



APPLICATION FOR LAND USE CONSISTENCY DETERMINATION  
San Mateo County Airport Land Use Commission  
C/CAG ALUC

APPLICANT INFORMATION

Agency: City of Millbrae

Project Name: Amendment to the Millbrae Station Area Specific Plan to allow Biosafety Level 2 uses in a portion of the TOD Zone

Address: 621 Magnolia Ave

APN: Various

City: Millbrae

State: CA

ZIP Code: 94030

Staff Contact: Darcy Smith

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PROJECT DESCRIPTION

The City of Millbrae adopted the Millbrae Station Area Specific Plan (MSASP) update in February 2016. The proposed amendment to the MSASP would allow, with a Conditional Use Permit, hazardous uses classified as Biosafety Level 2 in the Transit Oriented Development Zone located east of El Camino Real, west of the railway and north of Millbrae Avenue, within the Comprehensive Airport Land Use Compatibility Plan for SFO Safety Compatibility Zone 2. This text amendment consists of three text modifications, as shown in the attachment. Specifically, the text on pages 5.2 would be modified as well as the note and footnote #6 to Table 5-1 on Page 5.7.

REQUIRED PROJECT INFORMATION

For General Plan, Specific Plan or Zoning Amendments and Development Projects:

A copy of the relevant amended sections, maps, etc., together with a detailed description of the proposed changes, sufficient to provide the following:

1. Adequate information to establish the relationship of the project to the three areas of Airport Land Use compatibility concern (ex. a summary of the planning documents and/or project development materials describing how ALUCP compatibility issues are addressed):
  - a) Noise: Location of project/plan area in relation to the noise contours identified in the applicable ALUCP.
    - Identify any relevant citations/discussion included in the project/plan addressing compliance with ALUCP noise policies.
  - b) Safety: Location of project/plan area in relation to the safety zones identified in the applicable ALUCP.
    - Include any relevant citations/discussion included in the project/plan addressing compliance with ALUCP safety policies.
  - c) Airspace Protection:
    - Include relevant citations/discussion of allowable heights in relation to the protected airspace/proximity to airport, as well as addressment of any land uses or design features that may cause visual, electronic, navigational, or wildlife hazards, particularly bird strike hazards.

- If applicable, identify how property owners are advised of the need to submit Form 7460-1, *Notice of Proposed /Construction or Alteration* with the FAA.

2. Real Estate Disclosure requirements related to airport proximity
3. Any related environmental documentation (electronic copy preferred)
4. Other documentation as may be required (ex. related staff reports, etc.)

Additional information For Development Projects:

1. 25 sets of scaled plans, no larger than 11" x 17"
2. Latitude and longitude of development site
3. Building heights relative to mean sea level (MSL)

ALUCP Plans can be accessed at <http://ccag.ca.gov/plansreportslibrary/airport-land-use/>

Please contact C/CAG staff at 650 599-1467 with any questions.

<b><i>For C/CAG Staff Use Only</i></b>
<b><i>Date Application Received</i></b>
<b><i>Date Application Deemed Complete</i></b>
<b><i>Tentative Hearing Dates:</i></b>
- <b><i>Airport Land Use Committee</i></b>
- <b><i>C/CAG ALUC</i></b>

# **2022 Amendment to the Millbrae Station Area Specific Plan**

## **Project Description**

**Prepared by the City of Millbrae  
May 10, 2022**

### **Overview of the Millbrae Station Area Specific Plan and Comprehensive Airport Land Use Compatibility Plan**

The City Council of the City of Millbrae certified the MSASP FEIR on January 12, 2016 and then subsequently approved the Millbrae Station Area Specific Plan (“MSASP”) update on February 10, 2016. The MSASP guides future public improvements and private development in the Plan Area over the next 20 plus years. The MSASP area is divided into five planning zones and one overlay zone that allow for a mix of land uses and are regulated by zoning. The MSASP establishes zoning development standards such as maximum height, density, square footage, and design guidelines and standards for future development within the Plan Area.

The MSASP Plan Area is located within the planning area defined in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport ("SFO ALUCP"), adopted by the Board of Directors of the City/County Association of Governments of San Mateo County, in its capacity as the San Mateo County Airport Land Use Commission ("ALUC") on November 8, 2012. The SFO ALUCP includes five sets of safety zones and identifies specific land uses which are either incompatible or should be avoided within each of these zones. The SFO ALUCP designates Safety Compatibility Zones 1 to 4 in Millbrae, with 1 being the most restrictive in terms of land use regulations and 4 being the least restrictive. At the time of public review of the MSASP update in 2015, it was presented for review by the ALUC for consistency with the SFO ALUCP pursuant to Policy GP-8.1 that requires notification and review of proposal local land use policy action that affects properties within the ALUCP plan area. The ALUC made a formal determination in 2015 that the 2016 MSASP update was conditionally compatible with the relevant policies of the SFO ALUCP. An explanatory note was included in MSASP Table 5-1 “Permitted and Conditionally Permitted Land Uses” that “Within SFO Safety Compatibility Zones 1, 2 and 3, uses must comply with the ALUCP policies and criteria described in Policy SP-2, Safety Compatibility Land Use Criteria; Table IV-2, Safety Compatibility Criteria; and Policy SP-3, Hazardous Uses.”

