



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

APPLICANT INFORMATION

Agency: City of Millbrae

Project Name: Millbrae Station Area Specific Plan Amendment

Address: 621 Magnolia Avenue

APN: Millbrae Station Area Specific Plan Area

City: Millbrae

State: California

ZIP Code: 94030

Staff Contact: Nestor Guevara

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PROJECT DESCRIPTION

The project consists of an amendment to the Millbrae Station Area Specific Plan to 1) allow Biotechnology/Scientific Labs, Tech/Biotech Product Assembly, and Tech/Biotech Component Manufacturing, including hazardous uses classified as Biosafety Level 2, with a Conditional Use Permit in the Transit Oriented Development zone portion located north of the paseo connecting the Millbrae transit station and Rollins Road as shown on Figure 4-5 of the Millbrae Station Area Specific Plan, south of the BART parking garage, east of Millbrae transit station, and west of Rollins Road, above the ground floor except for minor ancillary uses as determined by the community development director, within the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport Safety Compatibility Zone 2 and 2) clarify that industrial and office uses are permitted in the Public Facilities zoning district.

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.)

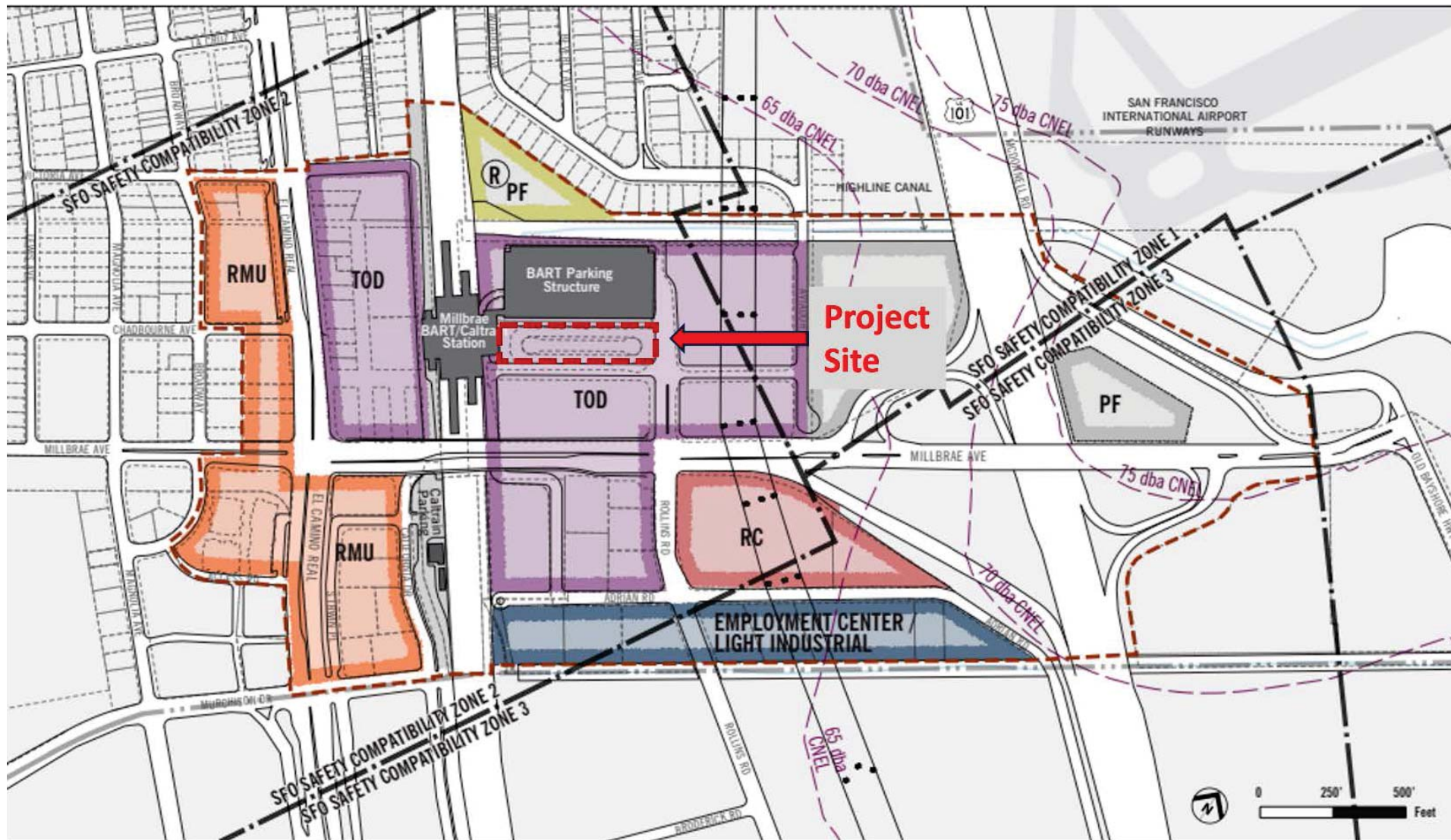
Additional information For Development Projects:

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.

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



City Council Adoption of Update

February 9, 2016- Resolution No. 16-03 adopted by the City Council

List of Amendments and Resolution Dates

April 9, 2019- Resolution No. 19-36 adopted by the City Council

January 12, 2021 - Resolution No. 21-08 adopted by the City Council

September 15, 2021- Resolution No. 21-60 adopted by the City Council

October 26, 2021 - Resolution No. 21-74 adopted by the City Council

October 11, 2022 - Resolution No. 22-73 adopted by the City Council

January 24, 2023 - Resolution No. 23-11 adopted by the City Council

Transit-Oriented Development (TOD)

The Specific Plan envisions a wide variety of uses in areas closest to the Millbrae BART/Caltrain Station (Millbrae Station), including the current BART parking lots, that take advantage of station proximity. Transit-Oriented Development (TOD) is a compact, walkable, high-density mixed-use residential and commercial area located within one-quarter to one-half mile of a transit station, incorporating features to encourage transit use throughout the day such as a mix of uses, high-quality pedestrian and bicycle access, narrow streets, and reduced parking requirements. Development for this area includes land use types such as residential, office, hotel, and ground-floor retail. The Specific Plan promotes the integration of these uses on individual sites and within single projects. All new development will prioritize access to transit. The integration of residential and employment uses will ensure that there is activity in the station area during the day and in the evenings.

Residential Mixed Use

The El Camino Real corridor is envisioned as a mixed-use corridor that primarily consists of multi-family residential development above ground floor retail and service uses within individual buildings, continuing the pattern of recent development along the corridor. The El Camino Real corridor will also function as a bridge between the existing residential uses west of the Plan Area and new intensive uses in the Transit-Oriented Development (TOD) area. Additional residential uses on El Camino Real will

complement Downtown businesses without adding extensive vehicle trips and will provide additional life to central Millbrae.

Retail Center

In the southeast quadrant of the Plan Area, the existing retail center (Wilson Plaza) will retain its commercial character and extend farther to the east to provide additional retail shopping, services, and dining opportunities that are appropriate for this freeway-proximate area.

Employment Center / Light Industrial

The area south of Adrian Road will accommodate office uses in new Class A buildings as well as employment-generating light industrial uses that can take advantage of freeway proximity and transit service, and add valued economic development benefits. Light industrial uses shall include research and development (R&D), STEM (science, technology, engineering, and math), tech/biotech manufacturing, and high-tech services that involve a combination of assembling, warehousing, and/or sales. New housing development in the nearby TOD area will create opportunities for employees to live close to their workplaces, which is attractive to employers and creates further opportunities for walking and bicycling to work.

