



CITY of BRISBANE

Planning Issues Subcommittee Agenda

Monday March 16th, 2026 at 3:00PM • Hybrid Meeting
Brisbane City Hall Annex, Annex Conference Room, 25 Park Place, Brisbane, CA

The public may observe/participate in the Subcommittee meetings by using remote public comment options or attending in person. Subcommittee members shall attend in person unless remote participation is permitted by law. The Subcommittee may take action on any item listed in the agenda.

Join in Person

Location: 25 Park Place, Brisbane, CA 94005 - [Annex Conference Room](#)

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

Join Virtually

Join Zoom Webinar (please use the latest version: zoom.us/download):

brisbaneca.org/subcomm-zoom

Meeting ID: 821 0920 3916

Call In Number: 1 (669) 900-9128

Note: Callers dial *9 to "raise hand" and dial *6 to mute/unmute.

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To Address the Subcommittee

In Person Participation

To address the Subcommittee on any item on or not on the posted agenda, please wait until Public Comments are being accepted.

Remote Participation

Members of the public may observe/participate during the Subcommittee meeting by logging into the Zoom Webinar. Public comments received one hour prior to the meeting via email will be noted for the record. Written comments after that time will not be responded to or brought to the attention of the Subcommittee during the meeting.

Email: aibarra@brisbaneca.org

Special Assistance

If you need special assistance to participate in this meeting, please contact Angel Ibarra at (415) 508-2109. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Subcommittee Members:

Mayor Mackin, Councilmember Kern

Roll Call

Remote Attendance Under the Just Cause Provisions of the Brown Act

Presentation and Discussion Items

- A. Consideration of Residential Development Moratorium in the NCRO-2 District

Public Comment

Adjournment



PLANNING ISSUES SUBCOMMITTEE AGENDA REPORT

Meeting Date: March 16, 2026

From: Julia Ayres, Acting Community Development Director
and Ken Johnson, Senior Planner

Subject: Consideration of Residential Development
Moratorium in the NCRO-2 District

Recommendation

Staff recommends the subcommittee receive a presentation regarding a potential urgency ordinance prohibiting new residential development (moratorium) in the NCRO-2 District, Brisbane's Downtown Neighborhood Commercial District during which whether to continue to allow some residential development in this District would be studied, and provide direction to staff.

Background

Setting: The NCRO-2 District makes up Brisbane's downtown core, with a mix of retail, restaurant, office and residential uses. The District extends along both sides Visitacion Avenue and the first block of San Bruno Avenue. The General Plan Land Use Diagram and Zoning District maps are provided as Attachments 1 and 2.

The NCRO-2 District plays an important role in the character and community life in Brisbane, but it faces significant challenges stemming from its small-scale, mixed-use character.

General Plan & Zoning: The General Plan land use designation provides for a mix of local serving commercial uses, with residential uses being permitted subject to zoning district requirements. Under the implementing zoning provisions, residential uses may only be permitted subject to a use permit and must be located above and/or behind non-residential uses. The District also requires ground-floor storefront space at a minimum of 600 sq ft, although lesser floor area may be approved by the Planning Commission if it finds "*...that such lesser area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the site.*"

There are no housing density standards provided in the General Plan, nor through the NCRO-2 zoning. The zoning provides that the housing density in a mixed-use development is to be established by use permit. The form of development is subject to design permit approval, with maximum height standards of 36 feet, a lot coverage maximum of 90 percent, and with no setback requirements from the front and side lot lines and 10 foot setback in the rear. Lot sizes in this District may be as small as 2,500 square feet.

Given the location within the Central Brisbane core, generally small sizes of the lots, and corresponding building floorplates, the businesses in this District generally serve local residents

and employees. The small scale of commercial uses, competition with housing demand, and recent State housing laws are challenging the future of this mixed-use District.

Applicable State Housing Laws and Housing Element: In response to the Statewide housing crisis, recent State laws have prioritized housing development and limited the authority of local jurisdictions over housing development projects and may place the future of commercial uses in the NCRO-2 District at risk.

