



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: June 7, 2022

Subject: Byron Airport Development Program, County File #GP12-0003, DP14-3008 & RZ21-3262

RECOMMENDATION(S):

Staff recommends the following actions to approve the Byron Airport Development Program while excluding APN 001-011-017, the 11.7-acre acquisition parcel, from any change:

1. OPEN the public hearing on the Byron Airport Development Program, RECEIVE testimony, and CLOSE the public hearing.
2. CERTIFY that the environmental impact report prepared for the Byron Airport Development Program was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the Board of Supervisors before Project approval and reflects the County's independent judgement and analysis.
3. CERTIFY the environmental impact report prepared for the Byron Airport Development Program.
4. ADOPT the attached CEQA Findings, Mitigation Monitoring and Reporting Program, and statement of overriding considerations for the project.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **06/07/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV
Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 7, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Daniel Barrios, (925)
655-2901

cc:

5. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, California, is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
6. ADOPT Resolution No. 2022/179 modifying the language of General Plan Transportation and Circulation Element Policies 5-66 and 5-77 (County File No. GP12-0003);
7. ADOPT the alternate findings in support of the Byron Airport Development Program (Attachment E).
8. APPROVE the Development Plan Modification (County File No. DP14-3008).
9. APPROVE the alternate conditions of approval for the Byron Airport Development Program (Attachment E).

RECOMMENDATION(S): (CONT'D)

10. APPROVE the Byron Airport Development Program.

11. DIRECT staff to file a Notice of Completion with the County Clerk.

FISCAL IMPACT:

The Mariposa Energy Project Community Benefit Fund (Mariposa Fund) has covered consultant costs and most Department of Conservation and Development (DCD) staff cost associated with this project. Originally, \$349,270 from the Mariposa Fund was allocated to this project. As amended, the contract with Dudek, the County's CEQA consultant, is for \$272,586, to be paid out of the Mariposa Fund. The remaining amount of \$76,684 was intended to cover staff time; however, on July 13, 2021, the Board of Supervisors allocated an additional \$140,000 from the Mariposa Fund to this project to cover the significant cost of staff time invested into this project, resulting in a new total allocation of \$489,270. The Land Development Fund covered a small portion of DCD staff costs.

BACKGROUND:

Summary

The proposed project is a County-initiated General Plan amendment (GPA), development plan modification (DPM), rezone, and Airport Land Use Compatibility Plan (ALUCP) amendment for Byron Airport to expand the range of uses allowed on the airport property to improve the airport's economic viability. The proposed GPA includes revised policies that update and clarify the range of land uses and activities allowed at Byron Airport, similar to those already adopted for the County's other general aviation airport, Buchanan Field in Concord, as well as re-designation of an 11.7-acre parcel ultimately to be acquired by the County from AL to PS. The current development plan for the airport would be modified to permit all of the new uses either by-right or with approval of a land use (conditional) permit. The DPM would also establish certain development standards, such as maximum building heights, maximum floor area, landscaping requirements, etc. The rezone would change the 11.7-acre parcel from A-3 to P-1 to be part of the Byron Airport Development Program. The ALUCP would be updated with new policies and maps specific to Byron Airport, which would reflect the 2016 Airport Layout Plan for Byron Airport, the 2005 Byron Airport Master Plan, and guidance set forth in the most recent version of the Caltrans California Airport Land Use Planning Handbook.

The Byron Airport Development Program was presented at the April 26, 2022, Board of Supervisors hearing. At the hearing, the owners of the 11.7-acre acquisition parcel indicated that they needed additional time to consider whether to have their parcel included as part of the Byron Airport Development Program. As such, the item was continued to the May 17, 2022, agenda with guidance from the Board of Supervisors to work with the property owners in making a decision on the property's inclusion, and was

continued again to June 7, 2022.

Staff met with the owners and on June 2, 2022, received a letter from their attorney, (Attachment R). As a result, staff recommends excluding the 11.7-acre property. However, if a decision were made to include the 11.7-acre property, the Board could approve the following alternative actions:

1. OPEN the public hearing on the Byron Airport Development Program, RECEIVE testimony, and CLOSE the public hearing.
2. CERTIFY that the environmental impact report prepared for the Byron Airport Development Program was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the Board of Supervisors before Project approval and reflects the County's independent judgement and analysis.
3. CERTIFY the environmental impact report prepared for the Byron Airport Development Program.
4. ADOPT the attached CEQA Findings, Mitigation Monitoring and Reporting Program, and statement of overriding considerations for the project.
5. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, California, is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
6. ADOPT Resolution No. 2022/178 amending the General Plan Land Use Element Map to change the land use designation of the subject 11.7-acre parcel from Agricultural Lands (AL) to Public and Semi-Public (PS) and to modify the language of General Plan Transportation and Circulation Element Policies 5-66 and 5-77 (County File No. GP12-0003).
7. ADOPT Ordinance No. 2022-13 rezoning the 11.7-acre parcel to be acquired by the County from Heavy Agricultural District (A-3) to Planned Unit District (P-1) (County File No. RZ21-3262).
8. ADOPT the findings in support of the Byron Airport Development Program (Attachment D).
9. APPROVE the Development Plan Modification (County File No. DP14-3008).
10. APPROVE the conditions of approval for the Byron Airport Development Program (Attachment D).
11. APPROVE the Byron Airport Development Program.

12. DIRECT staff to file a Notice of Completion with the County Clerk.

Site/Area Information

A. General Plan: The subject site's General Plan land use designations include Public and Semi-Public (PS), Open Space (OS), and Agricultural Lands (AL). The PS designation includes properties owned by public governmental agencies such as libraries, fire stations, schools, etc. The OS designation includes publicly-owned open space lands which are not designated as Public and Semi-Public, Watershed, or Parks and Recreation. Lands designated Open Space include, without limitation, wetlands and tidelands and other areas of significant ecological resources, or geologic hazards. OS also includes privately-owned properties for which future development rights have been deeded to a public agency or private entity, such as a land trust. The primary purpose of the AL designation is to preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials.

The proposed project is located primarily within the PS designation, in which public airports are a compatible use. The existing aviation facilities and the master-planned development areas are designated as PS. The proposed project includes re-designation of the 11.7-acre parcel from AL to PS, which, after its re-designation, would result in the entire project being located within the PS designation. The remainder of the airport property is designated OS, consistent with the habitat management use for the non-developable airport property.

B. Zoning: Byron Airport is zoned Planned Unit District (P-1); the 11.7-acre parcel is zoned Heavy Agricultural District (A-3).

C. Existing Site Condition: Byron Airport is located in southeastern Contra Costa County. The airport property consists of 1,427 acres, including 1,307 acres south of Armstrong Road and 120 acres north of Armstrong Road. The proposed Byron Airport Development Program site excludes the 120 acres north of Armstrong Road, but includes an 11.7-acre parcel located between the airport property and the Bethany Irrigation District Canal, for a total of approximately 1,319 acres. The project site includes the existing airport facilities and areas proposed for development (referred to as the development area). However, most of the project site is reserved for habitat management.

Byron Airport's existing development footprint is small compared to the County's other airport, Buchanan Field. The facility has two nonintersecting runways, each with a parallel taxiway and several connector taxiways. General aviation facilities are generally concentrated in the west-facing "V" formed by the two runways and include aircraft surface storage, runway apron, hangars, and office space. Byron Airport does not have a control tower. Significant buildings include the 2,400-square-foot administration building (500 Eagle Court), a 7,500-square-foot maintenance hangar (505 Eagle Court), the Byron Jet Center (760 Osprey Court), and two executive hangars. Other aircraft storage consists of T-hangars and tie-downs. Accessory facilities include a wash rack, fuel farm, and

300-square-foot pump house for fire protection. A small building on the north side of the airport (6900 Falcon Way) was part of the original Byron Airpark and is currently leased to Bay Area Sky Diving.

Electrical power is supplied by Pacific Gas & Electric Company via Holey Road. There is no natural gas service at the airport. The on-site water system consists of a domestic well with a 4,000-gallon holding tank, booster pump, and chlorinator; however, this water supply is non-potable. Drinking water is provided by bottled water deliveries. The sanitary system consists of a 3,000-gallon septic tank and lift station that pumps to a leach field located southwest of the aircraft apron.

D. Surrounding Land Use: Byron Airport is located on the western edge of the Central Valley. Byron Hot Springs, a now abandoned resort and former World War II prisoner-of-war camp, is located north of the airport. Agricultural and rural residential uses border the east and west sides of the airport property. To the south are agricultural lands and property owned by East Bay Regional Park District. Nearby communities include Byron, approximately 2.5 miles north, Discovery Bay 4 miles to the northeast, and Mountain House, approximately 4 miles southeast.

Background

The original Byron Airport Master Plan (Airport Master Plan) was adopted in 1986, and the airport opened in 1994. The Airport Master Plan was updated in 2005 and identifies a 20-year plan to support aviation activities at the airport. The 2005 Airport Master Plan also identifies potential development opportunities on airport property to increase airport revenue and achieve economic self-sufficiency. In 2015, the County identified a suite of proposed land uses for development on airport property, building on the framework of the 2005 Airport Master Plan. The uses included aviation reserve land uses, which would be directly associated with aircraft operations (e.g., hangar development, aircraft repair and maintenance), and airport-related land uses, which would not be aeronautical uses but would be compatible with on-going aircraft operations.