Hotels

Hotels are envisioned in locations that take advantage of freeway frontage, airport proximity, and transit access. Hotels will benefit both visitors and local residents and also complement nearby retail

and office uses. Hotels will provide a meeting place, as well as a place for special events, conferences, or banquets. Hotels will also diversify activities in the area, providing activity during the daytime and nighttime hours with lesser peak-hour traffic impacts. Hotels should be allowed flexibility and may be appropriate in TOD, Residential Mixed-Use, Retail Center, and Employment Center/Light Industrial areas.

Public Facilities

Public Facilities are proposed to be used as industrial and office uses associated with public facilities. The area directly west of Highway 101 and north of Millbrae is restricted for development due to airport runway safety issues. As the Specific Plan is implemented, the area should be landscaped at its edges to provide for an attractive entry to the City from Highway 101. Potential uses for the area include stormwater treatment facilities (bio retention swales). The Wastewater Treatment Facility, shown in green, is proposed to continue its use as a public facility.

Multi-Family Residential Overlay

As shown in Figure 4-1, the triangular-shaped area just north of the BART parking garage and south of the Bayside Manor neighborhood is envisioned for land uses that would provide a suitable land use transition between the BART station and the Bayside Manor neighborhood, including a city storage yard, parking, and/or multi-family residential uses.

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, 2) north of Millbrae Avenue, south of the MSASP Boundary, east of El Camino Real, and west of the Railroad and 3) north of the paseo connecting the Millbrae transit station and Rollins Road as shown on Figure 4-5 of the Millbrae Station Area Specific Plan, south of the BART parking garage, east of Millbrae transit station, and west of Rollins Road, above the ground floor except for minor ancillary uses as determined by the Community Development Director.

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 industrial and office 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.

