

## CITY OF BRISBANE

### USE PERMIT APPLICATION CHECKLIST FOR CONDITIONAL USES IN ALL ZONING DISTRICTS PER BMC SECTION [17.32.020](#) & [17.32.030](#)

**FOR INTERIM USES IN THE BAYLANDS, PLEASE REFER TO THE APPLICABLE  
SPECIFIC APPLICATION CHECKLIST**

**SUBMITTAL REQUIREMENTS.** For the Planning Commission to thoroughly review a proposal, certain information is required from you, the applicant. You should be aware that incomplete applications will not be placed on the Planning Commission agenda.

➤ **ELECTRONIC SUBMITTAL REQUIRED:**

- Please submit all required items as PDF, Microsoft Office (Word, Excel, etc.), or JPG/TIF/PNG file types, as appropriate to the items listed below. You may compress or archive multiple file types into a single folder and upload the compressed (zipped) folder to our [electronic planning application](#). (Max 125 MB per file or folder.)
- Development plans MUST be submitted in PDF format;** CAD or other drafting file types will not be accepted. Development plan pages must be contained in one single PDF file; PDF files of individual plan pages will not be accepted. Please see the [Plan Preparation Guidelines](#) for digital file submittal standards.

**ALL USE PERMIT APPLICATIONS:**

The following information and documents are required for all use permit applications, unless specifically waived by staff:

- APPLICATION – A completed electronic planning application.
    - Signature(s) of the legal owner(s) of all of the property** must be provided on a [Property Owner Authorization Form](#) authorizing the "APPLICANT" to submit the application on the owner's behalf.
  - APPLICATION FEE – Refer to the [Master Fee Schedule](#). Fee may be paid by Visa or MasterCard (please note 2% additional processing fee), or by check.
    - New construction of uses in BMC Section 17.32.020.B.1 & 3: See Line P7/P9
    - Uses in BMC Section 17.32.020.B.1 & 3 without new construction: See Line P7/P9
    - Hospitals: See Line P8
    - Temporary uses of not more than 45 days duration: See Line P11
- Following application review, an additional Environmental Determination fee (Line P49) may also be required, as determined by the project planner.

Note: Planning fees are non-refundable.

- SUPPORTING MATERIALS – The below documents and plans must be electronically submitted with any use permit application.
  - PROJECT DESCRIPTION – A complete project description, which shall describe all components and phases of the proposed project. For non-residential applications, detail the operations of the proposed use, including numbers of existing and proposed employees broken down by type of use (office/warehouse/industrial), and list any potentially hazardous chemical materials used or stored on the site or any noise/odor generators associated with the proposed use.
  - DEVELOPMENT PLANS – The below-listed development plans prepared in accordance with the Community Development Department’s plan preparation guidelines:
    - Site Plan, showing:
      - Existing and/or proposed structures with dimensioned floor plans (with the use of each room/space labeled).
      - Accurately dimensioned property lines, adjacent properties (and their uses), streets and easements; existing and proposed utilities, landscaping and bike/pedestrian paths; a small scaled vicinity map.
      - Existing and/or proposed parking, paving details, improved street width (curb-to-curb), sidewalks, and driveway cuts; for non-residential applications, identify compact and handicapped spaces and include a calculation of the required parking per the Brisbane Municipal Code.
    - Floor Plans
    - Exterior Elevations
    - Conceptual Grading/Drainage Plan
    - Conceptual Landscape Plan
    - Topographic Map
    - Demolition Plan
- Note:** Staff may waive certain plan components based on the specific project proposal. Consult with staff prior to submittal to confirm required components.
- SUPPORTING STATEMENTS – A written statement of findings from Attachment A of this checklist, as applicable to the project and zoning district.
- PHOTOS – Photos of the site and surrounding area. A list with the file name, date the photo was taken, the photographer, brief description, and diagram or site plan showing the point and direction for each photograph taken must accompany all photos. Photos may be submitted digitally in the following formats: GIF, JPG, JPEG, PNG, PDF, BMP, or TIF.

- STORMWATER CHECKLIST** – A completed C.3/C.6 Checklist or Small Projects checklist, depending on the project type and scope. (Check with Community Development staff prior to completing.)
- ENVIRONMENTAL INFORMATION** – Environmental Information Form (check with Community Development staff prior to completing).

