

Attachment 9. Correspondence from the Public, as of March 22, 2023

Correspondence #1

January 25, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
600 Elm Street
San Carlos, CA 94070

Subject: Re: Biosafety Ordinance - Public notice for 2/6 Planning Commission meeting

Lisa: I will review the ordinance when it is available and provide comments. However, the banning of a biosafety level 3 or 4 lab makes absolutely no sense. A BSL 3 lab is a collection of safety measures that makes a lab safer. So banning a safer lab is exactly contrary to what the community is concerned about. Instead, I would suggest regulating activities that require a BSL 3 or BSL 4 lab, but I would not ban the lab itself.

At MBC Biolabs, we only use BSL 2 labs as we only have BSL 2 activities. However, if we elected to build a BSL 3 lab and still only do BSL 2 activities, that would be an example of a safer environment, yet would likely be banned by this ordinance. I think this is a very important distinction here that you ought to take into consideration for this ordinance and how it is drafted. I'm happy to further clarify if necessary.

Ryan Guibara

Correspondence #2

January 29, 2023

City of San Carlos
Community & Economic Development Director Al Savay
Planning Division Staff
600 Elm Street
San Carlos, CA 94070

Subject: BSL-3 work in San Carlos

Dear Mr. Savay and members of the Planning Division,

I want to commend the City of San Carlos for building a wonderful life-science community. The companies you have attracted are working hard to solve critical health issues and provide wonderful jobs to diverse workers – even non-college workers. Our life-science incubators, MBC BioLabs, have loved being in San Carlos.

I am writing today to encourage you, and your colleagues, to avoid legislation that would send a chilling message to prospective biotech companies that are wondering about the stability and support that life science companies will receive in San Carlos.

While, MBC BioLabs will never permit BSL-3 or above work in our labs, we support the potential for BSL-3 in other companies in the community.

BSL-3 work is occasionally critical – just look at the COVID pandemic. A number of companies that were not focusing on infectious diseases lent their expertise to this public health crisis. We wouldn't want these companies to be thwarted should we need their skills to solve the next crisis.

Rather than banning BSL-3, I think it would make more sense to use the conditional use permitting process. This provides for a case-by-case review of these activities.

I hope the City continues to seek to encourage diverse growth and supports the emerging life science sector.

Thank you for your attention to this matter.

All the best,

Doug Crawford

Doug Crawford, PhD

General Manager | [MBC BioLabs](#)

953 Indiana Street, San Francisco, CA 94107

930 Brittan Avenue, San Carlos, CA 94070

733 Industrial Road, San Carlos, CA 94070

m. 415.205.4825

Correspondence #3

February 2, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
Planning Manager Lisa Porras
CC: City Manager Jeff Maltbie
Community & Economic Development Director Al Savay
Mayor Adam Rak
600 Elm Street
San Carlos, CA 94070

Subject: Fwd: Massachusetts cheat sheet of ordinances

Hi All,

I am forwarding a "cheatsheet" of ordinances prepared by members of the Sierra Club Biosafety working committee. I sent this to Mayor Rak and forgot to include all of you. I thought you'd find it helpful as staff

prepare a biosafety study session for the city council and planning. Has a date been scheduled for that presentation?

The Sierra Club biosafety group is putting on an educational webinar about BSL labs on March 2nd. It is intended for city planners, city council members and policy makers in Silicon Valley. A Save the Date email will be sent soon.

Hope you'll be able to attend. The speakers are nationally renowned experts, Sam Lipson, Director of Public Health in Cambridge, MA, Dennis Carlone, a Cambridge City Council member, and a couple of other local industry experts.

Thank you!

Debbie Baldocchi

Sent from my iPhone Begin forwarded message:

From: Gary Baldocchi

Date: February 2, 2023

To: Mayor Adam Rak

Subject: Massachusetts cheat sheet of ordinances Reply-To: Gary Baldocchi

Hi Mayor Rak,

This is the list of draft ordinances I mentioned:

On Wed, Feb 1, 2023 at 8:48 PM Steven Goodale wrote:

We've compiled a cheat sheet, of sorts, with information relating to the Massachusetts towns we've been referring to. The intent is to provide easy access for busy leaders to get the information they want or need. This would be linked on the main webinar website.

Have at it!

<https://docs.google.com/spreadsheets/d/15X0JsXNJ0jiJnGY1uUayuvGKBDWN09enRLnnqHLkeW0/edit?usp=sharing>

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Steven Goodale,

--Goody!

Correspondence #4

February 2, 2023

City of San Carlos
Community & Economic Development Director Al Savay
Principal Planner Lisa Costa Sanders

600 Elm Street
San Carlos, CA 94070

Subject: Number of Bsl 3 labs in California?

Hi Mr. Savay and Planner Costa Sanders,

How are you? Hope all is well. We are researching BSL labs and are trying to find out how many BSL-3 labs are located in California? At two of the recent Planning Commission meetings, we heard staff say there are 15 BSL-3s in the state. We've been trying to confirm this number. What is the source of that information? We'd greatly appreciate your assistance in confirming this number or the actual number. And, are you aware of any BSL 4s in California?

We ask bc the California Fire code has a provision required labs to notify the fire department of the location of any BSL 3 or 4 labs on an annual basis. Sunnyvale referenced it in their new ordinances. It's concerning the BSL 3 labs are not required to notify the cities, counties or San Mateo Department of Environmental Safety and Public Health.

Will you please confirm if there are any BSL 3 labs currently in San Carlos or if any others are planned? Thank you!

Debbie Baldocchi Sent
from my iPhone

Correspondence #5

February 5, 2023

City of San Carlos
CC: City Clerk Crystal Mui
Planning Division
City Council
600 Elm Street
San Carlos, CA 94070

Subject: Resolution Recommending the City Council Adopt an Ordinance Amending San Carlos Municipal Code Title 18 to Regulate Laboratories with Biosafety Levels (BSL)

Dear Planning Commission and City Council Members,

I would like to clear up some inaccuracies found in the packet that staff has provided for Agenda item 6a for the Planning Commission meeting on 06FEB2023. The CDCs standard, Biosafety in Microbiological and Biomedical Laboratories. 6th Edition, is an advisory document only and not intended as a regulation. BSL4 described in table 1 is incomplete. It fails to note that biological agents of this class have no known vaccine or treatment. Knowing what we do now of Covid 19, in January of 2020 it would have been classified as a BSL4 agent. Chinese authorities

assured the world at the time that it did not pass easily person to person even as bodies were stacking up in the streets. Any biological agent whose method of transmission or morbidity/lethality are unknown must be treated as a BSL4 agent until demonstrated otherwise. The potential consequence is a pandemic like the one we currently experience. This includes gain of function testing done on known BSL3 agents.

As noted on page 6, there is no policy or plan of action in the event the release of a biological agent to the community, nor is there a regional plan for such a tragedy. While uncommon, such events do happen¹ and are usually caused by human error.² Such events can also be the result of mal intent³ and, while we hope never to see the darker side of human nature, recent shootings on the Peninsula and even a beheading in the downtown area tells us it can happen. Given the magnitude of the risk, it is wise to refrain from building BSL3 labs until there is a concrete action plan in the event that the unthinkable happens. Allowing BSL4 labs in San Carlos poses such a risk that, in my opinion, it should never be allowed in an urban setting like the City of Good Living.

By not permitting BSL3 labs, the city can also avoid the question of who will pay to sterilize and decommission these labs when they reach the end of their useful life. In the past the city has turned a blind eye to the risks of allowing certain semiconductor and electronic industry practices; instead relying on the experts to tell us what was safe. The results are the brownfields of East San Carlos with developers who are generally only willing to do the absolute minimum to mitigate toxic waste hazards in order to protect their bottom line.

What is safe in the Life Science industry 20 yrs from now may look much different than it does today. Even the experts at the NIH cannot agree that current standards are sufficient, especially when it comes to private commercial BSL3 labs, which are not subject to regulations or oversight that publicly funded BSL3 labs must comply with.⁴

In closing, I want to say that, contrary to the claim that biosafety labs in the industry are “highly regulated with stringent oversight even in the absence of local regulations”, the fact is there are serious gaps that exist. Industry reluctance to disclose where these higher risk labs are located while at the same time asking us to trust their judgement without objective evidence is insufficient justification when compared to the risk they present. Until local governments stop being passive partners in the growth of this industry and create a real mechanism that maintains public involvement and transparency, long-term trust will be hard to come by. Until then BSL3 labs should not be permitted in the City of San Carlos.

1. <https://www.science.org/doi/10.1126/science.345.6194.247>
2. <https://pubmed.ncbi.nlm.nih.gov/27234593/>
3. <https://www.bisnow.com/national/news/commercial-real-estate/building-management-ownership-face-lawsuit-after-janitor-tampered-with-water-bottles-spreading-disease-117424>
4. <https://www.washingtonpost.com/health/2023/01/20/nih-biosecurity-report/>

Sincerely,

Paul Maggini

Correspondence #6

February 6, 2023

City of San Carlos
Planning Commission
Principal Planner Lisa Costa Sanders
Planning & Transportation Commissioner Janet Castaneda
Planning & Transportation Vice-Chair Kristen Clements
Planning & Transportation Chair Jim Iacoponi
Planning & Transportation Commissioner David Roof
600 Elm Street
San Carlos, CA 94070

Subject: Public Comments Regarding Ordinance Amending San Carlos Municipal Code to Regulate Laboratories with Biosafety Levels (BSL) Planning Commission Monday, 2/6/23

Thank you for this opportunity to comment on this critical environmental health and safety issue.

With specific reference to the remark on page 7 of the staff report:

“Even in the absence of local regulations, laboratories with biosafety levels are highly regulated with stringent oversight.”

Please note that if City Council solely relies upon this official statement, it fails to address the fact that **PRIVATE, COMMERCIAL** biocontainment lab developments in Silicon Valley--which are additionally often speculative, Venture Capital-funded, and with proprietary trade secret exemptions in terms of biological agents used--**are currently being scrutinized for heightened review as a "problem" by the National Institute of Health's National Science Advisory Board on Biosecurity (NSABB). SOURCE: [NSABB Board Meeting - September 2022 Wednesday, September 21, 2022](#)**

Please also view the draft recommendations, unanimously approved last week by the Expert Panel: <https://osp.od.nih.gov/wp-content/uploads/2023/01/DRAFT-NSABB-WG-Report.pdf>

Additionally, a subject matter expert to our Sierra Club Loma Prieta Chapter Bay Area Biosafety (BABS) Working Group, who has also provided testimonial to Congress and directly expressed concerns to the NSABB about high containment labs, specifically advised that we focus on high-containment biolabs (BSL-3 and BSL-4).

Thank you.

Nina Goodale

Correspondence #7

February 6, 2023

City of San Carlos
Planning Commission
Principal Planner Lisa Costa Sanders
Planning & Transportation Commissioner Janet Castaneda
Planning & Transportation Vice-Chair Kristen Clements
Planning & Transportation Commissioner Ellen Garvey
Planning & Transportation Chair Jim Iacoponi
Planning & Transportation Commissioner David Roof
CC: City Council
City Clerk Crystal Mui
600 Elm Street
San Carlos, CA 94070

Subject: Public Comments Regarding Ordinance Amending San Carlos Municipal Code to Regulate Laboratories with Biosafety Levels (BSL) Planning Commission Monday, 2/6/23

Dear Planner Lisa Costa Sanders, Members of the Planning and Transportation Commission, Mayor Rak and Members of the City Council,

We have attached a letter of public comments for Monday's, 2/6/23, Planning Commission meeting regarding a proposed zoning ordinance regulating laboratories with biosafety levels.

We strongly support the proposed ordinance that will ban BSL 3 and 4 labs in San Carlos. We applaud the city's progressive leadership on this issue and are impressed that San Carlos will be among the first cities in Silicon Valley to pass an ordinance that balances the important interests of the bioscience industry with public and environmental health and safety.

Thank you for considering our request to clarify that BSL 3 and 4 labs are prohibited throughout San Carlos, included in *Planned Development* zoning. We also request that the city consider adding regulations for BSL 1 and 2 labs that are common in other cities, including reasonable setbacks from residential zoning and flood protection mitigations such as elevated platforms for backup generators, prohibition of underground parking on sites adjacent to creeks or have a history of flooding and design and construction standards for BSL-2 laboratory ventilation systems.

Sincerely,

Debbie and Gary Baldocchi

Attention Neighbors:

We have listed many folks as bcc recipients on this email to protect your email inboxes. This is a very important public hearing. We hope you will join us in submitting public comments. (They can be very brief comments in support of the ban on BSL 3 and 4 labs and flood mitigation protections for lab developments along the creeks. The City needs to hear from us.)

To attend tomorrow night's Planning Commission meeting by zoom and review the agenda packet, use this link: <https://cityofsancarlos.primegov.com/Portal/Meeting?meetingTemplateId=1407>

Thank you!

Attachment: BioSafety Lab Ordinances San Carlos Public Comments

February 5, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
Members of the City Council
Members of the Planning Commission
600 Elm Street
San Carlos, CA 94070

Subject: Public Comment Regarding Proposed Ordinance Amending San Carlos Municipal Code, Title 18 to Regulate Laboratories with Biosafety Levels (BSL); Planning and Transportation Commission Meeting, February 6, 2023

Dear Lisa Costa Sanders, Mayor Rak, Members of the City Council and Planning Commissioners,

Thank you for your leadership in proposing and adopting an ordinance amending the Municipal code to regulate laboratories with biosafety levels in various zoning districts throughout San Carlos. We support the proposed zoning amendment that prohibits BSL 3 and 4 labs in San Carlos for the reasons outlined in the agenda packet. **However, we ask that the ordinance be amended to clarify that BSL 3 and 4 labs are not permitted in *Planned Development* zoning or in any zoning in San Carlos.** Planned Development zoning was omitted from the proposed ordinance.

We note that the Planning Commission recently approved a change in zoning from Landmark Commercial to *Planned Development* for a Life Sciences development at 405 Industrial Road. In addition, the developers for a proposed Life Sciences development that includes BSL 1 and 2 labs at 642 Quarry Road also asked to change the zoning from Light Industrial to *Planned Development*. The proposed ordinance should make it clear that the prohibition on BSL 3 and 4 labs applies to all zoning throughout San Carlos. And, the ordinance should also make it clear that it applies to vivaria or BSL 1 and 2 labs that may house animals intended for use in BSL 3 or 4 research.

We provide the following public comments for your review and consideration at the Planning Commission meeting on February 6th.

1. Privately owned and operated Biosafety labs that do not receive federal or state funds are not subject to stringent oversight.

Most of the biolabs in San Carlos are privately funded and some lab tenants may be speculative start-ups. Contrary to the bioscience industry's extensive public relations efforts to convince the public that biosafety laboratory facilities are highly regulated and safe, hundreds of documented lab accidents have

[gone undisclosed to the public](#). The proliferation of millions of square feet of biosafety labs in heavily populated areas is an issue of nationwide concern because of odors, noise, emissions, and transportation of hazardous materials, hazardous pathogens and biological waste through residential neighborhoods. See: [The Risks of Building Too Many Biolabs](#).; [Newly Disclosed CDC biolab failures 'like a screenplay for a disaster movie](#)

In fact, the lack of oversight of Silicon Valley's privately-owned and operated biosafety labs has drawn the recent attention and concern of the (NIH) National Institute of Health's National Science Advisory Board for Biosecurity (NSABB). The NSABB has held numerous meetings about biosafety and biosecurity, with specific focus on Potential Pandemic Pathogen Care and Oversight (PC3O) and Dual Use Research of Concern (DURC). The most recent meeting took place a week ago. [NSABB Board of Directors Meeting—January 27, 2023](#).

One notable public comment was from a biosafety/biosecurity public health expert at Columbia University who urged the NSABB to focus on BSL 3 labs in the private sector. Privately funded labs are a prominent focus of these meetings. They discussed the need for transparency, in connection with the need for public membership on biosafety committees, as well as transparency of the process, in terms of rules and regulations. They also discussed standards for review.

In a prior NSABB meeting on September 21, 2022, Dr. Richard Ebright pointed out 6 major gaps in the biosafety/biosecurity framework, including the lack of oversight of private, non-federally funded labs. ([NSABB Board Meeting - September 2022 Wednesday, September 21, 2022](#)) Timestamped at approximately 33:00.

At approximately 42:00, Dr. Kenneth Bernard, a NSABB board member stated: "We have to deal with the problem of domestic research that's not funded by the US government. That's a big chunk right now, especially out here in the west with Silicon Valley."

