

18.50.040 Performance standards.

(a) Performance standards are established to ensure that adjoining properties, persons and the community as well as the region are provided protection against adverse conditions which may be created by the various uses operating within the industrial zoning districts. All uses within the I-S, I-T, and I-G districts, whether accessory, permitted, or whether requiring zoning administrator or conditional use permit approval, shall comply with the following performance standards:

(1) Noise. At all property lines, as measured consistent with subsection (c) of this section, the maximum noise level generated by any user shall not exceed an Ldn level of 70 dB(A) when adjacent users are industrial, commercial, business, professional or office. When adjacent to hotels, motels and other lodging, or outdoor sports and recreation, neighborhood parks and playgrounds, the noise level at all property lines shall be limited to an Ldn level of 65 dB(A). When users are adjacent or contiguous to residential, institutional uses, or similar sensitive uses, the maximum noise level shall not exceed an hourly Leq level of 50 dB(A) during daytime hours (7:00 a.m. – 10:00 p.m.), an hourly Leq level of 45 dB(A) during nighttime hours (10:00 p.m. – 7:00 a.m.), an hourly Lmax level of 70 dB(A) during daytime hours, and an hourly Lmax level of 65 dB(A) during nighttime hours. Excluded from these standards are occasional sounds generated by the movement of railroad equipment, temporary construction activities or warning devices. Each of the noise level standards specified in this section shall be reduced by five db(A) for single-tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises when the site is adjacent to residential areas.

(2) Vibration. No vibration shall be permitted which is discernible without instruments at any property line, as measured consistent with subsection (c) of this section.

(3) Glare or Heat. No heat or direct or sky-reflected glare, whether from floodlights or high-temperature processes such as combustion or welding or otherwise, shall emanate from any use so as to be visible or discernible at the point of measurement as specified under subsection (c) of this section. Legal signs are exempted from this provision.

(4) Fire Hazards. The storage, use or production of products which, either in the raw or finished state, constitutes an inflammable or explosive material shall be subject to the fire codes and approval of the city of Fremont's fire department. The personnel of the department shall be given the opportunity to visit and observe operations on the site and any directives issued by said personnel shall be

¹ <https://www.codepublishing.com/CA/Fremont/#!/html/Fremont18/Fremont1850.html>

satisfied. Failure to comply with fire department directives shall constitute a violation of this chapter in addition to any violation of other statutes. Burning of waste materials in open fires or unapproved incinerators is prohibited.

(5) Liquid or Solid Wastes. It is prohibited to discharge at any point into a private sewage disposal system or stream or into or on the ground any material of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or offensive elements, except in accordance with regulations, licenses or approvals of the various local and state agencies having jurisdiction over such activities.

(6) Fissionable or Radioactive Material. No activity shall be permitted which utilizes, produces, removes or reprocesses fissionable or radioactive material unless a license, permit or other authority is secured from the state or federal agency exercising control. In all matters relative to such activities, it shall be the responsibility of the user to ascertain and identify the responsible agencies and notify the community development department as to the agencies involved and the status of the required permits.

(7) Aesthetics. No operation or activity shall be permitted which will cause to be easily visible to public view or from adjoining properties waste materials, parts or material storage or an assembly process. Machinery or equipment which is necessary for the operation and which, because of size and function, cannot be installed for practical purposes within an enclosed building is exempt from this section.

(b) Enforcement of this chapter may only pertain to requirements not regulated by other agencies and shall be the responsibility of the building official. The building official is empowered to take whatever steps are listed below to abate any condition which is in conflict with the performance standards as specified under this section. Such steps may include citations, abatement action, or injunctions. Arrests, or securing of warrants for arrest, of individuals responsible for suspected violations may only be used when other available steps will not allow the building official to stop a violation which poses a serious threat to the health and safety of one or more persons.

(c) All measurements to determine the existence of any violation of the performance standards shall be made by the enforcing agency at the property line nearest the source of the suspected violation, except measurements of fire hazards, solid industrial wastes, or liquid wastes. (Ord. 17-2016 § 18, 9-13-16.)