**CODE REFERENCES:** Please refer to Brisbane Municipal Code Section [17.32.020](#) for the specific requirements applying to these uses. Please also refer to Brisbane Municipal Code Section [17.40.060](#) for the findings which must be made to approve any Use Permit application.

**NOTIFICATION OF MEETINGS AND HEARINGS.** Applicants must attend all hearings to present their case and respond to any questions or comments. The project planner will notify you of the date of the public hearing via the notice of public hearing, and will provide the meeting agenda and a copy of the agenda report the Friday before the scheduled hearing. Copies of the agenda and agenda report are also available at the Planning Department and on the City's website, [www.brisbaneca.org](http://www.brisbaneca.org) by noon on the Friday before the scheduled hearing. Please contact the project planner if you have not received a copy prior to the meeting.

**NOTIFICATION OF ACTION.** The project planner will notify you by mail to confirm the action taken. Contact the project planner if you do not receive such notification.

**USE PERMIT APPEALS.** Anyone may appeal the action of the Planning Commission to the City Council not later than seven (7 calendar days) after the Commission's action. An application form and fee (Line P47) are required to make a formal appeal.

FOR FURTHER INFORMATION, PLEASE CONTACT THE COMMUNITY  
DEVELOPMENT DEPARTMENT  
[planning@brisbaneca.org](mailto:planning@brisbaneca.org)

Community Development Department Hours:  
8 A.M - 5 P.M. Mondays, Tuesdays & Thursdays  
8 A.M. – 8 P.M. Wednesdays  
8 A.M. - 1 P.M. Fridays

Please call ahead to make an appointment.



**COMMUNITY DEVELOPMENT DEPARTMENT | CITY OF BRISBANE |**  
**50 PARK PLACE | BRISBANE, CA 94005 | (415) 508-2120**

## SUPPORTING STATEMENTS

### Findings Required for Approval of All Use Permits

#### **Brisbane Municipal Code [§17.40.060](#)**

In order to approve any use permit application, the Planning Commission must affirmatively make the findings of approval in BMC Chapter 17.40, which are reproduced below. Supplemental findings may also be required depending on your specific project and the applicable zoning district and are listed in this attachment.

Please respond to each required finding as it relates specifically to your proposal and include a reference to the applicable plan sheet in the development plans. Attach additional pages if necessary, or provide written responses on a separate document.

1. How has the project been designed and operated in order to be compatible with the nature and condition of all adjacent uses and structures, and with general and specific plans for the area in question?

	Plan Sheet Page(s)

2. How will the propose use be designed and operated in order to not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood?

	Plan Sheet Page(s)

3. How will the proposed use be designed and operated in order to not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city?

	Plan Sheet Page(s)

## Brisbane Municipal Code Chapter [17.40](#) USE PERMITS

### **17.40.010 Purpose.**

The purpose of the use permit is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed or arranged on the site in a particular manner. (Ord. 298 §10.1(part), 1984).

### **17.40.020 Conditions of issuance.**

Use permits may be issued as provided in this chapter for any of the uses or purposes for which such permits are required or permitted by the terms of this title upon conditions designated by the planning commission. (Ord. 298 §10.1(part), 1984).

### **17.40.030 Application -- Form -- Fees and plans.**

Application for a use permit shall be made in writing by the owners of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the city. The application shall be accompanied by a fee, set by the city council, and plans showing the details of the proposed use. (Ord. 298 §10.3(part), 1984).

### **17.40.040 Application -- Public hearing -- Notice.**

Upon receipt of an application for a use permit, the secretary of the planning commission shall set a date for a public hearing on such application; such hearing shall be held within forty-five (45) days after the filing of the application. Notice of such hearing shall be given as set forth in Chapter 17.54. (Ord. 417 §4, 1997: Ord. 298 §10.2(part), 1984).

### **17.40.050 Action on application.**

The planning commission shall act as the approving authority for all use permit applications. The planning commission may grant the use permit as applied for or in modified form if, on the basis of the application and the evidence submitted, the commission is able to make all of the findings prescribed in Section 17.40.060 of this chapter. (Ord. 417 §5, 1997: Ord. 298 §10.1(part), 1984).