Clearly, the issue of privately-funded, high-containment labs is a matter of concern at the NIH. Prohibiting BSL 3 and 4 labs in all zoning in San Carlos is an important step in regulating BSL labs to protect public and environmental health and safety.

2. Other cities have ordinances and permitting procedures for all levels of biosafety labs.

Although the staff report indicates that few bay area cities have ordinances or regulations regarding biosafety labs, many cities on the east coast, that have decades of experience dealing with the consequences of millions of square feet of biosafety lab developments, have enacted comprehensive BSL ordinances. Many of them prohibit BSL 3 and 4 labs. However, they also have ordinances regulating BSL 1 and 2 labs.

Cities in the greater Boston metropolitan area have shown progressive leadership in protecting their communities. The following cities near Boston prohibit BSL 3 and 4 labs: Boxborough, Brookline, Natick,

and Revere, among others. In addition, [Revere](#) does not allow warm-blooded animal research and [Natick](#) prohibits all animal testing. See this helpful [spreadsheet](#), cited with permission from the Sierra Club Loma Prieta Chapter, Bay Area Biosafety working group.

3. Please consider amending the proposed ordinance to include regulations for BSL 1 and 2 labs.

We are not opposed to BSL 1 and 2 labs sited in areas that are environmentally and ecologically suitable, are located a safe distance from residences, childcare and senior facilities, and are governed by robust university, city or county guidelines, biosafety committees, ordinances, or regulations. Private BSL 1 and 2 labs are self-regulated and lack operational oversight. The City of San Carlos and San Mateo County Department of Environmental Health and Safety do not have biosafety committees, guidelines or ordinances that specify **where** biosafety labs should be sited and how privately-owned, speculative developments with multiple unknown BSL tenants should be operated and monitored. Most San Mateo county regulations address hazardous materials, not hazardous biological cellular materials or pathogens.

Ventilation--Negative and Positive Air Pressure

The proposed ordinance does not contain any regulations that govern BSL 1 and 2 labs, vivaria or animal testing. These facilities are less concerning than BSL 3 and 4 labs, but they are not without risk. Of utmost concern is ensuring appropriate ventilation design and construction. See Stanford's: [Ventilation Concerns for Biosafety Level 2 Laboratories](#). It reads in part:

1. Air pressure in laboratories and animal care rooms should be negative in relation to the corridor or adjacent non-laboratory areas. Rooms housing immunocompromised animals should be at a positive pressure with respect to adjoining areas. Consult with SU Fire Marshall for design details. CDC-NIH Biosafety in Microbiological and Biomedical Laboratories (ABSL 2, D.5) Good Practice per Stanford EH&S

Potentially harmful aerosols can escape from the containment of the laboratory room unless the room air pressure is negative to adjacent non-laboratory areas. As a general rule, air should flow from low hazard to high hazard areas.

2. Dedicated sterile tissue culture rooms should be balanced neutral or slightly positive with respect to adjoining areas. Tissue culture rooms that involve the use of biohazardous agents shall be negative as stated in C-1 above.

This will minimize the potential for possible contamination of experiments within these rooms.

3. An autoclave should be provided with a canopy hood, slotted exhaust, or other suitable means of local exhaust. In addition, autoclave rooms should have a minimum of 10 air changes per hour.

Unpleasant heat and odors will linger in the room unless provided with effective local exhaust and adequate frequency of air changes.

Because of the risk of airborne pathogens escaping to adjacent non-laboratory areas, we ask the city to consider amending the ordinance to provide specific guidelines that ensure the above ventilation guidelines are incorporated into building design and construction. We also request that the city prohibit

all BSL labs within a specified distance (250 or more feet) from residences, childcare and senior facilities; require floor plans of BSL 1 and 2 labs and a description of the organisms in use; a procedure to alert the city and the public of lab accidents, employee exposure to transmissible pathogens and an emergency response plan.

We respectfully request that the city consider hiring a third-party biosafety and biosecurity consultant, to be paid for by developers or BSL tenants, to perform biosafety and biosecurity oversight responsibilities similar to those adopted by Cambridge, MA.

[See Cambridge, MA biosafety regulations:](#)

The responsibilities of the Cambridge Biosafety Committee include:

- Reviewing the appropriate design and operation of all laboratory areas within the proposed facility for research or manufacturing involving regulated biological agents at the biosafety containment level (Biosafety Level) request for that location;*
- Determining whether appropriate and reasonable practices to contain and mitigate biological hazards match the potential biological hazards associated with the specific agents in the form present, particularly as they impact lab workers and the community;*
- Listening to each presentation for a new or amended permit and providing feedback or submitting questions to the applicant as applicable;*
- Reviewing laboratory walkthrough inspection summaries provided by Committee staff before determining that all applicable standards and practices for safe operation of a biological laboratory are met;*
- Reviewing practices, expectations, and standards imposed on the regulated laboratories by the Committee in order to establish clear enforcement protocols and to offer transparency to the regulated community. Key policies and direction will be summarized in a companion document to the ordinance and the regulation;*
- Providing a community perspective in assessing the impact of any application and anticipating issues of greater public concern or interest;*

We also ask that the city consider developing a specific Laboratory Biosafety permit, such as the one below:

To receive a [Laboratory Biosafety permit](#), every new applicant must present to the Cambridge Biosafety Committee. The presentation must include:

- 1. Street address of the proposed facility or facilities. Please include a specific floor or suite within the building.*

2. *Total floor area of biological laboratory space (estimate is OK) and proposed biological containment level(s) or biological safety levels (BSL).*
3. *A summary of research or manufacturing activities and agents, organized by Risk Group as determined by the Institutional Biosafety Committee for the applicant.*
4. *A floor plan indicating all laboratory areas, biological containment levels or BSL(s), waste storage location and pathway for removal, doors, and exits.*
5. *Documentation of a medical surveillance agreement with a local occupational health provider or an in-house clinical provider.*
6. *Documentation showing that an air balance was conducted to document a steady negative airflow into any BSL-2 lab areas.*
7. *Summary of compliance status for all local and state health and safety regulations requiring permits (e.g., flammable storage and cryogenic gas permit, DEP VSQG or SQG chem waste permit, state radiation permit, MWRA wastewater permit).*
8. *A list of vendors that support the safe operation of the laboratory.*

Presentations generally last 20 to 45 minutes, and should provide a broad explanation of the recombinant technologies, risk of infection, biological vectors, and host organisms being used. For an example, see our [sample presentation](#). For more information, please view the [Cambridge Biosafety Committee's Policies and Procedures](#).

4. Flood Prevention

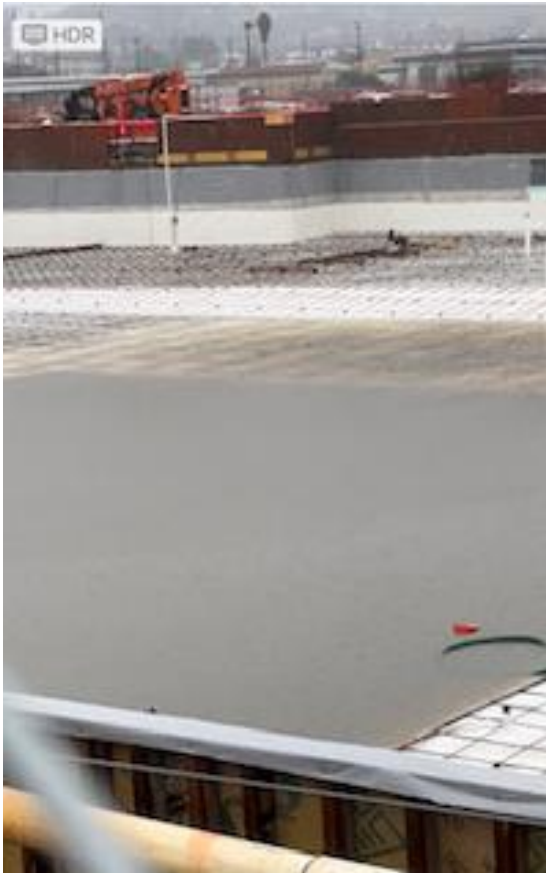
In order to prevent or minimize the effects of flooding on BSL 1 and 2 lab facilities, we respectfully request that the biosafety ordinance include a minimum set-back requirement of 25-35 feet or more, if possible, from all creeks and the bay, a prohibition on underground parking or underground structures in FEMA flood zones and a requirement for elevated platforms for back-up generators (diesel, gas or battery operated).

Most of the Life Sciences developments containing BSL 1 and 2 labs will be located in east or northeast San Carlos. Unfortunately, those areas are prone to flooding due to their proximity to Pulgas, Belmont and Cordilleras creeks. Many sites are in FEMA designated flood zones. A series of atmospheric rivers caused widespread flooding in San Carlos on December 31, 2022.

Pulgas creek flooded, swamping portions of Industrial Road and surface roads near the intersection of 930 and 1030 Brittan where MBC Biolabs are located. On July 19, 2021, the development, now under construction at 1030 Brittan, received an exemption from the Planning Commission for the 25-foot creek setback requirement and located its underground parking structure within 9 feet of Pulgas Creek.

<https://padailypost.com/2021/07/19/biotech-project-approved-in-san-carlos/> See 12/31 photos:





Fortunately, Ryan Guibara of Dewey Land Company, developer for MBC Biolabs, is an experienced developer and he ensured that the construction site was properly protected and maintained during the storms. We appreciate his willingness to meet with members of the community and consider our input. We also appreciate that MBC Biolabs limits their operations to BSL 1 and 2 labs. Mr. Guibara met with us in January and described a number of flood prevention mitigations he is undertaking to prevent flooding in the underground parking structure, including flood gates at the entrance.

There was also widespread flooding in northeast San Carlos. The PG&E substation at 275 Industrial Road flooded. The orange flood barriers were still in place on 1/6/23:



On 12/31/22, water levels reached 1-2 feet in the parking structure at Natera, a biotech company at 201 Industrial Road. See partially submerged cars:



In addition, Belmont Creek flooded at the site of a proposed 800,000 square foot Life Science development at 642 Quarry Road. Fortunately, the developers recently withdrew their request for BSL 3 “use,” but it will have BSL 1 and 2 facilities on the site. We were surprised to learn that underground parking is proposed on this site because it is notorious for flooding. This photo was taken in the parking lot of 642 Quarry Road on 12/31/22:



See this [Belmont Staff Report dated October 24, 2014](#). It includes multiple photos showing 2010 flooding in the parking lot and underground parking structure at Novartis Pharmaceutical Corporation, previously located at 150 Industrial Road. The 2010 flooding from Belmont Creek swamped Old County Road, Quarry Road and Industrial Road. Novartis paid for the *Belmont Creek Watershed Study* included in the Belmont staff report. Despite subsequent years of dredging and preventative maintenance, Belmont creek still floods Quarry Road, Old County Road, Harbor Blvd and Industrial Road all the way from El Camino Real to Hwy 101. Building 800,000 square feet of BSL 1 and 2 labs directly on the banks of Belmont creek, with proposed underground parking seems reckless. If the underground parking structure floods, the building may lose electrical power which is critical to maintaining negative and positive air pressure in BSL-2 labs on the site. In addition, the back-up generators proposed on surface parking lots around the structures and would likely be submerged in the event of significant flooding.

5. Inadequate public notice of significant changes to zoning ordinances related to biosafety labs, a topic of significant public interest

We respectfully contend that there was inadequate public notice of this Planning Commission meeting where a topic of significant public interest will be discussed. Members of the public and the GESC board have previously raised concerns on a number of occasions about the lack of BSL ordinances and requested a public hearing. We sent a number of emails to the city raising this issue as early as September 8, 2021. In December 2022, the City Council directed City staff to prepare a presentation and study session on biosafety labs. However, we only became aware of this meeting when we sent an email to Lisa Costa Sanders on 2/2/23 asking about the status of the BSL study session.

On the last page of the packet we saw that the city published a notice in the "ENQUIRER-BULLETIN" newspaper on January 25th. We have never heard of this obscure publication, but discovered that it is listed as one of the San Mateo County newspapers for legal publication. While the small posting may satisfy the legal public notification requirement, we are disappointed that the City did not mention the date of this important meeting in the monthly City Council newsletter or in a City Council meeting in order to give the public advance notice.

If we had known the date of this meeting earlier, we would have submitted public comment letters and encouraged interested neighbors to submit their comments for inclusion in the agenda packet. We note that the packet included "public comments" from Ryan Guibara, MBC Biolabs dated 1/25/23 and Doug Crawford, MBC Biolabs dated 1/29/23. It appears that their input was obtained as part of *Marketplace Feedback* noted on page 11 of the packet. See:

<https://cityofsancarlos.primegov.com/Portal/Meeting?meetingTemplateId=1407>

In the future, we respectfully request that members of the public be afforded the same courtesy offered to developers, especially those of us who have written emails and specifically requested information about topics on calendar for discussion. We also request that the general public be notified of zoning changes or matters of significant public interest in the City Council newsletter or by other methods in addition to the minimally required public notice. Will the city consider publishing future notices in the San Mateo Daily Journal instead? It is a more well-known publication with wider circulation.

Thank you for considering our comments. We greatly appreciate the staff's research, hard work and their recommendation to prohibit all BSL 3 and 4 labs in San Carlos. We applaud San Carlos planners and

city council members for demonstrating progressive leadership in the regulation of Silicon Valley's important Biotech industry. San Carlos' BSL ordinances will set an important precedent in the bay area.

Sincerely,

Debbie and Gary Baldocchi

1852 Carmelita Drive, San Carlos, CA

Correspondence #8

February 6, 2023

Honorable Mayor Adam Rak 600
Elm Street

San Carlos, CA 94070

RE: Item 6 San Carlos Planning and Transportation Commission Agenda for February 6th.

Dear Mayor Rak, Members of City Council, and Members of Planning and Transportation Commission

On behalf of the Board of Directors of Chamber San Mateo County we are writing to express our concern regarding the proposal to fully ban Bio Safety Level 3 (BSL-3) laboratories in the City of San Carlos.

Chamber San Mateo County is a dynamic organization that is always looking to the future with over 1,500 members from all industries such as business, government, labor, education and non-profit and serving over 100,000 employees. Our Chamber continues to stay true to our purpose, our promise, and our difference by providing local and regional leadership on critical economic issues, such as education, housing affordability, infrastructure, transportation, economic development, supporting commercial and life science expansion, and government efficiency initiatives.

In December 2022, our Chamber's Economic Development Committee held a presentation on California's Economic Driver – Life Science. We called together a panel of life science industry experts:

- Michelle Nemits, Bay Area Executive Director, Biocom
- Melanie Cohn, Senior Director, Regional Policy & Government Affairs, Biocom
- Dr. Greg Theyel, Program Director, Biomedical Manufacturing Network.

We had over 55 attendees, including city staff members from the Cities of San Carlos, Redwood City and Belmont personally invited by me. One key area that was discussed widely within the presentation with numerous questions was "What are BSL-1, BSL-2, BSL-3, and BSL- 4?"

Chamber San Mateo County supports the Staff recommendation to allow BSL-1 and BSL-2 by right approval in the San Carlos Innovation District. We further support the Staff recommendation to not allow any BSL-4 uses in San Carlos as these are for highly specialized research work that is not conducted by the broader life science industry – and typically limited to governmental or large research entities.

Our Chamber however cannot support a ban on disallowing BSL-3 all together. This is limiting economic vitality, job growth, workforce development, community benefits for your community. Plus limiting the possibility of life saving research.

Chamber San Mateo County hopes you will consider the recommendation that the City of San Carlos impose a very strict Conditional Use Permit (CUP) process for any potential BSL-3 requirement. A CUP review process would require that a BSL-3 application be considered in public at a Planning Commission public hearing and potentially even at a City Council public hearing so as to ensure appropriate public involvement, public review, notification and oversight.

Conditional Use Permits (CUP) are used by many municipalities across the country to strictly control and limit potentially sensitive uses of all kinds. CUPs are an exception to the underlying zoning and as such are granted only after scrutiny and review and with specific conditions of approval. Typically, such conditions of approval will require an ongoing annual or semi-annual review, reporting and certification process. CUPs are subject to be revoked at the City's discretion if conditions of approval are not met satisfactorily. In many cases, where a municipality does not have the necessary expertise within its Staff, they require applicants to pay for the City to retain a professional, licensed Industrial Hygienist that will appropriately evaluate a Tenant's CUP application and issue a report to the City and the public.