## **Previously Approved MSASP Amendments and EIR Addendum**

In 2020, the City prepared a text amendment to the MSASP (“2020 MSASP Amendment”) to offer increased flexibility for the City to allow life science uses with Biosafety Level 2 laboratories in the Transit Oriented Development (TOD) District zone south of Millbrae Avenue and Employment Center/Light Industrial Zone within Safety Compatibility Zone 2. Hazardous uses under Biosafety Level 2 include: practices, equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, and other laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community. This text amendment included changes to MSASP Table 5-1 “Permitted and Conditionally Permitted Land Uses” including a note and footnote. This text amendment consisted of four text modifications:

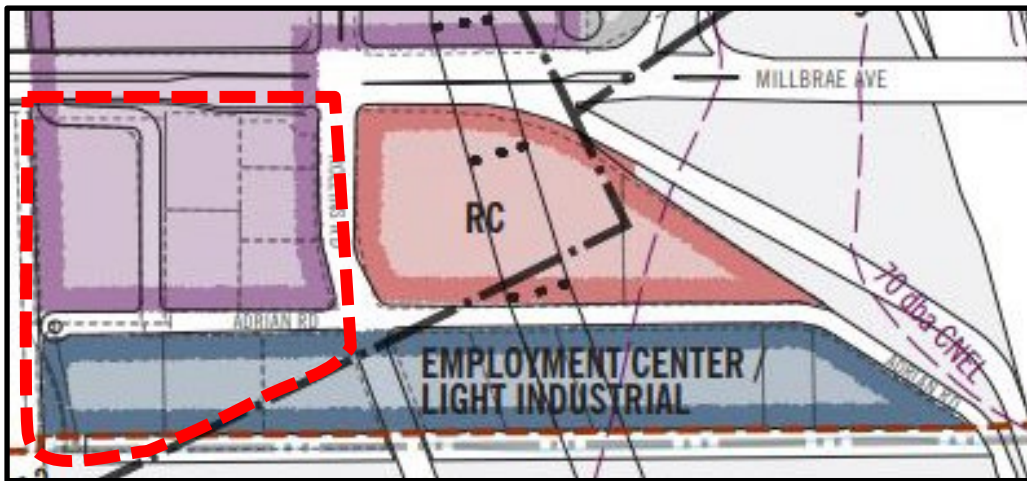
1. Modification to MSASP Table 5-1 to permit with a Conditional Use Permit the following three life science related land uses in the TOD Zone: Biotechnology/Scientific Labs, Tech/Biotech Product Assembly, and Tech/Biotech Component Manufacturing uses.
2. Modification to Footnote #4 to Table 5-1 on Page 5.7 to delete existing text and add the following new text: Light Industrial facilities in Safety Compatibility Zone 2 of ALUCP may include hazardous uses up to Biosafety Level 2, as defined by the SFO
3. Footnote #6 to Table 5-1 was added stating “Biotechnology/Scientific Labs, Tech/Biotech Product Assembly, and Tech/Biotech Component Manufacturing are allowed with a Conditional Use Permit in the TOD zone portion south of Millbrae Avenue.”
4. A note to Table 5-1 was added that stated that “Within SFO Compatibility Zone 2, Hazardous Uses up to Biosafety Level 2 may be allowed, subject to a Conditional Use Permit, per City of Millbrae Resolution 21-08 and Resolution No. 21-60 within the TOD Zone and the Employment Center/Light Industrial Zone.”

On August 17, 2020, the Planning Commission adopted Resolution No. 20-07 recommending that the City Council adopt the 2020 MSASP Amendment.

On January 12, 2021, the City Council adopted Resolution No. 21-08 approving the 2020 MSASP Amendment. In addition, on September 15, 2021, the City Council adopted Resolution No. 21-60 further clarifying that these 2020 MSASP Amendments included to allow with a Conditional Use Permit, hazardous uses classified as "Biosafety Level 2" uses in a portion of the Employment Center/Light Industrial Zone located within Safety Compatibility Zone 2. These amendments were submitted for review for consistency with the SFO ALUCP, and deemed inconsistent by the Board of Directors of the C/CAG of San Mateo County, in its capacity as the San Mateo County ALUC. Subsequently, the City Council adopted associated resolutions making specific findings in favor of the overruling action, pursuant to Public Utilities Code Section 21676 (c), to overrule the ALUC determination.

An EIR Addendum (“2020 EIR Addendum”) was prepared that determined that the amendments and override would not result in any new additional significant impacts, nor would it substantially increase the severity of previously anticipated significant impacts. All of the impacts associated with the amendment were within the envelope of impacts addressed in the FEIR and did not constitute new or substantially increased significant impact. Based on this determination, the actions did not trigger the requirements for preparation of a Subsequent or Supplemental EIR pursuant to Section 15162 of the CEQA Guidelines. The City Council made findings determining that the 2020 EIR Addendum to the previously certified EIR adequately satisfied the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines section 15162 and 15164.

**Figure 1: Area of MSASP Where Biosafety Level 2 Uses are Conditionally Permitted and Resolutions Making Findings Overriding the SFO ALUCP - Approved (2021)**



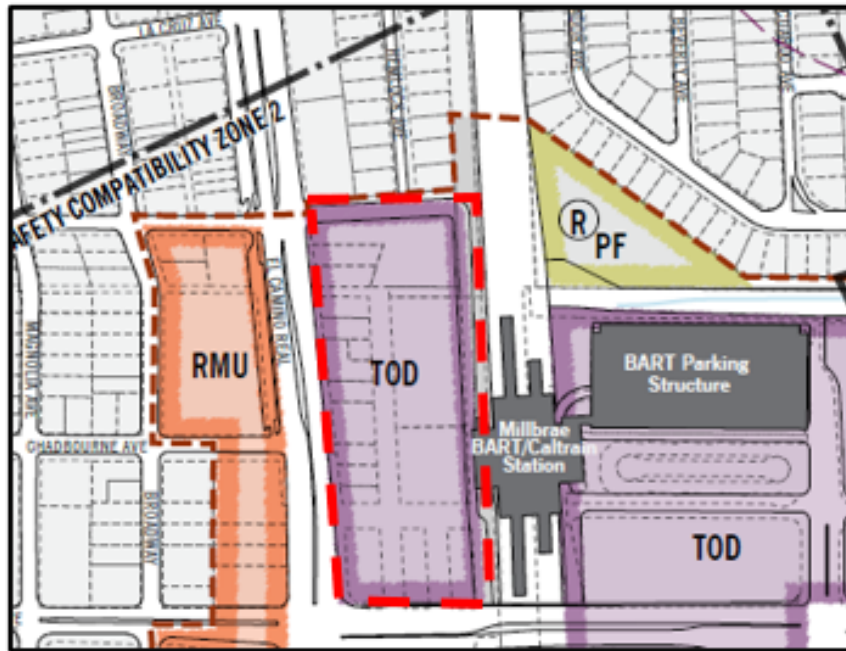
## **ANALYSIS:**

### **Summary of Proposed 2022 MSASP Amendment**

The proposed amendment to the MSASP (“2022 MSASP Amendment”) would allow, with a Conditional Use Permit, hazardous uses classified as Biosafety Level 2 in the Transit Oriented Development Zone located east of El Camino Real, west of the railway and north of Millbrae Avenue, within the Comprehensive Airport Land Use Compatibility Plan for SFO Safety Compatibility Zone 2. The red dash lines in Figure 2 designates the proposed area for the subject land use change. The text amendment is attached as Exhibit A. This text amendment consists of three text modifications:

1. Modification to the text describing the TOD planning zone on page 5.2 to add the following new text (underlined):  
“Life science labs and office uses are limited to the TOD zone portions located 1) south of Millbrae Avenue and 2) north of Millbrae Avenue, east of El Camino Real and west of the Railroad.”
2. Modification to the note to Table 5-1 on page 5.7 to add the following new text (underlined):  
“Within SFO Compatibility Zone 2, Hazardous Uses up to Biosafety Level 2 may be allowed, subject to a Conditional Use Permit, per City of Millbrae Resolution 21-08 and Resolution No. 21-60, and Resolution No. XX-XX within the TOD Zone and the Employment Center/Light Industrial Zone.”
3. Modification to Footnote #6 to Table 5-1 on Page 5.7 to add the following new text (underlined):  
“Biotechnology/Scientific Labs, Tech/Biotech Product Assembly, and Tech/Biotech Component Manufacturing are allowed with a Conditional Use Permit in the TOD zone portions located 1) south of Millbrae Avenue and 2) north of Millbrae Avenue, east of El Camino Real and west of the Railroad.”

**Figure 2: Area of 2022 MSASP Amendment to Allow Biosafety Level 2 Uses**



**Exhibit A: Draft 2022 MSASP Amendment**

## 5.1. PLANNING ZONES AND OVERLAY ZONE

As shown in Figure 5-1, the Plan Area is divided into five Planning Zones with one Overlay Zone, which are based off of the Land Use Plan and concepts described in Chapter 4. Overlay Zone regulations shall be applied in addition to those in the underlying base zone.

### ***Transit-Oriented Development (TOD) Zone***

This Zone supports a variety of uses at higher intensities in order to create a vibrant day and evening activity center immediately adjacent to the Millbrae Station. In order to make the higher intensities of TOD enjoyable and convenient, all TOD developments shall have a mix of uses. Life science laboratories and office uses are limited to the TOD zone portions located 1) south of Millbrae Avenue and 2) north of Millbrae Avenue, south of the MSASP Boundary, east of El Camino Real, and west of the Railroad.

### ***Residential Mixed Use Zone***

The El Camino Real corridor, except for the area immediately west of the Millbrae Station, is designated Residential Mixed Use. This Zone accommodates and encourages medium- to high-density residential development above ground floor retail uses that face El Camino Real. Land use regulations and standards for this zone are also intended to ensure an appropriate transition in use and scale between new high density development in the TOD Zone and the existing single family residential neighborhoods to the west.

### ***Employment Center / Light Industrial Zone***

This Zone is intended to promote the development of an employment-oriented corridor with new Class A office buildings and light industrial uses that front Adrian Road.

### ***Retail Commercial Zone***

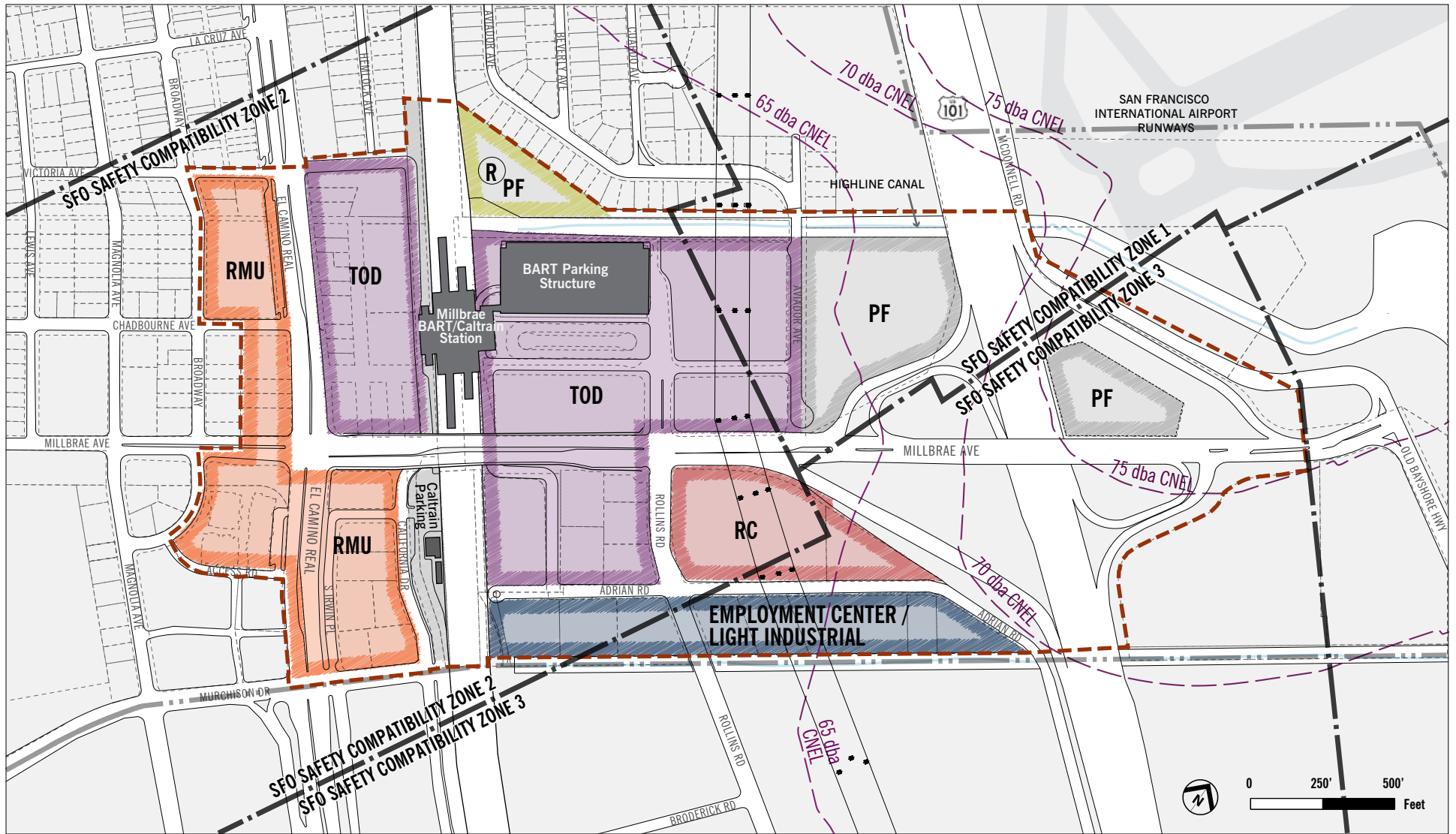
The Retail Commercial Zone is intended to retain and enhance existing retail and shopping development close to Highway 101.