Attachment 2: BSL regulations in neighboring jurisdictions

Cities of Emeryville, San Jose, Mountain View, Alameda, San Leandro, South San Francisco, and San Mateo - No mention of BSL in Zoning Code

City of Fremont²

18.25.330 Biosafety level (BSL).

In accordance with the most current version of the Biosafety in Microbiological and Biomedical Laboratories published by the U.S. Department of Health and Human Services Centers for Disease Control and Prevention and National Institutes of Health (CDC/NIH), “biosafety level” or “BSL” shall mean the safe handling of biological materials, particularly infectious agents which are classified on the basis of degree of risk to humans working with them and includes definition of biosafety levels for handling such agents. A specific combination of work practices, safety equipment, and facilities are designed to minimize the exposure of workers and the environment to infectious agents. There are four biosafety levels (BSLs). BSL 1 applies to laboratories in which work is done with defined and characterized strains of viable microorganisms not known to consistently cause disease in healthy adult humans. BSL 2 applies to laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community and associated with human disease of varying severity. BSL 3 applies to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with the potential for respiratory transmission, and which may cause serious and potentially lethal infection. BSL 4 is used for the diagnosis of exotic agents that pose a high risk of life-threatening disease, which may be transmitted by the aerosol route and for which there is no vaccine or therapy. (Ord. 8-2008 § 3, 4-22-08. 1990 Code § 8-2112.5.)

18.50.010 Purpose and establishment of industrial districts.

The industrial districts are intended to accommodate a variety of high technology, life science, manufacturing, and logistics businesses. They house businesses that provide products and services to other businesses and local residents. The industrial districts are intended to provide locations for uses that generate employment, and may involve hazardous materials, noisy operations, heavy traffic, and odors that may present dangers or nuisances to nonindustrial uses, such as schools and residences. Industrial operations are vital to the local, regional, state and global economy, providing a wide range of employment for the region and revenues that support services for the community. Three industrial districts are established to provide for the diversity of industrial uses within the city including service industrial (I-S), tech industrial (I-T), and general industrial (I-G). The character of each of the three industrial districts is distinguished by the uses and development allowed, providing optimum locations with respect to access and service areas, achieving compatibility of

² <https://www.codepublishing.com/CA/Fremont/#/html/Fremont18/Fremont1850.html>

uses within each district, and minimizing adverse impacts to uses in adjacent districts. The specific purpose of each industrial district is described as follows:

(a) I-S Service Industrial. The purpose of the I-S district is to provide locations for industrial uses which are generally oriented toward serving local businesses and residents and can operate in proximity to commercial and residential uses with a minimum of adverse effects. The purpose also includes prohibiting certain Group A, B, and C hazardous materials uses, and manufacturing and/or the storage of larger sizes/quantities of hazardous materials which may have off-site impacts. The I-S district may also include those commercial and service uses which are considered to be more appropriate in an industrial area.

(b) I-T Tech Industrial. The purpose of the I-T district is to provide areas devoted to research and development activities, “clean and green” tech, and semi-conductor, computer hardware, software and related technological, administrative, sales, and engineering facilities. Within this district certain Group A, B, and C hazardous materials uses, and manufacturing and/or the storage of particularly large sizes/quantities of hazardous materials (Section 18.190.220, High intensity hazardous materials users), are regulated to minimize potential for off-site impacts. Within this area, only certain nonsensitive assembly, business service, and nonsensitive recreational uses may be permitted due to uses that handle hazardous materials. The I-T district is characterized by superior architectural and landscaping treatment and site planning.

(c) I-G General Industrial. The purpose of the I-G district is to provide areas for general industrial, manufacturing, wholesale and other related service uses needed by the city and the region. Impacts associated with noise, odor, heavy traffic, and other hazards associated with certain hazardous materials may occur within the I-G district. Sensitive land uses are not permitted in the I-G district. (Ord. 17-2016 § 18, 9-13-16.)

18.50.090 Uses in industrial districts.

(a) Use Table. Table 18.50.090 sets forth those uses which are permitted, permitted with approval of a zoning administrator permit, permitted with approval of a conditional use permit, and not allowed in each of the three industrial districts, and the type of approval each use requires. The following terms are used in Table 18.50.090:

- (1) Permitted (“P”) uses are allowed subject to conformance to standards or conditions of this title.
- (2) Conditional (“C”) uses may be permitted with a conditional use permit, provided all other requirements of this title are met.
- (3) Zoning administrator (“Z”) uses may be permitted with a zoning administrator permit, provided all other requirements of this title are met.