### **17.40.060 Granting.**

A. In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.

B. The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the planning commission finds that the aforementioned conditions will not result from the particular use applied for, it may grant the use permit.

C. A use permit shall be effective the seventh day after planning commission approval unless the action is appealed to the city council, in which case the permit shall not be effective until a final decision on the appeal has been made by the city council. (Ord. 417 §6, 1997: Ord. 298 §10.4, 1984).

### **17.40.070 Conditions imposed.**

The planning commission may impose such conditions as it deems necessary to secure the purposes of this title and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the use permit as it deems necessary for the protection of adjacent properties and the public interest and may require tangible guarantees such as cash or surety bonds or evidence that such conditions are being or will be complied with. (Ord. 417 §7, 1997: Ord. 298 §10.1(part), 1984).



Brisbane Municipal Code Section [17.32.020](#) Conditional uses in all districts.

A. All uses listed in this section, and all matters directly related thereto are declared to be uses possessing characteristics of unique and special form as to make their use acceptable in any district under certain specific conditions, and therefore the authority for the location and operation of the uses designated herein shall be subject to the issuance of a use permit in accordance with the provisions of Chapter 17.40. The planning commission shall consider the following additional factors to determine that the characteristics of the listed uses will not be unreasonably incompatible with the uses in surrounding areas:

1. Damage or nuisance from noise, smoke, odor, dust, or vibration;
2. Hazard from explosion, contamination or fire;
3. Hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles;
4. Danger to public safety.

B. The uses referred to in this section are as follows:

1. Public buildings, schools, parks and other public recreational facilities, churches, and other semipublic uses. Public and private uses of school district property when the uses are, in the opinion of the planning commission, compatible with and not detrimental to the neighborhood in which the school district property is located;
2. Hospitals, convalescent hospitals;
3. Institutions of a philanthropic or charitable nature;
4. Temporary uses of not more than forty-five days duration.

C. Exceptions. Short-term fundraising events conducted by nonprofit organizations in private or public areas such as schools and parks, for not more than two (2) consecutive days and which could be constructed to be ancillary to the basic use of the area, are exempt from the requirement of a use permit.

(Ord. 298 §6.2, 1984).

## ORDINANCE NO. 481

### §17.02.655 Public utility facilities

"Public utility facilities" means structures and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and other improvements relating to the furnishing of utility services to the public, such as electric, gas, water, sanitary sewer, storm sewer, telephone, telecommunications, and public transit, but not including offices, warehousing, retail sales or rental.

### §17.32.030 Public utility facilities

- A. **Conditional use in all districts.** Subject to obtaining a use permit pursuant to Chapter 17.40 of this Title, public utility facilities shall be allowed in all districts; *provided, however*, that no use permit shall be required in any of the following cases:
- (1) Where the public utility facilities are owned and/or operated by the City;
  - (2) Where regulation of the public utility by the City is preempted by federal or state law;
  - (3) Where the public utility facilities are being operated pursuant to a franchise or other form of operating agreement between the City and the public utility.
- B. **Height limit.** The maximum height of public utility facilities shall be 35 feet. The use permit may authorize this height to be exceeded when necessary to comply with clearance, safety, or operational requirements for utility lines and structures.
- C. **Undergrounding of utilities.**
- (1) As a condition to the granting of any permit or approval under this Title for a development project, the City Engineer may require that existing or proposed public utility facilities be placed underground, to the extent it is reasonably possible to do so. Where compliance with this subsection would cause undue hardship, the City Engineer may waive the requirement for undergrounding but may require that facilities be installed in the building for future underground service.
  - (2) Public utility facilities that are not placed underground shall be screened from view with landscaping or fencing in a manner that will provide access to the facilities for meter reading, maintenance and repairs.
  - (3) Prior to the issuance of a building permit for construction of a new main structure which is not serviced by underground public utilities, the property owner shall execute a covenant running with the land, and enforceable by the City, whereby the owner waives the right to protest inclusion of the property within an underground utility district. Such agreement shall specifically reserve the right of the property owner to contest the nature or amount of assessments that may be levied by the underground utility district.
- D. **Utility meters.** Public utility meters shall be enclosed or screened from view from any public area or adjacent properties, while preserving reasonable access for reading and maintenance by the utility company.