Senate Bill SB 35 (2017), Housing Accountability Act, required cities to streamline the process for reviewing certain housing development proposals. In general, State law limits the City's discretion in reviewing housing projects to verifying that they comply with objective development standards; presuming the jurisdiction has adopted objective design and development standards (ODDS). While the work of establishing ODDS in the NCRO-2 District was undertaken circa 2021/22, City Council has not yet adopted ODDS for this District.

In the 2023-2031 Housing Element, Program 7.A.2, the City committed to *"Amend the NCRO-2 district regulations to adopt objective design standards for mixed-use residential development"*, with a projected implementation timeline of 5/31/2025. The Housing Element did not identify the NCRO-2 District as having significant new housing development potential, and no specific sites or housing units are relied upon towards meeting the City's RHNA obligation beyond six market rate housing units in the development pipeline. Development of a two-unit mixed-use development at 18 Visitacion Avenue site is near completion, and a building permit application is in process for four units at 213 Visitacion Avenue. Since the filing of the building permits vested its design permit and use permit entitlements, these projects would not be impacted by a potential moratorium.

The State's adoption of SB 330 (2019) further restricts how cities process housing development projects. As summarized by the California Department of Housing and Community Development, SB 330 *"...makes changes to land use and zoning law to remove barriers and impediments to building new housing in urban areas of the state. To increase transparency and certainty in the development application process, SB 330 allows a housing developer to submit a "preliminary application" to a local agency for a housing development project. Submittal of a pre-application allows a developer to provide a specific subset of information on the proposed housing development ahead of providing the full amount of information required by the local government for a housing development application. Upon submittal of an application and a payment of the permit processing fee, a housing developer is allowed to "freeze" the applicable fees and development standards that apply to their project while they assemble the rest of the material necessary for a full application submittal."* An application has recently been submitted under SB 330, as further described below. Given the limited design information that is now required to "freeze" requirements on a development proposal, there's a potential for the complete application to be completed and submitted soon.

Also, California Density Bonus Law (Gov. Code §§65915 - 65918) allows developers to increase density on properties above the maximum set by the General Plan if a certain number of units are provided to moderate or low-income households. Although Brisbane’s General Plan does not have a density maximum for the District and therefore there is no theoretical or actual maximum “base” density, developers can use the density bonus law in the NCRO-2 district to request concessions or incentives (limited in number based on the percentage and affordability level of affordable units), any number of waivers of development standards that would preclude construction of the project at the requested density, and reductions in on-site parking. Under the law, incentives and concessions must be related to reducing the cost of the development.

Discussion

While the City is committed to providing its share of housing, as demonstrated through the Housing Element, which committed the City to meeting and exceeding its Regional Housing Needs Allocation (RHNA), these recent state laws put Brisbane’s small downtown commercial district at risk. The State laws have the effect of prioritizing housing over local serving commercial uses and effectively limit the City’s control over both the form and scale of housing development and ultimately may serve to supplant the local serving commercial uses.

Former 23 Club & Restaurant and 36-50 San Bruno Avenue Proposal: The former 23 Club and the adjacent 23 Club Restaurant, at 23 and 25 Visitacion Ave, have been vacant for approximately 10 years or more. These properties along with the parking lot to the rear of the 23 Club, located at 36-50 San Bruno Ave, are all owned by Horsepower Holdings LLC. These properties together are all now the subject of an application for a preliminary housing development permit under SB 330, which proposes to demise both the bar and restaurant buildings. While the application has not yet been deemed complete, the project as presently proposed would include nine (9) primary dwelling units spread across both the Visitacion Avenue and San Bruno Avenue sites, with no commercial space.

With this application, the applicant has raised challenges to the City’s authority to require that a development be mixed-use in this District, contending that a Density Bonus Law concession, under Government Code §65915(d) and (e), may be used to circumvent the General Plan and the implementing zoning provisions in regard to uses. The proposal is for residential use only. While the City’s legal counsel has indicated that Density Bonus Law may not be used to circumvent land uses, but are intended to address development standards, this application raises concerns and broader questions about the future of the City’s downtown commercial district.

In brief, the proposal brings to the fore potential vulnerability and highlights a need to review/study the zoning district regulations to determine if amendments are necessary in order to preserve Brisbane’s small commercial core. The concern is that without clearer standards in terms of commercial use requirements, housing density and building form, the existing commercial spaces may be reduced over time, or completely eliminated.