Our organization is committed to working together with the City of San Carlos to bring about the vision of the San Carlos Innovation District as the economic engine for San Carlos' future.

Thank you for your consideration.

Warm Regards,



Amy N. Buckmaster President &
CEO

Chamber San Mateo County

Correspondence #9

To:
Mayor Adam Rak
600 Elm Street

San Carlos, CA 94070

RE: Item 6 on the San Carlos Planning Commission Agenda for February 6th.

Dear Mayor Rak, Councilmembers, and Planning Commissioners,

I am writing regarding the proposal to ban BSL-3 laboratories in the City of San Carlos.

Biocom California is the state's oldest and largest association for the life sciences. We work on behalf of over 1,700 members to drive public policy, build a network of industry leaders, create access to capital, introduce workforce development and STEM education programs, and create value driven purchasing programs. Our members include biotechnology, pharmaceutical, medical device, and bioinformatics companies, contract research organizations, academic institutions/research institutes, service providers, and investment firms. Membership ranges companies with under 10 employees to those with 500+ employees.

Life science is the economic backbone of the peninsula. According to our 2022 Economic Impact Report, San Mateo County is home to 807 life science establishments, employing 40,349 people at an average wage of \$274,258. The life science industry in San Mateo County represents \$14.1 billion in annual economic impact. This is not just a question of economic value – these companies are developing lifesaving treatments and cures for all human ailments, improving health outcomes and quality of life.

The industry is very highly regulated; each facility must acquire and maintain many permits covering everything from the materials used in laboratories to wastewater. These facilities also have a high rate of compliance because to maintain these permits, companies hire in-house or consulting teams to track safety measures and ensure conformity.

The BSL designation itself outlines the application of specific practices, safety equipment, and specially designed laboratories to create a safe environment, both within and outside the laboratory.

We support the staff recommendation to allow BSL-1 and BSL-2 by right in the San Carlos Innovation District. It is also reasonable to not allow BSL-4 uses in San Carlos as these labs are generally limited to governmental entities.

On the issue of BSL-3, the use of a BSL-3 laboratory is rare in the life science industry. While the number of these labs is few, their use is necessary in certain life-saving research processes. We are not aware of any other jurisdiction that disallows BSL-3 completely; this policy could limit economic and job growth in the life science industry in San Carlos. Its very existence could give companies who don't currently have plans for a BSL-3 lab pause when deciding whether to locate in the city.

It is our suggestion that the city considers a Conditional Use Permit process for BSL-3, where these laboratories would not be allowed in underlying zoning but could be approved on a case-by-case basis.

We appreciate your concerns, and as the number of regulated companies on the peninsula continues to increase, we hope you remain open to further discussion. We welcome the opportunity to meet with anyone who would like additional information about Biosafety Levels and the regulations in place around laboratory operations.

Melanie Cohn
Senior Director, Regional Policy & Government Affairs

Correspondence #10

February 9, 2023

City of San Carlos
Planning Division
600 Elm Street
San Carlos, CA 94070

Subject: Re - proposed development of level 3 biotech lab attn Jim Incaponi

Hi

I am writing to you because I am a concerned City of San Carlos resident for many years. I would like to speak against the proposed development of level 3 biotech labs for many reasons.

1. First and foremost the health and safety of the citizens should be come before \$\$\$\$\$\$\$!
This does not belong anywhere and certainly not in a family community like San Carlos.
2. The traffic increase and congestion will only serve to give us that big city feel and is not in keeping with our City.
3. This will have a detrimental effect on property values as “people in the know” will not want to move to “a Little Wuhan”!

Can you please help preserve our city. Please reach out to me so we can discuss this further.

Lina Marie Fava

650 996 0206

Correspondence #11

March 1, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
Members of the City Council
Members of the Planning Commission
600 Elm Street
San Carlos, CA 94070

Subject: Public Comment Regarding Ordinance Amending San Carlos Municipal Code to Regulate Laboratories with Biosafety Levels (BSL) Planning Commission Monday, 3/6/23

Dear Member of the Planning Commission,

We submitted the attached letter for the 2/6/23 Planning Commission meeting. We re-submit it here. Please include it in the agenda packet for the 3/6/23 Planning Commission meeting. Lisa Costa Sanders informed us that we must submit public comments by noon tomorrow (3/2/23) in order to have them included in the agenda packet. Unfortunately, the agenda packet won't be posted until five hours later at 5:00 pm. We anticipate that the proposed ordinance will contain recommendations for a Conditional Use Permit. We will submit an additional public comment letter after we have had a chance to read it.

However, in light of the fact that only 1% of lab tenants will use BSL-3 space and the fact that EDAC Director assured you that the city does not think prohibiting BSL-3 labs will have a significant economic impact, we ask that you carefully consider the cost/benefit and risk/benefit analysis proposed by Commissioner Roof and prohibit BSL-3 and 4 labs in San Carlos.

We submitted a detailed public comment letter in response to the Mitigated Negative Declaration for 642 Quarry Road. The developers subsequently withdrew their request for BSL-3 use. That is anecdotal evidence that prohibiting BSL-3 labs will not deter developers. We include that public comment letter here because it describes in detail the possible public safety and environmental impacts of siting BSL-3 labs in east San Carlos FEMA flood zones and on the edge of the bay. It contains information and cites research that is relevant to your decision.

We hope that the links and information we provided in our public comment letter, citing members of the National Institute of Health's National Science Advisory Board for Biosecurity (NSAAB) are persuasive. They expressed concerns about unregulated, private biosafety labs in Silicon Valley and their remarks convinced us that private BSL-3 and 4 labs should not be approved by cities that do not have comprehensive biosafety and biosecurity ordinances and Biosafety Committees that regulate them. We implore you to listen to the NSAAB meetings in the links we sent so that you can hear what they have to say. They are the globally renowned subject matter experts on biosafety and biosecurity, some of them are from Stanford.

The allegation that the public's opposition to high-containment labs sited near neighborhoods is based on "fear, not facts" is unfounded. That is a talking point that serves to attack, not advance public discourse and engagement. The question is whether the public safety risks of having high-containment biosafety labs in San Carlos are foreseeable. Why take the risk?

Sincerely,

Debbie and Gary Baldocchi

Carmelita Drive

Attachment 1.1. Baldocchi Letter dated February 5, 2023

February 5, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
Members of the City Council
Members of the Planning Commission
600 Elm Street
San Carlos, CA 94070

Subject: Public Comment Regarding Proposed Ordinance Amending San Carlos Municipal Code, Title 18 to Regulate Laboratories with Biosafety Levels (BSL); Planning and Transportation Commission Meeting, February 6, 2023

Dear Lisa Costa Sanders, Mayor Rak, Members of the City Council and Planning Commissioners,

Thank you for your leadership in proposing and adopting an ordinance amending the Municipal code to regulate laboratories with biosafety levels in various zoning districts throughout San Carlos. We support the proposed zoning amendment that prohibits BSL 3 and 4 labs in San Carlos for the reasons outlined in the agenda packet. **However, we ask that the ordinance be amended to clarify that BSL 3 and 4 labs are not permitted in *Planned Development* zoning or in any zoning in San Carlos.** Planned Development zoning was omitted from the proposed ordinance.

We note that the Planning Commission recently approved a change in zoning from Landmark Commercial to *Planned Development* for a Life Sciences development at 405 Industrial Road. In addition, the developers for a proposed Life Sciences development that includes BSL 1 and 2 labs at 642 Quarry Road also asked to change the zoning from Light Industrial to *Planned Development*. The proposed ordinance should make it clear that the prohibition on BSL 3 and 4 labs applies to all zoning throughout San Carlos. And, the ordinance should also make it clear that it applies to vivaria or BSL 1 and 2 labs that may house animals intended for use in BSL 3 or 4 research.

We provide the following public comments for your review and consideration at the Planning Commission meeting on February 6th.

1. Privately owned and operated Biosafety labs that do not receive federal or state funds are not subject to stringent oversight.

Most of the biolabs in San Carlos are privately funded and some lab tenants may be speculative start-ups. Contrary to the bioscience industry's extensive public relations efforts to convince the public that biosafety laboratory facilities are highly regulated and safe, hundreds of documented lab accidents have [gone undisclosed to the public](#). The proliferation of millions of square feet of biosafety labs in heavily populated areas is an issue of nationwide concern because of odors, noise, emissions, and transportation of hazardous materials, hazardous pathogens and biological waste through residential neighborhoods. See: [The Risks of Building Too Many Biolabs](#).; [Newly Disclosed CDC biolab failures 'like a screenplay for a disaster movie](#)

In fact, the lack of oversight of Silicon Valley's privately-owned and operated biosafety labs has drawn the recent attention and concern of the (NIH) National Institute of Health's National Science Advisory Board for Biosecurity (NSABB). The NSABB has held numerous meetings about biosafety and biosecurity, with specific focus on Potential Pandemic Pathogen Care and Oversight (PC3O) and Dual Use Research of Concern (DURC). The most recent meeting took place a week ago. [NSABB Board of Directors Meeting—January 27, 2023](#).

One notable public comment was from a biosafety/biosecurity public health expert at Columbia University who urged the NSABB to focus on BSL 3 labs in the private sector. Privately funded labs are a prominent focus of these meetings. They discussed the need for transparency, in connection with the need for public membership on biosafety committees, as well as transparency of the process, in terms of rules and regulations. They also discussed standards for review.

In a prior NSABB meeting on September 21, 2022, Dr. Richard Ebright pointed out 6 major gaps in the biosafety/biosecurity framework, including the lack of oversight of private, non-federally funded labs. ([NSABB Board Meeting - September 2022 Wednesday, September 21, 2022](#)) Timestamped at approximately 33:00.

At approximately 42:00, Dr. Kenneth Bernard, a NSABB board member stated: "We have to deal with the problem of domestic research that's not funded by the US government. That's a big chunk right now, especially out here in the west with Silicon Valley."

Clearly, the issue of privately-funded, high-containment labs is a matter of concern at the NIH. Prohibiting BSL 3 and 4 labs in all zoning in San Carlos is an important step in regulating BSL labs to protect public and environmental health and safety.

2. Other cities have ordinances and permitting procedures for all levels of biosafety labs.

Although the staff report indicates that few bay area cities have ordinances or regulations regarding biosafety labs, many cities on the east coast, that have decades of experience dealing with the consequences of millions of square feet of biosafety lab developments, have enacted comprehensive BSL ordinances. Many of them prohibit BSL 3 and 4 labs. However, they also have ordinances regulating BSL 1 and 2 labs.

Cities in the greater Boston metropolitan area have shown progressive leadership in protecting their communities. The following cities near Boston prohibit BSL 3 and 4 labs: Boxborough, Brookline, Natick, and Revere, among others. In addition, [Revere](#) does not allow warm-blooded animal research and [Natick](#) prohibits all animal testing. See this helpful [spreadsheet](#), cited with permission from the Sierra Club Loma Prieta Chapter, Bay Area Biosafety working group.

3. Please consider amending the proposed ordinance to include regulations for BSL 1 and 2 labs.

We are not opposed to BSL 1 and 2 labs sited in areas that are environmentally and ecologically suitable, are located a safe distance from residences, childcare and senior facilities, and are governed by robust university, city or county guidelines, biosafety committees, ordinances, or regulations. Private BSL 1 and 2 labs are self-regulated and lack operational oversight. The City of San Carlos and San Mateo County Department of Environmental Health and Safety do not have biosafety committees, guidelines or ordinances that specify **where** biosafety labs should be sited and how privately-owned, speculative developments with multiple unknown BSL tenants should be operated and monitored. Most San Mateo county regulations address hazardous materials, not hazardous biological cellular materials or pathogens.

Ventilation--Negative and Positive Air Pressure

The proposed ordinance does not contain any regulations that govern BSL 1 and 2 labs, vivaria or animal testing. These facilities are less concerning than BSL 3 and 4 labs, but they are not without risk. Of utmost concern is ensuring appropriate ventilation design and construction. See Stanford's: [Ventilation Concerns for Biosafety Level 2 Laboratories](#). It reads in part:

1. Air pressure in laboratories and animal care rooms should be negative in relation to the corridor or adjacent non-laboratory areas. Rooms housing immunocompromised animals should be at a positive pressure with respect to adjoining areas. Consult with SU Fire Marshall for design details. CDC-NIH Biosafety in Microbiological and Biomedical Laboratories (ABSL 2, D.5) Good Practice per Stanford EH&S

Potentially harmful aerosols can escape from the containment of the laboratory room unless the room air pressure is negative to adjacent non-laboratory areas. As a general rule, air should flow from low hazard to high hazard areas.

2. Dedicated sterile tissue culture rooms should be balanced neutral or slightly positive with respect to adjoining areas. Tissue culture rooms that involve the use of biohazardous agents shall be negative as stated in C-1 above.

This will minimize the potential for possible contamination of experiments within these rooms.

3. An autoclave should be provided with a canopy hood, slotted exhaust, or other suitable means of local exhaust. In addition, autoclave rooms should have a minimum of 10 air changes per hour.

Unpleasant heat and odors will linger in the room unless provided with effective local exhaust and adequate frequency of air changes.

Because of the risk of airborne pathogens escaping to adjacent non-laboratory areas, we ask the city to consider amending the ordinance to provide specific guidelines that ensure the above ventilation guidelines are incorporated into building design and construction. We also request that the city prohibit all BSL labs within a specified distance (250 or more feet) from residences, childcare and senior facilities; require floor plans of BSL 1 and 2 labs and a description of the organisms in use; a procedure to alert the city and the public of lab accidents, employee exposure to transmissible pathogens and an emergency response plan.

We respectfully request that the city consider hiring a third-party biosafety and biosecurity consultant, to be paid for by developers or BSL tenants, to perform biosafety and biosecurity oversight responsibilities similar to those adopted by Cambridge, MA.

[See Cambridge, MA biosafety regulations:](#)

The responsibilities of the Cambridge Biosafety Committee include:

- Reviewing the appropriate design and operation of all laboratory areas within the proposed facility for research or manufacturing involving regulated biological agents at the biosafety containment level (Biosafety Level) request for that location;*
- Determining whether appropriate and reasonable practices to contain and mitigate biological hazards match the potential biological hazards associated with the specific agents in the form present, particularly as they impact lab workers and the community;*
- Listening to each presentation for a new or amended permit and providing feedback or submitting questions to the applicant as applicable;*
- Reviewing laboratory walkthrough inspection summaries provided by Committee staff before determining that all applicable standards and practices for safe operation of a biological laboratory are met;*
- Reviewing practices, expectations, and standards imposed on the regulated laboratories by the Committee in order to establish clear enforcement protocols and to offer transparency to the regulated community. Key policies and direction will be summarized in a companion document to the ordinance and the regulation;*
- Providing a community perspective in assessing the impact of any application and anticipating issues of greater public concern or interest;*

We also ask that the city consider developing a specific Laboratory Biosafety permit, such as the one below:

To receive a [Laboratory Biosafety permit](#), every new applicant must present to the Cambridge Biosafety Committee. The presentation must include:

- 9. Street address of the proposed facility or facilities. Please include a specific floor or suite within the building.*
- 10. Total floor area of biological laboratory space (estimate is OK) and proposed biological containment level(s) or biological safety levels (BSL).*
- 11. A summary of research or manufacturing activities and agents, organized by Risk Group as determined by the Institutional Biosafety Committee for the applicant.*
- 12. A floor plan indicating all laboratory areas, biological containment levels or BSL(s), waste storage location and pathway for removal, doors, and exits.*

13. *Documentation of a medical surveillance agreement with a local occupational health provider or an in-house clinical provider.*
14. *Documentation showing that an air balance was conducted to document a steady negative airflow into any BSL-2 lab areas.*
15. *Summary of compliance status for all local and state health and safety regulations requiring permits (e.g., flammable storage and cryogenic gas permit, DEP VSQG or SQG chem waste permit, state radiation permit, MWRA wastewater permit).*
16. *A list of vendors that support the safe operation of the laboratory.*

Presentations generally last 20 to 45 minutes, and should provide a broad explanation of the recombinant technologies, risk of infection, biological vectors, and host organisms being used. For an example, see our [sample presentation](#). For more information, please view the [Cambridge Biosafety Committee's Policies and Procedures](#).

