

*City of Brisbane*  
*Memo*

To: Honorable Mayor and City Council  
From: Ingrid Padilla, Interim City Clerk  
Subject: Ordinance No. 615- Amending BMC Chapters 17.02, 17.32, 17.34, AND 17.43  
to Amend Regulations Pertaining to Accessory Dwelling Units  
Date: City Council Meeting of February 2, 2017

The Ordinance listed above was introduced at the City Council Meeting of January 5, 2017. Per the Council's direction, the Ordinance has been revised to eliminate the minimum lot size requirement for accessory dwelling units in the R-1 district, and to maintain the existing maximum floor area requirement of 1,000 square feet.

It is on this agenda for consideration of adoption.

**draft**  
**ORDINANCE NO. 615**

**AN ORDINANCE OF THE CITY OF BRISBANE  
AMENDING BMC CHAPTERS 17.02, 17.32, 17.34, AND 17.43 TO  
AMEND REGULATIONS PERTAINING TO  
ACCESSORY DWELLING UNITS**

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

**SECTION 1:** Section 17.02.230 – Duplex in Chapter 17.02 – Definitions of the Municipal Code is amended to read as follows:

17.02.230 - Duplex.

"Duplex" means a building containing two dwelling units totally separated from each other by a wall, floor or ceiling; provided, however, that a building containing a single-family dwelling and a lawful accessory dwelling unit shall not be deemed a duplex.

**SECTION 2:** Section 17.02.235- Dwelling in Chapter 17.02- Definitions of the Municipal Code is amended to read as follows:

"Dwelling" means a place that is used as the personal residence of the occupants thereof, including transitional housing as defined in California Health and Safety Code Section 50675.2(h) and supportive housing as defined in California Health and Safety Code Sections 50675.14(b)(2) & (3). The term includes factory-built or manufactured housing, such as mobilehomes, but excludes trailers, campers, tents, recreational vehicles, hotels, motels, boarding houses and temporary structures.

- A. "Dwelling group" means a group of two or more detached buildings located upon the same site, each of which contains one or more dwelling units.
- B. "Dwelling unit" means a room or group of rooms including living, sleeping, eating, cooking and sanitation facilities, constituting a separate and independent housekeeping unit, designed, occupied, or intended for occupancy by one family on a permanent basis.
- C. "Multiple-family dwelling" means a building or site containing three (3) or more dwelling units (also see "duplex"). The term includes single-room-occupancy dwelling units, typically comprised of one or two (2) rooms (which may include a kitchen and/or a bathroom, in addition to a bed), that are restricted to occupancy by no more than two (2) persons.
- D. "Accessory dwelling unit" means a separate dwelling unit created upon a site within the R-1 or R-BA district that contains a single-family dwelling and for which an accessory dwelling unit permit or building permit has been granted pursuant to Chapter 17.43 of this title. Subject to the restrictions of this title, the accessory dwelling unit may be within, attached to, or detached from the single-family dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. The term "secondary dwelling unit" shall have the same meaning throughout this Title.

E. "Single-family dwelling" means a dwelling unit constituting the only principal structure upon a single site (excluding any lawfully established accessory dwelling unit that may be located within the same structure on upon the same site). The term includes employee housing for six (6) or fewer persons, residential care facilities, licensed by the state to provide twenty-four (24) hour nonmedical care, serving six (6) or fewer persons (not including the operator, the operator's family or persons employed as staff) in need of supervision, personal services, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Also see "Group care home" for seven (7) or more persons.

**SECTION 3:** Section 17.32.070 in Chapter 17.32 - General Use Regulations of the Municipal Code is amended to read as follows:

Section 17.32.070- Exceptions- Setback Requirements

A. Notwithstanding any other provision of this title, certain structures or portions thereof may extend into a front, rear or side setback area to the extent permitted by the following chart:

1. Projections from a Building.

a. Overhanging Architectural Features (Such as Eaves, Cornices Canopies, Rain Gutters and Downspouts).