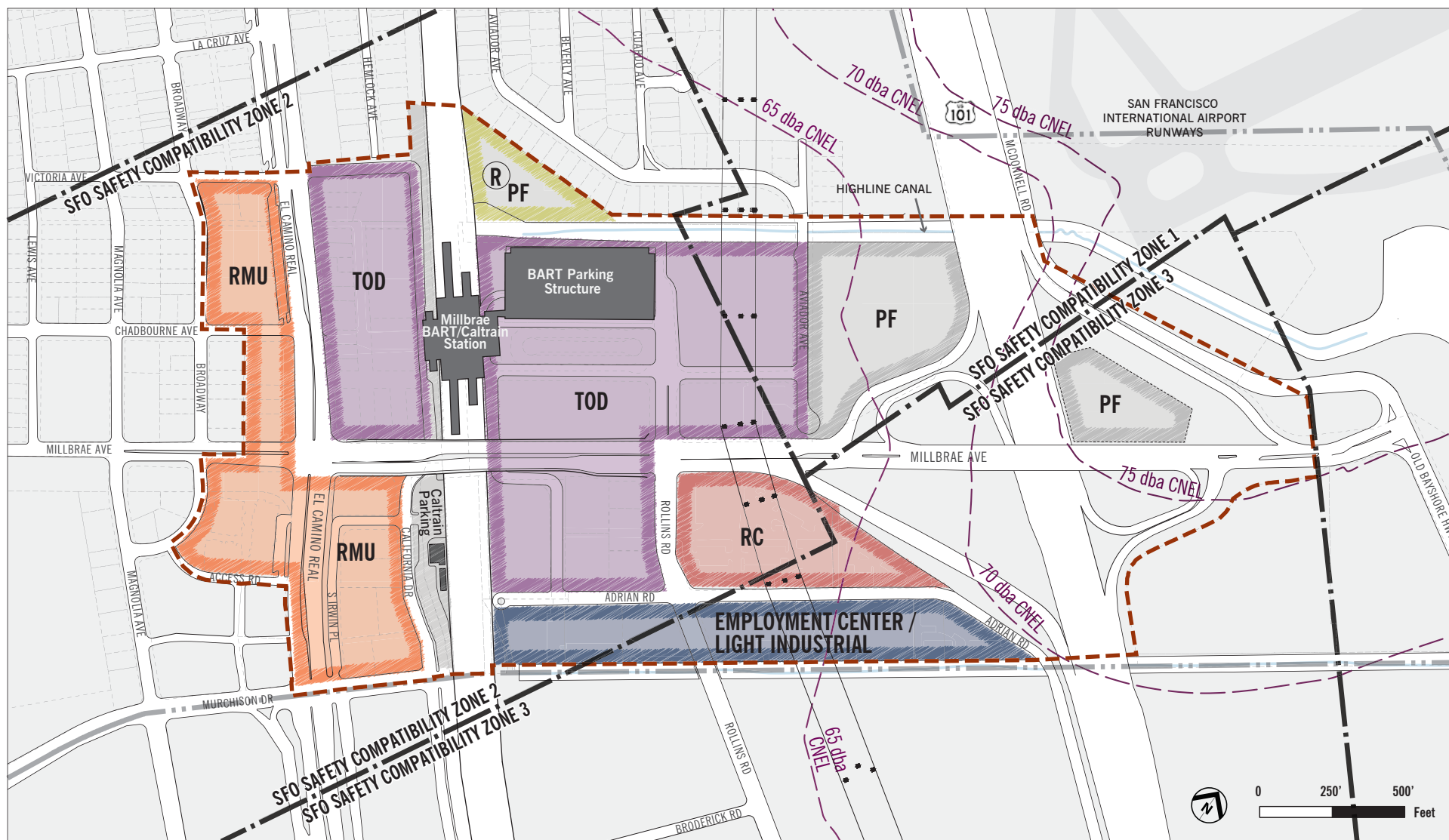


FIGURE 5-1. Planning and Overlay Zones

MSASP Boundary

City Boundary

Power Lines

Planning Zones

Transit-Oriented Development (TOD) Zone

Residential Mixed Use (RMU) Zone

Employment Center / Light Industrial Zone

Retail Commercial (RC) Zone

Public Facilities (PF) Zone

Overlay Zone

Residential Overlay

SFO Safety Compatibility Zones

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 5-12. 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
Residential Uses						
Duplexes	-	-	-	P	-	-
Live/Work Units	P*	P*	C	-	-	-
Multiple-Family Dwellings						
— Less than 7 Units	-	-	-	P	-	-
— 7 Units or More	P*	P	C	P	-	-
Public and Quasi-Public Uses						
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
Commercial Uses						
<i>Eating and Drinking Establishments</i>						
Restaurants	P*	P*	P*	-	P	-
Bars	C*	C*	C*	-	C	-
<i>Commercial Services</i>						
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*	-
Light Industrial [4] [6]						
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
Retail						
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	-
Other Commercial Uses						
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
Transportation, Communication, and Utilities Uses						
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, Resolution No. 21-60, Resolution No. 23-11, 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.