4. Flood Prevention

In order to prevent or minimize the effects of flooding on BSL 1 and 2 lab facilities, we respectfully request that the biosafety ordinance include a minimum set-back requirement of 25-35 feet or more, if possible, from all creeks and the bay, a prohibition on underground parking or underground structures in FEMA flood zones and a requirement for elevated platforms for back-up generators (diesel, gas or battery operated).

Most of the Life Sciences developments containing BSL 1 and 2 labs will be located in east or northeast San Carlos. Unfortunately, those areas are prone to flooding due to their proximity to Pulgas, Belmont and Cordilleras creeks. Many sites are in FEMA designated flood zones. A series of atmospheric rivers caused widespread flooding in San Carlos on December 31, 2022.

Pulgas creek flooded, swamping portions of Industrial Road and surface roads near the intersection of 930 and 1030 Brittan where MBC Biolabs are located. On July 19, 2021, the development, now under construction at 1030 Brittan, received an exemption from the Planning Commission for the 25-foot creek setback requirement and located its underground parking structure within 9 feet of Pulgas Creek.

<https://padailypost.com/2021/07/19/biotech-project-approved-in-san-carlos/> See 12/31 photos:







Fortunately, Ryan Guibara of Dewey Land Company, developer for MBC Biolabs, is an experienced developer and he ensured that the construction site was properly protected and maintained during the storms. We appreciate his willingness to meet with members of the community and consider our input. We also appreciate that MBC Biolabs limits their operations to BSL 1 and 2 labs. Mr. Guibara met with us in January and described a number of flood prevention mitigations he is undertaking to prevent flooding in the underground parking structure, including flood gates at the entrance.

There was also widespread flooding in northeast San Carlos. The PG&E substation at 275 Industrial Road flooded. The orange flood barriers were still in place on 1/6/23:



On 12/31/22, water levels reached 1-2 feet in the parking structure at Natera, a biotech company at 201 Industrial Road. See partially submerged cars:



In addition, Belmont Creek flooded at the site of a proposed 800,000 square foot Life Science development at 642 Quarry Road. Fortunately, the developers recently withdrew their request for BSL 3 “use,” but it will have BSL 1 and 2 facilities on the site. We were surprised to learn that underground parking is proposed on this site because it is notorious for flooding. This photo was taken in the parking lot of 642 Quarry Road on 12/31/22:



See this [Belmont Staff Report dated October 24, 2014](#). It includes multiple photos showing 2010 flooding in the parking lot and underground parking structure at Novartis Pharmaceutical Corporation, previously located at 150 Industrial Road. The 2010 flooding from Belmont Creek swamped Old County Road, Quarry Road and Industrial Road. Novartis paid for the *Belmont Creek Watershed Study* included in the Belmont staff report. Despite subsequent years of dredging and preventative maintenance, Belmont creek still floods Quarry Road, Old County Road, Harbor Blvd and Industrial Road all the way from El Camino Real to Hwy 101. Building 800,000 square feet of BSL 1 and 2 labs directly on the banks of Belmont creek, with proposed underground parking seems reckless. If the underground parking structure floods, the building may lose electrical power which is critical to maintaining negative and positive air pressure in BSL-2 labs on the site. In addition, the back-up generators proposed on surface parking lots around the structures and would likely be submerged in the event of significant flooding.

5. Inadequate public notice of significant changes to zoning ordinances related to biosafety labs, a topic of significant public interest

We respectfully contend that there was inadequate public notice of this Planning Commission meeting where a topic of significant public interest will be discussed. Members of the public and the GESC board have previously raised concerns on a number of occasions about the lack of BSL ordinances and requested a public hearing. We sent a number of emails to the city raising this issue as early as September 8, 2021. In December 2022, the City Council directed City staff to prepare a presentation and study session on biosafety labs. However, we only became aware of this meeting when we sent an email to Lisa Costa Sanders on 2/2/23 asking about the status of the BSL study session.

On the last page of the packet we saw that the city published a notice in the "ENQUIRER-BULLETIN" newspaper on January 25th. We have never heard of this obscure publication, but discovered that it is listed as one of the San Mateo County newspapers for legal publication. While the small posting may satisfy the legal public notification requirement, we are disappointed that the City did not mention the date of this important meeting in the monthly City Council newsletter or in a City Council meeting in order to give the public advance notice.

If we had known the date of this meeting earlier, we would have submitted public comment letters and encouraged interested neighbors to submit their comments for inclusion in the agenda packet. We note that the packet included "public comments" from Ryan Guibara, MBC Biolabs dated 1/25/23 and Doug Crawford, MBC Biolabs dated 1/29/23. It appears that their input was obtained as part of *Marketplace Feedback* noted on page 11 of the packet. See:

<https://cityofsancarlos.primegov.com/Portal/Meeting?meetingTemplateId=1407>

In the future, we respectfully request that members of the public be afforded the same courtesy offered to developers, especially those of us who have written emails and specifically requested information about topics on calendar for discussion. We also request that the general public be notified of zoning changes or matters of significant public interest in the City Council newsletter or by other methods in addition to the minimally required public notice. Will the city consider publishing future notices in the San Mateo Daily Journal instead? It is a more well-known publication with wider circulation.

Thank you for considering our comments. We greatly appreciate the staff's research, hard work and their recommendation to prohibit all BSL 3 and 4 labs in San Carlos. We applaud San Carlos planners and city council members for demonstrating progressive leadership in the regulation of Silicon Valley's important Biotech industry. San Carlos' BSL ordinances will set an important precedent in the bay area.

Sincerely,

Debbie and Gary Baldocchi
1852 Carmelita Drive, San Carlos, CA

Correspondence #12

March 2, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
Members of the City Council
Members of the Planning Commission
600 Elm Street
San Carlos, CA 94070

Subject: Biosafety Now--Prohibit High-Containment Biolabs in San Carlos--Public Comment Regarding Ordinance Amending San Carl Planning Commission Monday, 3/6/23

Dear Lisa Costa Sanders, Planning Commission members and members of the City Council,

Please add this letter of public comments to the agenda packet for the Planning and transportation Committee on March 6th. Sent at 11:51 on 3/2/23.

Thank you,

Debbie and Gary Baldocchi

Attachment 2.1. Baldocchi Letter dated March 2, 2023

March 2, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
Members of the Planning and Transportation Commission
Members of the City Council
600 Elm Street
San Carlos, CA 94070

Subject: Public Comment Regarding Proposed Ordinance Amending San Carlos Municipal Code, Title 18 to Regulate Laboratories with Biosafety Levels (BSL); Planning and Transportation Commission Meeting, March 6, 2023

Request: (Biosafety Now—Prohibit High Containment Biosafety Level 3 labs in San Carlos)

Dear Lisa Costa Sanders, Planning Commissioners, Mayor Rak, and members of the City Council,

The Planning and Transportation Commission declined to follow the February 6th City Council and staff recommendations to adopt a proposed ordinance that would prohibit privately operated, high-containment biosafety labs in San Carlos in order to protect the community from the harmful effects of hazardous materials.

Commissioners did not discuss the harmful effects of hazardous materials, but expressed concerns that prohibiting high-containment labs would discourage the private biotech industry from moving to San Carlos and directed staff to submit a revised ordinance that will allow BSL-1 and 2 use by right and BSL-3 use with a Conditional Use Permit (CUP). Commissioners were willing to prohibit BSL-4 labs, but that is not a significant public health and safety concession because there are none in California—that the public is aware of.

The ordinance proposed on February 6th reads in part:

PROPOSED MUNICIPAL CODE CHANGES TO REGULATE LABORATORIES WITH BIOSAFETY LEVELS

Staff has prepared proposed changes to the San Carlos Municipal Code Sections 18.06.010, 18.06.020, 18.07.010, 18.07.020, 18.40.050, and 18.41.020 for the Planning and Transportation Commission's consideration regarding regulating laboratories with biosafety levels. (See Attachment 1 – Resolution Recommending the City Council Adopt the Proposed Changes to the San Carlos Municipal Code Title 18. Exhibit A: Proposed Changes to the San Carlos Municipal Code.)

These proposed changes include:

- *Adding a zoning definition for “Biosafety Level.”*
- *Allowing BSL-1 and BSL-2 laboratories with no permit requirement.*
- *Modifying the purpose of zoning districts where Research and Development uses are permitted to **expressly prohibit BSL-3 and BSL-4 laboratories.***
- *Modifying the Research and Development use definition to **expressly prohibit BSL-3 and BSL-4 laboratories.***

1) Findings:

1. The ordinance amendment is consistent with the General Plan.

Basis for finding: The Environmental Safety and Public Services Element of the San Carlos General Plan includes Goal ESPS-5, which states, “Protect the community from the harmful effects of hazardous materials,” and Action ESPS-5.6, which states “Prepare regulations that address biosafety levels (BSL) for new life science, biotechnology, or other scientific developments to ensure a healthy and safe San Carlos community.” The primary goal of this proposed amendment to Title 18 of the San Carlos Municipal Code is to implement Action ESPS-5.6 by including a definition for Biosafety Levels (BSL), and prohibiting facilities with biosafety levels (BSL) 3 and 4.

2. The ordinance amendment is consistent with the purpose of this Ordinance to promote the growth of the city in an orderly manner and **to promote and protect the public health, safety, peace, comfort, and general welfare. Attachment 1, Resolution, page 14. [Link to Agenda Packet.](#)**

It is our perception that the commissioners minimized staff and community members concerns about the public health and environmental safety hazards of siting high-containment biolabs near residential neighborhoods, schools, childcare facilities, medical offices and other environmentally sensitive areas prone to flooding. We respectfully request that they reconsider.

We do not think that allowing private, BSL-3 labs in San Carlos with a Conditional Use Permit adequately protects the community from the harmful effects of hazardous materials. City staff admitted they have no biosafety or biosecurity experience or expertise and that regulations and oversight will be complex, time-consuming and expensive. Planner Costa Sanders pointed out that cities on the east coast that allow high-containment labs have biosafety/biosecurity committees that provide oversight. She said: *we don't have that expertise*. See video of the meeting: [Link to 2/6/23 Planning Commission](#) (Minute: 29.)

Staff also conceded that only 1% of biosafety lab tenants will request BSL-3 use. EDAC Director Al Savay said that the city *does not think the economic impacts on market dynamics will be significant* and that he *feels good about moving forward with the proposed ordinance based on public safety and community concerns*. (Minute: 26.) The city staff specifically stated that there will be no significant economic impacts. Why are planning commissioners disputing that?

In fact, the developers for a proposed 410,000 square foot Life Sciences complex at 642 Quarry Road recently withdrew their request for BSL-3 use after public opposition to their Mitigated Negative Declaration.

There is an unprecedented proliferation of private, high containment biosafety labs throughout Silicon Valley. Now, more than ever, local ordinances are needed to regulate the foreseeable public and environmental health and safety impacts. The lack of comprehensive federal, state, and local biosafety regulations is a glaring public health and safety issue. Prominent scientists, including Richard Ebright, a molecular biologist at Rutgers University, has pushed for federal regulations for high-containment labs for years.

In a recent issue of [Science](#) magazine, he said: *Current U.S. biosafety guidelines, which only cover federally funded research and are enforced with fines and loss of grants, should be replaced with federal regulations with the force of criminal penalties, the group says. (There are stricter U.S. regulations for research on certain risky pathogens and toxins known as select agents, but these laws mainly are intended to prevent terrorists or enemy nations from getting access to potential bioweapons, Ebright notes.) The World Health Organization could help countries harmonize biosafety rules, the group says.*

We recognize that it can be difficult for a city to balance risks to public and environmental health and safety with sustainable economic growth. EDAC Director Al Savay agrees that protecting both is possible.

We are optimistic that San Carlos will continue to lead by protecting the community from the harmful effects of hazardous materials. The city has demonstrated their commitment to enforcing regulations in the Environmental Safety and Public Services Element of the San Carlos General Plan by requiring developers to clean up former industrial sites that contain brown fields and enforcing the 25 feet set-back requirement from creeks.

We ask San Carlos to follow the example of many other cities and prohibit high-containment BSL-3 labs and in its own words: *promote the growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare*. We appreciate your thoughtful and careful consideration.

We provide the following additional information:

Background

I am a retired prosecutor. During the first 10 years of my career, I was a Registered Nurse with a Master's Degree in Nursing. In the mid-80s, I was the Director of Nursing for Shriners Hospital for Children in San Francisco. I was also an assistant clinical professor at UCSF and served on the San Francisco Directors of Nursing Infectious Diseases committee during the HIV epidemic. The committee's focus was instituting policies and procedures to prevent hospital, laboratory or blood bank acquired infections from spreading to patients, staff and the community.

The Sierra Club, Loma Prieta Chapter, hosted a webinar on Life Sciences Development on March 2nd. I am not a member, but they graciously invited me to attend the planning sessions as a member of the public.

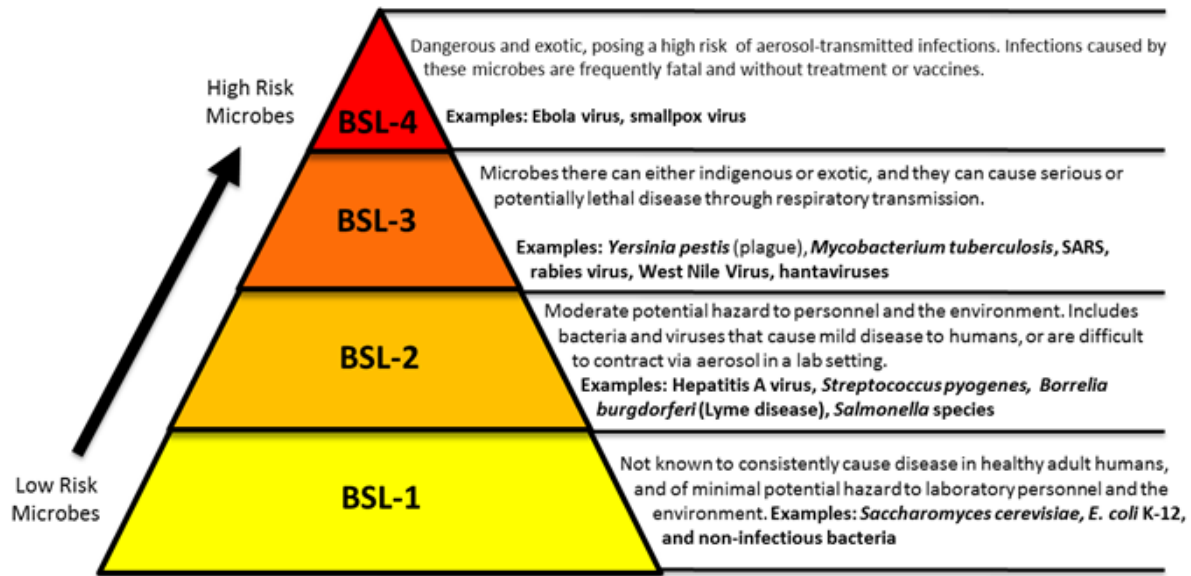
Members of the group had many meetings with city and county leaders, biosafety experts, biotech consultants, scientists and university professors, including the webinar speakers:

- (a) Dennis Carlone, Cambridge, MA City Council member and Urban Design/Architecture consultant;
- (b) Sam Lipson, Senior Director of Environmental Health, Cambridge Public Health Department;
- (c) Vanessa Cook, Ph.D, Associate BioSafety officer, UC San Diego. Dr. Cook also works for BioNet, Biological Safety Information Network; and
- (d) Paul Magginetti, a senior biosciences quality engineer and board member of Greater East San Carlos (GESC.)

We also met with San Mateo County Supervisor Dave Pine and representatives from the San Mateo Department of Environmental Health and Safety. We confirmed that there are no county ordinances regulating biosafety levels in private labs. Zoning ordinances that govern biosafety labs are enacted by cities, unless they are located on county property.

Discussion

(1) What are biosafety levels



<https://biosafety.utk.edu/biosafety-program/the-biosafety-program/biosafety-manual/2-principles-of-biosafety/>

Additional information and description of biosafety hazards can be found in this letter by the [Sierra Club, Loma Prieta Chapter](#).

(2) Insufficient local oversight and regulation of private high-containment biosafety labs

It is concerning to see how little public information is available about private high-containment biolabs located in Silicon Valley. We perceive this to be a coordinated effort by the billion-dollar biotech industry that attempts to shut down questions and stifle local regulations by claiming they are already "highly regulated." Unlike university and federally funded labs, they have fragmented and incomplete oversight. Universities like Stanford have [comprehensive Biosafety manuals](#) and committees. That is not true for private labs which may include underfunded start-ups.