Proposed Moratorium on Residential Uses: California Government Code §65858 allows for jurisdictions to adopt as an urgency measure, an interim ordinance prohibiting any uses, for 45 days, by four-fifths vote of the legislative body. After notice pursuant to the Government Code and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and thereafter extend the interim ordinance for an additional year. Any extension shall also require a four-fifths vote. Not more than two extensions may be adopted.

In this case, a moratorium could be imposed on all applications that have not yet received planning entitlement for development of new primary dwelling units in the NCRO-2 District, to allow the City time to consider potential revisions to the zoning ordinance, and to provide for better controls on the uses and/or form of development in the District. The Government Code requires findings that there is a current and immediate threat to the public health, safety, or welfare. Such finding can be made in that removal of commercial space due to residential development would result in the loss of neighborhood businesses and is contrary to the General Plan.

Should the subcommittee recommend this moratorium to the Council and it is adopted, staff will prioritize Planning Commission and subcommittee work on this topic in the next 45 days; should further time be needed, an extension as described above will be requested.

A draft ordinance is provided as Attachment 3.

Since the District already has existing primary dwelling units, as both single family and multi-family, development of accessory dwelling units would not be included in the moratorium, so as to not conflict with State ADU law.

Fiscal Impact

No new impacts. Housing Element Program 7.A.2 already committed the City to study the District, as provided above.

Attachments


1. General Plan Land Use Diagram
2. Zoning District Map
3. Preliminary Draft Moratorium Ordinance

Julia Ayres

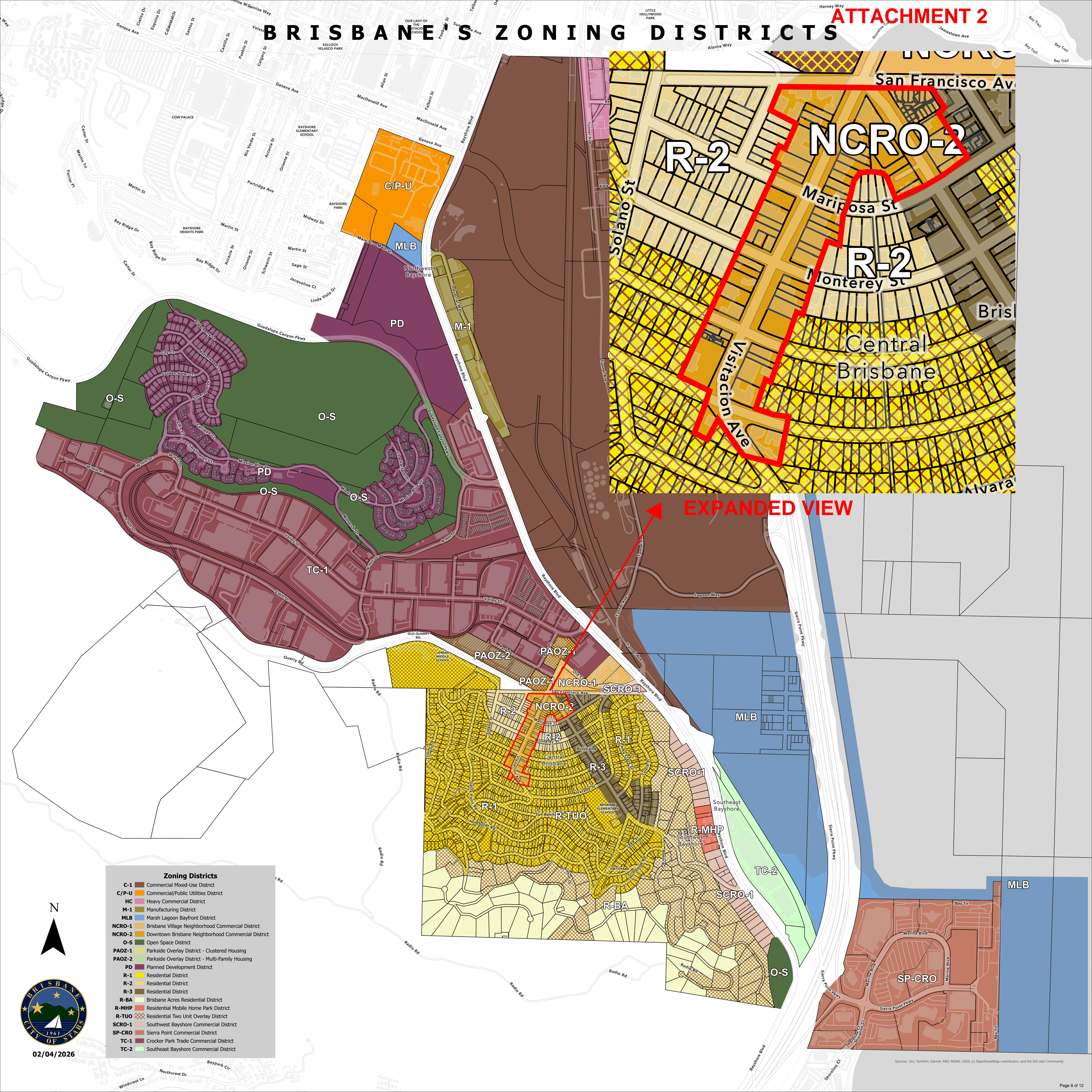
Julia Ayres, Acting Community Development Director