Front setback area:	May extend three (3) feet from the building into the front setback area, but no closer than five (5) feet from the front lot line.
Rear setback area:	May extend three (3) feet from the building into the rear setback area, but no closer than seven (7) feet from the rear lot line.
Side setback area:	May extend three (3) feet from the building into the side setback area, but no closer than two and one-half (2½) feet from the side lot line. Rain gutters and downspouts may extend no closer than two (2) feet from the side lot line. In the R-1 district, a noncombustible awning over the main entrance to a residence located at the side of the structure may extend four (4) feet from the building into any portion of the side setback area, but shall not extend over or drain onto the abutting property.

b. Cantilevered Windows No Greater Than Ten (10) Feet in Length that Do Not Include Any Floor Area (Such as Bay, Box, Bow, and Greenhouse Windows).

Front setback area:	May extend three (3) feet from the building into the front setback area, but no closer than five (5) feet from the front lot line.
Rear setback area:	May extend three (3) feet from the building into the rear setback area, but no closer than seven (7) feet from the rear lot line.
Side setback area:	May extend two (2) feet into the side setback area, but no closer than three (3) feet from the side lot line.

c. Supported Decks, Cantilevered Decks and Balconies.

Front setback area:	May extend five (5) feet from the building into the front setback area, but no closer than five (5) feet from the front lot line. Decks may be located atop a garage or carport approved under Section 17.32.070(A)(3)(a) and may extend to the front of the garage, but the railings of such deck may not exceed fifteen (15) feet in height above the elevation of the center of the adjacent street or four (4) feet from the surface of the deck, whichever is less, while at the same time maintaining the minimum railing height required by the building code.
Rear setback area:	May extend five (5) feet from the building into the rear setback area, but no closer than five (5) feet from the rear lot line. This exception shall not apply to the NCRO district.
Side setback area:	No exception permitted.

Modifications. The planning commission may approve a modification to the foregoing exceptions if there are not more than two (2) units on the site and the planning commission is able to make all of the following findings:

- i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.
- ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.
- iii. The visual impacts of the modification have been minimized.

d. Deck Railings within Setback Areas.

Front setback area:	May not be higher than four (4) feet from the surface of the deck.
Rear setback area:	May not be higher than four (4) feet from the surface of the deck.
Side setback area:	No exception permitted.

e. Stairs, Ramps and Landings (That Are Open and Uncovered and Serve Buildings with No More Than Two Units).

Front setback area:	No more than one set of stairs per dwelling unit may extend from the building into the front setback area. Each set of stairs must lead to the front entrance of the unit. The height of the stairway within the front setback area shall not exceed twenty (20) feet. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the front setback area.
Rear setback area:	No more than one set of stairs per dwelling unit may extend from the building into the rear setback area, but no closer than five (5) feet from the rear lot line. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be

	located anywhere within the rear setback area.
Side setback area:	No more than one set of stairs per dwelling unit may extend from the building into the side setback area, but no closer than three (3) feet from the side lot line. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the side setback area.

Modifications. The planning commission may approve a modification to the foregoing exceptions for stairs, ramps and landings if there are not more than two units on the site and the planning commission is able to make all of the following findings:

- i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.
- ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.
- iii. The visual impacts of the modification have been minimized.

The planning commission may also approve a modification to the foregoing exceptions as part of a design permit being granted for three (3) or more units on the site, if the commission is able to make all of the findings listed above.

f. Accessibility Improvements (Such as Ramps, Elevators, and Lifts).

All Setback Areas. Accessibility improvements, such as ramps, elevators and lifts, may be allowed within any front, rear or side area setback upon the granting of an accessibility improvement permit by the zoning administrator, following the conduct of a hearing with ten (10) days notice thereof being given to the owners of all adjacent properties. The zoning administrator may issue the accessibility improvement permit if he or she finds and determines that:

- i. The exception is necessary to meet special needs for accessibility of a person having a physical handicap which impairs his or her ability to access the property and cannot be addressed through the standard exceptions to the setback area requirements under this Section 17.32.070.
- ii. Visual impacts of the accessibility improvements located within a setback area have been minimized.
- iii. The accessibility improvements will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise or glare.
- iv. The accessibility improvements will be constructed in a sound and workmanlike manner, in compliance with all applicable provisions of the building and fire codes.