### ***Public Facilities Zone***

This Zone is applied to portions of the Plan Area that are reserved for utility-related uses or public services, including a City storage yard, and parking.

### ***Residential Overlay Zone***

The Residential Overlay Zone is intended to accommodate multi-family homes, with the provision of housing available to people of all incomes, in close proximity to the Millbrae Station, including townhomes, apartments, and condominiums, that thoughtfully transition in scale to the Bayside Manor neighborhood to the north.



**FIGURE 5-1.** Planning and Overlay Zones

- |                |   |   |                                |
|----------------|---|---|--------------------------------|
| MSASP Boundary | Planning Zones                          | Retail Commercial (RC) Zone               | Overlay Zone                   |
| City Boundary  | Transit-Oriented Development (TOD) Zone | Public Facilities (PF) Zone               | SFO Safety Compatibility Zones |
| Power Lines    | Residential Mixed Use (RMU) Zone        | Employment Center / Light Industrial Zone | SFO Noise Compatibility Zones  |



## 5.2. LAND USE REGULATIONS

Table 5-1 indicates the land uses that are permitted, conditionally permitted, and prohibited within each Planning or Overlay Zone. As described above, Overlay Zone land use regulations shall be applied in addition to those in the underlying base zone. Other uses not identified in Table 5-1 that are deemed consistent with the spirit and intent of the underlying land use designation shall be given Director consideration and approved at Director discretion or deferred to the Planning Commission.

**TABLE 5-1. PERMITTED AND CONDITIONALLY PERMITTED LAND USES**

Permitted (P) Conditional (C) Not allowed (-) Permitted when part of mixed use building (*)	TOD	Residential Mixed Use	Employment Center / Light Industrial	Residential Overlay	Retail Commercial	Public Facilities
<b>Residential Uses</b>						
Duplexes	-	-	-	P	-	-
Live/Work Units	P*	P*	C	-	-	-
Multiple-Family Dwellings						
— Less than 7 Units	-	-	-	P	-	-
— 7 Units or More	P*	P	C	P	-	-
<b>Public and Quasi-Public Uses</b>						
Adult Education	C*	C*	C*	-	C	-
Community Centers [1]	P	P	P	-	P	-
Public Electric Vehicle Charging Station	P*	P*	P*	-	P	-
Library	P	P	P	-	P	-
Public Parks and Recreational Facilities [1]	P	P	P	P	P	P
Public Parking Structures	P	P	P	P	P	-

Permitted (P) Conditional (C) Not allowed (-) Permitted when part of mixed use building (*)	TOD	Residential Mixed Use	Employment Center / Light Industrial	Residential Overlay	Retail Commercial	Public Facilities
<b>Commercial Uses</b>						
<i>Eating and Drinking Establishments</i>						
Restaurants	P*	P*	P*	-	P	-
Bars	C*	C*	C*	-	C	-
<b>Commercial Services</b>						
Banks and Financial Services [2]	P*	P*	P*	-	P*	-
Business Support Services [2]	P*	P*	P*	-	C*	-
Child Care Services [2] [3]	C*	C*	C*	-	-	-
Health and Exercise Clubs (no more than 3,000 square feet if on ground floor) [2]	P*	P*	P*	-	P*	-
Medical Offices [2]	P*	C*	C	-	-	-
Offices [2]	P	P*	P	-	-	-
Personal Services	P*	P*	P*	-	P*	-
<b>Light Industrial [4][6]</b>						
Biotechnology / Scientific Labs	C	-	C	-	-	-
Research and Development Facility (R&D)	C	-	P	-	-	-
Tech / Biotech Product Assembly	C	-	C	-	-	-
Tech / Biotech Component Manufacturing	C	-	C	-	-	-

Permitted (P) Conditional (C) Not allowed (-) Permitted when part of mixed use building (*)	TOD	Residential Mixed Use	Employment Center / Light Industrial	Residential Overlay	Retail Commercial	Public Facilities
<b><i>Retail</i></b>						
Drive-In and Drive-Through Facilities	-	-	-	-	P	-
Food and Beverage Sales (less than 15,000 square feet)	P*	P*	P*	-	P	-
Gas and Service Stations	-	-	-	-	C	-
Liquor Stores	C*	C*	-	-	C*	-
Retail Sales	P*	P*	P*	-	P	-
<b><i>Other Commercial Uses</i></b>						
Commercial Lodging	C	C	C	-	C	-
Conference Center [5]	P*	C	P*	-	P*	-
Museum	P	-	-	-	-	-
Theater	P	-	-	-	-	-
Indoor Commercial Recreation	P*	-	-	-	P	-

Permitted (P) Conditional (C) Not allowed (-) Permitted when part of mixed use building (*)	TOD	Residential Mixed Use	Employment Center / Light Industrial	Residential Overlay	Retail Commercial	Public Facilities
<b>Transportation, Communication, and Utilities Uses</b>						
Off-Site Construction Staging	C	C	C	-	C	P
Wireless Communications Facilities	C	C	C	-	C	C
Cogeneration Facility	C	-	-	-	-	-
Transit Facilities	P	-	-	-	-	-
Utility Services	C	-	C	-	C	P

