

CITY OF BELVEDERE

RESOLUTION NO. 2024-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELVEDERE
AMENDING BELVEDERE ADMINISTRATIVE POLICY MANUAL,
POLICY 14.6 "PERMIT FEE REVALUATION"

WHEREAS, Belvedere Administrative Policy Manual Section 14.6 "Permit Fee Revaluation" provides policies establishing building permit revaluation; and

WHEREAS, on February 12, 2024, the City Council held a public meeting to consider the Administrative Policy Amendments; and

WHEREAS, the City Council finds that the Administrative Policy Amendments are categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guideline section 15061(b)(3) (the "common sense exemption") as it can be seen with certainty that there is no possibility of a significant adverse environmental effect.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvedere that Part 14, Building Department Policies, of the City of Belvedere Administrative Policy Manual, Section 14.6 is hereby adopted as set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Belvedere on February 12, 2024, by the following vote:

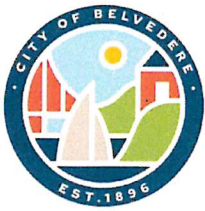
AYES: Cooper, Kemnitzer, Lynch, Wilkinson, Mark
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED: 

Peter Mark, Mayor

ATTEST: 

Beth Haener, City Clerk



**CITY OF BELVEDERE
ADMINISTRATIVE POLICY MANUAL
POLICY 14.6 PERMIT FEE
REVALUATION**

Adoption Date:	6/14/2010	Adopted by:	City Council Motion
Revised Date:	3/11/2019	Revised by:	City Council Resolution No. 2019-04
Revised Date:	2/11/2024	Revised by:	City Council Resolution No. 2024-08
Authority:	City Council		

14.6.1 BACKGROUND

Section 109.3 of the California Building Code (CBC) provides as follows:

The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

The City of Belvedere requires that, prior to permit issuance, the property owner, architect, and contractor, sign an Acknowledgment of Construction Responsibility Form. The Form provides a number of basic understandings regarding construction requirements in Belvedere. By signing the Form, the owner and project representatives acknowledge that they have read, understand, and will comply with each of the points listed on the Form. Each item of information describes one of the more relevant aspects of construction regulation in Belvedere, such as the Construction Time Limit Ordinance, conformance to design review approvals, and the potential impact on a project when a Stop Work Order is issued. Item five describes Belvedere's permit fee revaluation process, which occurs at the conclusion of a construction project.

Because the valuation of virtually all projects in Belvedere increases during the actual construction process, the City requires that the property owner provide the final project costs utilizing Belvedere's Construction Final Cost Evaluation Statement. Permit fees are then assessed for the difference between the original permit fees, based on the stated valuation on the permit application, and the final valuation figure. The Final Cost Evaluation Statement notes which aspects of the project costs should be included and which are excluded in the determination of the final valuation. If the City holds a damage deposit, any additional fees are deducted from the damage deposit and the difference is refunded to the property owner, unless the fees exceed the deposit amount, in which case the property owner is invoiced for the additional fees. Once the project revaluation process has been completed, including the payment of any fees due to the City, the Building Department Secretary memorializes the final valuation figure by noting the additional valuation figure and final permit fees on a building permit form, which is labeled, "Revaluation Permit."

In order to provide predictable and accurate project cost estimates, the Administrative Policy provides that the Building Official will compare the applicant's resubmitted valuation with an estimated project cost using a standardized cost per square foot set forth in the latest version of the Craftsman National Building Cost Manual (the "NBCM"). The NBCM provides a national and statewide average per square foot valuation for construction within specific regions of all 50 states, including the Bay Area, and considers the size and configuration of the home, as well as the type

of construction. Regional and Belvedere specific multipliers are then to be applied to further customize the average per square foot valuation for construction in Belvedere.

If a submitted project valuation is less than the current Belvedere average per square foot valuation, the Building Official will require more information, including contracts, detailed estimates, or a third-party project estimate at the property owner's expense. This procedure would apply to assessing the initial estimated permit value as well as the post construction valuation.

As part of the Year-End Budget Review, or at the request of the Mayor, Staff will provide a report to the City Council with anonymized metrics on each applicant's initial cost estimate, resubmitted valuation, and final valuation as determined by the Building Official for all projects receiving final building approval during the reporting period.

14.6.2 COMMENTS

Belvedere instituted the permit fee revaluation process in the early 1990s. Over the years the Belvedere process has been refined in consultation with the City Manager and advice from the City Attorney's Office, resulting in a more uniform and effective process. The building fees Belvedere charges, like all city fees, are designed not to exceed the reasonable cost of providing the associated service or impact. This policy has been periodically amended so that the City can accurately document the total value of construction projects which allows the City to more effectively recover the building department costs associated with specific projects.