The County's existing General Plan policies, zoning regulations, and ALUCP policies specific to the airport do not accommodate many of the proposed land uses. Therefore, the County's Department of Conservation and Development and Public Works Department – Airports Division are working collaboratively to amend the General Plan, zoning, development plan, and ALUCP to enable on-site development in accordance with the Airport Master Plan.

The project would provide for both aviation development and non-aviation (airport-related) development. Aviation uses include aircraft storage, administrative facilities, instructional facilities, fixed base operators, pilot and passenger terminal improvements, cargo facilities, and aircraft repair and service. Non-aviation development includes a wide range of industrial, commercial, and office uses that benefit from proximity to the airport and the regional roadway network. These uses may include

warehousing and distribution; light manufacturing; research and development; regional retail, including construction materials and home goods; service commercial; and offices. Local retail and food service may also be provided to serve the airport and local residents.

Project Description

A. Objectives: The County identified the following project objectives:

1. Develop airport facilities to support the types of development envisioned in the 2005 Airport Master Plan.
2. Achieve economic self-sufficiency of the airport through development of airport-related land uses.
3. Protect current and future airport operations from incompatible land uses.
4. Provide a streamlined planning framework for future development consistent with the General Plan and ALUCP.

B. General Plan Amendment: The County General Plan designates the existing aviation facilities and the master-planned development areas as Public and Semi-Public (PS). The remainder of the airport property is designated as Open Space (consistent with the habitat management use for the non-developable airport property). The General Plan designation for the existing airport property will not change. The 11.7-acre acquisition parcel would be re-designated from Agricultural Lands (AL) to PS to be consistent with the rest of the developable airport property (see Attachment H, General Plan Amendment Map).

General Plan Policy 5-66 states, “Establishment of commercial, industrial, or residential development around the planned airport shall not be allowed.” This policy would be amended to specify that commercial or industrial development would be allowed on airport property if it is consistent with the ALUCP and the Airport Master Plan for Byron Airport. Policy 5-77, related to the ALUCP for Byron Airport, would be updated to reflect the new compatibility zone designations (Zone B-1 would become Safety Zone 2) and the additional uses at the airport that may be found compatible under the updated ALUCP. See Attachment G for the full text of the General Plan policy changes.

C. Airport Land Use Compatibility Plan Update: Every county in California that contains at least one public airport must prepare an Airport Land Use Plan (also known as an Airport Land Use Compatibility Plan), per the State Aeronautics Act (Public Utilities Code Section 21001 et seq.). The purpose of ALUCPs is to minimize the public’s exposure to excessive noise and safety hazards while providing for the orderly expansion of airports. ALUCPs achieve this by identifying land use types and intensities that are compatible with four key factors: safety, noise, airspace protection, and overflight. The Caltrans Division of Aeronautics provides guidance on airport land use planning in its California Airport Land Use Planning Handbook.

The ALUCP for Byron Airport was adopted in 2000, with minor modifications in 2006 and 2016. The current ALUCP reflects the original 1986 Airport Master Plan for the East Contra Costa County Airport (now Byron Airport). The Byron Airport Master Plan was updated in 2005. In addition, the Airport Layout Plan—required by the Federal Aviation Administration and a main component of the Airport Master Plan—was updated in 2016. The standards used in the current ALUCP for Byron Airport are based on the 1993 edition of the Airport Land Use Planning Handbook. Caltrans has updated this guidance document twice since that time, in 2002 and 2011. Thus, the current ALUCP for Byron Airport does not reflect the latest planning and forecasts for the airport, and is based on dated compatibility planning guidance. The 2016 Airport Layout Plan update also is not reflected in the current ALUCP for Byron Airport. The effect is an ALUCP that does not allow the type of development envisioned in the Airport Master Plan, which would provide for the economic development and fiscal self-sufficiency of Byron Airport.

The proposed ALUCP update for Byron Airport would revise the policies for Byron Airport, consistent with current Caltrans guidance and the policy framework in effect at Buchanan Airport. The countywide policies in the ALUCP affecting Byron Airport would not change. Key changes for Byron Airport policies are described below by category: safety, noise, airspace protection, and overflight.