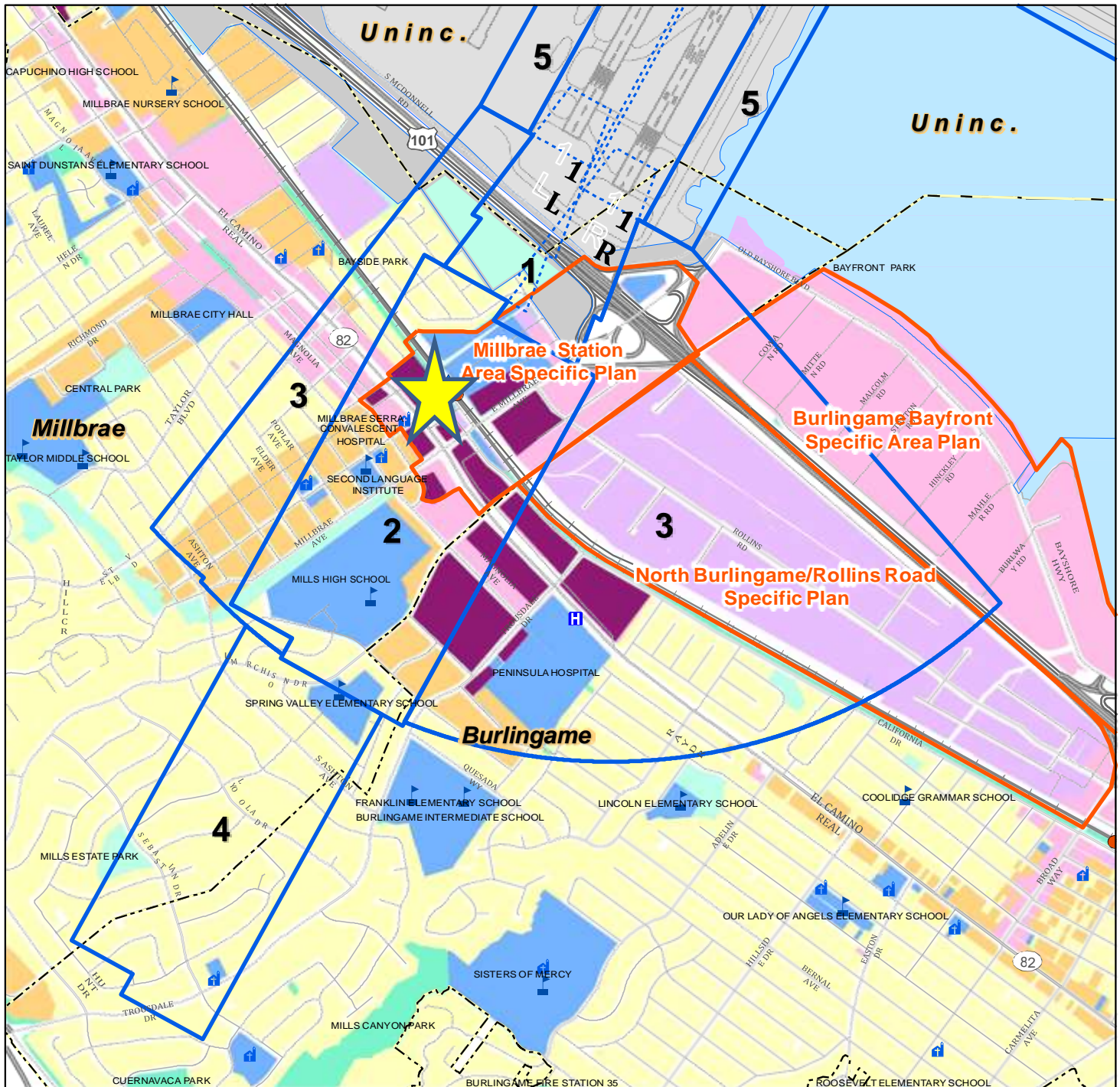
**NOTES:**

Any use that requires a Conditional Use Permit (C) goes to the Planning Commission for approval.

An asterisk (\*) indicates uses allowed only when part of mixed use building.

Within SFO Safety Compatibility Zones 1 and 3, uses must comply with the ALUCP policies and criteria described in Policy SP-2, Safety Compatibility Land Use Criteria; Table IV-2, Safety Compatibility Criteria; and Policy SP-3, Hazardous Uses. (See pages IV-27 through IV-34 of the SFP ALUCP, November 2012, or the latest adopted Plan). Within SFO Compatibility Zone 2, Hazardous Uses up to Biosafety Level 2 may be allowed, subject to a Conditional Use Permit, per City of Millbrae Resolution 21-08 and Resolution No. 21-60, [and Resolution No. XX-XX](#) within the TOD Zone and the Employment Center/Light Industrial Zone.

- [1] Places of assembly seating more than 300 people are prohibited in SFO Safety Compatibility Zone 2. Places of assembly not in structure are prohibited in SFO Safety Compatibility Zone 1.
- [2] Use is required to secure a Conditional Use Permit when located on the ground floor in a Type 1-Very Active Ground Floor Uses area as shown in Figure 5-4, Active Frontage Types.
- [3] Large child day care centers, which are commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children, are prohibited in SFO Safety Compatibility Zones 2 and 3. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business are allowed in SFO Safety Compatibility Zone 3.
- [4] Light Industrial facilities in Safety Compatibility Zone 2 of ALUCP may include hazardous uses up to Biosafety Level 2, as defined by the SFO ALUCP, Policy SP-3 on pages IV-33 and IV-34.
- [5] Conference centers in Safety Compatibility Zone 2 of the ALUCP shall not provide seating in excess of 300 people.
- [6] Biotechnology/Scientific Labs, Tech/Biotech Product Assembly, and Tech/Biotech Component Manufacturing are allowed with a Conditional Use Permit in the TOD zone portions [located 1\) south of Millbrae Avenue and 2\) north of Millbrae Avenue, south of the MSASP Boundary, east of El Camino Real, and west of the Railroad.](#)