(4) Accessory (“A”) uses are allowed when subordinate to or part of a principal use on the same lot and serve as a use incidental to such principal use.

(5) The symbol “--” indicates a use is prohibited within the zoning district.

(6) “KSF” means 1,000 square feet.

Use	NAICS (2012)	I-S	I-T	I-G	Specific Use Regulations/ Notes
INDUSTRIAL - RESEARCH AND DEVELOPMENT					
Testing laboratories ² , including physical, chemical, and analytical	541380	--	p ⁵	p ⁵	
Medical and diagnostic laboratories ²	62151	Z ⁵	p ⁵	p ⁵	
Scientific research and development services ² , including physical, engineering, and life sciences and systems (e.g., electronics, biotechnology, nanotechnology, chemistry, physics) with biosafety level ¹ 1 or 2 (BSL 1 or 2)	541711 , 541712 and 541720	p ⁵	p ⁵	p ⁵	
Scientific research and development services ² , including physical, engineering, and life sciences and systems (e.g., electronics, biotechnology, nanotechnology, chemistry, physics) with biosafety level ¹ 3 (BSL 3)	541711 , 541712 and 541720	--	Z ⁵	Z ⁵	
Scientific research and development services ² , including physical, engineering, and life sciences and systems with biosafety level ¹ 4 (BSL 4)	541711 , 541712 and 541720	--	--	--	
Use	NAICS (2012)	I-S	I-T	I-G	Specific Use Regulations/ Notes
Biological products with biosafety level ¹ 1 or 2 (BSL 1 or BSL 2)		--	p ⁵	p ⁵	
Biological products with biosafety level ¹ 3 (BSL 3)		--	Z ⁵	Z ⁵	
Biological products with biosafety level ¹ 4 (BSL 4)		--	--	--	

WSI District Planning Area >	2012 NAICS ²	WSI-1	WSI-2	WSI-3	WSI-4	WSI-4A	WSI-5	WSI-6	WSI-7	WSI-8	WSI-9	WSI-10	Specific Use Regulations/Notes
Use v													
Research, development, and testing services including physical, engineering, and life sciences and systems including: electronics, sociology, biotechnology, nanotechnology, chemistry, physics with biosafety level ¹ 1 or 2 (BSL 1 or 2)	541711 , 541712 , 541720	p ^{4,5}	--	--	P-SQD 4,5	--	p ^{4,5}	p ^{4,5}	p ^{4,5}	p ^{4,5}	--	p ^{4,5}	
Research, development, and testing services, including physical, engineering, and life sciences and systems including: electronics, sociology, biotechnology, nanotechnology, chemistry, physics with biosafety level ¹ 3 (BSL 3)	541711 , 541712 , 541720	--	--	--	--	--	--	Z ^{4,5}	--	--	--	--	
Research, development, and testing services, including physical, engineering, and life sciences and systems including electronics, sociology, biotechnology, nanotechnology, chemistry, physics with biosafety level ¹ 4 (BSL 4)	(541711), (541712), (541720)	--	--	--	--	--	--	--	--	--	--	--	

City of Oakland³

17.10.580 - Heavy/High Impact Manufacturing Industrial Activities.

Heavy/High Impact Manufacturing Industrial Activities include high impact or hazardous manufacturing processes. This classification also includes certain activities accessory to the above, as specified in [Section 17.10.040](#). Examples of activities in this classification include, but are not limited to, the following:

- A. Any manufacturing use with large-scale facilities for outdoor oil and gas storage;
- B. Any biotechnology research, development or production activities involving materials defined by the National Institute of Health as Risk Group 4 or Restricted Agents (commonly known as “biosafety level 4”);

- C. Battery manufacturing and storage;
- D. Lime and gypsum products manufacturing;
- E. Non-ferrous metals production, processing, smelting and refining;
- F. Painting, coating and adhesive manufacturing;
- G. Synthetic dye and pigment manufacturing;
- H. Urethane and other open-cell foam product manufacturing;
- I. Petroleum and coal products manufacturing and refining;
- J. Primary metal smelting;
- K. Vinegar, yeast and other pungent, odor-causing items production;
- L. Leather tanning;
- M. Cement and asphalt manufacturing;
- N. Explosives manufacturing;
- O. Fertilizer and other agricultural chemical manufacturing.