2. Small Free-Standing Structures.

a. Small Accessory Buildings and Roofed Structures (Such as Gazebos, Greenhouses, Garden and Utility Sheds).

Front setback area:	No exception permitted.
Rear setback area:	May be placed at any location within the rear setback area which is not less than five (5) feet from the rear lot line or three (3) feet from the interior side lot line, provided the building or structure, or portion thereof, within the rear setback area does not exceed eight (8) feet in height and does not have a floor area in excess of one hundred twenty (120) square feet.
Side setback area:	May be placed at any location within the interior side setback area which is not less than three (3) feet from the interior side lot line, provided the building or structure, or portion thereof, within the interior side setback area does not exceed eight (8) feet in height and does not have a floor area in excess of one hundred twenty (120) square feet. No exception is permitted for an exterior side setback area.

Modifications. The zoning administrator may approve a modification to the foregoing exceptions for small accessory buildings and roofed structures, following the conduct of a hearing with ten (10) days notice thereof being given to the owners of all adjacent properties, if the zoning administrator is able to make all of the following findings:

- i. The modification will not result in overbuilding the site or result in the removal of significant greenscape.
- ii. The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.
- iii. The accessory structure is designed to be compatible with the primary dwelling(s) on the site.

A building permit shall be required to construct or install any accessory structure for which a modification has been granted under this subsection.

- b. Unroofed and Openwork Roofed Garden Structures (Such as Arbors, Porticos, Trellises and Lath Houses).

Front setback area:	May not exceed eight (8) feet in height or cover more than fifteen percent (15%) of the front setback area.
Rear setback area:	May be placed at any location within the rear setback area which is not less than five (5) feet from the rear lot line, provided the structure, or portion thereof, within the rear setback area does not exceed eight (8) feet in height and does not cover more than fifteen percent (15%) of the rear setback area.
Side setback area:	May be placed at any location within the side setback area which is not less than three (3) feet from the side lot line, provided the structure, or portion thereof, within the side setback area does not exceed eight (8) feet in height and does not cover more than fifteen percent (15%) of the side setback area.

Modifications. The zoning administrator may approve a modification to the foregoing exceptions for unroofed and openwork roofed garden structures, following the conduct of a hearing with ten (10) days notice thereof being given to the owners of all adjacent properties, if the zoning administrator is able to make all of the following findings:

- i. The modification will not result in overbuilding the site or result in the removal of significant greenscape.
- ii. The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.
- iii. The accessory structure is designed to be compatible with the primary dwelling(s) on the site.

3. Miscellaneous Improvements.

- a. Garages and Carports and Parking Decks on Slopes of Fifteen Percent (15%) or Greater.

Front setback area:	Garages, carports and parking decks not more than fifteen (15) feet in height above the elevation of the center of the adjacent street in the R-1, R-2 and R-3 Districts and parking decks in the R-BA District may be placed at any location within the front setback area provided: (i) there is no encroachment into any side setback area, and (ii) the garage is approved by the city engineer, based upon a finding that no traffic or safety hazard will be created.
Rear setback area:	On through lots, garages, carports and parking decks not more than fifteen (15) feet in height above the elevation of the center of the adjacent street may be placed at any location within the rear setback area provided: (i) there is no encroachment into any side setback area, and (ii) the garage is approved by the city engineer, based upon a finding that no traffic or safety hazard will be created.
Side setback area:	No exception permitted.

- b. Decorative Artwork, Ponds, Fountains and Similar Water Features, Not More Than Six (6) Feet in Height.

Front setback area:	May be placed at any location within the front setback area.
Rear setback area:	May be placed at any location within the rear setback area.
Side setback area:	No exception permitted.

- c. Existing Permitted Garages or Accessory Buildings Converted into Accessory Dwelling Units

Front setback area:	May be placed at any location within the front setback area.
---------------------	--

Rear setback area:	May be placed at any location within the rear setback area.
Side setback area:	May be placed at any location within the side setback area.

d. Accessory Dwelling Units Built Above Existing Permitted Garages

Front setback area:	No exception permitted.
Rear setback area:	May extend into rear setback no closer than five (5) feet from the rear lot line.
Side setback area:	No exception permitted.