**LEGEND**

**Safety Compatibility Zones**

- 1 - Runway Protection Zone-Object Free Area
- 2 - Inner Approach/Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach/Departure Zone
- 5 - Sideline Zones
- Internal boundaries of ALP-defined areas
- Specific Plan Area
- Airport Property
- ▲ BART Station
- CALTRAIN Station
- ▩ School
- Ⓜ Place of Worship
- Ⓜ Hospital
- Municipal Boundary
- Railroad
- Freeway
- Major Road
- Road

**Planned Land Use Per General Plans**

- Public
- Multi-Family Residential
- Single Family Residential
- Mixed Use
- Transit Oriented Development
- Commercial
- Industrial, Transportation, and Utilities
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

**Sources:**

- Local Plans:**
- San Bruno General Plan, December 2008
  - South San Francisco General Plan, 1998

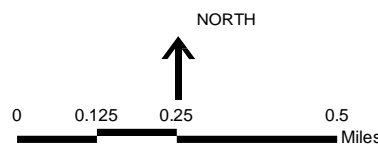


Table IV-2 (1 of 2) Safety Compatibility Criteria

ZONE	LAND USE CRITERIA	
	INCOMPATIBLE <sup>1/</sup>	AVOID <sup>1/</sup>
<b>Zone 1: Runway Protection Zone and Object Free Area (RPZ-OFA)</b>		
	All new structures <sup>3/</sup> Places of assembly not in structures Hazardous uses <sup>2/</sup> Critical public utilities <sup>2/</sup>	Nonresidential uses except very low intensity uses <sup>4/</sup> in the “controlled activity area.” <sup>2/</sup>
<b>Zone 2: Inner Approach/Departure Zone (IADZ)</b>		
	Children’s schools <sup>2/</sup> Large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business <sup>2/</sup> Hospitals, nursing homes Hazardous uses <sup>2/</sup> Critical public utilities <sup>2/</sup> Theaters, meeting halls, places of assembly seating more than 300 people Stadiums, arenas	---
<b>Zone 3: Inner Turning Zone (ITZ)</b>		
	Biosafety Level 3 and 4 facilities <sup>2/</sup> Children’s schools <sup>2/</sup> Large child day care centers <sup>2/</sup> Hospitals, nursing homes Stadiums, arenas	Hazardous uses other than Biosafety Level 3 and 4 facilities <sup>2/</sup> Critical public utilities <sup>2/</sup>
<b>Zone 4: Outer Approach/Departure Zone (OADZ)</b>		
	Biosafety Level 3 and 4 facilities <sup>2/</sup> Children’s schools <sup>2/</sup> Large child day care centers <sup>2/</sup> Hospitals, nursing homes Stadiums, arenas	Hazardous uses other than Biosafety Level 3 and 4 facilities <sup>2/</sup> Critical public utilities <sup>2/</sup>
<b>Zone 5: Sideline Zone (SZ)</b>		
	Children’s schools <sup>2/</sup> Large child day care facilities and noncommercial employer-sponsored centers ancillary to a place of business Hospitals, nursing homes Hazardous uses <sup>2/</sup> Critical public utilities <sup>2/</sup> Stadiums, arenas	---

## Table IV-2 (2 of 2) Safety Compatibility Criteria

### Notes:

- 1/ *Avoid:* Use is not fully compatible and should not be permitted unless no feasible alternative is available. Where use is allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes. Where the 50-percent factor results in a fraction, the number of additional exits shall be rounded to the next highest whole number.
- Incompatible:* Use is not compatible in the indicated zones and cannot be permitted.
- 2/ **Definitions**
- *Biosafety Level 3 and 4 facilities:* Medical and biological research facilities involving the storage and processing of extremely toxic or infectious agents. See Policy SP-3 for additional detail.
  - *Children's schools:* Public and private schools serving preschool through grade 12, excluding commercial services.
  - *Controlled Activity Area:* The lateral edges of the RPZ, outside the Runway Safety Area (RSA) and the extension of the RSA, which extends to the outer edge of the RPZ. See FAA Advisory Circular 150/5300-13, Airport Design, Section 212a.(1)(b).
  - *Critical public utilities:* Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies. They include the following: electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.
  - *Hazardous uses:* Uses involving the manufacture, storage, or processing of flammable, explosive, or toxic materials that would substantially aggravate the consequences of an aircraft accident. See Policy SP-3 for additional detail.
  - *Large child day care centers:* Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business are allowed.
- 3/ Structures serving specific aeronautical functions are allowed, in compliance with applicable FAA design standards.
- 4/ Examples include parking lots and outdoor equipment storage.

SOURCE: Ricondo & Associates, Inc., June 2012.

PREPARED BY: Ricondo & Associates, Inc., June 2012.

### **ZONE 2 -- INNER APPROACH/DEPARTURE ZONE (IADZ)**

In Zone 2, the IADZ, a variety of uses that involve hazardous materials, critical public utilities, theaters, meeting halls, places of assembly seating more than 300 people, stadiums, arenas, and those accommodating potentially vulnerable populations – such as children's schools, child day care facilities, hospitals, and nursing homes – are incompatible.

### **ZONE 3 -- INNER TURNING ZONE (ITZ)**

The compatibility criteria in Zone 3, the ITZ, are somewhat less restrictive than in Zone 2. This is because the area is subject to less accident risk by virtue of the lower density of overflights in this area. In Zone 3, stadiums, arenas, and uses accommodating potentially vulnerable populations are incompatible. Hazardous uses and critical public utilities are not incompatible in Zone 3, but are classified as uses to be avoided. This means that they should not be permitted unless no feasible alternative is available.

### **ZONE 4 - OUTER APPROACH/DEPARTURE ZONE (OADZ)**

The compatibility criteria in Zone 4, the OADZ, are the same as in Zone 3.

## ZONE 5 – SIDELINE ZONE (SZ)

The compatibility criteria in Zone 5 are the same as those in Zone 2.

