

Attachment 8. Code Language for Biosafety Regulations in San Mateo County Jurisdictions and Bay Area Jurisdictions

Table 8A. Code Language for Biosafety Regulations in San Mateo County Jurisdictions

Jurisdiction	Codified Language
Brisbane	<p>BMC 17.18-SP-CRO Sierra Point Commercial District.</p> <p>BMC 17.18.035.C - Conditional Uses - Research and Development. Any use utilizing biological agents exceeding Risk Group 3 or Biosafety Level 3 as defined by the National Institute of Health or the Center for Disease Control may be allowed in the SP-CRO district, upon the granting of a use permit pursuant to Chapter 17.40 of this title, subject to the provision that the city council (instead of the planning commission) shall act as the reviewing and approving authority for all purposes under Chapter 17.40 for any such research and development-related conditional use permit(s).</p> <p>BMC 17.18.045.C – Performance Standards. Research and development uses involving the use of biological agents shall comply with all design standards set forth in the most current Center for Disease Control (CDC) Office of Health and Safety document "<i>Biosafety in Microbiological and Biomedical Laboratories</i>."</p>
Burlingame	<p>BMC 25.12.020: Table 25.12-1 Commercial and Industrial Zoning Districts Use Regulations. <i>Office-Research and Development</i> is Permitted in the C-1, BFC and I-I districts. However, for properties within SFO Safety Compatibility Zone 3 in the I-I zoning district, a Conditional Use Permit required if the use entails hazardous materials.</p> <p>For properties within SFO Safety Compatibility Zone 3 in the I-I zoning district, <i>Biosafety</i> Level 3 and 4 facilities not allowed.</p> <p>BMC 25.14.020: Table 25.14-1: Mixed-Use Zoning Districts Use Regulations. <i>Laboratories/Research and Development</i> are Permitted in the RRMU and NBMU districts. However, for properties located within SFO Safety Compatibility Zone 3: a Conditional Use Permit is required if the use entails hazardous materials. Biosafety Level 3 and 4 facilities not allowed.</p> <p>In SFO Safety Compatibility Zone 2, the use is Not Allowed if use entails hazardous materials.</p>
Millbrae	<p>Millbrae Station Area Specific Plan 5.2, Table 5-12. Permitted and Conditionally Permitted Land Uses.</p> <p>NOTES: 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 within the TOD Zone and the Employment Center/Light Industrial Zone.</p>

Table 8B. Code Language for Biosafety Regulations in San Mateo County Jurisdictions and Bay Area Jurisdictions

Jurisdiction	Codified Language
Fremont	<p>FMC 18.25.330 defines Biosafety Level (BSL): In accordance with the most current version of the <i>Biosafety in Microbiological and Biomedical Laboratories</i> published by the U.S. Department of Health and Human Services Centers for Disease Control and Prevention and National Institutes of Health (CDC/NIH), “biosafety level” or “BSL” shall mean the safe handling of biological materials, particularly infectious agents which are classified on the basis of degree of risk to humans working with them and includes definition of biosafety levels for handling such agents. A specific combination of work practices, safety equipment, and facilities are designed to minimize the exposure of workers and the environment to infectious agents. There are four biosafety levels (BSLs). BSL 1 applies to laboratories in which work is done with defined and characterized strains of viable microorganisms not known to consistently cause disease in healthy adult humans. BSL 2 applies to laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community and associated with human disease of varying severity. BSL 3 applies to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with the potential for respiratory transmission, and which may cause serious and potentially lethal infection. BSL 4 is used for the diagnosis of exotic agents that pose a high risk of life-threatening disease, which may be transmitted by the aerosol route and for which there is no vaccine or therapy.</p> <p>FMC 18.49 - Warm Springs Innovation (WSI) District: <i>Manufacturing of biological products and Research, development and testing services</i> are categorized by biosafety level (BSL). BSL 1 and 2 are permitted outright or subject to a Zoning Administrator Permit. BSL 3 uses are limited to one subdistrict within the WSI, and BSL 4 uses are prohibited.</p> <p>FMC 18.50 – Industrial Districts: <i>Manufacturing of biological products</i> with BSL 1 or 2 are permitted, with a Zoning Administrator Permit for BSL 3, and prohibited for BSL 4 in the I-T and I-G Districts.</p> <p><i>Pharmaceutical and medicine manufacturing</i> not exceeding biosafety level 2 are permitted in the I-T and I-G Districts, and BSL 3 may be considered through a Zoning Administrator Permit.</p> <p><i>Scientific research and development services, including physical, engineering, and life sciences and systems</i> with BSL 1 or 2 are permitted in the I-S, I-T, and I-G Districts; subject to a Zoning Administrator Permit with BSL 3 in the I-T and I-G Districts; and prohibited with BSL 4.</p>
Oakland	<p>The Oakland Planning Code (OPC) prohibits BSL 4 within the definition of the associated use.</p> <p>OPC 17.10.580 - Heavy/High Impact Manufacturing Industrial Activities: include high impact or hazardous manufacturing processes. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. Examples of activities in this classification include, but are not limited to, the following: B. Any biotechnology research, development or production activities involving materials defined by the National Institute of Health as Risk Group 4 or Restricted Agents (commonly known as “biosafety level 4”)</p> <p>OPC 17.10.581 Research and Development Industrial Activities: include scientific research for the design, development, engineering, and testing of high technology electronic, industrial, or scientific products in advance of full-scale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.</p>