The number of high-containment biolabs (HDBLs) continues to increase; that trend will likely continue with COVID-19 worldwide as countries and states will choose to prioritize and build them. Since many academic and private laboratories are not under governmental oversight, it is difficult to obtain accurate counts of HCBLs (Peters, 2018). In our references, we also noted inconsistencies in the HCBLs especially those listed in the BSL-3 category. [The Significance of High-Containment Biological Laboratories Performing Work During the COVID-19 Pandemic: Biosafety Level-3 and 4 Labs.](#)

Scientists across the nation are raising public safety concerns, including Stanford researcher Dr. David Relman who [recommends stronger oversight](#). Another group of scientists who are advocating for national and international regulations and oversight is *Protect our Future*. <https://biosafetynow.org/> One of its co-founders, Richard Ebright, who testified before congress at the *Homeland Security Subcommittee on Emerging Threats and Spending*, recently summed up the public safety risks: *The government does not*

even maintain a comprehensive database of where such experiments are taking place, let alone practice any rigorous oversight of them. Instead, there are different standards based on crude risk categorization, funding source and research facility. It's a crazy patchwork quilt of "rules" giving rise to a 'big zone' of uncertainty about which labs are doing what under whose oversight and with what level of security and precaution.

These scientists are interested in learning how San Carlos will address the issue of high-containment biolabs in the proposed ordinance. Local media, including the [Palo Alto Daily Post](#) and the [San Mateo Daily Journal](#) are also following the story.

(3) Lack of transparency and secrecy

The public doesn't know how many private BSL-3 labs are in the bay area or where they are located. At the February 6th Planning Commission meeting, Planner Costa Sanders said she thinks there are seven BSL-3 labs in the region, but conceded that *due to proprietary or security reasons an inventory of labs is not readily available online*. [Link to 2/6/23 Planning Commission](#) (Video: 11:54.) One of the city's consultants, Carla Boragno, former vice president of site services for Genentech, was asked about the number and location of private BSL-3 lab in the bay area. She did not know how many, but said that she is *aware of one in San Francisco, but is not at liberty to say which one*. (Video: 12:00).

Private, high-containment biolabs located near residential areas should not be allowed to justify their secrecy and lack of transparency by claiming *proprietary or security issues*. The public has a right to know what pathogens are being researched in labs next door. We need local, enforceable regulations that will minimize the risk of infectious diseases spreading into the community.

(4) What type of research is conducted in BSL-3 labs?

There are many types of research performed in BSL-3 labs. The most high-risk is enhanced potential pandemic pathogen research or (ePPP). The issues were recently addressed in an easy to read article in [Vox](#).

A more in-depth description is provided by [biosafetynow.org](#).

High-Risk Research with Potential Pandemic Pathogens

Enhanced potential pandemic pathogen (ePPP) research is defined as research activities reasonably anticipated to increase transmissibility or pathogenicity of a potential pandemic pathogen. Historically ePPP research also has been referred to as "gain-of-function research of concern" (GoFRoC). The amount of ePPP research performed in the US is difficult to estimate. However, because ePPP research is carried out in high-level biocontainment laboratories (BSL-3 and BSL-4), the number of high-level biocontainment laboratories in the US, provides an estimate. The total number of US BSL-3 and BSL-4 laboratories is not known, but likely is between 1,000 and 2,000.

Multiple GAO reports over the last decade have lamented the fact that no federal, state, or other entity knows numbers, much less locations, of US BSL-3 and BSL-4 laboratories. Numbers of BSL-3 laboratories are known only for the subset of laboratories that are either operated by state public health departments or registered with the CDC or USDA Select Agent programs. These totaled 1,782 (possibly with some duplication) in 2009, with many facilities present in each state

What are the risks associated with ePPP research?

ePPP research involves the creation of new health threats—health threats that did not exist previously and that might not come to exist by natural means for tens, hundreds, thousands, or tens of thousands of years. Most ePPP research to date has been performed in the US with US funding, or overseas with US funding.

ePPP research poses high–potentially existential–risks. ePPP research poses both material risks and information risks. ePPP research is performed because it is easy and fast (much faster and much easier than vaccine or drug development) and because it is fundable and publishable. Not because it is needed

Because ePPP research poses high–potentially existential–risks and provides limited benefits, the risk-benefit ratio for the research almost always is unfavorable and in many cases is extremely unfavorable. ePPP research is a small part of biomedical research (less than 0.1% of all biomedical research and less than 1% of virology). However, because ePPP research of concern can cause pandemics, this small part of the biomedical research enterprise is highly consequential and requires effective oversight.

How is ePPP research currently monitored and regulated in the US?

Before 2014, there was no national-level US oversight of gain-of-function research of concern. In 2014-2017, there was a moratorium on federal funding for “selected gain of function research,” defined as research activities reasonably anticipated to increase transmissibility or pathogenicity of influenza, SARS, or MERS viruses. The policy was referred to as the “US Government Research Funding Pause on Selected Gain-of-Function Research Involving Influenza, MERS, and SARS Viruses,” or, for short, as the “[Pause](#).” Under the Pause, 18 projects were paused. However, at least 7 of the 18 projects that were paused were allowed to re-start almost immediately (based on a certification by the NIH Director that the projects were “urgently necessary to protect the public health or national security”).

More important, other projects that met the definition for coverage under the Pause—including a project on engineering of SARS- and MERS-related coronaviruses by EcoHealth Alliance and the Wuhan Institute of Virology—were not paused, due to the failure of the NIH to identify and flag all covered projects

In 2018-present, there has been a requirement for HHS-Secretary-level risk-benefit assessment prior to awarding HHS funding for “research involving enhanced potential pandemic pathogens,” defined as research activities reasonably anticipated to increase transmissibility or pathogenicity of a potential pandemic pathogen.

The policy is referred to as the “HHS Framework for Research Involving Enhanced Potential Pandemic Pathogens,” or, for short, as the “[P3CO Framework](#)“

Under the P3CO Framework, covered projects are to be identified and flagged by HHS funding agencies (i.e., the NIH and the CDC), and covered projects are to be reviewed by a committee appointed by the HHS Secretary (i.e., the HHS P3CO Committee).

The P3CO Framework applies to funding for proposed research and operates before funding and conduct of the research (not after completion of the research). Accordingly, identification of covered projects coverage under the policy is based on proposed research and evaluates “reasonably anticipated” results of the proposed research (not results after completion of the research). The “reasonably anticipated” standard employed by the policy is equivalent, in all respects, to the “reasonable person” standard employed in US administrative and civil law.

The definitions of the research activities covered by the P3CO Framework, and the definitions of research activities exempted from the P3CO Framework, are clear. They are as clear as in any US statute or rule having a “reasonable person” standard. The policy covers research activities reasonably anticipated to increase the transmissibility or the pathogenicity of a potential pandemic pathogen, including research activities in which neither the pathogen to be modified nor the enhanced pathogen to be generated is known to infect humans.

What are the shortcomings in US oversight of ePPP research?

In principle, the [P3CO Framework](#) provides for risk-benefit assessment and risk-mitigation review for gain-of-function research of concern. However, in practice, the P3CO Framework largely has existed only on paper. In the four-and-one-half years since the policy was announced, only three projects have been reviewed: two projects that had been carried over from the Pause, and one new project. Most covered projects—including the project on engineering of SARS- and MERS-related coronaviruses by EcoHealth Alliance and the Wuhan Institute of Virology—were not reviewed, due to a failure by the NIH to identify covered projects, flag them, and forward them to the HHS P3CO Committee for review.

The HHS P3CO Committee has operated with complete non-transparency and complete unaccountability. The names and agency affiliations of its members have not been disclosed, its proceedings have not been disclosed, and even its decisions have not been disclosed. Responsibility for oversight is assigned to federal agencies that perform research and/or fund research. This constitutes an inherent conflict of interest.

Oversight applies only to HHS-funded research. Oversight is not codified in regulations with force of law, and, as a result, compliance is neither mandated, monitored, nor enforced.

Oversight is undermined by the failure of federal research funding agencies to identify covered projects, flag them, and forward them to the HHS P3CO Committee for review.

Oversight is not transparent and accountable, neither at the level of the federal research funding agencies, nor at the level of the HHS P3CO Committee.

What can be done to mitigate the risks of ePPP research?

Lapses in US oversight of ePPP research may have caused the COVID-19 pandemic, and could cause future pandemics. Therefore, it is imperative that ePPP research be subject to national- or international-level oversight to ensure that, before the research is started, risk-benefit assessment is performed, risk-benefit profiles are acceptable, and mitigable risks are mitigated.

Effective oversight includes three components: Research proposals that include gain-of function research of concern must be identified. A risk-benefit assessment and a risk-mitigation review must be performed. This entails enumerating anticipated risks, enumerating anticipated benefits, weighing risks and benefits, and reaching a decision either (i) to proceed as proposed, (ii) to proceed with additional risk mitigation, or (iii) not to proceed. Compliance with the decision from the risk-benefit assessment and risk-mitigation review must be mandated, monitored, and enforced. [High-Risk Research with Potential Pandemic Pathogens](#).

(5) Many other cities prohibit BSL-3 labs, vivaria and certain types of animal testing

It is surprising that there is so little local biosafety lab regulation and local ordinances in other cities in Silicon Valley. The biotech industry is new to San Carlos so it is understandable that we do not yet have ordinances in place.

There are extensive biosafety lab regulations in cities on the east coast, but perhaps that is because they have many more labs and a much longer history of regulating them. Many cities near Cambridge [ban BSL- 3 and 4s](#). The ones that allow them have extensive guidelines and ordinances.

Historically, there have been few BSL-3 labs in the bay area and they were located in South San Francisco and areas that are not near residential neighborhoods.

(6) Conditional Use Permit requirements

We are not opposed to BSL 1 and 2 labs sited in areas that are environmentally and ecologically suitable, are located a safe distance from residences, childcare and senior facilities, and are governed by robust university, city or county guidelines, biosafety committees, ordinances, or regulations. San Mateo County Department of Environmental Health and Safety does not have biosafety committees, guidelines or ordinances that specify **where** biosafety labs should be sited and how privately-owned, speculative developments with multiple unknown BSL tenants should be operated and monitored. Most San Mateo county regulations address hazardous materials, not hazardous biological cellular materials or pathogens.

Ventilation--Negative and Positive Air Pressure

The initial proposed ordinance banning BSL-3 labs did not contain any regulations that govern BSL 1 and 2 labs, vivaria or animal testing. These facilities are less concerning than BSL 3 and 4 labs, but they are not without risk. Of utmost concern is ensuring appropriate ventilation design

and construction. See Stanford's: [Ventilation Concerns for Biosafety Level 2 Laboratories](#). It reads in part:

1. Air pressure in laboratories and animal care rooms should be negative in relation to the corridor or adjacent non-laboratory areas. Rooms housing immunocompromised animals should be at a positive pressure with respect to adjoining areas. Consult with SU Fire Marshall for design details.

Potentially harmful aerosols can escape from the containment of the laboratory room unless the room air pressure is negative to adjacent non-laboratory areas. As a general rule, air should flow from low hazard to high hazard areas.

2. Dedicated sterile tissue culture rooms should be balanced neutral or slightly positive with respect to adjoining areas. Tissue culture rooms that involve the use of biohazardous agents shall be negative as stated in C-1 above.

This will minimize the potential for possible contamination of experiments within these rooms.

3. An autoclave should be provided with a canopy hood, slotted exhaust, or other suitable means of local exhaust. In addition, autoclave rooms should have a minimum of 10 air changes per hour.

Unpleasant heat and odors will linger in the room unless provided with effective local exhaust and adequate frequency of air changes.

Because of the risk of airborne pathogens escaping to adjacent non-laboratory areas, we ask the city to provide specific guidelines that ensure the above ventilation guidelines are incorporated into building design and construction. We also request that the city prohibit all BSL-3 labs within a specified distance (500 or more feet) from residences, childcare and senior facilities; require floor plans of BSL labs and a description of the organisms in use; a procedure to alert the city and the public of lab accidents, employee exposure to transmissible pathogens and an emergency response plan.

If the city chooses to allow high-containment BSL-3 labs, we respectfully request that the city consider hiring a third-party biosafety and biosecurity consultant, to be paid for by developers or BSL tenants, to perform biosafety and biosecurity oversight responsibilities similar to those adopted by Cambridge, MA.

[See Cambridge, MA biosafety regulations:](#)

The responsibilities of the Cambridge Biosafety Committee include:

- Reviewing the appropriate design and operation of all laboratory areas within the proposed facility for research or manufacturing involving regulated biological agents at the biosafety containment level (Biosafety Level) request for that location;*
- Determining whether appropriate and reasonable practices to contain and mitigate biological hazards match the potential biological hazards associated with the specific*

agents in the form present, particularly as they impact lab workers and the community;

- Listening to each presentation for a new or amended permit and providing feedback or submitting questions to the applicant as applicable;*
- Reviewing laboratory walkthrough inspection summaries provided by Committee staff before determining that all applicable standards and practices for safe operation of a biological laboratory are met;*
- Reviewing practices, expectations, and standards imposed on the regulated laboratories by the Committee in order to establish clear enforcement protocols and to offer transparency to the regulated community. Key policies and direction will be summarized in a companion document to the ordinance and the regulation;*
- Providing a community perspective in assessing the impact of any application and anticipating issues of greater public concern or interest;*

We also ask that the city consider developing a specific Laboratory Biosafety permit, such as the one below:

To receive a [Laboratory Biosafety permit](#), every new applicant must present to the Cambridge Biosafety Committee. The presentation must include:

- 17. Street address of the proposed facility or facilities. Please include a specific floor or suite within the building.*
- 18. Total floor area of biological laboratory space (estimate is OK) and proposed biological containment level(s) or biological safety levels (BSL).*
- 19. A summary of research or manufacturing activities and agents, organized by Risk Group as determined by the Institutional Biosafety Committee for the applicant.*
- 20. A floor plan indicating all laboratory areas, biological containment levels or BSL(s), waste storage location and pathway for removal, doors, and exits.*
- 21. Documentation of a medical surveillance agreement with a local occupational health provider or an in-house clinical provider.*
- 22. Documentation showing that an air balance was conducted to document a steady negative airflow into any BSL-2 lab areas.*
- 23. Summary of compliance status for all local and state health and safety regulations requiring permits (e.g., flammable storage and cryogenic gas permit, DEP VSQG or SQG chem waste permit, state radiation permit, MWRA wastewater permit).*
- 24. A list of vendors that support the safe operation of the laboratory.*

Presentations generally last 20 to 45 minutes, and should provide a broad explanation of the recombinant technologies, risk of infection, biological vectors, and host organisms being used. For an example, see our [sample presentation](#). For more information, please view the [Cambridge Biosafety Committee's Policies and Procedures](#).

At a minimum, we ask that the Conditional Use Permit address the following: Will it require the developer to have an internal Responsible Official (RO) who has the authority and responsibility to ensure tenants

compliance with regulatory agencies? Will it require tenants to have a formal biosafety committee? If the developer later requests a conditional use permit for a BSL-3 lab as part of a remodel, will members of public be notified? How will they be notified? Who is included in the notification? Will members of the community have an opportunity to provide public comment?

(7) Lab accidents and infectious disease transmission

We quote the following experts who have identified the risks:

(a) *Lab leaks occur at a stunning frequency. A 2019 report actually said that there were four or more lab releases of these select agents, or highly contagious viruses or toxins, in the US in 2019," added Dr. Chan. She would like to see more public oversight of labs on a national and international level. This could come from impacts to funding or publishing of findings. She believes it will lead to safer conditions and more transparency.* <https://www.cbsnews.com/boston/news/covid-origin-wuhan-lab-leak-alina-chan-mit-harvard/>

(b) *Science.* **France issues moratorium on prion research after fatal brain disease strikes two lab workers.** Barbara Casassus, July 28, 2021.

PARIS—Five public research institutions in France have imposed a 3-month moratorium on the study of prions—a class of misfolding, infectious proteins that cause fatal brain diseases—after a retired lab worker who handled prions in the past was diagnosed with Creutzfeldt-Jakob disease (CJD), the most common prion disease in humans. An investigation is underway to find out whether the patient, who worked at a lab run by the National Research Institute for Agriculture, Food and Environment (INRAE), contracted the disease on the job.