B. The exceptions set forth in subsection 17.32.070(A) of this section shall not be construed to include chimney boxes, swimming pools and spas, exposed plumbing, or mechanical equipment such as heating and air conditioning units or pool pumps, and no exceptions to the setback requirements shall be permitted for any of these structures.

C. Any structure, architectural feature, wall, or other improvement lawfully constructed within a setback area and constituting a nonconforming structure as defined in Section 17.02.560, may be allowed to continue in accordance with the provisions of Chapter 17.38 of this title.

**SECTION 4:** Section 17.34.020- Minimum requirements.in Chapter 17.34 -Off-Street Parking of the Municipal Code is amended to read as follows:

17.34.020- Minimum requirements.

A. The following minimum parking requirements shall apply to all buildings erected, new uses commenced, and to the area of extended uses commenced after the effective date of this Chapter. For any use not specifically mentioned in this Chapter, the planning commission shall determine the amount of parking required. All required off-street parking facilities shall be on-site unless specified differently in this Chapter or as permitted under Title 12 of this Code. Required off-street parking facilities need not be provided as covered parking unless specified differently in this chapter:

<u>Uses:</u>		<u>Parking Requirements:</u>
Single-family dwellings and group care homes--		
	Studio or 1-bedroom dwellings not more than 900 square feet in floor area:	1 off-street space (uncovered or covered)
	All other dwellings not exceeding 1,800 square feet in floor area:	1 off-street space plus 1 space which shall be in a garage or carport

	<p>Dwellings exceeding 1,800 square feet in floor area on lots having less than 37.5 feet in frontage:</p> <p>Dwellings exceeding 1,800 square feet in floor area on lots of 37.5 feet frontage or greater:</p>	<p>2 off-street spaces plus 1 space which shall be in a garage or carport</p> <p>2 on-street or off-street spaces plus 2 spaces which shall be in a garage or carport</p> <p>See Section 17.34.020.B.1 regarding garage and carport exclusions from the floor area calculation.</p> <p>Additional guest parking spaces shall be provided for all residential subdivisions of 5 (five) or more single-family residences, at the rate of 1 parking space for every 5 (five) units. Such spaces shall be located entirely within the public right-of-way and available for public use. Any accessible parking spaces required per Section 17.34.040.D shall count as guest parking spaces.</p>
<p>Accessory dwelling units</p>	<p>No off-street parking required.</p>	
<p>Duplex or multiple family dwelling units; Mobilehome park units</p> <p>Studios</p> <p>1-bedroom units</p> <p>2-bedroom units</p> <p>3-bedroom units or larger</p>	<p>1 (uncovered or covered) space per unit.</p> <p>1 ½ spaces (1 of which shall be covered) per unit; only 1 (covered) space required for units not over 900 square feet in floor area.</p> <p>1 ½ spaces (1 of which shall be covered) per unit.</p> <p>2 spaces (1 of which shall be covered) per unit, plus 1 (uncovered or covered) space for units over 2,700 square feet</p> <p>See Section 17.34.020.B.1 regarding garage and carport exclusions from the floor area calculation.</p> <p>Additional guest parking spaces shall be provided for all developments of 5 (five) or more units at the rate of 1 parking space for every 5 (five) units. The</p>	

