



Research & Development Business Checklist

Brisbane Municipal Code (BMC) §17.02.675 defines research and development (R&D) as “a use engaged in studying, testing, designing, analyzing and experimenting with potential or existing products, processes or services, including cannabis and cannabis products.” R&D may be conducted in certain zoning districts subject to the district regulations and preparation of a risk analysis.

This checklist provides the general requirements for preparation of a risk analysis for R&D uses, plus district-specific questions to help the Community Development Department determine the applicability of the provisions based on your specific business activities. The City may require this form prior to approving a business license, building permit or conditional use permit.

The districts that allow R&D uses include the following, subject to specific requirements which are detailed in the zoning ordinance:

District	Permitted Use – Staff Verification Required	Conditional Use Permit – Planning Commission or City Council Approval Required	Prohibits Certain R&D Uses
M-1 Manufacturing District	X		
SCRO-1 Southwest Bayshore Commercial District		X	
SP-CRO Sierra Point Commercial District	X	X	X
TC-1 Crocker Park Trade Commercial District	X	X	
TC-2 Southeast Bayshore Trade Commercial District	X		

Requirements for all R&D businesses

1. Risk Analysis/Business Description:

All R&D businesses shall submit a risk analysis prepared by a qualified hazardous or biologic materials professional specifying all hazardous or biologic materials to be utilized and methods of safe handling and disposal prior to building permit or business license issuance. The Community Development Director, or his/her designee, will review the risk analysis to determine applicability of the district use and performance standards, which may include the requirement for a conditional use permit.

a. Business Description/Risk Analysis Documentation:

Provide responses to the following:

- Address of the prospective site and additional description as necessary (example: R&D use is limited to 2nd floor of a 3-story building)
- Provide a narrative on the planned R&D use at the site, including the company name and local contact information (name, title, email, phone number and mailing address). Include a description of whether there are aspects of the work that are so cutting edge that they are unregulated.
- Provide inventory table of hazardous or biological materials planned for use at the site, with estimated volumes typically in use (or storage) at the site, how the materials are handled and disposed.
- List and provide contact information for other regulatory agencies involved in the permitting or processing of materials.
- Provide any other pertinent information regarding hazards and protection of worker and community health and safety.

2. Water Advisory (read and acknowledge):

- Water Use Advisory Acknowledgment: BMC Chapter 13.12 - Water System is applicable “upon any change in the occupancy or activity conducted upon the premises that results in the installation of a larger size water meter or proposes to increase the average daily demand for water by ten percent (10%) or more when compared to the average daily demand for water in the most recent twenty-four (24) months.” It is the prospective tenant’s or owner’s responsibility to check with the Public Works Director/City Engineer for the site-specific implications to your business. See the contact information for the Public Works Dept here: <https://www.brisbaneca.org/publicworks>

R&D involving Cannabis

3. R&D involving cannabis is subject to the requirements set forth in [Chapter 17.33](#).

Will R&D involving cannabis be conducted at the facility?

- Yes
- No

Will the use of the site include a cannabis business other than R&D (such as manufacturing or distribution)?

- Yes
- No

If yes to either of the questions above regarding cannabis, refer to the City’s cannabis business webpage <https://www.brisbaneca.org/economic-development/page/cannabis-businesses> for additional information and requirements. Cannabis businesses (retail-delivery only, manufacturing and/or

distribution) are limited to the TC-1 Crocker Park Trade Commercial District and subject to a conditional use permit. Contact the Community Development Department for further information.

If your project has already been granted a conditional use permit for a cannabis business, enter the use permit number here:

Use Permit Number

District Specific Regulations

M-1 Manufacturing District

4. For the M-1 Manufacturing District complete the Risk Analysis documentation (See Section 1, above).

SCRO-1 Southwest Bayshore Commercial District

5. For the SCRO-1 Southeast Bayshore Commercial District complete the Risk Analysis documentation (See Section 1, above) and provide it to the Community Development Department for a pre-application screening, prior to application for a conditional use permit. Note that **R&D is not permitted by right** in this zoning district and may only be granted by a conditional use permit where the use of hazardous materials will not constitute a major component of the research and development activities to be conducted on the site, per BMC §17.16.030.A.24.

SP-CRO Sierra Point Commercial District:

6. For the SP-CRO Sierra Point Commercial District, additional restrictions apply and are listed below.

- a. Use of Live Animals:

Live animals permitted for R&D use are listed below, per BMC Section 17.18.020.K.

- R&D activities do not involve live animal testing; skip to section 6.b below.
- R&D activities DO involve live animal testing; continue to acknowledgement boxes below.

Check the box(es) for any live animals planned for R&D testing at the subject site:

- Invertebrate animals
 - Fish
 - Amphibians
 - Reptiles
 - Rodents
-
- Acknowledgment required if any of the above boxes are checked above for R&D using live animals. Per BMC Section 17.18.045, “research and development involving the use of live animals, specifically permitted in Section 17.18.020.K, shall be conducted in compliance with the Institute of Laboratory Animals Resources' Guide for the Care and Use of Laboratory Animals,

and in compliance with all applicable federal, state and local laws and regulations as most recently amended.”

- Acknowledgment required – all other animals prohibited: R&D using live animals that are not named above, under BMC Section 17.18.020.K, is prohibited at Sierra Point. Check to acknowledge and indicate that you will not be conducting testing on live animals, except as may be listed above.

b. Biological Agents:

Per BMC §17.18.030.F, a Conditional Use Permit is required for, “Research and development utilizing biological agents exceeding Risk Group 3 or Biosafety Level 3 as defined by the National Institute of Health or the Center for Disease Control, except that for such research and development uses the City Council shall act as the reviewing authority instead of the Planning Commission...”

Indicate the maximum Risk Group 3 or Biosafety Level 3, as defined by the National Institute of Health or the Center for Disease Control, to be used at the subject facility:

- Risk Group 1
- Risk Group 2
- Risk Group 3
- Risk Group 4*

*If 4 is indicated, refer to the separate planning application and checklist for Conditional Use Permit application. Levels 1 – 3 do not require a conditional use permit at Sierra Point.

- Acknowledgement required for all risk group levels: Research and development uses involving the use of biological agents shall comply with all design standards set forth in the most current Center for Disease Control (CDC) Office of Health and Safety document "Biosafety in Microbiological and Biomedical Laboratories."

TC-1 Crocker Park Trade Commercial District

7. For the TC-1 Crocker Park Trade Commercial district, based on the Risk Analysis (See Section 1, above), Planning Staff will determine whether the use is subject to a Conditional Use permit, through the Planning Commission, or if it may be permitted by-right. Per BMC §17.19.030.M, “Research and development where the planning director determines, as a result of the risk analysis performed in accordance with Policy No. 166.1 of the general plan, that the use of hazardous materials will constitute a major component of the research and development activities to be conducted on the site.”

TC-2 Southeast Bayshore Trade Commercial District

8. For the TC-2 Southeast Bayshore Trade Commercial District complete the Risk Analysis documentation (See Section 1, above).