(c) *Financial Times.* **Scientists fear future leaks as top-level labs proliferate.** Kiran Stacey, Helen Warrell, Yuan Yang. June 4, 2021.

(d) *Wall Street Journal.* **How Easily Can a Virus Escape From a Lab?** By Alina Chan and Matt Ridley. November 11, 2021.

(e) *Bulletin of the Atomic Scientists.* **Human error in high-biocontainment labs: a likely pandemic threat** . Lynn Klotz. February 25, 2019.

(f) *ProPublica.* **Here are six accidents UNC researchers had with lab-created coronaviruses** . Alison Young and Jessica Blake. August 17, 2020

In addition, we were curious where we might find examples from BSL labs that publicly report "accidents" or incidents. I checked Boston University, National Emerging Infectious Diseases Laboratories, Institutional Biosafety Committee (IBC) monthly minutes. They disclose near misses and lab incidents. Some of these occurred in BSL-2 and 3 labs. There are BSL-4 labs onsite. See Research Occupational Health Program (ROHP) and Environmental Health and Safety (EHS) reports. They generate reports for all the labs on site, BSL 1-4.

Most of these involved BSL-2 and BSL-3s. Most are employee exposures due to needle sticks, glove lacerations and mice bites, but a couple are related to employees whose nasal swabs were positive for environmental SARS-Co-V-2, despite not working in the BSL-labs. Those were thought to be from exposure to workers who do work in the labs and share office space and break rooms with others. Here are a few excerpts from monthly minutes in Jan/Feb 2021 and Jan/Feb 2022:

(1) <https://www.bu.edu/researchsupport/files/2021/05/January-2021-IBC-Meeting-Minutes-WEB.pdf>

This one involved the escape of prion infected mice:

1. **EHS Report:** *On the morning of 12/24/20, an animal care staff member discovered a cage in with no mice present and reported the finding to the animal care supervisor who notified the corresponding lab and ASC vet services and operations staff. ASC set up more traps within the room to trap these three mice, which were reported to be prion-infected. On the morning of 12/26/20, one mouse was caught by an animal care staff and subsequently euthanized by a vet tech per vet instructions due to numerous limb injuries.*

EHS investigation revealed that these wild type mice C57BL6 were sent from an external vendor and had been inoculated intra-cerebrally on 11/30/20 with mouse-adapted RML prions (a standard laboratory strain). There is a strong barrier to inter-species transmission of prions, so this strain poses little threat to humans. In addition, this strain is not known to be shed by the animals (it remains in the CNS), so the risk to other mice is also minimal. Prions are not casually transmissible (for example, by respiratory or fecal routes), and even the oral route requires the ingestion of tissues of the central nervous system. Finally, these mice are only 30 days into the incubation period, which normally lasts 150 days, so the titer of infective prions in their brains of these escaped mice is extremely low. Given all these considerations, it was believed that these three mice pose little risk to the health and safety of ASC and other personnel, to other laboratory animals, or the community. No recombinant DNA or synthetic nucleic acids were administered to them. By 12/29/20 the other two mice were caught and humanely euthanized.

2. *The three mice made an inch-wide hole and escaped out of the cage by tearing through the filtered top. The feeding bottles that had been used to administer the liquid diet were either accidentally pushed too far back giving the mice access to the filter cage top or it is also possible the mice pushed it back themselves. ASC has already made corrections and worked with the lab so this mishap can be avoided in the future. All the cages now have food hoppers, cutting off access to the filtered top.*

(2) <https://www.bu.edu/researchsupport/files/2021/05/February-2021-IBC-Meeting-Minutes-WEB.pdf>

Just one month later, there were 6 incidents, one involved a worker who only worked in BSL-2 labs, but works in shared space with others who work with inactivated virus. Amplicon exposures are common, but can be minimized with stringent and frequent decontamination:

ROHP Report

Since the last IBC meeting on 1-26-21, ROHP has six incidents to report:

1-28-21: ROHP received notification of a **needle stick injury** from a syringe to finger after the researcher resuspended a pellet taken from intestinal luminal fluid extracellular vesicles (from patients having inflammatory bowel disease). She discarded the pair of nitrile gloves she was wearing, allowed the blood to drain from the wound (6 drops), washed her hands with water and soap for a minute and sanitized her hands with 70% ethanol. **Please note this researcher did not report this incident to her supervisor or ROHP until the next day.**

1.

1-29-21: An asymptomatic researcher tested positive for SARS-CoV-2 which was later deemed to be related to *environmental SARS-CoV-2 amplicon exposure*. This researcher works in BSL2, does not work with SARS-CoV-2 but works in shared space with others that do work with inactivated virus.

2-3-21: ROHP received notification of *laceration to a finger* with a razor used to slice mouse lung tissue. This incident was related to an IBC protocol, but the tissue did not contain any biologics.

2-8-21: An asymptomatic researcher at the NEIDL tested positive for SARS-CoV-2. This researcher denied working with SARS CoV2 but works in shared space. Her positive test was later deemed to be related to *environmental amplicon exposure*.

2-8-21 and 2-17-21: One asymptomatic researcher at the NEIDL tested positive for SARS-CoV-2 twice. This researcher works in BSL3 with SARS-CoV-2 and in BSL2 with a different coronavirus strain. This was later *deemed to be related to amplicon exposure and not any live virus*. ROHP continues to work with Healthway, Safety, Pls and BPHC regarding all researchers who test positive for SARS- CoV-2 to determine if it was community related infection or due to environmental amplicon exposure.

One member asked when researchers are continuously wearing masks in the lab, how it is possible for them to contract amplicon contamination in their nasal swabs. The Research Safety Director and ROHP Medical Director indicated that this is still unknown but they discussed some possibilities such as touching door knobs or lab work surfaces before changing into workplace clean masks or placing personal clothing on chairs in the lab before donning a lab coat or such.

(3) https://www.bu.edu/researchsupport/files/2022/03/January-2022-IBC-Meeting-Minutes_WEB.pdf

Research Occupational Health Program (ROHP) & Environmental Health and Safety (EHS) Report:

12/16/21: MD/PhD student reported experiencing low grade temperatures and other symptoms after he *accidentally injured his thumb* percutaneously on 12-6-21 while cleaning forceps that he had used to remove infected lungs from mice injected with NL63 virus. He cleaned the wound with soap and water and applied topical antiseptic medication. Discussion with ROHP suggested that the symptoms are consistent with community-based viral infection, Researcher was advised to stay home until afebrile for 24 hours without taking antipyretics and to isolate from his roommate who is asymptomatic. Advised to follow up with ROHP should symptoms worsen or not improve or as needed. BPHC has been notified. EHS Report: Safety specialist interviewed

both PI and researcher. *Root cause of the incident was attributed to not being conscientious. Steps to prevent reoccurrence included review of exposure control plan and procedures for reporting incidents. Advised on proper decontamination techniques and sharps safety practices. Online Sharps safety training was assigned as a reminder. (They do not say what illness caused the fever, but indirectly attribute the illness to exposure to infected mice lungs bc researcher was not being conscientious.*

12/21/21: A fully vaccinated, asymptomatic PhD student tested positive for SARS-CoV-2 on 12/21/21. The student had been in the NEIDL office space prior to testing but denied entering lab spaces. *She reports she has not worked in the BSL 2 lab for a couple of months and she does not work with SARS-CoV-2, but shares office space and break room with others that do.* Repeat testing performed outside BU on 12/23/21 was negative, the student remained asymptomatic and was cleared to return to work 12/29/21. This student was educated on the importance scheduling routine SARS-CoV-2 testing prior to entering the work space. After this incident ROHP prompted Dr. Corley, NEIDL Director, to send out notification to NEIDL researchers to get routine surveillance testing prior to entering the lab. There have been no incidents since then. EHS Report: Results of samples collected for testing will be reported on when received. BPHC has been notified.

1/3/22: An asymptomatic postdoc researcher who works in the NEIDL, tested positive for SARS-CoV-2 on 1-3-22. He reported no known exposures, no recent travel, fully vaccinated, and received a booster shot. Released from isolation and *deemed amplicon exposure*. He denied working with SARS-CoV-2 but does work in shared possible influenza and not likely related to the reported forceps injury incident as NL63 is a respiratory virus that does not cause any symptomatic infection in human space that does perform SARS-CoV-2 work. ROHP deemed this positive case is deemed to be an *Amplicon contamination*. Amplicon prevention education was provided and the researcher is cleared to return to work. BPHC has been notified.

1/6/22: A fully vaccinated, asymptomatic PhD student tested positive for SARS-CoV-2. The student worked in NEIDL BSL2 in shared space where SARS-CoV-2 rDNA work is performed. Repeat testing performed was negative and the researcher was cleared from isolation on 1-10-22. Amplicon prevention education was provided by ROHP. *Deemed amplicon contamination due to testing at the end day after being in the laboratory.* Report will be submitted to BPHC.

1/12/22: *Potential biological exposure to a BSL4 staff who entered a NEIDL BSL4 lab unsuited not realizing it was in use.* The incident was reported to ROHP by the NEIDL Biosafety Officer and the NEIDL Response Team. The staff member also reported the possible exposure to EHS. After the exposure, she took a whole-body shower and was advised to remove her contacts and use the eye wash. However, it was deemed no-to-low risk incident of infection to the researcher, as there were no pathogens in the lab and no work was being done at the time of this incident. Employee was cleared to return to work but was escorted to ROHP for further evaluation and counseling. ROHP provided the employees with a medical surveillance wallet card with ROHP contact information and a thermometer. She was advised to call ROHP or NEIDL Control should she have any concerns and was cleared to return to full duty work with no restrictions. Report submitted to BPHC.

1/22/22: *An Animal Care Technician sustained an ABSL1 transgenic mouse bite on the right finger near to middle knuckle. The PI of the study reports that the Adipo-cre transgenic mice involved in the incident, express a protein called Cre recombinase (exclusively in their fat cells). This incident took place in ABSL1 and the mouse contained no hazardous agent. There is no hazardous concern regarding this transgenic mouse other than the potential for infection or local allergic reaction with a mouse bite. ROHP discussed the importance of washing for full time period (10-15 min) following a bite and risk of infection from own skin flora. She could apply antibiotic ointment over the site of the bite marks until they are resolved. Instructed to monitor for signs of infection. A report will be submitted to BPHC. EHS Report: More information will be provided on this mouse bite incident at the next IBC meeting.*

(4) https://www.bu.edu/researchsupport/files/2022/03/February-2022-IBC-Meeting-Minutes_WEB.pdf

In February 2022 they reported a "near-miss" that was considered a NIH reportable incident:

1. Research Occupational Health Program (ROHP) & Environmental Health and Safety (EHS)
Report ROHP reported three (3) incidents to the committee:

- *A visiting researcher cut left thumb with razor blade while cutting unfixed human kidney tissue;*
- *A graduate student sustained a puncture to left 2nd digit with a needle that had been used to inject lentivirus vector on transgenic mice;*
- *A PhD student sustained percutaneous injury to left 5th finger from unknown glass shard.*

*EHS reported on a **near-miss incident** to the committee: • Needles found in biohazard trash. EHS provided follow-up on the root cause of these incidents and corrective actions. **It was noted that the needle stick injury with lentiviral vector inside is a NIH reportable incident and the report will be sent to NIH and BPHC***

(8) High energy use and power outages

BSL-3 labs are particularly energy intensive because of the HVAC negative (and positive) air pressure requirements, lab animal cooling and heating requirements and 24/7 operation. In an extended power outage, temperatures in glass, high-rise buildings could "[quickly fall or rise to dangerous levels.](#)"

Labs have redundant power systems, including backup generators, but the generators are not designed to last for more than 24-48 hours according to several developers we have spoken with. The back-up generators are intended to last long enough to allow them to shut down the labs. During power outages this summer, Santa Clara Valley Medical Center (SCVMC) and O' Connor hospital lost power for hours. See the doctors' descriptions of moving ICU patients in the dark using light from their cell phones. <https://www.fiercehealthcare.com/providers/backup-generators-fail-northern-california-hospital-during-record-breaking-heatwave>

Unfortunately, many of the generators are powered by diesel which is in increasingly short supply in California. Should the ordinance require developers to maintain at least a weeks' supply of diesel on-site?

Some Menlo Park residents were without power for multiple days during the week of February 20, 2023. Their City Council held an emergency meeting on February 23rd. *Residents called for the city to improve its communication amid a week of high winds and storms that have left households without power for multiple days across the city. They see weather as prep for a potential major natural disaster. However, according to city officials, some small pockets of Menlo Park still remain without power. "If we struggle the first 48 hours for something relatively small like we did this time, how will we communicate when something more serious happens? How can we just learn from this so that we do better in the future." The city will reimburse residents \$400 per night if they are still without power.*

<https://www.smdailyjournal.com/content/tncms/live/>

Stanford recently posted an article titled: [Preparing for a Power Outage in a Research Facility](#). It reads in part: *Normal occupancy and research operations are always prohibited in affected buildings during power outages, regardless of emergency generator status.*

(9) High water use and limited supply and capacity

One proposed development in San Carlos at 642 Quarry Road submitted a Mitigated Negative Declaration in December 2022 that discussed the tremendous amount of water that high-containment labs require. *Water service to the project site is provided by the Mid-Peninsula Water District (MPWD). MPWD supplies water to consumers within San Carlos, Redwood City, and parts of the unincorporated County of San Mateo. Within the system there are ten storage tanks in which a combined total of 11,360,000 gallons of water are stored (MPWD 2022). (MND Page 167.) The proposed water demand for the project is estimated to result in an incremental increase above existing site use by 73,400 gallons per day (or 27 million gallons per year.) (MND Page 167.)*

Millions of square feet of biolabs planned in San Carlos and San Mateo County will strain water supply and capacity, especially BSL-3 labs and vivaria which may have higher water demand. Biolabs are unable to use recycled water, but that is a moot point because recycled water is not yet available in San Carlos. What strategies can be utilized to address this so that labs will not have priority over residents for limited water resources? Should labs have onsite water storage tanks, not only for water supply, but also for fire suppression? Should the ordinance require this?

(10) Fire departments and first responders will NOT enter BSL-3 labs in the event of a fire or emergency

Emergency responders, including the fire chief, confirmed that the fire department and first responders, including paramedics, will not enter a BSL-3 lab in the event of a fire or medical emergency due to the potential exposure to unknown deadly pathogens, rDNA, infected transgenic lab animals, other biohazards or infectious biologic agents. In addition, a San Mateo Environmental Health and Safety representative told us that the County Hazmat team will not respond to a fire in a BSL-3 lab. Who will?

We were told by Vanessa Cook, Associate BioSafety officer, UC San Diego, that the procedure in the event of a fire requires BSL-3 occupants to decontaminate themselves by removing their PPE, wiping

down their exposed skin with disinfectant wipes and then evacuating from the BSL-3 lab space. The fire department will "let it burn."

Although there are sprinklers and fire extinguishers in BSL-3 labs, they often contain tanks of highly flammable gases that pose an explosion risk in the event of fire. Cambridge, MA has a coordinated emergency response plan in place.

If BSL-3 labs are allowed, San Carlos should coordinate its emergency response and evacuation plan with neighboring cities, the county, Caltrans, and state and federal governmental agencies because of the labs proximity to major evacuation routes (Hwy 101), El Camino Real, and a commuter train track. The ordinance should include a detailed description of the emergency response plan.

(11) We ask the city to reject land developers' strategies and tactics that have allowed them to circumvent stringent environmental review and public hearings in order to site BSL-3 labs in densely populated residential areas.

A BSL-3 lab was set up in 2020 in Foster City in an existing Gilead building in 30 days--but that was during the Covid-emergency and they had federal grant money and oversight. The developers bragged about how they got away with doing it and how they plan to get away with it in the future.

The article reads in part: *Focusing Gilead's real-estate strategy on scientific efficiency rather than operational economics served the company well during the pandemic. When COVID-19 hit, Joydeep Ganguly, senior vice president of corporate operations, and his team engineered and delivered a Biosafety Level 3 (BSL-3) laboratory on the main campus in only four weeks, so Gilead's scientists could work with the virus safely. Amid unprecedented urgency to create drugs, the innovative campus and laboratory systems played an important role in attracting crucial talent to the company.* See [Workplace real estate in the Covid-19 era: From cost center to competitive advantage, Companies today should build workplaces that help them realize their strategies. Here's why and how.](#)

The article concludes by encouraging real estate developers to be bold in the face of the "unprecedented opportunity" provided by the covid-era that will allow them to maximize their profits and make them "more competitive than ever." It encourages developers to "prevent cultural or industry norms," presumably environmental review and community opposition, from shaping their decisions. It reads in part:

Traditionally, real-estate choices have been made by a real-estate team that typically reports to a chief procurement or operations officer. The most important decisions are escalated to the CFO.