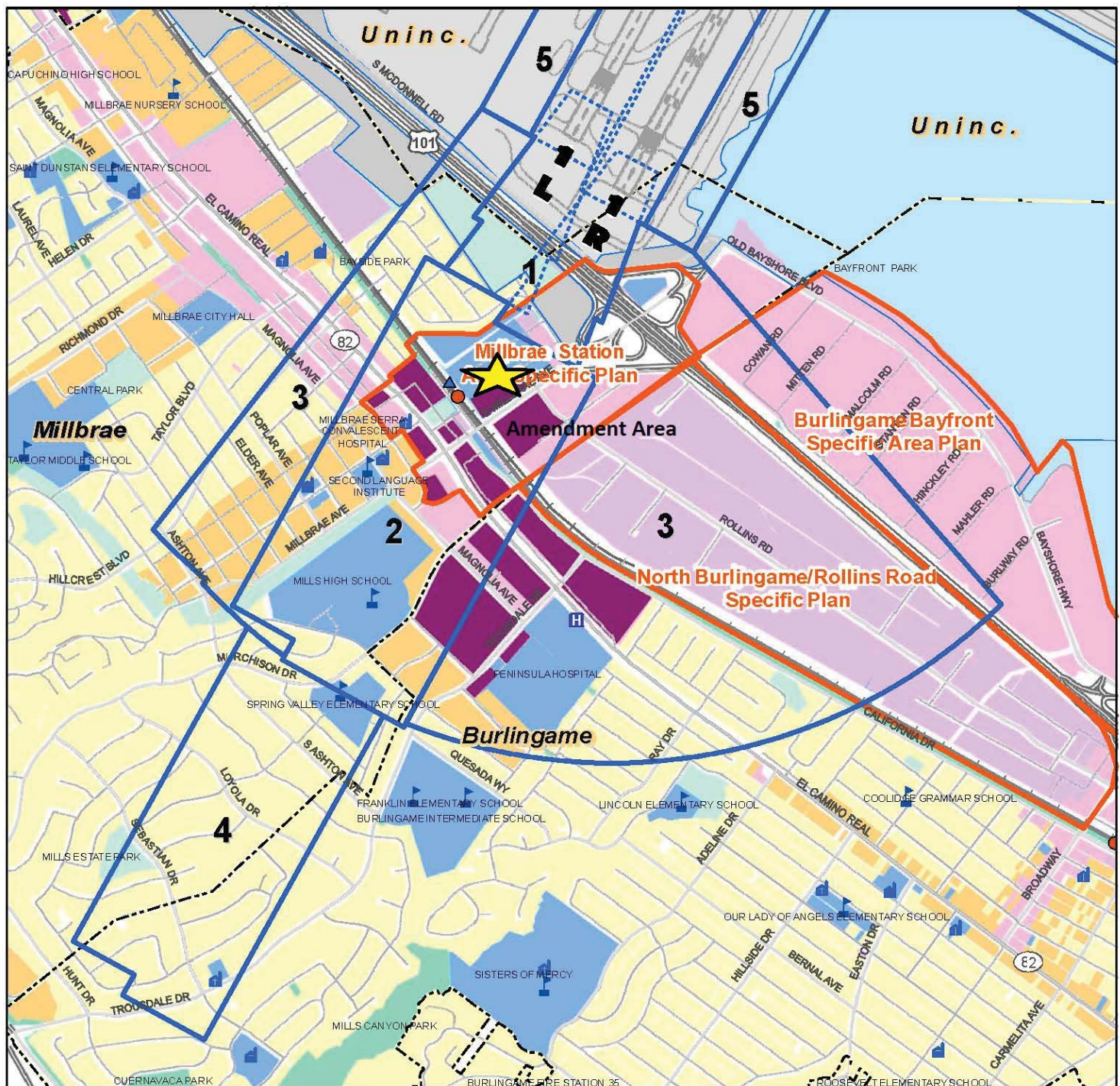
[2] Use is required to secure a Conditional Use Permit when located on the ground floor in a Type 1-Very Active Ground Floor Uses area as shown in Figure 5-4, Active Frontage Types.

[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, 2) north of Millbrae Avenue, south of the MSASP Boundary, east of El Camino Real, and west of the Railroad and 3) north of the paseo connecting the Millbrae transit station and Rollins Road as shown on Figure 4-5 of the Millbrae Station Area Specific Plan, south of the BART parking garage, east of Millbrae transit station, and west of Rollins Road, above the ground floor except for minor ancillary uses as determined by the Community Development Director.