1. Safety: Several important changes would be made to Byron Airport's safety policies. These are driven primarily by applying the latest Caltrans guidance to the airport. The current ALUCP for Byron Airport uses six "composite" zones known as zones A, B1, B2, C1, C2, and D. These zones combine noise and safety criteria to determine compatible land uses. The proposed ALUCP update would identify six safety zones (1 through 6) consistent with the current Airport Land Use Planning Handbook. By using more carefully defined safety zones and by addressing noise compatibility separately, a greater range of development types would be allowed. In addition, applying current Airport Land Use Planning Handbook standards for non-residential development would increase the intensity of development allowed, and thereby support the County's goals for economic development at the airport.

2. Noise: The proposed ALUCP update for Byron Airport separates the noise criteria from the safety criteria when determining compatible use. Noise compatibility is based on noise contours developed from forecasted aviation activity. The aviation forecasts for the airport remain valid and would not be revised as part of the proposed ALUCP update. Therefore, the noise contours would not change. The commercial and light industrial uses planned for the airport are not considered to be noise-sensitive uses. Therefore, separating the noise criteria from the safety zones would increase the range and intensity of non-residential land uses.

3. Airspace Protection: Airspace protection policies regulate development that may interfere with the safe navigation of aircraft, including physical structures or potential hazards such as dust, smoke, light/glare, and wildlife. Minor changes

would be made to airspace policies to reflect the 2016 Airport Layout Plan, including runway approach profiles. However, no significant changes would be made to the policies, and there would be no effect on allowable land uses.

4. Overflight: Overflight policies do not regulate land use but identify the areas subject to noise from overflight (as compared to noise from aircraft approaches and departures). The overflight area, along with airspace protection discussed above, helps to define the airport influence area, in which home buyers must be notified of the presence of the airport. Overflight policies also identify areas where aviation easements (dedicating airspace rights to the airport) should be acquired. The notification area would be slightly larger in the proposed ALUCP update for Byron Airport to reflect the 2017 Airport Layout Plan, but there would be no change to policies that would affect allowable land uses or future development.

The ALUCP update will be adopted by the Airport Land Use Commission subsequent to the Board of Supervisors certifying the Byron Airport Development Program Final EIR. Adoption of the ALUCP update is anticipated for May or June 2022.

D. Development Plan Modification and Rezone: The airport property is currently zoned P-1. The P-1 zoning is intended to allow diversification in the relationship of various uses, buildings, structures, lot sizes, and open space areas while ensuring compliance with the General Plan and the intent of the County Code in requiring adequate standards necessary to satisfy the requirements of public health, safety, and general welfare. Currently, the Byron Airport P-1 zoning only allows aviation-related uses, agriculture, and open space. The amended Planned Unit District will identify four separate development areas: Aviation, Airport Related, Low-Intensity Use, and Habitat Management (see Attachment J, Site Plan). These areas are further described below. The most important change would be to the airport-related uses, which would allow non-residential development that is compatible with the ALUCP for Byron Airport. These uses would include light industry, warehousing and logistics, commercial, and low-intensity office. In addition, the 11.7-acre parcel to be acquired by the County would be rezoned from A-3 to P-1 in order to be included as part of the Byron Airport Development Program (see Attachment I, Rezone Ordinance 2022-13). The Byron Airport Development Program also includes the following modifications to the P-1:

1. Aviation: A total of 23.5 acres is designated for aviation uses, located adjacent to the taxiways and runways. The aviation area is adjacent to a developed 10.5-acre aircraft storage area and 9.7-acre aircraft parking area south of the main runway (Runway 12-30). Proposed land uses in the aviation area include airport infrastructure (e.g., control tower, terminals), hangars, fixed-base operators, businesses that directly support aviation and travel (e.g., aircraft service and fuel, rental car facilities, pilots lounge, meeting facilities), and businesses that directly rely on aviation (e.g., agricultural aviation, aerial surveys and photography, air charter businesses, air cargo, just-in-time delivery).