Ken Johnson

Ken Johnson, Senior Planner


Jeremy Dennis
City Manager

BRISBANE'S ZONING DISTRICTS



Zoning Districts

- C-1 Commercial Mixed-Use District
- C/P-U Commercial/Public Utilities District
- HC Heavy Commercial District
- M-1 Manufacturing District
- MLB Marsh Lagoon Bayfront District
- NCRO-1 Brisbane Village Neighborhood Commercial District
- NCRO-2 Downtown Brisbane Neighborhood Commercial District
- O-S Open Space District
- PAOZ-1 Parkside Overlay District - Clustered Housing
- PAOZ-2 Parkside Overlay District - Multi-Family Housing
- PD Planned Development District
- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- R-BA Brisbane Acres Residential District
- R-MHP Residential Mobile Home Park District
- R-TUO Residential Two Unit Overlay District
- SCRO-1 Southwest Bayshore Commercial District
- SP-CRO Sierra Point Commercial District
- TC-1 Crocker Park Trade Commercial District
- TC-2 Southeast Bayshore Commercial District



02/04/2026

PRELIMINARY DRAFT

ORDINANCE NO. XX

AN INTERIM URGENCY ORDINANCE OF THE CITY OF BRISBANE IMPOSING A MORATORIUM UPON NEW RESIDENTIAL DEVELOPMENT IN THE NCRO-2 ZONING DISTRICT

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Findings and Declaration of Intent.

The City of Brisbane finds and determines that:

- (a) The NCRO-2 Neighborhood Commercial Downtown Brisbane zoning district, as shown on the portion of the City's Zoning Map attached hereto and made part hereof, contains a mixture of commercial retail, office, and residential uses.
- (b) It is the policy of the City, as reflected in the Brisbane General Plan, to maintain a range of local retail and service uses, including shops, restaurants, medical, professional and administrative offices and other uses of the same general character.
- (c) Residential uses may be permitted by conditional use permit, but the primary goal in the General Plan and implementing zoning provisions is to further neighborhood serving commercial uses.
- (d) The NCRO-2 zoning currently provides for residential uses by conditional use permit only when part of a mixed-use and when located above or behind nonresidential uses.
- (e) State laws intended to address the statewide housing crisis have prioritized housing over commercial land uses and may limit the City's authority to impose local zoning restrictions on mixed-use districts.
- (f) Although the NCRO-2 zoning district is provided in the City's adopted Housing Element, the district was not listed as having significant housing opportunity sites that are required for meeting the Housing Element goals.
- (g) The locally serving shops and restaurants within the NCRO-2 district play a crucial role in the economic vitality and character of the City, providing a walkable environment to the surrounding Central Brisbane residential neighborhoods and public and private gathering places including dining, shopping and personal services, and should be maintained and enhanced, consistent with the intent of the General Plan.
- (h) It is the intention of the City Council to study and review current zoning regulations for the NCRO-2 District to determine whether new residential uses should be prohibited, to remove its mixed-use status, and designate existing residential uses and structures as legal nonconforming.