### SP-3 HAZARDOUS USES

Hazardous uses, facilities involving the manufacture, processing, or storage of hazardous materials, can pose serious risks to the public in case of aircraft accidents. Hazardous materials of particular concern in this ALUCP, and which are covered by the safety compatibility criteria in Table IV-2, are the following:

- A. Aboveground fuel storage** — This includes storage tanks with capacities greater than 10,000 gallons of any substance containing at least 5 percent petroleum.<sup>11</sup> Project sponsors must provide evidence of compliance with all applicable regulations prior to the issuance of development permits.
- B. Facilities where toxic substances are manufactured, processed or stored** — Proposed land use projects involving the manufacture or storage of toxic substances may be allowed if the amounts of the substances do not exceed the threshold planning quantities for hazardous and extremely hazardous substances specified by the EPA.<sup>12</sup>
- C. Explosives and fireworks manufacturing and storage** — Proposed land use projects involving the manufacture or storage of explosive materials may be allowed in safety zones only in compliance with the applicable regulations of the California Division of Occupational Safety and Health (Section 5252, Table EX-1). Project sponsors must provide evidence of compliance with applicable state regulations prior to the issuance of any development permits.<sup>13</sup>
- D. Medical and biological research facilities handling highly toxic or infectious agents** — These facilities are classified by “Biosafety Levels.”<sup>14</sup> Biosafety Level 1 does not involve hazardous materials and is not subject to the restrictions on hazardous uses in Table IV-2. Definitions of the other three biosafety levels are quoted from *Biosafety in Microbiological and Biomedical Laboratories*, below.<sup>15</sup>
  - a. Biosafety Level 2 practices, equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, and other laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community

<sup>11</sup> State of California, California Health and Safety Code, Section 25270 (*Aboveground Petroleum Storage Act*).

<sup>12</sup> Title 40 Code of Federal Regulations Part 355, Subpart D, Appendices A & B.

<sup>13</sup> California Code of Regulations, Title 8, Subchapter 7 *General Industry Safety Orders*, Group 18 *Explosives and Pyrotechnics*, Article 114 *Storage of Explosives*.

<sup>14</sup> *Biosafety in Microbiological and Biomedical Laboratories*, 5<sup>th</sup> Edition, 2009, published by the U.S. Department of Health and Human Services in concert with the Public Health Service, Centers for Disease Control and Prevention, and National Institutes of Health, or any successor publication.

<sup>15</sup> *Biosafety in Microbiological and Biomedical Laboratories*, 5<sup>th</sup> Edition, 2009, published by the U.S. Department of Health and Human Services in concert with the Public Health Service, Centers for Disease Control and Prevention, and National Institutes of Health, pp. 25-26.



and associated with human disease of varying severity.

- b. Biosafety Level 3 practices, safety equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with a potential for respiratory transmission, and which may cause serious and potentially lethal infection.
- c. Biosafety Level 4 practices, safety equipment, and facility design and construction are applicable for work with dangerous and exotic agents that pose a high individual risk of life-threatening disease, which may be transmitted via the aerosol route and for which there is no available vaccine or therapy.

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## 4.5 Airspace Protection

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The compatibility of proposed land uses with respect to airspace protection shall be evaluated in accordance with the policies set forth in this section. These policies are established with a twofold purpose:

1. To protect the public health, safety, and welfare by minimizing the public's exposure to potential safety hazards that could be created through the construction of tall structures.
2. To protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs avoids compromising the airspace in the Airport vicinity. This avoids the degradation in the safety, utility, efficiency, and air service capability of the Airport that could be caused by the attendant need to raise visibility minimums, increase minimum rates of climb, or cancel, restrict, or redesign flight procedures.

### 4.5.1 FEDERAL REGULATIONS REGARDING TALL STRUCTURES

14 Code of Federal Regulations (CFR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*, governs the FAA's review of proposed construction exceeding certain height limits, defines airspace obstruction criteria, and provides for FAA aeronautical studies of proposed construction. **Appendix F** describes the FAA airspace review process and the extent of FAA authority related to airspace protection.

### 4.5.2 PART 77, SUBPART B, NOTIFICATION PROCESS

Federal regulations require any person proposing to build a new structure or alter an existing structure with a height that would exceed the elevations described in CFR Part 77, Subpart B, Section 77.9, to prepare an FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, and submit the notice to the FAA. The regulations apply to buildings and other structures or portions of structures, such as mechanical equipment, flag poles, and other projections that may exceed the aforementioned elevations.



San Francisco International Airport

June 14, 2022

**TRANSMITTED VIA E-MAIL**[kkalkin@smcgov.org](mailto:kkalkin@smcgov.org)

Susy Kalkin  
 ALUC Staff  
 City/County Association of Governments of San Mateo County  
 555 County Center, 5th Floor  
 Redwood City, CA 94063

***Subject: San Francisco International Airport's Objection to the City of Millbrae's Proposed Amendment to the Millbrae Station Area Specific Plan***

Thank you for the opportunity for the San Francisco International Airport (SFO or the Airport) to comment on the City of Millbrae's ("Millbrae" or "City") proposed amendment to the Millbrae Station Area Specific Plan (MSASP) to allow Biosafety Level 2 uses within the Airport's Safety Compatibility Zone 2: Inner Approach/Departure Zone. We appreciate this opportunity to coordinate with the Airport Land Use Commission (ALUC) in evaluating the proposed land use amendment.

In October 2020, Millbrae applied to the ALUC to allow biotech uses up to Biosafety Level 2 in its Transit-Oriented Development (TOD) zone south of Millbrae Avenue, which is in Safety Compatibility Zone 2 ("Zone 2") of the *Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). On October 22, 2020, the ALUC determined that such use would be incompatible with the land use policies in the SFO ALUCP. On November 25, 2020, the City passed Resolution No. 20-85 (Resolution), declaring its intent to consider overriding the ALUC determination of inconsistency for the proposed zoning amendment. In a letter to Millbrae, dated December 23, 2020, the Airport objected to the proposed overrule<sup>1</sup> because it would violate an SFO ALUCP safety policy that restricts uses within Zone 2 to mitigate risks to public safety in the event of an aircraft accident.

The application now under consideration would expand the scope of the previous determination to allow hazardous uses classified as Biosafety Level 2 in the TOD zone located east of El Camino Real, west of the railway, and north of Millbrae Avenue, within SFO Safety Compatibility Zone 2 and immediately adjacent to the Millbrae Intermodal Station.