2. Non-Aviation (Airport-Related): Approximately 46.6 acres of Byron Airport is designated for non-aviation uses. This includes 34.9 acres east of the main runway on the existing airport property, and 11.7 acres in the adjacent parcel. The 46.6 acres would support commercial and light-industrial uses that are compatible with airport operations and would benefit from being located at an airport, with access to Highway 4, Interstate 205, and Interstate 580. A variety of retail, service, warehouse and distribution, light manufacturing, and low-density office uses would be allowed.
3. Low-Intensity Use: The areas adjacent to the ends of the primary runway and within the “no build” area adjacent to the runway, approximately 31 acres, are designated as low-intensity use. No structures would be allowed within this area. Infrastructure improvements may be allowed within this area.
4. Habitat Management Lands: Most of the project site, approximately 814 acres, is owned and managed by the County as wildlife habitat, consistent with permit conditions imposed when the airport was constructed. The proposed project does not propose any changes to habitat management lands.
5. Development Reserve: The 2005 Airport Master Plan identified a potential development area larger than the one currently under consideration. The areas that have been removed from the aviation and non-aviation development area are identified as “development reserve” in the proposed site plan. There are no land uses assigned to this category, it merely denotes an area that was previously identified for potential development in the 2005 Airport Master Plan but is no longer considered part of the proposed development program.
6. Development Scenario: Taking into account the land use areas described above and the proposed safety zones, DCD and Airports Division staff developed a preferred development scenario. This scenario represents a reasonable distribution of compatible land uses on the airport property and forms the basis of the impacts analysis in the EIR. The Development Scenario (Attachment K) assigns a percentage of available acreage to the various uses (e.g., light industry), and estimates the potential building area as increments of 1,000 square feet for those uses based on floor-to-area ratio. The number of people who may occupy the site at any given time was then calculated using intensity factors from the Airport Land Use Planning Handbook and the County’s General Plan. The percentages assigned to each non-aviation land use are estimated, but future land use demand would drive the actual development scenario. As long as the overall building area is not exceeded, the impacts of development are not anticipated to exceed the environmental analysis conducted as part of this project. Ongoing monitoring of land uses would ensure that incoming land uses do not exceed the impacts analysis of this proposed program.

Environmental Review

DCD determined that the project required preparation of an environmental impact report

(EIR) and, in accordance with CEQA, distributed a Notice of Preparation (NOP) on September 21, 2017. The Draft EIR was released for public review on July 1, 2021, with the 60-day public comment period ending on August 30, 2021. The Final EIR is attached for the Board of Supervisors' consideration.

The EIR identified potentially significant environmental impacts that would occur if the project was implemented and recommended mitigation measures that would reduce most, but not all, of the potentially significant impacts to less-than-significant levels; some impacts would remain significant and unavoidable. The attached CEQA Findings contain a statement of overriding considerations for the significant and unavoidable impacts. All impacts and mitigation measures are spelled out in the attached Mitigation Monitoring and Reporting Program (MMRP). All mitigation measures are also included in the attached conditions of approval.

A. Public Consultation & Comments on the EIR: DCD conferred with a number of federal, State, and local agencies and other County departments prior to and during preparation of the EIR. Correspondence was received in response to the NOP, and written comments were received from the following agencies and organizations during the public comment period for the Draft EIR:

1. Wilton Rancheria
2. California Department of Conservation – Geologic Energy Management Division
3. Delta Stewardship Council
4. Contra Costa Water District

All correspondence received during and after the 60-day public comment period for the Draft EIR and all responses to those comments are included in the Final EIR.

B. Summary of Environmental Impacts: The Draft EIR identifies environmental impacts which would occur if the project was implemented. Potentially significant and/or significant and unavoidable impacts were identified in the following Draft EIR topic areas:

1. Aesthetics: Discussed in detail in Draft EIR Section 3.1 (pages 3.1-1 to 3.1-53) and in the Final EIR. The DEIR identified potentially significant impacts to views from surrounding roadways, including Armstrong Road and Byron Hot Springs Road. However, all potentially significant impacts can be mitigated to less-than-significant levels.
2. Air Quality: Discussed in detail in Draft EIR Section 3.2 (pages 3.2-1 to 3.2-42) and in the Final EIR. Significant and unavoidable impacts would occur during both construction and operation.

3. Biology: Discussed in detail in Draft EIR Section 3.3 (pages 3.3-1 to 3.1-38) and in the Final EIR. The DEIR identified potentially significant impacts to a variety of special-status plant and animal species and their habitats. However, all potentially significant impacts can be mitigated to less-than-significant levels.

4. Cultural Resources: Discussed in detail in Draft EIR Section 3.4 (pages 3.4-1 to 3.4-22) and in the Final EIR. The project site is in the vicinity of Northern Valley Yokut territory, and the surrounding area is known to contain numerous archeological and historical resources. The Draft EIR identified potentially significant impacts to cultural resources. However, all potentially significant impacts can be mitigated to less-than-significant levels.

5. Geology, Soils and Minerals: Discussed in detail in Draft EIR Section 3.5 (pages 3.5-1 to 3.5-22) and in the Final EIR. The Draft EIR identified potentially significant impacts related to expansive soil and liquefaction, as well as paleontological resources. However, all potentially significant impacts can be mitigated to less-than-significant levels.