But today's real-estate team has new responsibilities, namely: making the current footprint consistent with corporate objectives and the moments that matter. This calls for a different set of decision makers. The CEO can set the real-estate agenda, supported by the chief human-resources officer (CHRO), the CIO, the CFO, and the head of real estate. Experts from all these domains can help make real estate a source of competitive advantage.

In the wake of the pandemic, historical precedent or cultural or industry norms should not shape real-estate decisions. Today, a company's larger goals must serve as the guide. CEOs and

executive teams know what makes companies successful and are best positioned to create a physical environment to match. Merging a company's approach to real estate with its strategy is a change in the way things have been done and a new responsibility. It's also a once-in-a-generation opportunity to act boldly and emerge from the pandemic stronger and more competitive than ever.

We are confident that San Carlos City Council members agree with members of the public who think that private developers' profits and corporate objectives should not come at the expense of public health, environmental safety and transparency. We urge the city to address this strategy in the proposed Conditional Use Permit ordinance and require developers and tenants to submit Environmental Impact reports if BSL-3 use is planned on site.

At the last Planning Commission meeting on February 6th, Ryan Guibara of MBC Biolabs conceded that only 1% of tenants would use BSL-3 lab space, but spoke for eight minutes, claiming that prohibiting them would have a "drastic impact on the market" and "have a hugely chilling effect." We are curious why he is taking such an aggressive stance in favor of BSL-3 labs because he claims his developments do not have any BSL-3s and "don't plan to."

We expect vigorous push-back from members of the private biotech industry and lobbyists. They want to continue business as usual because they have gotten away with little regulation or oversight in South San Francisco and other areas in Silicon Valley for years. Many of those labs are in areas east of Hwy 101 and are farther away from residential areas. They were built before there were hundreds of developers planning millions of square feet of biolabs along the Peninsula--the most sensitive, at-risk ecological area in California. San Mateo County is the county most threatened by sea level rise and extreme weather events because of its' geologic limitations, proximity to the bay and the highly dense population crowded into a concentrated area between Hwy 101 and the hills near Hwy 280.

We are concerned that if San Carlos permits BSL-3 labs, many of those lab tenants will flock here and overwhelm our existing infrastructure, strain our already overtaxed resources and increase the public's risk of accidental exposure to lethal pathogens from lab-acquired infectious diseases, lab accidents or lab containment failure due to flooding, fires or power outages. These risks are foreseeable.

(12) Conclusion

We oppose BSL-3 labs in San Carlos and implore City Council members to remain steadfast to their earlier vocal position supporting a ban on BSL-3s in San Carlos. We urge Planning Commissioners to follow the recommendations of staff in the initial proposed ordinance and prohibit BSL-3 and 4 labs. If the city declines to do so, and chooses a Conditional Use Permit procedure, we ask that it incorporate the guidelines established by Cambridge.

Thank you for your careful and thoughtful consideration.

Sincerely,

Debbie and Gary Baldocchi, Carmelita Drive

Correspondence #13

March 5, 2023

City of San Carlos
Mayor Adam Rak
Principal Planner Lisa Costa Sanders
Members of the Planning and Transportation Commission
Members of the City Council
600 Elm Street
San Carlos, CA 94070

Subject: Comments to the Planning Commission on Item 8b of Planning Commission Mtg on BSL3 labs

Dear Lisa Costa Sanders, Planning Commissioners, Mayor Rak, and members of the City Council,

Please find a copy of my comments, attached, to item 8b of the Planning Commission agenda for 06MAR2023. At this time, I think it is wise to stick to the proposed moratorium on Biohazard Level 3 laboratories in San Carlos until such time that all issues surrounding the operation of these labs can be addressed with clear rules that are transparent, include independent review, Community input, and subject to outreach and public hearings. Allowing Biohazard Level 3 labs with only a CUP removes any incentive to put these type of rules in place and gives the appearance that the city is willing to trade public safety for short term economic gain.

Sincerely,

Paul Magginetti

Attachment. Letter

March 5, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
Members of the Planning and Transportation Commission
Members of the City Council
600 Elm Street
San Carlos, CA 94070

Subject: Public Comment Regarding Proposed Ordinance Amending San Carlos Municipal Code, Title 18 to Regulate Laboratories with Biosafety Levels (BSL); Planning and Transportation Commission Meeting, March 6, 2023

Request: (Biosafety Now—Prohibit High Containment Biohazard Level 3 labs in San Carlos)

Dear Lisa Costa Sanders, Planning Commissioners, Mayor Rak, and members of the City Council,

I am writing in reference to Item 8b of the Planning Commission meeting agenda regarding the Consideration of a Resolution Recommending the City Council Adopt an Ordinance Amending San Carlos Municipal Code Title 18 to Regulate Laboratories with Biosafety Levels

Option 1 not allowing labs working at Biohazard levels 3 and 4 seems the best course for now. Option2, allowing Biohazard level 3 labs, is not well thought through and inadequately addresses risks to public health and safety. The best designed lab in the world is still subject to failure due to natural disaster, mechanical breakdown and human error. This is the usual case with the many lab accidents that have already happened (<https://biosafetynow.org/lab-accidents-in-the-news/>). Given enough labs and time, such a lab accident becomes inevitable. Option 2 falls short in the following ways:

- There is no limit to the number of BSL3 labs. Developers claim a BSL3 lab would represent less than 1% of all BSL labs; One BSL3 lab in San Carlos should be more than adequate to meet those needs.
- There is no constraint on location. These should be located >1000 yards from residential, day care, restaurants etc.
- The entire city should be informed, with a public hearing and through community outreach, addressing all issues and mitigations of such a lab. A biohazard release could affect all of us, from Industrial Rd to Crestview Dr. A lack of transparency will undermine public trust.
- The city, not the applicant, should choose the independent 3rd party and they must be approved by the NIH. Allowing the developer to approve their own work is like me asking the city inspector to take my word for it, sight unseen. that my home modification meets requirements. The stakes here are much higher.
- There is no requirement to report to anybody the nature/risk of the work being done. This is critical to planning a response to a lab accident. They will be doing research, which by its very nature means they don't know what will happen. New discoveries and practices in the Life Sciences will surely come about that will require us to reevaluate the risks these labs pose.
- Stakeholders must be notified in advance (this mechanism doesn't exist and subject matter expertise is lacking)
 - City Government (no subject matter expertise)
 - Health Department (understaffed and lacks BSL subject matter expertise)
 - Fire Department (no subject matter expertise)
 - Community oversight committees (doesn't yet exist)
- There is no requirement for incident reporting and nobody to report them to
- There is no effective mechanism for reporting unsafe operation. The only way we could report to the city that they were in operating unsafely, in violation of the CUP, is after people start getting sick. That was the plan in Wuhan; once the bodies started stacking up in the street, they knew they had a problem.

- There is no provision for an emergency response plan once people do start getting sick. The city won't know who to notify or what to test for if they don't know the nature of the work being carried out.
- Decommissioning is mentioned with no guarantee funds will be available. What if a company like Theranos was operating a BSL3 lab? What happens in 10 yrs? 20yrs? 50 yrs? Would the city pick up the tab?
- There is no mention of liability in the event of a lab accident. What is the city/taxpayer exposure to such an event? That is how we ended up with the brownfields on the East side.

What it all comes down to is that there is no plan in place for when the unthinkable happens. I find the overreliance by staff on advice from industry insiders with conflicts of interest, and the deference given to them by the commission during public comment, disturbing and ill advised. The 2nd option allows BSL3 labs to be built without constraint. This removes the incentive to create a real mechanism that truly protects public health as outlined above. It trades public safety for short term economic gain. There are plenty of BSL1 and BSL2 applications that afford equal economic benefits without putting public health and safety at risk. Until all issues are addressed in a transparent way, BSL3 labs should not be allowed.

Thank you for your careful and thoughtful consideration.

Sincerely,

Paul Magginetti

Correspondence #14

March 5, 2023

City of San Carlos
Members of the Planning and Transportation Commission
600 Elm Street
San Carlos, CA 94070

Subject: BioSafety Labs-level 3

Hello, Commissioners,

I am writing to share my concerns about having BSLs- Level 3 in San Carlos., operating with Conditional Use Permits . If this is permitted San Carlos could have an influx of Level 3 labs, with each one operating under its own rules and regulations. Self-policing of labs. cannot be allowed, and the City does not have the know-how, or the finances, to effectively regulate these labs.

Thank you for not allowing BSL-3 labs. in San Carlos.

Gail Ghose

602 Cedar St.
San Carlos

Correspondence #15

March 6, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
600 Elm Street
San Carlos, CA 94070

Subject: RE: Planning and Transportation Commission packet for the March 6, 2023 meeting

Thank you Lisa.

I just was sent this link to an article about Watertown – a Massachusetts town of about the same size as San Carlos which has been experiencing an increase in life science laboratory development in recent years and projection for more such development. They have actively worked to ensure that their community is protected while providing for the needs of this emerging industry.

<https://coderedconsultants.com/insights/watertown-laboratory-permitting/>

Best
Terezia Nemeth

Correspondence #16

March 4, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
Members of the Planning and Transportation Commission
Members of the City Council
CC: [emails redacted]
600 Elm Street
San Carlos, CA 94070

Subject: Urgent Call to Action: BIOSAFETY NOW--BAN HIGH CONTAINMENT BIOSAFETY LABS IN SAN CARLOS---Planning and Transportation Commission Agenda - March 6, 2023, 7:00 pm (zoom link)

Dear Neighbors,

This is a **public safety call to action** to everyone who lives or works in San Carlos, including our neighbors in Redwood Shores and other cities in San Mateo County. On Monday, March 6th, the San Carlos Planning and Transportation Commission will consider adopting an ordinance that will provide biosafety regulations for the millions

of square feet of privately- operated biosafety labs (BSLs) being constructed in Life Sciences developments throughout east San Carlos. We ask you to join us in urging San Carlos to ban BSL-3 and 4 labs. See packet: [Agendas and Minutes](#)

On February 6th, planning commissioners refused to pass the proposed biosafety ordinance recommended by the City Council and staff to prohibit BSL-3 labs in San Carlos *in order to protect the community from the harmful effects of hazardous materials*. The commissioners did not discuss the risks or harmful effects of hazardous materials. Instead, they expressed concerns that prohibiting high-containment labs would discourage private bioscience companies from moving to San Carlos. EDAC Director Al Savay assured the commissioners that the city does not think the economic impacts on market dynamics will be significant because only 1% of biosafety lab tenants use BSL-3 labs. He said that he *feels good about moving forward with the proposed ordinance based on public safety and community concerns*.

The developers for a proposed 410,000 square feet Life Sciences complex at 642 Quarry Road recently withdrew their request for BSL-3 lab use after public opposition. Developers know that there are very few private BSL-3

labs in the state and even fewer are sited in residential communities along the edge of the bay in environmentally sensitive areas that are prone to flooding and susceptible to sea level rise.

The commissioners directed staff to submit an alternative ordinance that will allow BSL-1 and 2 use by right and BSL-3 use with a Conditional Use Permit (CUP).

Commissioners were willing to prohibit BSL-4 labs, but that is not a significant public health and safety concession because there are no BSL-4 labs in California.

The proposed CUP relies on biosafety lab tenants basically policing themselves. City staff admitted they have no biosafety or biosecurity expertise and that oversight will be complex, time-consuming and expensive.

There is an unprecedented proliferation of biosafety labs throughout Silicon Valley. There is insufficient oversight, regulation and transparency of BSL-3 labs. It is concerning how little public information is available about them. We perceive this to be a coordinated effort by the private, billion-dollar bioscience industry and developers to shut down opposition and stifle local regulations by claiming they are "highly regulated" and that community concerns are based on "fear not facts."

Scientists across the nation are raising public safety concerns about high-containment labs, including Stanford researcher Dr. David Relman who [recommends stronger oversight](#). Stanford, which has a BSL-3 lab, has [comprehensive Biosafety](#)

[manuals](#) and biosafety committees that evaluate the risks of allowing research that involves lethal, potential pandemic pathogens. That is not true for private labs which may include underfunded start-ups.

Another group of scientists who are advocating for national and international regulations and oversight is *Protect our Future* at <https://biosafetynow.org/>. One of its co-founders, molecular biologist Richard Ebright testified before congress at

the *Homeland Security Subcommittee on Emerging Threats and Spending*. He recently summed up the public safety risks of high-containment labs: *The government does not even maintain a comprehensive database of where such*

experiments are taking place, let alone practice any rigorous oversight of them. Instead, there are different standards based on crude risk categorization, funding source and research facility. It's a crazy patchwork quilt of "rules" giving rise to a 'big zone' of uncertainty about which labs are doing what under whose oversight and with what level of security and precaution.

Many cities on the east coast [ban BSL- 3 and 4s](#). The ones that allow them have extensive guidelines and ordinances. San Carlos is a small city and

does not have the resources or expertise to safely oversee them.

Private, high-containment biolabs should not be located near residential areas or the bay. They should not be allowed to justify their secrecy and lack of transparency by claiming *proprietary or security issues*. The public has a right to know what pathogens are being researched in labs next door to us. We need local, enforceable regulations that will minimize the risk of infectious diseases spreading into the community and the environment.

We ask San Carlos to prohibit high-containment BSL-3 labs and, in its own words, *promote the growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare*.

Neighbors, will you please help:

- (1) Attend the meeting on Monday night and make a public comment (zoom link below). Tell the commission which of the two ordinances you support. Do you want them to ban BSL-3s or allow them with a Conditional Use Permit. Do you think the proposed CUP ordinance adequately protects the public and environment? If not, what changes do you recommend?;
- (2) Submit a public comment to the planning commission and city council by "replying all" to this email;
- (3) Forward this email to others;
- (4) Learn more about the risks and what we can do about them from scientists and researchers at the biosafety advocacy group: <https://biosafetynow.org/>
- (5) Support neighboring communities' efforts to ban high-containment labs in their cities.

This is a critical public health and environmental safety issue that affects all of us. Monday will be our final chance to speak to the Planning Commission before they decide which of the two ordinances to approve.

Kind Regards,

Debbie and Gary Baldocchi

(We are San Carlos residents. We are retired. We do not belong to any organizations or groups. We speak only for ourselves.)

Planning and Transportation Commission Agenda - March 6, 2023

Date: 03/03/2023 3:08 PM

City of San Carlos

Planning and Transportation Commission Regular Meeting

March 6, 2023, 7:00 P.M.

Council Chambers. City Hall

600 Elm Street, San Carlos, CA 94070

www.cityofsancarlos.org

AGENDA

This meeting will be conducted both in-person at City Hall and virtually via Zoom. Members of the public will have the option to observe the meeting and address the Planning and Transportation Commission as outlined below.

In-Person Participation:

Location. City Hall – 600 Elm Street, Council Chambers.

Masks are no longer required, but are still highly recommended in accordance with California Dept of Health Guidelines. To maintain public health and safety, please do not attend in person if you are experiencing symptoms associated with COVID-19.

Provide Public Comment. To address the Commission on any item on the posted agenda, fill out a Request to Speak Form located in the back of the Council Chambers and submit it to city staff; or, you may raise your hand when the Commission Chair calls for public comments.

Remote Participation Observe via:

Zoom. <https://us02web.zoom.us/j/88635467439> Or call 1-669-900-9128 and enter the Meeting ID: 886 3546 7349

Meeting Webportal. www.cityofsancarlos.org/agenda

Local TV. Comcast Channel 27 and AT&T Uverse Channel 99

Provide Public Comment. If you plan to make a public comment on any item on the posted agenda, please observe the meeting via Zoom (see above access information), and during the public comment period for the agenda item you wish to address, use the “raise hand” feature. If joining Zoom by phone, press *9 to “raise hand.”

Planning and Transportation Commissioners may participate in this meeting remotely as authorized by A B 361.

CHAIR:

Jim Lacoponi

COMMISSIONERS

Janet Castañeda
Kristen Clements
Ellen Garvey David
Roof

1. CALL TO ORDER

2. ASSEMBLY BILL 2449 TELECONFERENCE REQUESTS

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. PUBLIC COMMENT

Public Comment is limited to items not on the agenda. The Commission may briefly respond to statements made or questions posed as allowed by the Brown Act (Government Code Section 54954.2). However, the Commission's general policy is to refer items to staff for attention, or have a matter placed on a future Commission agenda for a more comprehensive action or report.

6. APPROVAL OF MINUTES

- a. Approval of the minutes of the Planning and Transportation Commission meeting of February 6, 2023.

7. PRESENTATIONS

- a. New and Proposed Planning and Transportation Laws, Presentation by Amy Brown and Colin Hawley with Arc Strategies.

8. PUBLIC HEARING

Procedure for Public Hearing:

Staff will present a report on the history, physical features, etc., on the application followed with the staff's recommendations. The applicant will make a presentation. Thereafter, interested members of the community may speak on the proposal. When all interested parties have had an opportunity to be heard, the hearing will be closed, and no further discussion from the floor can be held. The Commission will then consider the evidence and make its recommendation. If you challenge a public hearing item in Court you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, the public notice, or in written correspondence delivered to the City at or prior to the public hearing. Speakers should fill out a speakers form, found by the door, and hand it to the recording secretary prior to addressing the Commission. The speaker should come up to the microphone to speak since the meeting is being recorded. This will assist staff in preparing the minutes.

- a. Consideration of Design Review approval for a proposed Sign Program at 1501 1599 Industrial Road (APNs: 046240130 and 046240140).

- b. Consideration of a Resolution Recommending the City Council Adopt an Ordinance Amending San Carlos Municipal Code Title 18 to Regulate Laboratories with Biosafety Levels (BSL)

9. REPORTS, CORRESPONDENCE AND GENERAL INFORMATION

- a. Report on recent City Council actions
- b. Planning and Transportation Commission comments or reports
- c. Correspondence
- d. Planning Staff comments, reports, and updates on current projects

10. ADJOURNMENT

[Agendas and Minutes](#)

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Correspondence #17

March 6, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
Members of the Planning and Transportation Commission
Members of the City Council
CC: [emails redacted]
600 Elm Street
San Carlos, CA 94070

Subject: Re: Urgent Call to Action: BIOSAFETY NOW--BAN HIGH CONTAINMENT BIOSAFETY LABS IN SAN CARLOS---Planning and Transportation Commission Agenda - March 6, 2023, 7:00 pm (zoom link)

Dear San Carlos City Council and Planning Commission -

We would like to strongly echo the Baldochhi's in stating that there is insufficient oversight, regulation and transparency of BSL-3 labs. Therefore, we strongly oppose any private BSL-3 labs near residential areas or floods zones in San Carlos. We ask that you consider the serious safety risks that they pose and **BAN** these high containment biolabs in our City of Good Living.

Thanks you,

Joe and Kelly Haws

1893 Carmelita Dr

Correspondence #18

March 6, 2023

City of San Carlos
Principal Planner Lisa Costa Sanders
Members of the Planning and Transportation Commission
Members of the City Council

CC: [emails redacted]
600 Elm Street
San Carlos, CA 94070

Subject: Re: Urgent Call to Action: BIOSAFETY NOW--BAN HIGH CONTAINMENT BIOSAFETY LABS IN SAN CARLOS---Planning and Transportation Commission Agenda - March 6, 2023, 7:00 pm (zoom link)

Dear City Council and Planning Commission,

We also agree with the call for action against even considering BSL-3 anywhere near our city, which is very densely populated already, and will be more densely populated in the near future.

In light of the recent reports about the COVID-19 originating from a lab leak, this issue becomes ever more urgent.

Thank you.

Zinovy Fichtenholz
Sophia Kantor



SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

March 17, 2023

Mayor Rak and members of the City Council

City of San Carlos

Via email: arak@cityofsancarlos.org

cityclerk@cityofsancarlos.org

Subject: Sierra Club recommends no BSL-3 labs in San Carlos

Dear Mayor Rak and San Carlos City Council members,

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee advocates for land use issues and the Bay Alive Campaign advocates for the ecological health of San Francisco Bay. We strongly recommend that no Biosafety Level (BSL)-3 labs be built in San Carlos, and that BSL-4 labs also be excluded.

Recently, the Sierra Club Loma Prieta Chapter organized a webinar titled "[Planning for Life Sciences Development for Bay Area Cities](#)." The event featured experts from the Boston/Cambridge area, a historic hub for life sciences in the US, and included biosafety experts. An important fact emerged: several cities in the greater Boston/Cambridge metropolitan area have reversed their biosafety policies to no longer allow BSL-3 or higher labs in their cities, and more are joining their ranks. Some do not even allow BSL-2 labs. Please see a list of cities and links to their ordinances [HERE](#).

Why have they made this change? With decades of experience with the industry and the growing awareness of the increasingly lethal agents used in BSL-3 "high-containment" labs, cities are now "walking-back" from allowing the high-risk labs, described below, into their communities.

BSL-3 "high-containment" labs, as defined by the NIH, involve the higher-risk pathogens that are difficult to control, as they are often airborne and very contagious when released. They require complete dependence on mechanical systems that can fail¹ through human error, mechanical failure or disasters, as well as safety oversight

¹ [Boston University](#), June 1, 2016: "A malfunctioning network switch at BU's [National Emerging Infectious Diseases Laboratories \(NEIDL\)](#) resulted in a shutdown of parts of the lab's ventilation monitoring system ...The University has suspended BSL-3 research until the outside engineers review recommended remedial work to prevent future ventilation system malfunctions."

structures.² They work well in institutions that have scientific safety oversight committees that ensure an understanding of risks, transparency, regular reporting and inspections, and biosafety procedures for worker, public and environmental safety. San Carlos does not have such structures in place.

The San Carlos Planning Commission recently voided staff's recommendation of no BSL-3 high-containment labs in San Carlos. Instead, the Commission voted for a hastily organized conditional use permit (CUP) process developed with industry input. We note the following.

1. San Carlos, in its Safety Element,³ does not mention biohazards, biosafety, or biosecurity. The City is completely unprepared for biohazards or a biohazard release incident. San Mateo County Environmental Health staff similarly report⁴ that they have no authority or responsibility for biohazard incidents, with the exception of the Coronavirus pandemic. The State hazardous materials databases, which the fire departments and emergency responders depend upon, include chemical and radiological hazards but do not include biological hazards.
2. There has been no organized outreach process to solicit public input on a proposed new ordinance for BSL-3 labs, although this is a safety issue of critical concern to residents and for public safety and security.
3. The City's new biotech zoning heavily impacts San Carlos' Eastside neighborhood, and would allow high-risk BSL-3 labs in proximity to an already impacted and vulnerable residential area, endangering residents with unknown infectious agents. San Carlos has a history of regulatory failure on the east side, including reducing noise, protecting from flooding and soil contamination, as well as failures in reducing toxic air, addressing traffic, improving pedestrian safety and adding more parks.
4. High-risk labs would be adjacent to sensitive natural ecosystems that affect the Bay itself. Wildlife and Bay water quality are at risk as creeks through this zone have overflowed multiple times, flooding lab facilities, polluting the waters which empty directly onto sensitive wetlands in the Bay. Flooding and seismic events are predictable hazards in this part of the Bay Area, therefore biosafety concerns of BSL-3 labs are a critical issue.
5. At this time, the federal government and the scientific community are expressing increasing concern about the growth of new risky research in privately-funded BSL-3 labs and the lack of oversight.⁵ Without proper regulation or oversight by the National

² [You should be afraid of the next "lab leak"](#), NY Times Nov 23, 2021. *"....In fact, the most concerning aspect about high-containment biolabs is that, considered as a collective, they may only be as safe as the worst lab among them. A breach or a breakdown at one could imperil us all."*

³ [City of San Carlos Public Safety and Services Element](#)

⁴ In a meeting with the San Mateo County Office of Environmental Health and the Sierra Club Biosafety working group

⁵ The National Institutes of Health (NIH) have formed an advisory committee, the [National Science Advisory Board for Biosecurity \(NSABB\)](#). The NSABB has held meetings in 2022 and 2023 about Biosafety, with specific focus on Potential Pandemic Pathogen Care and Oversight (PC3O) and Dual Use Research of Concern (DURC). Excerpt from transcript of NSABB Sept 2022 meeting a board member

Institutes of Health (NIH) or other public health agencies, allowing the proliferation of these facilities presents a significant risk to public safety.

Lastly, we would like to note that the draft Conditional Use Permit ordinance for BSL-3 labs appears to have been designed by an industry consultant, for industry interests. It fails to address important elements of a successful biosafety policy that experts with decades of experience with BSL labs in their communities have raised,⁶ including public accountability, transparency, and reporting of accidents. Additionally, it does not adequately address critical sustainability issues, neighborhood concerns, and environmental safety.

Therefore, we strongly urge you to reject the establishment of any BSL-3 labs in San Carlos. We also recommend the creation and adoption of transparent Biosafety Standards for all BSL labs, as in cities in the Boston/Cambridge biotech hub area, based on scientific principles and developed with an open process involving public health and safety agencies, the community, and other stakeholders, including environmental groups. County-wide standards would be preferable to City-by-City standards as the County Environmental Health Services Agency is the agency responsible for overseeing public health and safety in San Mateo County.

Respectfully submitted,



Gita Dev, Co-Chair, Sustainable Land Use Committee
Gladwyn d'Souza, Chair, Conservative Committee
Jennifer Chang Hetterly, Campaign Lead, Bay Alive

Cc: James Eggers, Executive Director, Sierra Club Loma Prieta Chapter
Dave Pine, Chair, Board Of Supervisors, San Mateo County <dpine@smcgov.org>
Ray Mueller, Board of Supervisors District 3, San Mateo County <rmueller@smcgov.org>
Len Materman, OneShoreline, San Mateo County <Len@oneshoreline.org>
Matt Fabry, Manager, San Mateo County Water Pollution Prevention Program <mfabry@smcgov.org>
Xavier Fernandez, Regional Water Quality Control Board Xavier.Fernandez@waterboards.ca.gov
Steve Goldbeck, Chief Deputy Director, Bay Conservation and Development Commission
<steve.goldbeck@bcdca.gov>
Ashley Tomerlin, Bay Conservation and Development Commission
<ashley.tomerlin@bcdca.gov>

notes: *"We have to deal with the problem of domestic research that's not funded by the US government. That's a big chunk right now, especially out here in the west with Silicon Valley."*

⁶ "[Planning for Life Sciences Development for Bay Area Cities](#)", a Webinar for Municipal Leaders, March 2, 2023

Correspondence #20

March 22, 2023

City of San Carlos
Members of the City Council
600 Elm Street
San Carlos, CA 94070

Subject: Public Comment Regarding Proposed Ordinance Amending San Carlos Municipal Code, Title 18 to Regulate Laboratories with Biosafety Levels (BSL); City Council Meeting, March 27, 2023

Requests: STOP HIGH-CONTAINMENT LAB TAKE-OVER IN SILICON VALLEY

- (1) **BAN High-Containment BSL-3 labs in San Carlos**
- (2) **REJECT the proposed Conditional Use Ordinance**
- (3) **INVESTIGATE how many high-containment labs are proposed**
- (4) **MANDATE disclosure of the details of BSL-3 research proposed onsite**
- (5) **NOTIFY all San Carlos residents of proposed BSL-3 labs and conduct public hearings**

Dear Mayor Rak and members of the City Council,

On March 6th, the Planning and Transportation Commission refused to follow the February 6th City Council and staff recommendations to adopt a proposed ordinance that would **prohibit** privately operated, high-containment biosafety labs in San Carlos in order to protect the community from the harmful effects of hazardous materials and lethal pathogen research. Instead, they recommended a hastily prepared, industry sponsored Conditional Use Permit that fails to protect public health and environmental safety. Please honor your earlier public commitment to ban BSL-3 labs. Do not allow San Carlos to become the high-containment biosafety lab capital of Silicon Valley.

Developers and industry representatives' deliberate misrepresentations about biosafety oversight

We perceive that real estate developers and industry representatives have deliberately misrepresented the level of federal, state and local oversight of private high-containment labs. These labs perform research on potential pandemic pathogens and are too dangerous to be located near densely populated residential neighborhoods in flood and earthquake prone areas near the bay.

At the February 6th Planning Commission meeting, a local developer from MBC Biolabs outrageously claimed that BSL-3 labs are "foolproof." They are not. See: [Treason of the Science Journals](#) a compelling article by author Ashley Rindsberg.

We agree with scientists from biosafetynow.org who attended the March 6th Planning Commission meeting. Dr. Bryce Nickels described the representations by developers

Correspondence #20

that private labs are “highly-regulated” as *gaslighting in the extreme*.
<https://twitter.com/BiosafetyNow/status/1633269996775251968>

Deliberate misrepresentations about the number of high-containment labs proposed in San Carlos

Developers and staff claim that only 1% of lab tenants will lease BSL-3 lab space. However, developers unanimously claimed that banning BSL-3 labs would have a catastrophic effect on attracting lab tenants. Although it is difficult to know how many private high-containment labs are already operating in the bay area, there appears to be few because private developers are rushing to fill the void.

For example, Gladstone, which is affiliated with UCSF, rents BSL-3 lab space and there is such high demand, there is a two-week waiting list for them to even respond to applications. See how easy it is for an individual to rent BSL-3 labs space.
<https://gladstone.org/form/bsl-3-lab-request>

The number of proposed high-containment labs in San Carlos appears to be a heavily guarded secret. Here is a list of the current proposed developments on the city's website: www.cityofsancarlos.org

Alexandria--(the biggest development in the city) 1,625,390 sq ft
MBC Biolabs--96,175
405 Industrial Road--304,070 (north east)
642 Quarry Road--410,000 (north east)
777 Industrial Road--122,462
789 Old County Road--466,198
841 Old County Road--325,448
888 Bransten Road--163,932 (Alexandria)

This totals 3,513,675. Some are in the permitting stage.

Alexandria is the largest and most well-funded developer. It has labs across the nation. They will likely ask for BSL-3 use if you approve the Conditional Use Permit. If they obtain approval, many others will follow.

At the March 20th Planning Commission meeting, the Commission approved Alexandria's request for a height exception to allow four, 23-foot tall exhaust stacks on the roof of a new 50-foot tall development at 888 Bransten. Those types of exhaust stacks are required on BSL-3 and 4 facilities. We asked them to disclose whether BSL-3 labs were planned onsite.

Alexandria representatives refused. Their architect claimed that the exhaust from the stacks would contain “chemical fumes” that would be expelled from the exhaust stacks at “high-velocity”. We suspect, but cannot prove, that developers and Chamber of Commerce members are planning for San Carlos to be the regional Silicon Valley hub for BSL-3 research.

Correspondence #20

We wouldn't have been concerned about or aware of BSL levels before the covid pandemic. We naively trusted the city. After all, most of you live here too. However, we don't think the industry is giving the city all the facts and are minimizing the risks.

San Carlos is at the epicenter of this issue because of the extreme amount of Life Sciences development going on here. 3.5 million sq feet of labs are being planned now. How many more biolabs are planned for northeast San Carlos? The point is, the public doesn't know how many BSL-3s are planned or where they will be located. Approving a CUP will open the flood gates that will allow and attract high-containment lab development.

The proposed CUP is rudimentary and the planners would not even agree to designate set-back requirements from homes or schools, wouldn't agree to prohibit gain of function, ePPP or select pathogen research. Commissioner Roof works at Genentech and emphasized that he doesn't want to limit "life-saving" research. He said that San Mateo County doesn't have any restrictions on biosafety levels and San Carlos will be the first. We perceive that he has a conflict of interest based on his employment.

Other factors that make San Carlos unsafe for BSL-3 labs is its proximity to San Carlos' Hiller Airport which has numerous flight schools. A recent article gave the numbers: "101,077 annual takeoffs and landings. (275 per day.) 359 Aircraft, over 25 businesses. It is part of the national airport system that involves 600,000 aircraft and 2,000 airports." It prohibits certain activities within its direct flight path. SFO prohibits BSL-2 and above in its flight path. San Carlos should do the same.

With the recent collapse of Silicon Valley Bank and possibly, other local banks, how many lab start-ups will have to shut down or have their businesses interrupted? Will they have money for abrupt decommissioning or closure? What will happen to all the lab animals and the very expensive pathogens and biologics, rDNA or other research materials onsite?

We implore you to ban BSL-3 labs in San Carlos. Don't be misled by the disinformation provided by developers. Please put public safety first.

Sincerely,

Debbie and Gary Baldocchi
San Carlos residents