

Chapter 17.104

S-21 HEALTH AND SAFETY PROTECTION OVERLAY ZONE

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17.104.010 Title, purpose and applicability

The intent of the Health & Safety Protection Overlay Zone is to promote the public safety and welfare by ensuring that activities which use hazardous material substances or store hazardous materials on a regular basis locate in appropriate locations and develop in such a manner as not to be a serious threat to the environment, or to public health, particularly to residents living adjacent to industrial areas where hazardous materials are commonly used.

17.104.020 Definitions

For the purposes of this regulation, the following definitions apply:

Hazardous Material is defined as that which could exhibit one or more of the hazard characteristics defined in the Uniform Fire Code (UFC). The hazard categories are based upon the Code of Federal Regulations, Title 29 (CFR-29). There are two categories: Physical Hazards and Health Hazards. A hazardous material is any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Hazardous Waste is defined as any hazardous material whose intended original purpose is no longer applicable for their use, or a waste that meets federal or state criteria for ignitability, corrosivity, reactivity or toxicity, or is specifically listed by the federal or state law or regulations.

Explosives are defined as chemicals that cause a sudden, almost instantaneous release of pressure, gas and heat when subjected to sudden shock, pressure, or high temperatures; or a material or chemical, other than a blasting agent, that is commonly used or intended to be used for the purpose of producing an explosive effect.

17.104.030 Zones with which the S-21 may be combined

The standards of this overlay zone shall apply to all Housing and Business Mix zoning districts; all Commercial and Light Industrial Business Mix zoning district; and within the IBX (Light Industrial) and IG (General Industrial) and IO (Industrial Office Park)

zoning districts that are within three hundred (300) feet from any residential, open space, or institutional zone boundary.

The standards of this zone shall apply to:

- 1) All new development of nonresidential;
- 2) Any existing use where the usable floor area is expanded by more than twenty (20%) percent, after the effective date of the adoption of this Ordinance.
- 3) Any alteration or expansion of an operation such that it requires a new Risk Management Plan or other Hazardous Materials Business Plan.

17.104.040 Prohibited Land Uses

The following land use activities are prohibited uses within the Health and Safety Protection Overlay Zone. Prohibited land uses in this zone include:

- Electroplating
- Storage of hazardous materials/chemicals as a primary activity;
- Businesses which manufacture, store or use explosives

17.104.50 General Standards

The following additional regulations shall apply within the S-21 (Health and Safety Protection Zone):

A. Storage and use of all hazardous materials shall be reviewed and approved by the Fire Department prior to commencement of operation or any alteration of activity. A risk management plan may also be required, per the Certified Program Uniform Assistance (CUPA) ordinance (C.M.S. 8.42).

B. No storage or use of hazardous materials can be located within 300 feet of a Residential, Institutional or Open Space District without approval or consent of the Fire Department.

17.104.060 Regulations Required by Other Agencies

The following regulations or procedures may be required by the Fire Department, City of Oakland:

1. Process Hazard Analysis
2. Risk Management Plan.
3. Local Hazardous Materials Business Plan

In addition, the Fire Department may establish any of the following limitations:

1. Limitations on the location for storage or use of hazardous material;
2. Containment measures for storage or use of hazardous materials;
3. Limitations or prohibitions on the storage or use of specific hazardous materials; or specific processes that use or combine hazardous materials.

This list shall not exclude any other limitations that may be established under other federal, state, or City codes and regulations.