6. Greenhouse Gas Emissions: Discussed in detail in Draft EIR Section 3.6 (pages 3.6-1 to 3.6-40) and in the Final EIR. Significant and unavoidable impacts would occur during operation and the implementation of individual development projects under the scope of this development program.

7. Hazards and Hazardous Materials: Discussed in detail in Draft EIR Section 3.7 (pages 3.7-1 to 3.5-24) and in the Final EIR. The Draft EIR identified potentially significant impacts related to hazardous material storage, use, and release sites. However, all potentially significant impacts can be mitigated to less-than-significant levels.

8. Hydrology and Water Quality: Discussed in detail in Draft EIR Section 3.8 (pages 3.8-1 to 3.8-37) and in the Final EIR. The Draft EIR identified potentially significant impacts related to land disturbance, creation of impervious surfaces, and/or release or discharge of pollutants to groundwater or regional waters. However, all potentially significant impacts can be mitigated to less-than-significant levels.

9. Noise: Discussed in detail in Draft EIR Section 3.10 (pages 3.10-1 to 3.10-28) and in the Final EIR. Significant and unavoidable impacts would occur as a result of traffic generated by operation of individual development projects under the scope of this development program.

10. Transportation and Traffic: Discussed in detail in Draft EIR Section 3.13 (pages 3.13-1 to 3.13-54) and in the Final EIR. Significant and unavoidable impacts would occur as a result of traffic generated by operation of individual development projects under the scope of this development program.

11. Utilities: Discussed in detail in Draft EIR Section 3.14 (pages 3.14-1 to 3.14-26) and in the Final EIR. The Draft EIR identified potentially significant impacts related to exceeding the capacity of on-site utility systems, including water and wastewater. However, all potentially significant impacts can be mitigated to less-than-significant levels.

County Planning Commission Hearing

The County Planning Commission (CPC) reviewed the Byron Airport Development Program at its March 9, 2022, hearing. The CPC took public testimony and voted 6-0 to adopt a motion recommending that the Board of Supervisors approve the project as recommended by staff. No significant issues were raised during the hearing.

Staff Discussion

A. Economic Development: Byron Airport currently operates at an annual net deficit. In order to develop economically beneficial uses on the airport, development intensities must be increased to a level more consistent with current California Airport Land Use Planning Handbook guidance. In addition, by de-coupling the noise and safety criteria in the ALUCP, a greater range of industrial and commercial uses could be allowed at the airport. This approach would also create consistency with Buchanan Field, which does not use composite compatibility zones.

The proposed project would help implement General Plan Goal 5-Q, to encourage the development and operation of two general purpose public airports in the county, by providing for the economic development and financial self-sufficiency of Byron Airport. The General Plan policies regarding the airport would be amended to clarify that compatible non-aviation uses would be allowed on airport property. General Plan Policy 5-77 would be amended to specify that commercial or industrial development would be allowed on-airport if it is consistent with the ALUCP and the Byron Airport Master Plan.

The P-1 zoning for Byron Airport would also be revised to identify the land use categories used in the ALUCP: aviation, non-aviation, low intensity, and habitat management. Additional land uses that could be allowed within the aviation and non-aviation areas would be identified, as discussed above and in Draft EIR Section 2.6, Proposed Land Uses and Zoning. The P-1 modification would specify that all proposed land uses must be reviewed by County staff for consistency with the current ALUCP. The zoning would also implement the ALUCP and General Plan standards for compatible land use, including height restrictions.

Not only would increasing the economic viability of Byron Airport help it operate in a financially beneficial way to the County, but it would also help support the jobs/housing balance in East Contra Costa County. According to General Plan Table 2-4, the projected jobs/housing ratio for East County in 2020 was 0.45 jobs per resident. This low ratio

results in a large population of East County residents commuting out of the county for work, rather than commuting locally. This mass exodus from East County communities creates significant traffic along local roads and highways, among other negative impacts to the environment and quality of life. Providing new, high quality economic opportunities for residents in East County would help to improve in the jobs/housing ratio.

B. Transportation and Traffic: As discussed in detail in Draft EIR Section 3.13 (pages 3.13-1 to 3.13-54) and in the Final EIR, significant and unavoidable impacts would occur as a result of traffic generated by operation of individual development projects under the scope of this development program. The Vehicle Miles Traveled (VMT) per employee for the project is 21.2, compared to 14.0 for the county and 14.9 for the Bay Area. A slight decrease in VMT per employee under the “with project” conditions compared to the “without project” conditions indicates that the project would improve VMT efficiency in the region. However, the VMT “significance of impact” threshold requires comparison of the project VMT with the regional average (i.e., Bay Area Average), and not a comparison of with project and no project scenarios. The County threshold for Employment Projects (office, industrial, and institutional projects) is that the project VMT should be 15% below Bay Area average commute VMT per employee (i.e., home-based work VMT per employee). The project’s VMT per employee (21.2) is higher than the Bay Area VMT per employee (14.9). To meet the threshold of 15% below Bay Area Average and have a less than significant VMT impact, the HBW VMT per employee for the project should be approximately 12.7, which would require a 40% reduction. Therefore, the Draft EIR identified this as a potentially significant VMT impact. Transportation demand management strategies and mitigation measures that can potentially achieve VMT reductions are provided in Draft EIR Section 3.13.5 and the MMRP.