Recent changes to the procedures address a construction process that is largely facilitated from the water, and the impact of such a process on a project's valuation. Specifically, the costs for staging and facilitating the construction process from waterside barges can be quite exorbitant. When considering that specialized types of marine vessels are involved, such as tugs and landing craft, as well as the construction delays which will be incurred due to tidal conditions, the resulting costs incurred by a property owner for a marine-facilitated construction project are well beyond typical construction norms.

A property owner who undertakes a construction project and opts to use a marine-based construction process to mitigate the impacts of the project on adjacent neighbors and the community at large should not be penalized through the revaluation process for the costs of those mitigation measures. The property owner, in a sense, is providing a service to neighbors and the community while incurring exceptional personal costs. These costs are beyond what would normally be required to complete the construction project. For this reason, the additional construction costs incurred because of a marine-facilitated construction process should not be included in the overall construction valuation for the purposes of determining final permit fees.

14.6.3 BASIC POLICY/PROCEDURE

- All building permits, prior to, and as a condition of final approval, and prior to the return of any construction damage deposit, will be subject to the City's project revaluation and additional permit fee process.
- Additional fees assessed due to increased project valuation include:
 - Plan Review
 - Building Permit
 - Road Impact Fee
 - SMIP (State Seismic Motion Instrumentation Program)
 - State Building Standards Fee
 - Additional ancillary fees, such as plumbing, mechanical and electrical shall only be assessed when the Building Official has determined that ancillary work had been

conducted without payment of the appropriate fee or if there has been a clearly discernible increase in the scope of the permitted ancillary work.

14.6.4 POLICY/PROCEDURE FOR MARINE-RELATED COSTS

In the case of projects that incur marine-related costs specifically to mitigate neighborhood and community impacts, the additional construction valuation related to the costs incurred from the use of marine equipment shall not be considered when determining additional permit fees based on increased project valuation.

- Before a reduction in project revaluation can be considered, a written request for a reduction in project revaluation, based on marine-related costs, shall be made by the property owner or property owner's representative.
- The request for a reduction in project revaluation shall include documentation of the marine-related project costs.
- The City shall make the final determination as to the exact amount of marine-related costs that shall be authorized as a deduction from the final valuation costs.
- Once the final determination for revaluation deduction is made, the additional fees noted above shall be calculated on the new revaluation for the project.
- Projects that incur marine-related costs because using waterborne craft or equipment provides the most cost-effective method of construction shall not be entitled to a revaluation reduction of those marine-related costs. An example would be using a barged crane to facilitate an element of construction because a land-based crane could not access the site or would be more expensive. The final determination as to what is or is not authorized as a marine-related reduction for revaluation purposes shall be made by the City.



City of Belvedere
 450 San Rafael Avenue
 Belvedere CA 94920

**ACKNOWLEDGMENT
 OF
 CONSTRUCTION RESPONSIBILITY**

Address of property: _____ APN: _____

THIS DOCUMENT MUST BE EXECUTED BY THE APPLICANT PROPERTY OWNER, AND THE ARCHITECT, OR CONTRACTOR, FOR ALL PROJECTS THAT RECEIVE DESIGN REVIEW AND/OR ARE SUBSTANTIAL IN THEIR SCOPE OF WORK.

To assist you, as the property owner, and your project representatives in the successful completion of your construction project, as well as to advise you of important aspects of construction regulation in Belvedere, the City is providing to you the following information. By you and your representative signing this document, you are acknowledging that you have read, understand, and will comply with each of the points listed below.

1. Once Design Review approval has been granted, construction plans may be submitted to the City. The construction plans shall be **identical** to the plans approved for design review. (Authority: Belvedere Municipal Code Section [BMC] 20.04.010) Deviations from the plans approved for Design Review cannot be approved except by an amendment to the Design Review approval. It is the applicants' responsibility to assure conformance, and the failure of staff to bring nonconformities to the applicants' attention shall not excuse the applicant from such compliance.
2. Comments from City staff regarding the project shall neither be deemed official nor relied upon unless they are in writing and signed by the City Manager or his designee.
3. Without the prior written approval of the City, construction on the project shall not deviate in any manner, including but not limited to form, size, or color, from approved construction plans. If at any time during construction, and without such written approval, construction on the project is found by a member of City staff to deviate from the approved construction plans in any manner, an official STOP WORK ORDER will be issued by the City, and there shall be a total cessation of all work on the project.
4. If such a STOP WORK ORDER is issued, the City may initiate proceedings to impose administrative penalties or nuisance abatement proceedings and issue an order to show cause, which will compel the undersigned property owner to appear before the City Council and show cause why the work performed does not deviate from the approval plans and why such work should not be condemned as a public nuisance and abated. (Authority: BMC Chapter 1.14 & 8.12)
5. If the total cost of the project exceeds the permit valuation on the building permit, the owner shall pay the additional fee based on the difference between the original estimated valuation and the final valuation. (Authority: California Residential Code § R109, California Building Code §109, & Administrative Policy Manual 14.6). Any cost incurred by the City in determining or assessing the revised value of the property, or in collecting the additional permit(s) fee(s), shall be charged to the Property Owner. Nonpayment of such additional permit fees incurred is a violation of the City's municipal code and will be enforced by the City pursuant to the provisions of Belvedere Municipal Code Chapter 1.14, including imposition of the lien on the subject property.
6. The City's Construction Time Limit (CTL) Ordinance mandates a specific period of time for the completion of each project and the start date, relative to the CTL Ordinance, is considered the date of the permit issuance unless the City is notified in writing of a different start date. (Authority: BMC Chapter 14.04.035.)
7. For construction projects which previously had not been assigned a CTL, when design review is required in mid-project, a permit is issued to memorialize the new work and the inception of the required CTL. The assigned CTL beginning date is the date of the first permit issued for the project. The length of CTL time assigned to the project is based on the valuation of total project cost and the entire project is to be completed by the assigned CTL date.