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	<p>This classification excludes manufacturing uses, wholesale and storage uses, repair and retail sales, except as an accessory use as specified in Section 17.10.040; this classification also excludes the on-site production of products for sale, and biotechnology laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4") (Section 17.10.580 Heavy/High Impact Manufacturing Activities). <i>Heavy/High Impact Manufacturing Industrial Activities</i> are permitted subject to a conditional use permit in the Industrial (M-40) and General Industrial (IG) zones.</p> <p><i>Research and Development Industrial Activities</i> are permitted in Regional Commercial (CR), Housing and Business Mix Commercial (HBX-1, 2, 3, 4), Industrial (M-40), Commercial Industrial Mix (CIX-1), West Oakland Plan Area Commercial Industrial Mix (CIX-1A, CIX-1B, CIX-1C, CIX-1D), General Industrial (IG), and Industrial Office (IO) zones; and subject to obtaining a conditional use permit in the Central Business District General Commercial (CBD-C), Central Business District Mixed Commercial (CBD-X), and Industrial (M-20, M-30) zones.</p>
Palo Alto	<p>The Palo Alto Municipal Code incorporates limitations on BSL in use definitions and prohibits BSL 4 under hazardous materials standards.</p> <p>PAMC 18.04.030 – Definitions:</p> <p>(95.1) "Medical research" means a use related to medical and/or dental research, testing and analysis, including but not limited to trial and clinical research. Biomedical and pharmaceutical research and development facilities are not included in this definition. Medical Research does not include the storage or use of quantities of hazardous materials above the exempt quantities listed in Title 15 of the Municipal Code nor any toxic gas regulated by Title 15. Additionally, Medical Research may include storage and use of etiological (biological) agents up to and including Risk Group 2 or Bio Safety Level 2 (Center for Disease Control).</p> <p>(123) "Research and development" means a use engaged in the study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development, or evaluation. Examples of "research and development" uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics and pharmaceutical research laboratories, and related educational development. Research and development may include the storage or use of hazardous materials in excess of the exempt quantities listed in Title 15 of the Municipal Code, or etiological (biological) agents up to and including Risk Group 3 or Bio Safety Level 3 classifications as defined by the National Institute of Health (NIH) or the Center for Disease Control (CDC). Higher classification levels of etiological (biological) agents are not allowed without express permission of the City Manager, Fire Chief, and Police Chief.</p> <p>PAMC 18.42.200.B(viii)-Hazardous Materials: No facility proposing the use of Biosafety Level 4 etiological agents shall be permitted in the city of Palo Alto.</p>
San Francisco	<p>The San Francisco Planning Code incorporates limitations on BSL in use definitions.</p> <p>Article 1, Section 102-Defintions:</p> <p><i>Laboratory.</i> A Non-Retail Sales and Services Use intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from Office uses, Light Manufacturing, or Heavy Manufacturing. Examples of laboratories include the following:</p>

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	<p>(d) Biological laboratories including those classified by the Centers for Disease Control (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or Biosafety level 3;</p> <p>(e) Animal facility or vivarium, including laboratories classified by the CDC/NIH as Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;</p> <p><i>Life Science.</i> A Non-Retail Sales and Service Use that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. This includes the creation of products and services used to analyze and detect various illnesses, the design of products that cure illnesses, and/or the provision of capital goods and services, machinery, instruments, software, and reagents related to research and production. Life Science uses may utilize office, laboratory, light manufacturing, or other types of space. As a subset of Life Science uses, Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in the <i>Laboratory</i> definition Subsections (d) and (e).</p> <p><i>Sales and Services, Non-Retail.</i> A Commercial Use category that includes Uses that involve the sale of goods or services to other businesses rather than the end user, or that does not provide for direct sales to the consumer on site. Uses in this category include, but are not limited to: Business Services, Catering, Commercial Storage, Design Professional, General Office, Laboratory, Life Science, Non-Retail Professional Service, Trade Office, Wholesale Sales, and Wholesale Storage.</p> <p>Article 8, Section 890-Definitions for Mixed Use Districts: Section 890.52: Laboratory. <i>Laboratory</i> shall mean space within any structure intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from office uses (as defined in Section 890.70), light manufacturing (as defined in Section 890.54(a)), or heavy manufacturing (including uses listed in Sections 226(g) through 226(w)). Examples of laboratories include the following:</p> <p>(d) Biological laboratories including those classified by the Centers for Disease Control (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or Biosafety level 3;</p> <p>(e) Animal facility or vivarium, including laboratories classified by the CDC/NIH as Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;</p> <p><i>Laboratories, Life Science</i> are permitted in Mixed Use Office (Sec. 842.85), and WSOMA Mixed Use Office (Sec. 845.85). <i>Laboratories, not including Life Sciences</i>, are permitted in Mixed Use General (Sec. 840.86), Mixed Use Residential (Sec. 841.86), Mixed Use Office (Sec. 842.86), Urban Mixed Use (Sec. 843.86), WSOMA Mixed Use Office (Sec. 845.86), and Service/Arts/Light Industrial, except Sec. 890.52(e) (Sec. 846.86). <i>Non-Retail Sales Service</i> (which includes Laboratory and Life Sciences) is permitted in Central SOMA Mixed-Use Office (Table 848). <i>Research and Testing Laboratory</i> is permitted in Mission Bay Commercial-Industrial District (Section 913.56). <i>Experimental Laboratory</i> is permitted as a conditional use in Mission Bay Commercial-Industrial District (Section 913.57).</p>