PRELIMINARY DRAFT

- (i) Unless a moratorium is adopted to prevent the development of new primary residential units within the NCRO-2 district, the City is at risk of new applications being submitted that would remove existing commercial space, or reduce it to be severely restricted; and loss of such spaces could likewise spread to result in the loss of other neighboring businesses. A current and immediate threat to the public health, safety, and welfare therefore exists which requires the imposition of a moratorium in order to preserve the status quo until further impact studies are conducted, if determined necessary, until further legislative action is accomplished.

SECTION 2: Purpose and Scope of Ordinance

This ordinance is enacted pursuant to Section 65858 of the California Government Code. The purpose of the Ordinance is to prohibit, for a period of forty-five (45) days, the acceptance of new entitlement applications for development of primary dwelling units or subdivision of existing primary dwelling units, whether new construction or conversion of existing commercial space. This ordinance shall not impede the development of accessory dwelling units or junior accessory dwelling units that are explicitly required to be approved by state law and consistent with the City's ordinance Brisbane Municipal Code (BMC) Chapter 17.43 Accessory Dwelling Units and Junior Accessory Dwelling Units. It shall also not apply to active building permit applications or issued building permits.

SECTION 3: Definition.

As used in this Ordinance, the term "primary dwelling unit" is the same as defined in BMC Section 17.02.235.G, "Primary dwelling unit' or 'main dwelling' means a dwelling unit that is not an accessory dwelling unit or a junior accessory dwelling unit."

SECTION 4: Prohibition

During the effective period of this Ordinance, no application for a building permit, housing development permit, design permit, use permit, or other form of permit or approval shall be accepted or processed, and no building permit, housing development permit, design permit, use permit or other form of permit or approval shall be issued or granted for the development of new primary dwelling units at any location within the NCRO-2 zoning district, as shown on the portion of the City's Zoning Map attached hereto and incorporated herein by reference.

The prohibition has the following exceptions:

- i. Building permits may be processed and approved for a mixed-use project that are currently active as of the date of this ordinance or that received entitlement prior to the date of this ordinance through the granting of a use permit and design permit, that is maintained in an active state (not expired).

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- ii. ADUs and JADUs may be granted by building permit, that are required by state law, are consistent with the City’s ordinance BMC 17.43 Accessory Dwelling Units and Junior Accessory Dwelling Units, and that would not require a design permit or use permit due to modification of existing commercial space.

SECTION 5: Effective Period of Ordinance.

This Ordinance shall be effective for a period of forty-five (45) days from the date of its adoption. However, this Ordinance may be extended for additional periods of time in the manner provided in Section 65858 of the California Government Code.

SECTION 6: Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The city Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses and phrases may be held invalid or unconstitutional.

SECTION 7: Effective Date.

This Ordinance is an urgency ordinance for the immediate preservation of the public health, safety, and welfare and shall become effective immediately upon its passage and adoption.

Coleen Mackin, Mayor

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Brisbane held on the ___ day of _____, by the following vote, which constitutes no less than a four-fifths (4/5ths) vote of the entire City Council, as required by 65858 of the California Government Code.

AYES:
NOES:
ABSENT:

Ingrid Padilla, City Clerk

PRELIMINARY DRAFT

CITY OF BRISBANE

CERTIFICATE OF POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN MATEO)

NOTICE IS HEREBY GIVEN that during the course of a regular meeting on Thursday,
_____ the City Council of the City of Brisbane adopted Ordinance _____ entitled:

ORDINANCE NO. _____

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF BRISBANE
IMPOSING A MORATORIUM UPON
NEW RESIDENTIAL DEVELOPMENT IN THE NCRO-2 ZONING DISTRICT**

The undersigned, for and on behalf of the Brisbane City Clerk, caused a copy of this Ordinance to be posted in the following places in the City of Brisbane:

- Brisbane City Hall Offices, 50 Park Place
- Brisbane Community Center/Library, 250 Visitacion Avenue
- Mission Blue Park Tennis Court, 475 Mission Blue Drive

Dated _____. Said posting was completed on _____.

I declare under penalty of perjury the foregoing is true and correct.

Ingrid Padilla
City Clerk