	accessible parking spaces required per Section 17.34.040.D shall count as guest parking spaces.
Emergency shelters	0.35 space per bed plus 1 space per staff member on the largest shift.
Hotels, motels	1 space per unit, plus applicable requirements for restaurants, bars and meeting halls.
Cultural facilities, meeting halls and places of worship	1 space for each 50 square feet of assembly area or 1 space for each 4 fixed seats, whichever is greater, plus 1 space for each 300 square feet of the remaining floor area of the building (meeting rooms not exceeding 750 square feet and ancillary to an office use shall be included with the floor area of the office in calculating the parking requirement for the office use).
Commercial recreation	<p>3 spaces per ball court;  2.5 spaces per batting cage;  4 spaces per lane for bowling alleys;  2 spaces per tee for golf courses;  20 spaces per playing field;  2 spaces per shooting range;  2 spaces per horse stall for stables;  1 space per 100 square feet of water area for swimming pools.</p> <p>For commercial recreation uses that do not fall within the above categories, 1 parking space shall be required for every 4 fixed seats for spectators, 1 parking space per each 200 square feet of floor area used for indoor commercial recreation, and 1 parking space per each 1,000 square feet of site area used for outdoor commercial recreation.</p>
Marinas	1 space per 0.75 berths.
Schools - public private or commercial	1 space for each classroom and office.
Hospitals	1 space per bed plus 1 space for each 2 employees on the largest shift.
Financial services	1 space for each 200 square feet of gross floor area.
Administrative office	1 space for each 300 square feet of gross floor area.
Professional office	1 space for each 250 square feet of gross floor area.
Retail stores, restaurants, bars, offices	1 space for each 300 square feet of gross floor area.
Service stations	2 spaces for each working bay plus 1 space for each employee on the largest shift.
Warehousing, light fabrication, food production, media studios, printing	1 space for each 1,000 square feet of gross floor area.

Convalescent hospitals, sanitariums, rest homes	1 space for each 7 beds plus 1 space for each 2 employees on the largest shift.
---	---

B. The minimum parking requirements shall be calculated according to the following:

1. All references to square feet shall be in regards to floor area as defined in Chapter 17.02. The floor area of garages and carports shall not be included in measuring floor area to calculate the parking requirements, except for any floor area exceeding 400 square feet within a garage or carport exclusively for the use of a single residential unit.

2. When more than one use subject to the parking requirements occupies a site, the requirements for each use shall be calculated separately. The floor area occupied by accessory uses, such as hallways, bathrooms, breakrooms, utility rooms and storage closets, shall be included in the calculation of the parking requirements for the associated primary use.

3. No parking shall be required for accessory structures 200 square feet or less in floor area.

4. When application of the parking requirements results in a fractional number, all fractions shall be rounded up from 0.5 to the next whole number, except when specified otherwise. No parking shall be required for uses for which the requirement is less than 0.5 space.

**SECTION 5:** Chapter 17.43 - Secondary Dwelling Units of the Municipal Code is amended to read as follows:

**Chapter 17.43 - ACCESSORY DWELLING UNITS**

17.43.010 - Purposes of chapter.

Accessory dwelling units are permitted under the provisions of this chapter to achieve the following purposes:

- A. To provide opportunities to establish accessory dwelling units on building sites developed with single-family dwellings.
- B. To provide affordable housing to meet the needs of Brisbane citizens.
- C. To ensure that the development of accessory dwelling units is compatible with existing development and reflects the diversity of the community.
- D. To implement and promote the goals and policies of the general plan so as to guide and manage residential development in the city in accordance with such plan.

17.43.020 - Definitions

In addition to the definitions set forth in Chapter 17.02, all of which are applicable to this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section, unless the context or the provision clearly requires otherwise:

- A. "Living area" means the interior habitable area of a dwelling unit, including basements and attics but not including a garage or any accessory structure.
- B. "Main dwelling" means that dwelling unit on the property that is not an accessory dwelling unit.

C. "Public transit" means a transit stop served by at least one publicly provided form of transportation.

#### 17.43.030 – Applicability and Requirements.

A. Newly Constructed Accessory Dwelling Units: A newly constructed accessory dwelling unit shall be established or occupied only by an accessory dwelling unit permit granted by the director of community development pursuant to the provisions of this subsection as a ministerial act, in accordance with Section 65852.2 of the California Government Code. An existing nonconforming dwelling unit may be designated as an accessory secondary dwelling unit subject to compliance with the requirements of this subsection.