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

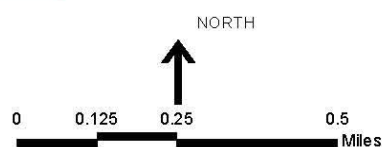


Exhibit V-9
SAFETY COMPATIBILITY ZONES
IN THE CITIES OF BURLINGAME AND MILLBRAE
 Comprehensive Airport Land Use Plan
 for the Environs of San Francisco International Airport

C/CAG

City/County Association of Governments
 of San Mateo County, California

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

ZONE	LAND USE CRITERIA	
	INCOMPATIBLE ^{1/}	AVOID ^{1/}
Zone 1: Runway Protection Zone and Object Free Area (RPZ-OFA)		
	All new structures ^{3/} Places of assembly not in structures Hazardous uses ^{2/} Critical public utilities ^{2/}	Nonresidential uses except very low intensity uses ^{4/} in the “controlled activity area.” ^{2/}
Zone 2: Inner Approach/Departure Zone (IADZ)		
	Children’s schools ^{2/} Large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business ^{2/} Hospitals, nursing homes Hazardous uses ^{2/} Critical public utilities ^{2/} Theaters, meeting halls, places of assembly seating more than 300 people Stadiums, arenas	---
Zone 3: Inner Turning Zone (ITZ)		
	Biosafety Level 3 and 4 facilities ^{2/} Children’s schools ^{2/} Large child day care centers ^{2/} Hospitals, nursing homes Stadiums, arenas	Hazardous uses other than Biosafety Level 3 and 4 facilities ^{2/} Critical public utilities ^{2/}
Zone 4: Outer Approach/Departure Zone (OADZ)		
	Biosafety Level 3 and 4 facilities ^{2/} Children’s schools ^{2/} Large child day care centers ^{2/} Hospitals, nursing homes Stadiums, arenas	Hazardous uses other than Biosafety Level 3 and 4 facilities ^{2/} Critical public utilities ^{2/}
Zone 5: Sideline Zone (SZ)		
	Children’s schools ^{2/} Large child day care facilities and noncommercial employer-sponsored centers ancillary to a place of business Hospitals, nursing homes Hazardous uses ^{2/} Critical public utilities ^{2/} 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.¹¹ 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.¹²
- 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.¹³
- D. Medical and biological research facilities handling highly toxic or infectious agents** — These facilities are classified by “Biosafety Levels.”¹⁴ 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.¹⁵
 - 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

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

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

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

¹⁴ *Biosafety in Microbiological and Biomedical Laboratories*, 5th 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.

¹⁵ *Biosafety in Microbiological and Biomedical Laboratories*, 5th 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.

4.5 Airspace Protection

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

September 13, 2023

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

TRANSMITTED VIA EMAIL ONLY

kkalkin@smcgov.org

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 San Francisco International Airport (SFO or the Airport) to comment on the City of Millbrae's (City) proposed amendment to the Millbrae Station Area Specific Plan (MSASP) to expand the area in which hazardous land uses classified as Biosafety Level 2 are allowed within the Airport's Safety Compatibility Zone 2: Inner Approach/Departure Zone (Safety Zone 2). We appreciate this opportunity to coordinate with the Airport Land Use Commission (ALUC) in evaluating the proposed amendment.

Due to the City's previous overrides of the ALUC's determinations of incompatibility for land use designations in the MSASP, the MSASP currently allows Biosafety Level 2 land uses within the Transit-Oriented Development Zone (TOD Zone) and the Employment Center/Light Industrial Zone, both of which are within Safety Zone 2. The proposed amendment would expand the area within the TOD Zone in which Biosafety Level 2 land uses are allowed. Specifically, the proposed amendment would allow those land uses in the area north of the paseo connecting the Millbrae Intermodal Station and Rollins Road, east of the Millbrae Intermodal Station, south of the BART parking garage, and west of Rollins Road (see red-dashed box on page 2 of the attachment). The Biosafety Level 2 land uses in this area would be limited to the floors above the ground floor, with minor ancillary uses allowed on the ground floor as determined by the Millbrae Community Development Director.

Policy SP-3 (Hazardous Uses) of the *Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (ALUCP) specifically prohibits medical and biological research facilities handling highly toxic or infectious agents, which include land uses classified as Biosafety Level 2, 3, and 4, within Safety Zone 2. The proposed amendment to expand the conditional allowance of Biosafety Level 2 land uses 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 recommends that the ALUC determine that the proposed amendment is incompatible with the ALUCP.