(Ord. No. 13357, § 3(Exh. A), 2-16-2016; Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12875 § 2 (part), 2008)

17.10.581 - Research and Development Industrial Activities.

Research and Development Industrial Activities include scientific research for the design, development, engineering, and testing of high technology electronic, industrial, or scientific products in advance of full-scale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

This classification excludes manufacturing uses, wholesale and storage uses, repair and retail sales, except as an accessory use as specified in Section 17.10.040; this classification also excludes the on-site production of products for sale, and biotechnology laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4") (Section 17.10.580 Heavy/High Impact Manufacturing Activities).

This classification includes, but is not limited to, biotechnology firms, "clean-tech"/energy, environmental, electronic research firms, or pharmaceutical research laboratories.

(Ord. No. 13357, § 3(Exh. A), 2-16-2016; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12875 § 2 (part), 2008)

City of Palo Alto⁴

18.04.030 Definitions

(95.1) "Medical research" means a use related to medical and/or dental research, testing and analysis, including but not limited to trial and clinical research. Biomedical and pharmaceutical research and development facilities are not included in this definition. Medical Research does not include the storage or use of quantities of hazardous materials above the exempt quantities listed in Title 15 of the Municipal Code nor any toxic gas regulated by Title 15. Additionally, Medical Research may include storage and use of etiological (biological) agents up to and including Risk Group 2 or Bio Safety Level 2 (Center for Disease Control).

(123) "Research and development" means a use engaged in the study, testing, engineering, product design, analysis and development of devices, products, processes, or services related to current or new technologies. Research and development may include limited manufacturing, fabricating, processing, assembling or storage of prototypes, devices, compounds, products or materials, or similar related activities, where such activities are incidental to research, development or evaluation. Examples of "research and development" uses include, but are not limited to, computer software and hardware firms, computer peripherals and related products, electronic research firms, biotechnical and biomedical firms, instrument analysis, genomics, robotics and pharmaceutical research laboratories, and related educational development. Research and development may include the storage or use of hazardous materials in excess of the exempt quantities listed in Title 15 of the Municipal Code, or etiological (biological) agents up to and including Risk Group 3 or Bio Safety Level 3 classifications as defined by the National Institute of Health (NIH) or the Center for Disease Control (CDC). Higher classification levels of etiological (biological) agents are not allowed without express permission of the City Manager, Fire Chief, and Police Chief.

⁴ https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-76395

City and County of San Francisco

SEC. 890.52. LABORATORY.⁵

Laboratory shall mean space within any structure intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from office uses (as defined in Section 890.70), light manufacturing (as defined in Section 890.54(a)), or heavy manufacturing (including uses listed in Sections 226(g) through 226(w)). Examples of laboratories include the following:

- (a) Chemistry, biochemistry, or analytical laboratory;
- (b) Engineering laboratory;
- (c) Development laboratory;
- (d) Biological laboratories including those classified by the Centers for Disease Control (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or Biosafety level 3;
- (e) Animal facility or vivarium, including laboratories classified by the CDC/NIH as Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;
- (f) Support laboratory;
- (g) Quality assurance/Quality control laboratory;
- (h) Core laboratory; and
- (i) Cannabis testing (License Type 8—Testing laboratory, as defined in California Business and Professions Code, Division 10).

(Added by Ord. 298-08, File No. 081153, App. 12/19/2008; amended by Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018)

ARTICLE 25: MEDICAL WASTE GENERATOR REGISTRATION, PERMITTING, INSPECTIONS AND FEES⁶

SEC. 1502. DEFINITIONS.

(j) "Highly communicable diseases" means diseases, such as those caused by organisms classified by the Federal Centers for Disease Control as Biosafety Level IV organisms, which, in the opinion of the Director, the infection control staff, the department, attending physician, surgeon, or attending veterinarian, merit special precautions to protect staff, patients, and other persons from infection. "Highly communicable diseases" does not include diseases such as the common cold, influenza, or other diseases not representing a significant danger to nonimmunocompromised persons.

⁵ https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-27121

⁶ https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_health/0-0-0-4478