Newly constructed accessory dwelling units shall comply with all of the following development standards:

1. Zoning Districts. Accessory dwelling units may only be established or occupied in the R-1 residential district or the R-BA Brisbane Acres residential district.
2. Lot Size. If the lot is located in the R-1 District, there is no minimum lot size requirement. If the lot is located in the R-BA Brisbane Acres residential district, a minimum lot size of twenty thousand (20,000) square feet is required.
3. One Accessory Dwelling Unit per Site. Only one accessory dwelling unit shall be permitted on any one site; provided, however, where a site already contains two or more dwelling units that exist as legally established nonconforming uses, no additional accessory dwelling units shall be allowed on that site.
4. Attached or Detached. The accessory dwelling unit may be attached to or constructed within the main dwelling or may be detached from the main dwelling on the site.
5. Unit Size. The accessory dwelling unit shall not exceed one thousand (1,000) square feet in floor area.
6. Floor Area Ratio. The floor area of the accessory dwelling unit shall be included in calculating the floor area ratio for the site on which the accessory dwelling unit is located.
7. Parking. Parking spaces for the main dwelling and accessory dwelling units shall be provided in accordance with the requirements set forth in Chapter 17.34.
8. Access. As required by Section 17.01.060 of the Municipal Code, the site on which the accessory dwelling unit is located shall have a legal means of access that complies with the street standards set forth in Section 12.24.010.
9. Utilities. The site is served by adequate water, sewer, and storm drain facilities which comply with city standards. An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for water and sewer service provided by the City.
10. Compliance with Codes. The accessory dwelling unit and all new construction on the site that will be performed in connection therewith shall comply with all applicable provisions of this title and all applicable building, health and fire codes, with the following exception:

a. Accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the main dwelling, as determined by the Building Official consistent with BMC Section 15.08.140.

B. Conversion Accessory Dwelling Units: Notwithstanding subsection A of this section 17.43.020, an accessory dwelling unit resulting from the conversion of existing building space shall be established by a City issued building permit and shall be exempt from the development standards of 17.43.020.A if it meets the following requirements, as determined by the Community Development Director:

1. It is contained within the existing space of a single-family dwelling or accessory structure, as defined in Chapter 17.02, within a single-family residential zone; and
2. It has an independent exterior access from the existing residence; and
3. It has sufficient side and rear setbacks for fire safety.

17.43.040 - Owner occupancy restrictions.

Either the main dwelling or the accessory dwelling unit shall be occupied by the record owner of the property as the owner's principal place of residence. In the case of ownership by a corporation, limited liability company, partnership, trust or association, either the main dwelling or the accessory dwelling unit shall be the principal place of residence of an officer, director, shareholder, or member of the company, a partner in the partnership, a trustor or beneficiary of the trust, a member of the association, or an employee of any such organization.

17.43.050 - Recordation of accessory dwelling unit permit agreement.

The original accessory dwelling unit permit agreement shall be recorded in the office of the county recorder. All of the conditions applicable to the permit shall be set forth therein, and such agreement shall run with the land and be binding upon successive owners and occupants of the property.

17.43.060 - Modification or revocation of accessory dwelling unit permit.

A. The city shall retain continuing jurisdiction over any accessory dwelling unit permit issued under this Chapter and may, at any time, modify or revoke the permit, upon the occurrence of any of the following events:

1. The holder of the permit has failed to comply with any of the conditions set forth in the permit; or
2. The holder of the permit has violated the occupancy restriction set forth in Section 17.43.040 of this chapter; or
3. The accessory dwelling unit has been eliminated through alteration of the structure in which such unit was contained.

B. Prior to any modification or revocation of the accessory dwelling unit permit, the director of community development shall conduct a hearing on the proposed action. Written notice of such hearing shall be given to the permittee not less than ten (10) days prior to the date of the hearing.

17.43.070 - Appeals.

Any decision or determination by the director of community development pursuant to this chapter may be appealed to the city council in accordance with the procedure set forth in Chapter 17.52 of this title.

**SECTION 6:** Where a use permit, design permit or variance approval has been issued through final action by the City prior to the effective date of this Ordinance, or where such planning permit approval is not required and a complete building permit application has been submitted prior to the effective date of this Ordinance, the holder of such use permit, design permit or variance approval or complete building permit application may proceed to construct the improvements or establish the use authorized by such permit or approval and the same shall be exempted from any conflicting regulations that may be contained in this Ordinance.

**SECTION 7:** 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 or phrases may be held invalid or unconstitutional.

**SECTION 8:** This Ordinance shall be in full force and effect thirty days after its passage and adoption.

\* \* \*

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor Lori Liu

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney