (Impact 3.4-1) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors

finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

No identified historic resources would be affected by the project. However, the project site includes areas of cultural sensitivity, which results in potential for accidental discovery of previously unidentified resources. The proposed mitigation measure requires a qualified archaeologist determine the duration and extent of monitoring for archaeological deposits that may be uncovered during construction. An archaeological monitor shall be present for initial ground-disturbing work in sensitive areas and if resources are found, work shall be halted and the historic significance of the find evaluated. If the resource is determined to be historically significant, avoidance measures would be implemented or, if avoidance is infeasible, data recovery.

Substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5. (Impact 3.4-2). The Cultural Resources Inventory Report performed for the project suggests that there is moderate potential for inadvertent discovery of intact cultural deposits during earth moving activities. Because of this, the project would have a potentially significant impact on archaeological resources.

Mitigation Measures

MM-CUL-1: See above.

Finding

The County Board of Supervisors finds that the above mitigation measure is feasible, will reduce the potential cultural resource impact (Impact 3.4-2) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

No identified significant archaeological resources would be affected by the project. However, the project site includes areas of cultural sensitivity, which results in potential for accidental discovery of previously unidentified resources. The proposed mitigation measure requires a qualified archaeologist determine the duration and extent of monitoring for archaeological deposits that may

be uncovered during construction. An archaeological monitor shall be present for initial ground-disturbing work in sensitive areas and if resources are found, work shall be halted and the cultural significance of the find evaluated. If the resource is determined to be significant, avoidance measures would be implemented or, if avoidance is infeasible, data recovery.

Disturbance of human remains, including those interred outside of dedicated cemeteries. (Impact 3.4-3). It is possible that human remains would inadvertently be discovered during construction. Disturbance of previously unidentified human remains would be a potentially significant impact.

Mitigation Measure

MM-CUL-2: Accidental Discovery of Human Remains. Pursuant to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code, as well as California Environmental Quality Act Guidelines Section 15064.5(e), in the event of the discovery of human remains, work shall be suspended within 100 feet of the find, and the Contra Costa County (County) Coroner/Sheriff shall be immediately notified. The County Coroner/Sheriff shall determine if an investigation is necessary. If the remains are determined to be Native American:

1. The Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours.
2. The NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) from the deceased Native American.
3. The MLD shall have an opportunity to make a recommendation to the County for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in California Public Resources Code Section 5097.98.

Finding

The County Board of Supervisors finds that the above mitigation measure is feasible, will reduce the potential cultural resource impact (Impact 3.4-3) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

While no sites containing human remains have been identified, accidental discovery of human remains is a potential impact of project construction. The proposed mitigation measure requires that in the event of the discovery of human remains that construction be suspended and the County and NAHC be notified to determine appropriate treatment. With implementation of the mitigation measure, the potential impact would be reduced to less than significant.

Substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.. (Impact 3.4-4). One prehistoric resource has been previously located on the project site. The presence of this resource and the proximity of Byron Hot Springs to the project site indicates there is the potential to inadvertently encounter tribal cultural resources during construction.

Mitigation Measure

MM-CUL-3: Should a potential tribal cultural resource (TCR) be inadvertently encountered, construction activities within 100 feet of the TCR shall be halted and Contra Costa County Department of Conservation and Development (Department) notified. The Department shall notify Native American tribes that have been identified by the Native American Heritage Commission to be traditionally and culturally affiliated with the geographic area of the project. Any affected tribe shall be provided a reasonable period of time to conduct a site visit and make recommendations regarding future ground disturbance activities as well as the treatment and disposition of any discovered TCR. Depending on the nature of the potential resource and tribal recommendations, review by a qualified archaeologist may be required. Implementation of proposed recommendations shall be made based on the determination of the County that the approach is reasonable and feasible. All activities shall be conducted in accordance with regulatory requirements.

MM-CUL-4: Worker Environmental Awareness Program (WEAP).

The County shall require the contractor to provide a cultural resources and tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers. The WEAP shall be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, as well as culturally affiliated Native American tribes. The County will invite Native American representatives from interested culturally affiliated Native American

tribes to participate. The WEAP shall be conducted before any ground-disturbing construction activities begin at the project site. The WEAP shall include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations.

The WEAP shall also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and shall outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP shall emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and shall discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.

Finding

The County Board of Supervisors finds that the above mitigation measure is feasible, will reduce the potential cultural resource impact (Impact 3.4-4) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

No tribal cultural resources have been identified within the project development areas. However, the project site includes areas of cultural sensitivity, which results in potential for accidental discovery of previously unidentified resources. The County notified California Native American tribes culturally affiliated with the project area, per Assembly Bill (AB) 52 and Senate Bill 18. A request for consultation was received from Wilton Rancheria on August 30, 2017. The County responded within the required 30-day period on September 7, 2017, and again on February 22, 2018, but no response was received from the tribe. During the public comment period for the Draft EIR, an additional consultation request letter was received by the County from the Wilton Rancheria on July 14, 2021. The County re-opened consultation on September 22, 2021. Although no tribal cultural resources were identified within the project site, minor modifications were made to the mitigation measures addressing accidental discovery of tribal cultural resources. Consultation was again closed on January 21, 2022.

The proposed mitigation measures, as revised through the AB 52 consultation process, require that in the event of the discovery of potential tribal cultural resources that construction be halted and the County, NAHC, and Native American tribes be notified to determine if further investigation is

required. The mitigation measures also require that workers operating within the project area receive environmental awareness training on identification of potential resources and procedures if a potential resource is discovered. With implementation of the mitigation measures, the potential impact would be mitigated to less than significant.

Geology, Soils, and Minerals

The project would be located on expansive soils as defined in Table 18-1-B of the Uniform Building Code (Impact 3.5-4). The Quaternary Alluvium underlying the project site possesses the potential for expansive clays. Building damage due to volume changes associated with expansive soils can be reduced by placing building slabs on select, granular fill and by use of rigid mat or post-tensioned slabs. The project could be subject to substantial direct or indirect risks to life or property.

Mitigation Measure

MM-GEO-1: Prior to the approval of any building or improvement plans, a geotechnical report shall be prepared by a registered civil or geotechnical engineer and submitted to the County Department of Conservation and Development. The report shall address the specific approach to development. This report shall: (A) provide specific criteria and standards for identifying suitable imported fill materials; (B) if import fills may be expansive or corrosive, provisions shall be made for the import fill materials; (B) if import fills may be expansive or corrosive, provisions shall be made for testing of soils on rough-graded pads and providing design measures to avoid/control damage to foundations and buried utilities; (C) provide criteria for placement of engineered fill; (D) provide further evaluation of seismic settlement and other types of seismically induced ground failure by recognized methods appropriate to soil conditions discovered during subsurface investigation; (E) provide detailed evaluation of the compressibility of the alluvial soils and forecast the anticipated amount of total settlement and timing of settlement to occur or placing a surcharge on the site to speed settlement; (F) provide California Building Code seismic parameters; and (G) outline recommendations for geotechnical observation and testing services during site preparation-, grading-and foundation-related work. Improvement, grading, and building plans shall carry out the recommendations of the approved report.

Finding

The County Board of Supervisors finds that the above mitigation measure is feasible, will reduce the potential geological impact (Impact 3.5-4) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section

15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

The proposed mitigation measure requires the preparation of a geotechnical report specific to project development that would include recommendations on foundation designs and provide recommendation to prevent damage from expansive soils. These recommendations would be incorporated into the project design prior to the approval of building or improvement plans. The geotechnical study would be required to comply with applicable building codes and engineering standards, including any applicable amendments to the CBC contained in the County's municipal code. With implementation of the mitigation measure, the potential impact would be reduced to less than significant.

The project may have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (Impact 3.5-6). The project site is currently serviced by a 3,000-gallon septic tank and lift station that pumps to a leach field. Under proposed project conditions, one or a combination of the following scenarios may occur: the existing septic tank would be expanded to support the additional development areas on the project site, the existing septic system would be converted to a package wastewater treatment plant, and/or the project site would connect to the Byron Sanitary District system. The underlying soils possess expansive potential, which pose a potentially significant impact.

Mitigation Measures

MM-GEO-1: See above.

Finding

The County Board of Supervisors finds that the above mitigation measure is feasible, will reduce the potential geological impact (Impact 3.5-5) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

A septic system is currently operating onsite. However, potential soil limitations could affect the operation of new or expanded facilities. The proposed mitigation measure requires the preparation of a geotechnical report specific to project development that would include recommendations on foundation designs and provide recommendation to prevent damage from expansive soils. These

recommendations would be incorporated into the project design prior to the approval of building or improvement plans. The geotechnical study would be required to comply with applicable building codes and engineering standards, including any applicable amendments to the CBC contained in the County's municipal code. With implementation of the above discussed mitigation measure, the potential impact would be reduced to less than significant.

The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Impact 3.5-4). The project site contains sedimentary units with moderate to high paleontological resources sensitivity. Therefore, it is possible that paleontological resources would inadvertently be discovered during construction.

Mitigation Measure

MM-GEO-2: If paleontological resources (i.e., fossil bones, teeth, shells, plants, or trace fossils) are exposed during construction activities for the project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified paleontologist, meeting the Society of Vertebrate Paleontology standards, can evaluate the significance of the find and determine whether or not additional study is warranted. The paleontologist shall be empowered to temporarily stop or redirect grading activities to allow removal of abundant or large paleontological resources. Depending upon the significance of the find, the qualified paleontologist may simply remove and record the find and allow work to continue. If the discovery proves significant under the California Environmental Quality Act, additional work, such as data recovery and extended specimen removal, may be warranted. The qualified paleontologist shall prepare a Paleontological Resources Impact Mitigation Program for the project, which outlines where paleontological monitoring is required based on the location of the discovery, geotechnical reports, and construction plans. The qualified paleontologist shall also be required to curate specimens in a repository with permanent retrievable storage and submit a final written report to the repository and lead agency for review.

Finding

The County Board of Supervisors finds that the above mitigation measure is feasible, will reduce the potential paleontological impact (Impact 3.5-6) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

While no significant paleontological resources have been identified, the proposed mitigation measure requires that in the event that scientifically important paleontological resources are unearthed during grading activities, a paleontologist should be retained to evaluate the discovery and make a significance determination, and if significant, make recommendations for conservation. With implementation of the above discussed mitigation measure, the potential impact would be reduced to less than significant.

Hazards and Hazardous Materials

The project has the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Impact 3.7-2). While there have been no known releases to the subsurface causing contamination (there have been minor releases from drums and a fuel release to the surface that was cleaned up), it is possible that subsurface releases/contamination have occurred in areas of fuel/oil storage and use. Construction activities in these areas could result in encountering contaminated soil and/or groundwater. Exposure of contaminated soils to workers and the surrounding environment would result in potentially significant impacts. Also, an area in the eastern portion of the project site was used for agriculture from the 1960s until the 1980s. Pesticides may have been used at the project site during this time. Exposure of pesticide-contaminated soils to workers and the surrounding environment during grading and construction would result in potentially significant impacts.

Mitigation Measures

MM-HAZ-1: Prior to initiation of grading and construction, a Hazardous Materials Contingency Plan shall be in-place and consist of the following:

- Identification of areas of potential fuel- or oil-impacted soils on a site plan.
- Protocol for identifying suspected contaminated soils (e.g., discoloring, odor, positive photoionization detector readings), utilizing personnel trained in recognition of contaminated soils/groundwater and certified with respect to Occupational Safety and Health Administration Hazardous Waste Operations and Emergency Response (i.e., OSHA HAZWOPER training).
- Procedures for notification and reporting, including internal management and to Contra Costa Environmental Health Department and local agencies, as needed.
- Procedures for temporary cessation of construction activity and evaluation of the level of environmental concern.
- Procedures for limiting access to the contaminated area to personnel with OSHA HAZWOPER training.

- A worker health and safety plan for excavation of contaminated soil and/or groundwater.
- Procedures for characterizing, managing, and disposing of potentially contaminated soils.

MM-HAZ-2: Prior to development of the former agricultural areas identified in Figure 3.7-1, Hazards Site Map, soil samples shall be collected and tested for pesticides. Shallow soil samples shall be collected from the upper 0.5 to –1.0 foot of ground surface from the site soils and analyzed for organochlorine pesticides by U.S. Environmental Protection Agency (EPA) Method 8081A and arsenic by EPA Method 6010B. The soil samples shall be analyzed by a California Environmental Laboratory Accreditation Program-certified laboratory.

The pesticide sampling data shall be compared to applicable regulatory threshold levels such as the EPA Regional Screening Levels and the Department of Toxic Substances Control Human and Ecological Risk Office Note 3 screening levels. The arsenic sampling data shall be compared to California typical background levels, such as those in the 1996 Kearney Foundation Special Report on Background Concentrations of Trace and Major Elements in California Soils.

If the soil sampling concentrations, using the 95% upper confidence level or other statistical evaluation, exceed the screening level, mitigation shall include removal of impacted soil for off-site disposal prior to or during construction grading. A soil management plan, including a health and safety plan, shall be prepared to properly manage the excavated soil and protect worker and public health and safety.

Finding

The County Board of Supervisors finds that the above mitigation measures are feasible, will reduce the potential hazards impact (Impact 3.7-2) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

While there have been no known releases to the subsurface causing contamination, it is possible that unidentified contamination is present due to the historical activities of the site. The proposed mitigation measures require the preparation of a Hazardous Materials Contingency Plan and soil sampling, analysis, and potential remediation of soils in the identified former agricultural area. These measures would protect on-site workers and visitors and would require adequate clean-up

based on the proposed uses. With implementation of the above discussed mitigation measures, the potential impact would be reduced to less than significant.

Hydrology and Water Quality

The project has the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (a) result in substantial erosion or siltation on or off site; (b) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; (c) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (d) impede or redirect flood flows (Impact 3.8-3). The project would involve substantial increases in the amount of impervious surfaces, which has the potential to substantially increase the rate and volume of storm runoff during peak storm events without adequate measures to detain, retain, or slow the increased flows.

Mitigation Measures

MM-HYD-1: Hydrology and Drainage Study. Prior to approval of individual development plans, a Hydrology and Drainage Study shall be prepared for the project to refine the size and hydrologic characteristics of drainage areas that intersect the project site, to estimate pre- and post-project flow rates and volumes under 10-, 25-, 50- and 100-year storm events, and to provide recommendations for needed improvements. The Hydrology and Drainage Study shall quantify the capacity of the existing detention basin; determine whether or not it will be sufficient to serve future land uses; and establish the hydrology performance criteria and design standards applicable to potential future tenants, based on the destination of runoff (i.e., detention basin or Bushy Creek) and the degree of impervious surface coverage. The study shall be consistent with the hydrology performance criteria and design standards contained within the Contra Costa County Drainage Ordinance (Division 914), which include but are not limited to:

- Drainage facilities shall be designed to convey a minimum (with sufficient freeboard) of the runoff produced by a) a 10-year storm event for facilities draining an area of less than 1 square mile, b) a 25-year storm event for facilities draining an area of between 1 and 4 square miles, and c) a 50-year storm event (and 100-year event without freeboard) for facilities draining an area of more than 4 square mile.
- Finished floors shall be elevated above the base flood elevation of the one-hundred-year frequency storm runoff, as determined using the maximum potential development of the drainage basin or watershed shall.

- Storm flows shall be collected and conveyed in a manner that avoids damage to any improvement, building site or dwelling which may be constructed as part of the project.
- Detention basins shall be sized to contain without freeboard a one-hundred-year average recurrence interval runoff, unless it can be shown that a one- hundred-year average recurrence interval runoff can be safely passed through the detention basin without damage to the detention basin or any other property.
- Drainage capacity shall be provided that accounts for the full build-out of uses anticipated with the drainage area.

The study shall be submitted to the Contra Costa County Public Works Department (Flood Control District) for review and approval prior to finalizing individual development plans. In addition, the Hydrology and Drainage Study shall be reviewed by Airports Division staff to ensure any drainage basins proposed are consistent with Federal Aviation Administration aviation obstruction standards for avian attractants (e.g., requirement to drain ponded water within 48 hours of a major storm event).

MM-HYD-2: Drainage Protection and Flood Control. For all areas of the project within the Federal Emergency Management Agency (FEMA) 100-year floodplain (Special Flood Hazard Area [SFHA]), Contra Costa County shall ensure that development proposals are consistent with the requirements of the Contra Costa County Floodplain Management Ordinance (Municipal Code Chapter 82-28), Contra Costa County Flood Control Ordinance, and FEMA National Flood Insurance Program. Development proposals in this area shall be submitted to the Contra Costa County Public Works Department for review and approval, and all requirements imposed by the department shall be satisfied. Such requirements may include floodproofing measures (such as elevating structures above the base flood elevation and providing the required freeboard). In the event development proposals involve encroachment onto or undergrounding of Brushy Creek, a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers shall be obtained, per MM-BIO-6, and the Contra Costa County Public Works Department shall be provided with drainage studies and engineering reports sufficient to demonstrate that flood flows on Brushy Creek would not be impeded or redirected. For all development planned within the FEMA 100-year floodplain, subject to approval of the Contra Costa County Public Works Department, the developer would be required to file a Conditional Letter of Map Revision to process the change and shall obtain a FEMA modification of the SFHA as shown on the Flood Insurance Rate Map.

Finding

The County Board of Supervisors finds that the above mitigation measures are feasible, will reduce the potential hydrological impact (Impact 3.8-3) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Mitigation Measure HYD-1 would require the preparation of a drainage and hydrology study to evaluate the difference between pre- and post-project storm flows, and establish drainage designs necessary to mitigate the increase and adequately collect and convey flood flows. Implementation of this mitigation measure would ensure that the capacity of the detention basin is adequate to accommodate the project. Mitigation Measure HYD-2 would require compliance with existing floodplain management regulations, studies to determine and demonstrate the capacity of the creek corridor would be maintained, coordination with FEMA if the depth or boundaries of the floodplain would be changed as a result, and review and approval by the County Public Works Department. With implementation of the above discussed mitigation measures, the potential impact would be reduced to less than significant.

Utilities

Result in the construction of new or expanded water, wastewater treatment, storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects (Impact 3.14-1). The proposed project's utility requirements would exceed the capacity of existing water and wastewater facilities, which would have a potentially significant impact.

Mitigation Measures

MM-UTIL-1: Prior to (1) the development of non-aviation uses, or (2) the expansion of aviation uses that would increase water demand in excess of the current airport well system, Contra Costa County (County) shall take one of the following actions:

- a. Construct additional on-airport wells and water treatment facilities to support the proposed development. The project Water Supply Assessment estimates that up to four wells may be required to support buildout of the development program. The County shall obtain a water supply permit from the State Water Resource Control Board Division of Drinking Water, a well drilling permit

from Contra Costa County Environmental Health Division, and all other applicable permits and approvals prior to development.

- b. Obtain an off-site potable water supply from the Byron-Bethany Irrigation District or the Town of Discovery Bay. The County shall not permit development to proceed until the appropriate agreements or will-serve letters have been obtained from the chosen supplier(s) and plans for construction of necessary transmission lines have been approved by the County.

MM-UTIL-2: Prior to (1) the development of non-aviation uses or (2) the expansion of aviation uses that involve additional human occupancy, Contra Costa County shall take one of the following actions:

- a. Expand the on-site septic system to accommodate forecasted development wastewater flows. A permit from Contra Costa County Environmental Health Division (CCCEHD) shall be obtained prior to development.
- b. Construct an on-site package wastewater plant. The plant design, which demonstrates adequate capacity for the development program, must be approved by the CCCEHD. Prior to approval of development, Water Discharge Requirements (WDR) must be approved by the Regional Water Quality Control Board.
- c. Obtain service from the Town of Discovery Bay or Byron Sanitary District. The County must confirm with the provider that there is adequate service capacity, and obtain a will serve letter for airport development. Plans for construction of a sewer transmission line to the off-site provider must be approved by all responsible County agencies.

MM-HYD-1: See above.

Finding

The County Board of Supervisors finds that the above mitigation measures are feasible, will reduce the potential project impact on utilities (Impact 3.14-1) to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of MM-UTIL-1 and MM-UTIL-2 would require construction of water and wastewater facilities and limit project development until adequate capacity is available. Implementation of MM-UTIL-1 and MM-UTIL-2, which require construction of additional on-site and/or off-site infrastructure, may result in secondary impacts to the environment. These

secondary effects would be reduced to less than significant through implementation of MM-BIO-1, MM-BIO-6, MM-CUL-1, MM-CUL-2, MM-CUL-3, and MM-NOI-1.

With implementation of the above discussed mitigation measures, the potential impact would be reduced to less than significant.

Sufficient water supplies available to serve the project from existing entitlements and resources (Impact 3.14-2). Currently, the well serving the airport property is insufficient to serve additional project development. According to the Water Supply Assessment completed for the proposed project, at the programmatic level of analysis, sufficient water supplies are available to serve its water demand under normal and dry conditions, including existing and planned land uses, over the 20-year projection period. Because a definitive source of water has not yet been identified, and additional facilities would be required to serve the project, this impact is potentially significant.

Mitigation Measure

MM-UTIL-1: see above.

Finding

The County Board of Supervisors finds that the above mitigation measures are feasible, will reduce the potential impact on utilities (Impact 3.14-2) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

As development under the proposed project proceeds, each of the potential supplies considered would require additional feasibility analysis to determine the actual potential for project implementation, and would require appropriate permits (e.g. new/expanded well construction) or agreements (e.g., will-serve letter) from the off-site suppliers before any development requiring potable water could be permitted. Additional infrastructure to serve the project site would be constructed consistent with the water supply ultimately selected. This process is incorporated into MM-UTIL-1. With implementation of the above discussed mitigation measure, the potential impact would be reduced to less than significant.

Exceed the current wastewater treatment capacity to serve the project's projected demand in addition to the provider's existing commitments (Impact 3.14-3). The project site is not currently served by a wastewater treatment provider. The airport is currently served by a septic system which does not have capacity for the proposed project.

Mitigation Measure

MM-UTIL-2: See above.

Finding

The County Board of Supervisors finds that the above mitigation measures are feasible, will reduce the potential impact on utilities (Impact 3.14-3) of the project to a less-than-significant level, and is adopted by the County Board of Supervisors. Accordingly, the County Board of Supervisors finds, that pursuant to Public Resources Code Section 21081(a)(1), and the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Through the implementation of MM-UTIL-2, and subsequently applicable biological, cultural resource, and noise mitigation measures, the proposed project would not cause significant environmental effects due to construction of new wastewater treatment facilities. With implementation of the above discussed mitigation measure, the potential impact would be reduced to less than significant.

Significant Unavoidable Impacts

The County finds that for the following impacts, changes or alterations have been required in, or incorporated into, the project. However, specific economic, legal, social, technological, or other considerations, make infeasible for the mitigation measures or alternatives identified in the EIR to reduce the potential impacts to a less than significant level. For the reasons set forth in the Statement of Overriding Considerations below, the County has determined that overriding considerations, including economic, legal, social, technological, or other benefits, outweigh the unavoidable adverse environmental effects associated with the project.

Air Quality

Conflict or obstruction with the implementation of the applicable air quality plan (Impact 3.2-1). The project would lead to a substantial increase in operational emissions of NO_x and PM₁₀, and therefore potentially conflict with or obstruct implementation of the 2017 Clean Air Plan.

Mitigation Measure

MM-AQ-2: The project shall implement the following measures for all facilities in order to reduce operational air pollutant emissions to the extent feasible. To the extent that

the measures below are addressed by MM-AQ-4 as part of any health risk assessment that is prepared, the measures in MM-AQ-4 shall take precedence.

- Only haul trucks meeting model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the project site.
- Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and the CARB to report violations.
- Prior to tenant occupancy, the facility operator shall provide documentation to Contra Costa County demonstrating that occupants/tenants of the project site have been provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment.
- The minimum number of automobile electric vehicle (EV) charging stations required by the California Code of Regulations Title 24 shall be provided. In addition, the buildings shall include electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations in the future.
- Conduit shall be installed to tractor trailer parking areas in logical locations determined by the facility operator during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available.

Finding

The County Board of Supervisors finds that despite implementation of the feasible mitigation measure, described above, the project would conflict with the 2017 Clean Air Plan and Impact 3.2-1 would be significant and unavoidable.

Rationale

The significant impact is primarily caused by NO_x and PM₁₀ emissions from mobile emissions, particularly trucks to serve the proposed light industrial and warehouse uses. The County has required all feasible emission controls within their jurisdiction. However, due to the need to account for long haul trucking to serve future project development, no additional feasible mitigation measures are available that would reduce this impact to less than significant.

Result in cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable Federal or State ambient air quality standard (Impact 3.2-2). Project-related emissions of NO_x and PM₁₀, primarily from mobile sources, would exceed the BAAQMD significance thresholds. As such, the project would have a potentially significant impact in relation to regional operational emissions.

Mitigation Measures

MM-AQ-1: The project contractor would be required as conditions of approval to implement the following best management practices that are required of all projects:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, 13 CCR 2485). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

MM-AQ-2: See above.

Finding

The County Board of Supervisors finds that despite implementation of the feasible mitigation measures, described above, the project would lead to long-term impacts associated with a

cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment; therefore, the County Board of Supervisors finds that Impact 3.2-1 would be significant and unavoidable.

Greenhouse Gas Emissions

Generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (Impact 3.6-1). Because the project would not meet the applicable Climate Action Plan (CAP) consistency checklist criteria, it would be considered inconsistent with the County's CAP without mitigation. As such, the project would have a potentially significant impact on climate change.

Mitigation Measures

MM-GHG-1: The individual development projects shall include the following transit-oriented and alternative transportation development design features to reduce the use of single-occupancy fossil fueled vehicles and vehicle miles traveled:

- Provide preferred parking for zero/low emission vehicles. Bicycle parking and only the minimum amount of auto parking shall be provided to encourage alternative forms of travel.
- Install conduits from the building(s) to the parking lot(s), to allow for installation of EV charging stations for vehicles. The proportion of EV parking spaces shall comply with the applicable CALGreen standards.
- The proposed project shall promote ridesharing programs through a multifaceted approach, such as designating a certain percentage of parking spaces for ridesharing vehicles; designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles; or providing a website or message board for coordinating rides.
- The proposed project shall implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip-reduction strategies. Implementing commute trip-reduction strategies without a complementary marketing strategy would result in lower vehicle miles traveled reductions. Marketing strategies may include: new employee orientation of trip reduction and alternative mode options; event promotions; or publications.

MM-GHG-2: The individual development projects shall include the following design features to reduce the demand for energy use and greenhouse gas emissions:

- Obtain Leadership in Energy and Environmental Design (LEED) Certification for building construction, where feasible.

- Provide the maximum amount of skylights to reduce electricity use associated with interior lighting.
- All facility lighting shall meet or exceed the applicable Title 24 requirements.
- All installed appliances (e.g., washer/dryers, refrigerators, dishwashers) shall be Energy Star rated or equivalent.
- Design proposed buildings with:
 - Roof structure with additional load (defined as 1 to 2 pounds per square foot) capacity to allow the future installation of solar panels without retrofitting. The installation of solar panels would comply with the policy and procedures set forth in the Interim Policy for FAA Review of Solar Energy System Projects on Federally Obligated Airports (78 FR 63276).
 - Installation of an above market sized electrical infrastructure system (larger electrical room for future expansion, underground conduits (car, truck and loading dock) for future electrical charging systems, as well as additional conduits into the grid system for future expand-ability).

MM-GHG-3: The individual development projects shall incorporate the following design features to conserve water:

- Install low flow plumbing fixtures, such as faucets, toilets, and showers.
- Utilize water efficient landscaping to reduce the usage of outdoor water on the premises.
- Construct dual plumbing for both potable and recycled water for exterior landscape irrigation, unless determined infeasible by Department of Conservation and Development, Current Planning Division.

Finding

The County Board of Supervisors finds that despite implementation of the feasible mitigation measures, described above, the project would not comply with the County CAP and the cumulative GHG impact would remain; therefore, the County Board of Supervisors finds that Impact 3.6-1 would be significant and unavoidable.

Rationale

The primary source of project GHG emissions are mobile (truck trips associated with light industrial and warehouse uses). As discussed in Air Quality, above, the County is limited in its ability to enforce additional feasible mitigation measures to reduce emissions from long haul trucking. The GHG significance finding is based on consistency with the County CAP. With implementation of mitigation measures, the project would be consistent with the CAP checklist items EE 1 (high efficiency appliances and insulation), RE 1 (solar ready), and LUT 2 (EV

charging stations). However, based on the rural location of Byron Airport, the project would not comply with LUT 4 (located within one half-mile of a Bay Area Rapid Transit or Amtrak station or within one quarter-mile of a bus station). Therefore, the project GHG impact cannot be reduced to less than significant.

Conflict with an applicable plan, policy, or regulation for the purpose of reducing the emissions of greenhouse gases (Impact 3.6-2). The project would not be consistent with the County's CAP, which is considered a qualified GHG reduction plan pursuant to CEQA, and established based on the goal of AB 32 to reduce statewide emissions to 1990 levels by 2020. Therefore, the project would also be considered inconsistent with implementation of any of the above-described GHG reduction goals for 2030 or 2050. As such, the project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. This impact would be potentially significant.

Mitigation Measures

MM-GHG-1: See above.

MM-GHG-2: See above.

MM-GHG-3: See above.

Finding

The County Board of Supervisors finds that despite implementation of the feasible mitigation measures, described above, the project would not comply with the County CAP and the cumulative GHG impact would remain; therefore, the County Board of Supervisors finds that Impact 3.6-2 would be significant and unavoidable.

Rationale

The primary source of project GHG emissions are mobile (truck trips associated with light industrial and warehouse uses). As discussed in Air Quality, above, the County is limited in its ability to enforce additional feasible mitigation measures to reduce emissions from long haul trucking. The GHG significance finding is based on consistency with the County CAP. With implementation of mitigation measures, the project would be consistent with the CAP checklist items EE 1 (high efficiency appliances and insulation), RE 1 (solar ready), and LUT 2 (EV charging stations). However, based on the rural location of Byron Airport, the project would not comply with LUT 4 (located within one half-mile of a Bay Area Rapid Transit or Amtrak station or within one quarter-mile of a bus station). Therefore, the project GHG impact cannot be reduced to less than significant.

Noise

Generation of a substantial permanent increase in ambient noise levels in the vicinity of the project area in excess of standards established in the local general (Impact 3.10-1). Project operations would result in substantial traffic-related increases in outdoor ambient noise levels at three residential locations. This impact would be potentially significant.

Finding

The County Board of Supervisors finds that Impact 3.10-1 would be significant and unavoidable, and that there are no feasible mitigation measures to reduce this impact. Residential uses (sensitive receptors) would be exposed to significant traffic noise due to the project.

Rationale

Project operations would result in substantial traffic-related increases in outdoor ambient noise levels at three residential locations. Noise walls in the vicinity of the impacted sensitive receptors could potentially reduce noise impacts to these receptors. However, such noise walls are infeasible for the following reasons: inadequate public right-of-way that may require acquiring private property to construct; access to the properties would require gaps in the noise walls that would reduce their effectiveness; the noise walls would introduce potentially significant visual impacts into the area which would particularly impact residents. Therefore, this impact cannot be reduced to less than significant.

Transportation

The project would potentially conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) (Impact 3.13-2). The project would have a potentially significant impact on VMT. Because the Countywide VMT would increase with the proposed project relative to the total VMT generated by the County under year 2040 conditions, the project's cumulative impacts would be considered significant.

Mitigation Measures

MM-TRAF-1: Project Site Design. The project shall provide site design features that facilitate pedestrian amenities and promote accessibility for on-site pedestrian movement and connectivity to various buildings or project components. As shown Table 3.13-10, this measure would result in a range of reduction in VMT.

MM-TRAF-2: Bicycling Facilities. The project shall provide adequate bike parking, change, and shower facilities on-site and improve accessibility for on-site bicycle movement as well as connections to immediate proposed off-site bike lanes along Byron Hot Springs Road and Holey Road. As shown in Table 3.13-10, this measure would

result in a 0.63% reduction in VMT. Low stress bikeway proposed along Byron Highway can be made accessible to bicyclists from the project if bike routes can be planned along Holey Road and Byron Hot Springs Road.

MM-TRAF-3: Access to Transit and Expansion of Transit Network. The project shall provide access to transit and expand transit network. The project should work with Tri Delta Transit to add transit service in the project vicinity and provide connections with the cities of Antioch, Brentwood, Pittsburg and Oakley and other unincorporated areas. As shown Table 3.13-10, this measure was assumed to result in a conservative 0.1% reduction in VMT since there are no known transit service improvement or expansion projects near the project site. However, once transit coverage is increased, this VMT reduction could increase, however it would not reduce the Project's VMT to a less than significant level.

MM-TRAF-4: Ridesharing and Car-Sharing Programs for Employees. The project shall provide/promote/subsidize ride-sharing programs to the employees by utilizing approaches such as designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading/unloading and waiting areas for ride-sharing vehicles, and providing a website or message boards for coordinating rides. Increasing the vehicle occupancy by utilizing ride sharing will result in fewer cars driving the same trip, thereby decreasing the VMT. As shown in Table 3.13-10, providing ridesharing and car-sharing programs to approximately 50% of the employees would result in a 2.5% and 0.4% reduction in VMT.

MM-TRAF-5: Employer-Sponsored Vanpool/Shuttle. The project shall provide an employer-sponsored vanpool and shuttle for use by employees for commutes to work, and bus/transit station. The vanpool and shuttle will be available to all employees; however, the calculations conservatively assume the program would be offered to/utilized by 50 percent of employees. As shown in Table 3.13-10, providing employer-sponsored vanpool/shuttle to approximately 50% of the employees, would result in a 6.7% reduction in VMT.

MM-TRAF-6: Encourage Telecommuting and Alternative Work Schedules for Employees. According to CAPCOA, encouraging telecommuting and alternative work schedules would reduce the number of commute trips, thereby reducing the project's VMT. Staggered start times, flexible schedules, or compressed work weeks are examples of alternative work schedules. Because retail and industrial/warehouse operations may require most of the employees to be on-site 24-hours per day, alternative work schedules may be feasible for a majority of the employees. The project shall implement a 4-day/40-hour work schedule for approximately 25% of the employees. As shown in Table 3.13-10, with 25%

employee participation in an alternate work schedule consisting of a 4-day/40-hour work week, a VMT reduction of 3.75% would result.

MM-TRA-7: Implement Commute Trip Reduction Marketing. The project shall implement marketing strategies to reduce commute trips. The marketing strategies would include new employee orientation of trip reduction and alternative mode options, event promotions and publications. Although the marketing would target all employees, a conservative assumption of marketing to only 50 percent of the employees was utilized in the calculation. As shown in Table 3.13-10, implementing/promoting commute trip reduction marketing to approximately 50% of the employees, would result in a 2.0% reduction in VMT.

MM-TRAF-8: Implement Subsidized or Discounted Transit Program for Employees. The project shall provide subsidized or discounted daily or monthly public transit passes to the employees. Although subsidized or discounted transit program would be available to all employees, the VMT reduction calculation conservatively assumes that the program would be available to and utilized by a maximum of 50% of employees. As shown in Table 3.13-10, implementing subsidized or discounted transit program to approximately 50% of the employees, would result in a 1.0% reduction in VMT.

Finding

The County Board of Supervisors finds that despite implementation of the feasible mitigation measures, described above, VMT impacts would remain; therefore, the County Board of Supervisors finds that Impact 3.13-2 would be significant and unavoidable.

Rationale

Mitigation measures have been required that will encourage use of alternative transportation and reduce single occupancy vehicle trips. However, VMT is primarily driven by existing land use patterns. Introducing additional employment uses within a rural area will result in above average (as compared to Bay Area) commute trip lengths. Due to the rural nature of the project vicinity, transit is of limited effectiveness. The introduction of residential (mixed-use) development into the project may reduce VMT but is not feasible, as the project site is an airport and therefore incompatible with residential uses.

The project would substantially increase hazards due to a geometric design feature (e.g., sharp curves, or dangerous intersections) or incompatible uses (e.g., farm equipment) (Impact 13.3-3). The project has the potential to increase the volume of truck traffic on the roadway network to serve warehousing and light industrial development and existing roads may be inadequate for increased volumes of project-related traffic, including increased truck traffic.

Mitigation Measures

MM-TRAF-9: Prior to the completion of the first non-aviation development project that would serve heavy trucks, the project proponent shall construct street improvements related to the project site, as follows:

- Widen Byron Hot Springs Road to provide two 12-foot travel lanes and 5 to 8-foot-wide shoulders (based on design ADT approved by Public Works Department per County Standard Plan document and to include bike lanes and sidewalk) from Byron Highway to Holey Road.
- Widen Holey Road to provide two 12-foot travel lanes and 5 to 8-foot-wide shoulders (based on design ADT approved by Public Works Department per County Standard Plan document and to include bike lanes and sidewalk) from the Airport property line to Byron Highway.
- Ensure an adequate paved turn-radius at the intersection of Byron Hot Springs Road and Armstrong Road to facilitate appropriate truck movement.
- Ensure an adequate paved turn-radius at the intersection of Byron Hot Springs Road and Holey Road to facilitate appropriate truck movement.

Finding

The County Board of Supervisors finds that implementation of feasible mitigation measures would reduce the potential impact of truck traffic on roadways which provide access to the project site. However, the feasibility of improvements to improve vehicle queues at the Mountain House Parkway/I-205 westbound ramps is uncertain. Impact 13.3-3 would be significant and unavoidable.

Rationale

The proposed SR-239 TriLink project would likely reduce this impact to less than significant. However, SR-239 Feasibility Study does not identify specific improvements, nor are specific improvements planned or funded in the area. Therefore, this impact cannot be reduced to less than significant.

VII. Alternatives

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The CEQA Guidelines state that an EIR shall describe a reasonable range of alternatives that would avoid or substantially lessen any significant effects of the project, but need not consider every conceivable

alternative. The CEQA Guidelines further state that “the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly” (CEQA Guidelines Section 15126.6[b]). Therefore, an EIR must describe a range of reasonable alternatives to the proposed project (or to its location) that could feasibly attain most of the basic objectives of the project. The feasibility of an alternative may be determined based on a variety of factors, including, but not limited to, site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and site accessibility and control (CEQA Guidelines Section 15126.6[f][1]).

Alternatives in an EIR must be potentially feasible (CEQA Guidelines, Section 15126.6[a]). Agency decision makers ultimately decide what is “actually feasible.” (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 981 (CNPS).) Under CEQA, “feasible” is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (CEQA Guidelines Section 15364). The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509; CNPS, *supra*, 177 Cal. App. 4th at p. 1001; *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166.) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.)

The EIR discussed and found the following alternative infeasible.

- Off-site alternative

The EIR analyzes three alternatives:

- No Project/Aviation Only
- Aviation Expansion
- Reduced Density

Alternative 1: No Project Alternative

Basis for Consideration

An EIR alternatives analysis must include the “no project” alternative to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project (CEQA Guidelines Section 15126.6[e][1]). The no project discussion follows

one of two lines of analysis: (1) where the project includes a change to a land use plan or policy (including zoning), what kind of development would reasonably be expected to occur under existing plans and considering available infrastructure and services, or (2) if no development would occur (the “no build” alternative), what would the effects be of the project site remaining in its existing state compared to the circumstances if the proposed project were approved.

The approved Byron Airport Master Plan and Airport Layout Plan (Appendix D to the Airport Master Plan) identify additional aviation development to support the anticipated growth in airport operations. These include aircraft storage, cargo facilities, maintenance and repair, corporate hangars and fixed-base operators, and expanded pilot and passenger facilities (Contra Costa County 2005b, 2016). Aviation uses are consistent with the existing P-1 zoning and the ALUCP for Byron Airport and were evaluated in the 1985 EIR prepared for the siting and development of Byron Airport. Therefore, some level of development should be considered in the “no project” scenario, consistent with the CEQA Guidelines. However, existing infrastructure is inadequate to serve even the build-out of the current master planned aviation uses. It is, therefore, assumed that aircraft storage could accommodate the additional 62 based aircraft. Supporting facilities would be limited to 20,000 to 40,000 square feet—the estimated amount of development that could be supported by the septic system based on existing use and capacity (Mead & Hunt 2013).

Description

It is assumed that based aircraft and operations would increase, consistent with the Airport Master Plan. This alternative assumes that 167 aircraft would be based at the airport within 10 years (compared to the current estimate of 105). Airport storage, including hangars and tie-downs, would be constructed to accommodate additional aircraft. New structures would be limited to 20,000 to 40,000 square feet due to limitations in water, sewer, and stormwater infrastructure. Development would occur in the aviation area, adjacent to existing airport facilities, as identified in Chapter 2, Project Description. No development would occur in the non-aviation area east of the main runway. Acquisition of the residence in the northeast corner of the project site would not occur.

Comparative Analysis of Environmental Effects

The No Project/Aviation Only Alternative would avoid all significant and unavoidable impacts associated with the proposed project. This alternative would include some construction activities and additional facilities, so certain construction-related impacts would be potentially significant, but these would be mitigated through implementation of feasible mitigation measures identified for that project. These measures would be for impacts to biology, cultural resources, geology, hazards, and hydrology.

Findings

The No Project/Aviation Only Alternative would, for the most part, achieve the aviation-related objectives of the project, as follows:

- Develop airport facilities to support the types of development envisioned in the Airport Master Plan and subsequent airport planning efforts.
- Protect current and future airport operations from incompatible land uses.

However, this alternative would not achieve the objectives related to economic development or financial self-sufficiency. The airport would continue to operate at a deficit under this alternative. Therefore, the County finds this alternative to be infeasible.

Alternative 2: Aviation Expansion Alternative

Basis for Consideration

The Aviation Expansion Alternative is similar to the No Project/Aviation Only Alternative (see above) but assumes that additional infrastructure would be constructed for full build-out of the aviation area. This alternative would reduce significant impacts related to transportation and related health risks, greenhouse gas emissions, and noise. Since traffic generation from new development east of the main runway (including vendors, employees, and visitors) would not occur, this alternative is expected to substantially reduce those impacts.

Description

It is assumed that based aircraft and operations would increase consistent with the Airport Master Plan. A total of 11.8 acres would be dedicated to future airport storage (including hangars and tie-downs). Up to 154,000 square feet of aviation-related buildings would be constructed within an area of 11.8 acres. No development would occur in the airport-related area east of the main runway. Acquisition of the residence in the northeast corner of the project site would not occur.

Comparative Analysis of Environmental Effects

Since no development would occur east of the main runway, the three houses near the airport would not be affected, avoiding impacts related to health risk and noise (due to increased traffic). Transportation impacts would be substantially reduced (because of reduced number of truck traffic, vendors, employees, and visitors). The potentially significant (but mitigatable) aesthetics impact of large structures east of the airport would also be avoided. Associated greenhouse gas emissions would also be substantially reduced. Construction impacts related to expansion of the aviation uses, including impacts to biology, cultural resources, geology, hazards, hydrology, and public utilities, would still occur, but would be mitigated by feasible mitigation measures, as described throughout this EIR.

Findings

The Aviation Expansion Alternative would achieve the aviation-related objectives of the project, as follows:

- Develop airport facilities to support the types of development envisioned in the Airport Master Plan and subsequent airport planning efforts.
- Protect current and future airport operations from incompatible land uses.

However, this alternative would not achieve the objectives related to economic development or financial self-sufficiency. The airport would continue to operate at a deficit under this alternative. Therefore, the County finds this alternative to be infeasible.

Alternative 3: Reduced Intensity

Basis for Consideration

The Reduced Intensity Alternative is based on the initial development scenario for the proposed project. This scenario did not include an update of the ALUCP, so the intensity of proposed development was constrained. Since several of the significant project impacts are related to the intensity of development, particularly in proximity to residential uses east of the airport, this reduced-intensity alternative provides a useful comparison. This alternative would use the same development footprint as the proposed project, but would not include acquisition of the 11.7-acre parcel. Due to the reduced amount of acreage, and the reduction in allowable floor area ratio (FAR), office and commercial uses would be considered infeasible in this development scenario, and the available non-aviation development area would consist of logistics/warehouse/distribution and light/industry business park uses.

Description

Based aircraft and operations would increase consistent with the Airport Master Plan because aviation expansion would still occur on the 23.5 acres designated for aviation uses. The development footprint would be similar to the proposed project, but the intensity would be reduced. The floor-to-area ratio of logistics/warehouse/distribution would be reduced to 0.25 (from 0.30 for the proposed project). Office and commercial development would be eliminated under this alternative, and the potential acreage for those uses would be used for logistics/warehouse/distribution and light industry/business park. The 11.7-acre parcel adjacent to the airport-related development would not be acquired.

Total building area would be reduced to 723,000 square feet, as opposed to the proposed project amount of 941,000 square feet (see Chapter 4 of the Final EIR for complete description). Total

employees and visitors would not exceed 636 at any given time, as opposed to 1,528 for the proposed project.

Comparative Analysis of Environmental Effects

Transportation impacts would be reduced by eliminating commercial and office uses. However, truck traffic would be similar to the proposed project, since this alternative could result in 484,000 square feet of warehouse/light industrial uses compared to 487,000 for the proposed project. Traffic impacts would still likely be significant but reduced, with a corresponding decrease in the amount of mitigation required. Associated greenhouse gas emissions would also be reduced, but likely not to a less-than-significant level. Since warehousing and light industrial uses would still be constructed east of the airport, impacts related to health risk would still potentially occur, but could be mitigated. The potentially significant (but mitigatable) aesthetics impact of large structures east of the airport would also be avoided, since warehousing would be less dense and farther from existing homes. Construction impacts related to expansion of the aviation uses, including impacts to biology, cultural resources, geology, hazards, hydrology, and public utilities, would still occur, but would be mitigated by feasible mitigation measures described throughout this EIR.

Findings

The Reduced Intensity Alternative would achieve the aviation-related objectives of the project, as follows:

- Develop airport facilities to support the types of development envisioned in the Airport Master Plan and subsequent airport planning efforts.
- Protect current and future airport operations from incompatible land uses.

This alternative would not fully achieve the economic objectives:

- Achieve economic self-sufficiency of the airport through the development of airport-related land uses.
- Provide a streamlined planning framework for development consistent with the General Plan and the ALUCP.

This alternative would reduce but not fully mitigate the significant and unavoidable impacts of the project. In addition, the economic development and fiscal objectives of the County would not be fully realized. For these reasons, the County finds this alternative to be infeasible.

VIII. Statement of Overriding Considerations

As set forth in the preceding sections, approving the project will result in some significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures. There are no feasible alternatives to the project that would fully mitigate or substantially

lessen the impacts. Despite these effects, the County, in accordance with CEQA Guidelines section 15093, chooses to approve the project because, in its judgment, the following economic, social, and other benefits that the project will produce will render the significant effects acceptable.

1. The Airport Land Use Compatibility Plan (ALUCP) for Byron Airport is inconsistent with both the current version of the *California Airport Land Use Planning Handbook* (2011) and the ALUCP for Buchanan Field Airport. Updating the ALUCP would provide for consistent implementation of development standards throughout the County. This is a benefit both to private landowners and to County planning.
2. The project would provide economic development opportunities in east Contra Costa County. The east County has traditionally had a much higher unemployment rate relative to the County as a whole. For example, in September 2021, the County unemployment rate was 5.5%, while the unemployment rate in the Byron Census Designated Place was 11% (California Economic Development Department, 2021).
3. The project would provide for economic self-sufficiency for Byron Airport. The Airport currently operates a loss. This shortfall is compensated by revenues at Buchanan Field Airport. The proposed project would eliminate a budget deficit that would improve the fiscal health of the County.

IX. Conclusion

The County Board of Supervisors has balanced these benefits and considerations against the significant unavoidable environmental effects of the project. After balancing the environmental costs against the project's benefits, the Board concludes that the benefits outweigh the adverse environmental impacts. The Board finds that the project's benefits outlined above, and each of them individually, override the significant unavoidable environmental costs associated with the project.