Should the ALUC determine that the proposed amendment is incompatible with the ALUCP, the City may choose to override the ALUC determination by a two-thirds vote of the City Council. Prior to a City Council hearing on the proposed amendment, the Planning Commission must make a recommendation to the City Council. In a draft resolution for the August 28, 2023 Planning Commission hearing, the City included the following findings in support of a Planning Commission resolution recommending that the City Council adopt the proposed amendment:

- Finding 2 of the draft resolution states that "the adoption of the Amendment will not be detrimental to the public health, safety, and general welfare." No evidence is provided to justify this finding.

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYORMALCOLM YEUNG
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AIRPORT DIRECTOR

Susy Kalkin, ALUC
 September 13, 2023
 Page 2 of 3

- Finding 6 of the draft resolution states that “the City has considered the potential impacts of allowing such life science office and laboratory uses, such as noise, air quality, water quality, hazardous materials, and biological resources ... [and] has determined that there is minimal risk associated with allowing such uses under the proposed MSASP Amendment.” No evidence is provided to justify this finding.
- Finding 7 notes that the proposed amendment would not result in a safety hazard because “the uses are already allowed within the Station Area.” This finding is factually incorrect. Safety Zones are defined empirically based on historical records of crashes near airport runways. Increasing the area within Safety Zone 2 where Biosafety Level 2 land uses are permitted would increase risk by definition because the proportion of Safety Zone 2 occupied by hazardous uses would increase.

As discussed above, ALUCP Policy SP-3 specifically prohibits land uses that involve the handling of highly toxic or infectious agents within Safety Zone 2. Furthermore, the *California Airport Land Use Planning Handbook*, published by the Caltrans Division of Aeronautics, provides policy guidance for implementation of 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.”¹ The City’s proposed findings are not consistent with ALUCP Policy SP-3 or the *California Airport Land Use Planning Handbook* and are not supported by evidence demonstrating that allowing Biosafety Level 2 land uses within Safety Zone 2 would not pose an unacceptable risk to public safety.

The Airport does not object to Biosafety Level 2 land uses in areas that specifically cater to and provide appropriate containment for that type of research. However, such land uses are not suitable at the ends of runways and should be sited farther away from the areas near the Airport that have been identified by empirical research as posing an unacceptable risk. If the City overrides the ALUC determination, the Airport will be immune from liability for damages resulting directly or indirectly from allowing Biosafety Level 2 land uses in Safety Zone 2.² The City should carefully consider the health, safety, and well-being of its citizens in the event of an aircraft accident in Safety Zone 2.

* * *

The Airport appreciates your consideration of these comments. If I can be of assistance, please do not hesitate to contact me at (650) 821-6678 or at nupur.sinha@flysfso.com.

¹ Caltrans Division of Aeronautics, *California Airport Land Use Planning Handbook*, October 2011, p. 4-30.

² Cal. Pub. Util. Code § 21678.