The project also has the potential to increase the volume of truck traffic on the roadway network to serve warehousing and light industrial development. Although regional roadways, such as Byron Highway and State Route (SR-4), already safely handle significant volumes of truck traffic, the rural roads providing access to Byron Airport may not support the increase in truck traffic. Existing traffic volumes can be handled on these roads, but they may be inadequate for increased volumes of project-related traffic, including increased truck traffic. As such, the Draft EIR identified this as a potentially significant impact. Therefore, the County or future developers would construct the street improvements along Armstrong Road, Byron Hot Springs Road, and Holey Road described in Mitigation Measure (MM)-TRAF-9 to reduce access impacts related to heavy truck traffic.

Finally, due to the potential for the proposed project to add traffic to Caltrans facilities within the traffic impact study area, the Caltrans Mountain House Parkway/I-205 westbound ramps and Mountain House Parkway/I-205 eastbound ramps were analyzed for queuing impacts. When comparing the Future Year 2040 scenario with the addition of the proposed project, queueing is forecasted to increase for all vehicle movements during the AM peak hour at the Mountain House Parkway/I-205 westbound ramps; vehicle

traffic would continue to spill into the mainline lanes in Future Year 2040 “no Project” and “plus Project” conditions. No current funded or planned improvements are identified at the I-205 westbound ramps with Mountain House Parkway. The SR-239 Feasibility Study Final Report identifies potential alignments for the proposed SR-239 corridor between SR-4 to the north and I-580 and/or I-205 to the south, which would reduce traffic volumes on I-580, Vasco Road, and Byron Highway (SR-239 is a proposed roadway connecting Vasco Road in Contra Costa County to the I-580/I-205 interchange in Alameda County or I-205 in San Joaquin County). As such, shifts in regional traffic patterns could also reduce congestion and queuing at the Mountain House Parkway/I-205 westbound ramps. However, as the SR-239 Feasibility Study does not identify specific improvements, nor are specific improvements planned or funded in the area, hazards related to queuing at this off-ramp would remain significant and unavoidable.

C. Utilities: The project site is not connected to public water services; instead, the airport relies on existing on-site water wells and a 4,000-gallon on-site water tank for its domestic, non-potable water. Bottled water is used for drinking water. Development of the proposed project would exceed the capacity of the existing system, resulting in a potentially significant impact. According to the Water Supply Assessment completed for the 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 (Draft EIR Appendix I). This would be accomplished through the use of one or more of the proposed options, including on-site expansion of wells for extraction and treatment of additional groundwater, importation of treated water from Discovery Bay Community Services District (CSD), or importation and on-site treatment of additional water from Byron-Bethany Irrigation District (BBID). However, 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 agreements (e.g., will-serve letter) from the off-site suppliers before any development requiring potable water could be permitted. This process is incorporated into MM-UTIL-1. Connection to either Discovery Bay CSD or BBID may also conflict with the County’s Urban Limit Line policy, so on-site expansion of groundwater systems would be the preferred method.

The project site is not connected to public sewer services; instead, the airport relies on an existing on-site septic system and leach field for its sanitary service. The 2013 Byron Airport Infrastructure Study considered two potential wastewater generation rates for bulk warehousing and industrial development: the Central Contra Costa Sanitary District’s Collection System Master Plan rate of 1,000 gallon per day (gpd) per gross acre, and the City of Oakland rate of 25 gpd per 1,000 square feet of building square footage. The Infrastructure Study used the Oakland rate of 25 gpd per 1,000 square feet, resulting in an estimated 96,000 gpd build-out demand. The development assumptions in the Infrastructure Study are greater than for the proposed project (146.9 acres and 3,840,000 square feet of building space, compared to 70.9 acres and 941,000 square feet of building space for the proposed project). Applying the Oakland rate to the proposed

project would result in an estimated wastewater flow of 23,525 gpd. However, the Town of Discovery Bay, which contains the nearest wastewater treatment plant, uses a wastewater generation rate of 2,000 gpd per acre of industrial development and 1,600 gpd per acre of commercial development. Using these flow rates, wastewater flow would be 89,920 gpd for non-aviation uses.