As amended, the MSASP currently permits hazardous Biosafety Level 2 uses in the TOD zone south of Millbrae Avenue and the Employment/Light Industrial Zone south of the TOD zone. This overrule would allow biotech uses to be closer to Millbrae Station and within the Airport's Zone 2 for Runways 1L-19R and 1R-19L.<sup>2</sup> However, ALUCP Policy SP-3 (Hazardous Uses) specifically prohibits "Medical and biological research facilities handling highly toxic or infectious agents," which include Biosafety Levels 2, 3, and 4, within Zone 2. To overrule the ALUC, Millbrae must find that the amendment is consistent

<sup>1</sup> The California Public Utilities Code uses both the terms "override" and "overrule" interchangeably. See Cal. Pub. Util. Code § 21678.

<sup>2</sup> Exhibit IV-9 of the ALUCP highlights the areas of the MSASP that include Safety Zone 2, south of Millbrae Avenue.

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with California Public Utilities Code section 21760.<sup>3</sup> To justify its first decision overruling the ALUC, Millbrae made several proposed findings in its Exhibit A to the Resolution. However, these findings do not support – and sometimes refute – that allowing Biosafety Level 2 uses in Zone 2 would “minimize the public’s exposure to . . . safety hazards.”<sup>4</sup>

The Resolution first finds that allowing Biosafety Level 2 would facilitate hosting “[l]ife science companies battling the COVID virus and other maladies” (Finding 2.e). This highlights the exact reason why Biosafety Level 2 facilities should not be allowed in an area of increased risk of aircraft accidents. The release of pathogens in the event of an aircraft accident would increase – not minimize – public exposure to safety hazards.

The Resolution goes on to highlight that the proposed amendment would “greatly aid in the City’s economic development” (Finding 2.f). Financial considerations are not germane to whether the amendment would increase the public’s exposure to safety hazards.

Next, the Resolution finds that “due to the low use of Runways 19L/R (which, according to the Airport are used for only 2 to 5% of landings), the risk is much lower than is reflected in the Safety Compatibility Zone maps in the ALUCP” (Finding 2.g). However, Policy SP-3 is not about the frequency of runway use and overflights, but rather the potential impacts to public safety of an accident involving an aircraft using Runways 1L-19R or 1R-19L. Further, Runways 1L-19R and 1R-19L had similar levels of utilization when the ALUCP was published in 2012, so it is inaccurate and misleading to state that the risk is somehow lower than what is reflected in the SFO ALUCP based on utilization rates.

The Resolution then finds that “[b]ecause Level 2 does not authorize respiratory or aerosolized agents, it does not present a materially greater risk to public safety than Level 1 activities” (Finding 2.h). The SFO ALUCP distinguishes between Biosafety Level 1 and Level 2 for a reason. The ALUCP considered that Level 2 does not include “agents with a potential for respiratory transmission” and prohibited Level 2 in Zone 2 nonetheless.<sup>5</sup> The *California Airport Land Use Planning Handbook* (Handbook), published by the Caltrans Division of Aeronautics, provides policy decisions for the ALUCP and notes that:

Manufacturing, storage, or use of hazardous materials may warrant special consideration depending upon the specific materials and quantities. The concern is whether an aircraft accident could cause an explosion or release of toxic materials, thus posing dangers to the nearby population. . . . Specifically, locations where the manufacturing or bulk storage of hazardous materials should be avoided include safety zones one through five.<sup>6</sup>

Millbrae’s finding to the contrary is not supported by any scientific authority, and its conclusory statements do not support that allowing Level 2 uses in Zone 2 would not pose an unacceptable risk to public safety.

Finally, the Resolution finds that each individual development project in the MSASP area would be evaluated through additional environmental analysis and for consistency with the MSASP Environmental

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<sup>3</sup> Cal. Pub. Util. Code § 21676.

<sup>4</sup> Cal. Pub. Util. Code § 21670.

<sup>5</sup> ALUCP, pp. IV-33-34.

<sup>6</sup> Handbook, p. 4-30.

Susy Kalkin, ALUC

June 14, 2022

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Impact Report (EIR), as part of the Conditional Use Permit process (Finding 2.h). The MSASP EIR specifically required that “[I]ight industrial facilities in Safety Compatibility Zone 2 of the ALUCP shall not include hazardous uses as defined by the SFO ALUCP, Policy SP-3 on pages IV-33 and IV-34.”<sup>7</sup> So any project that proposes allowing Biosafety Level 2 in Zone 2 will automatically be incompatible with the MSASP EIR, again highlighting why the proposed zoning amendment is inappropriate. SFO’s concern remains that any allowance of Biosafety Level 2 uses in Zone 2 would clash directly with aircraft safety and that Millbrae should not overrule the ALUC.

\* \* \*

In summary, the proposed zoning amendment to expand the conditional allowance of hazardous Biosafety Level 2 within Safety Zone 2 is inconsistent with the ALUCP and poses an unreasonable public safety hazard by exposing residents and businesses in Millbrae to greater potential harm in the event of an aircraft accident. The Airport believes that the ALUC should determine that the proposed change is incompatible with the SFO ALUCP.

The Airport does not object to Biosafety Level 2 uses in areas that specifically cater to and provide appropriate containment for that type of research. However, such uses are not ideal at the ends of runways and should be sited farther away from the Airport. If the City overrules the ALUC, the Airport will be immune from liability for damages resulting directly or indirectly from allowing Biosafety Level 2 uses in Zone 2.<sup>8</sup> The City should consider carefully the health, safety, and well-being of its citizens in the event of an aircraft accident in Zone 2.

The Airport appreciates your consideration of these comments. If I can be of assistance regarding this matter, please do not hesitate to contact me at (650) 821-6678 or at [nupur.sinha@flysfo.com](mailto:nupur.sinha@flysfo.com).

Sincerely,

DocuSigned by:

*Nupur Sinha*

7D552AE6A4CE495...

Nupur Sinha

Director of Planning and Environmental Affairs

San Francisco International Airport

cc: Ivar C. Satero, SFO, Airport Director  
Geoff W. Neumayr, SFO, Chief Development Officer  
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Tom Williams, City of Millbrae, City Manager

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<sup>7</sup> Final EIR, p. 3-10.

<sup>8</sup> Cal. Pub. Util. Code § 21678.