Susy Kalkin, ALUC
September 13, 2023
Page 3 of 3

Sincerely,

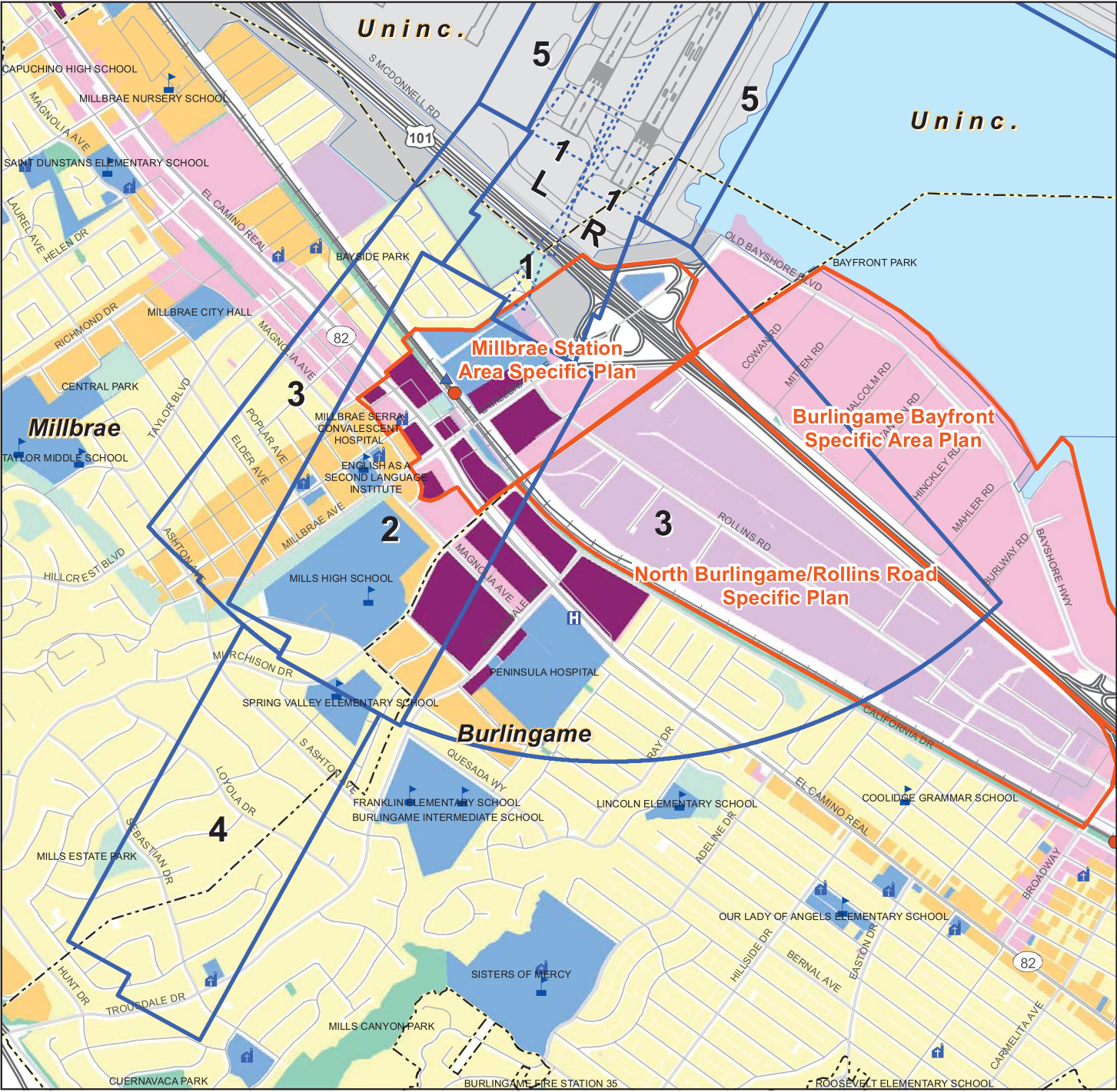
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Nupur Sinha
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Nupur Sinha
Director of Planning and Environmental Affairs
San Francisco International Airport

Attachments

ALUCP Map of Safety Compatibility Zones
Map of Project Site

cc: Sean Charpentier, C/CAG
Tom Williams, City of Millbrae, City Manager
Laurie Suttmeier, FAA San Francisco Airports District Office, Manager
Phillip Miller, Caltrans Division of Aeronautics, Interim Chief
Ivar Satero, SFO, Airport Director
Geoff Neumayr, SFO, Chief Resilience and Sustainability Officer
Cathy Widener, SFO, Acting Chief External Affairs Officer
Audrey Park, SFO, Environmental Affairs Manager
Chris DiPrima, SFO, Senior Airport Planner



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