MM-UTIL-2 requires implementation of a wastewater system, per the recommendations of the Byron Airport Infrastructure Study (Mead & Hunt 2013), which studied several options for expansion of the on-site sewer system. The options include requiring each new use or development to provide for its own wastewater disposal, in effect distributing wastewater treatment to smaller leach fields throughout the site, or development of centralized treatment through use of an on-site package wastewater treatment plant and establishment of collection pipelines. For an on-site treatment plant, effluent disposal may be accomplished through landscape irrigation if the effluent is treated to a level to meet Title 22 CCR standards. A third option is connection to an existing sewer system: either the Discovery Bay CSD or the Byron Sanitary District. Connection to Discovery Bay would involve off-site construction of a force main and likely modifications to the existing sewage lift station (or a new lift station). Connection to Byron Sanitary District would likely require an expansion of Byron Sanitary District's wastewater treatment facility. Connection to either Discovery Bay or Byron Sanitary District may also conflict with the County's Urban Limit Line policy, so on-site expansion of septic systems and leach fields would be the ideal method.

The proposed project's requirements would exceed existing water and wastewater infrastructure, which would have a potentially significant impact without mitigation. The construction impacts associated with expansion of required infrastructure are addressed in the Draft and Final EIR and do not represent new significant impacts.

D. Project Alternative: The Final EIR includes analysis of an alternate project scenario of removing the 11.7-acre parcel from the proposed project, located in the "Alternatives" chapter in section 4.2.3 "Alternative 3: Reduced Intensity." 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, potential office and commercial uses would be eliminated from the development scenario, and that acreage would be added to the warehousing uses.

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, and the potential acreage for those uses would be used for logistics/warehouse/distribution. The 11.7-acre parcel adjacent to the airport-related development would not be acquired. The development scenario is shown in Attachment L – Alternate Development Scenario (Reduced Intensity Alternative). Total building area would be reduced to 723,000 square feet, as opposed to the proposed project amount of 941,000 square feet. Total employees and visitors would not exceed 636 at any given time, as opposed to 1,528 for the proposed project.

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 the EIR.

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

A. Develop airport facilities to support the types of development envisioned in the Airport Master Plan and subsequent airport planning efforts.

B. Protect current and future airport operations from incompatible land uses.

However, this alternative would not fully achieve the economic objectives:

C. Achieve economic self-sufficiency of the airport through the development of airport-related land uses.

D. Provide a streamlined planning framework for development consistent with the General Plan and the ALUCP.

Conclusion

The record demonstrates that the Byron Airport Development Program warrants approval. The project would not threaten the health, safety, and general welfare of the public; it would improve the economic viability of Byron Airport; it would expand

economic opportunities in East County; and most potentially significant impacts can be mitigated to less-than-significant levels. Staff therefore recommends that the Board of Supervisors adopt a motion to approve the Byron Airport Development Program, as outlined at the beginning of this report.

CONSEQUENCE OF NEGATIVE ACTION:

If the Byron Airport Development Program is not approved, then the airport will remain in its current state. The General Plan Transportation Element policies will not be amended, the 11.7-acre acquisition parcel will retain its AL designation, the P-1 zoning and Development Plan will remain unchanged, and the ALUCP will not be updated because that update relies on Board certification of the Final EIR. The project's overarching goal, economic self-sufficiency for Byron Airport, will not be realized.

CLERK'S ADDENDUM

ADOPTED staff recommendations as presented (which exclude APN 001-011-017, the 11.7-acre acquisition parcel, from any change).

ATTACHMENTS

Resolution 2022/178

Attachment B - Byron Airport Development Program Resolution 2022-179

Attachment C - CEQA Findings and Statements of Overriding Consideration

Attachment D - Project Findings and Conditions of Approval as Recommended by County Planning Commission

Attachment E - Alternate Project Findings and Conditions of Approval

Attachment F - Byron Airport Development Program Final EIR and Mitigation Monitoring and Reporting Program

Attachment G - Amended Byron Airport General Plan Policies

Attachment H - General Plan Amendment Map

Attachment I - Rezone Ordinance 2022-13

Attachment J - Site Plan

Attachment K - Development Scenario

Attachment L - Alternate Development Scenario (Reduced Intensity Alternative)

Attachment M - Permitted Uses

Attachment N - CEQA Comments

Attachment O - County Planning Commission Staff Report

Attachment P - Existing Maps

Attachment Q - Byron Airport_Presentation

Attachment R - Wyant Proposal