I have read, acknowledge, and agree to be bound by the foregoing "Acknowledgment of Construction Responsibility" and representations one through seven contained therein.

 Property owner Date _____ Architect or Contractor Date: _____



Property Address: _____

Building Permit Number: _____

The City of Belvedere, similar to other cities, requires that building permit fees be reevaluated at the conclusion of the project. Property owners agree to the revaluation of the permit fees by signing the Acknowledgment of Construction Responsibility form prior to the issuance of the building permit. If the total cost of the project exceeds the permit valuation on the building permit, the owner shall pay the additional fees based on the difference between the original estimated valuation and the final valuation. (Authority: California Building Code Section 109.1- 109.6 & City of Belvedere Administrative Policy Manual (APM) Section 14.6)

If the City holds an unused damage deposit, it will be applied toward any fees that are due.

By City policy, actual construction valuation includes all project costs, including costs for landscape hardscape, irrigation, and lighting systems. Please note that costs for design professional and plant materials should be excluded, as well as any fees previously paid to the City.

Provide the total cost of the project, along with contact information as requested below and return this form to the City of Belvedere Building Department, 450 San Rafael Avenue, Belvedere, CA 94920-2336 by the date indicated in the cover letter that accompanies this form.

Total Project Costs: _____

Date: _____

Print Name of Property Owner

(Address of Person Providing Costs)

Signature of Property Owner

Email Address

By the signing of this statement, the person providing the actual construction costs attests that the figure is true and correct under penalty of perjury. Be advised that if the City feels that your resubmitted valuation does not conform with the level and extent of construction that occurred, the City is authorized to require project estimation from a third party at the property owner's expense.



CITY OF BELVEDERE

450 San Rafael Avenue □ Belvedere, CA 94920
 Tel: 415 / 435-3838 □ Fax: 415 / 435-0430 www.cityofbelvedere.org

CONSTRUCTION FINAL COST EVALUATION STATEMENT

The City of Belvedere requires that building permit fees be reevaluated at the conclusion of the project. If the total cost of the project exceeds the permit valuation on the building permit, the owner shall pay the additional fees based on the difference between the original estimated valuation and the final valuation. The value to be used in computing permit and plan review fees shall be the total value of all construction work for which the permit is issued, including but not limited to site work, foundation, framing, finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, sprinkler systems, any permanent equipment, irrigation and lighting systems associated with landscaping, and all design, engineering, and architectural services. Please be advised that if the City determines that your resubmitted valuation does not conform with the level and extent of construction that occurred, we may require project estimation from a third party at the property owner's expense.

#	Description	Amount	#	Description	Amount	#	Description	Amount
1	Demolition/Disposal		16	Finishing - Drywall, Plaster, Painting		31	Exterior Hardscape - Pavers, Concrete, Asphalt, Stone, Tile	
2	Site Preparation, Haz Materials		17	Cabinets, Finish Carpentry, Trim		32	Swimming Pool, Spa	
3	Temporary Utilities, Facilities, Equipment, Scaffolding		18	Doors, frames, floor coverings		33	Bulkhead, Piers, Docks, Floats	
4	Survey		19	Glazing, Windows, Shower Doors, Skylights		34	Landscaping, Fencing, Irrigation, Ext. Lighting	
5	Earthwork, Excavation, Grading		20	Countertops - laminate, stone, tile, & Corian		35	Janitorial, Job Site Clean-up	
6	Concrete - Piers, Piling, Foundation, Grade Beams, Retaining Walls, slabs. Etc.		21	Stone, Marble or Tile, All Countertops & Bathrooms Materials		36	General Conditions, Supervision	
7	Rebar, Structural Hardware, seismic strapping		22	Insulation & Soundproof		37	Labor Costs not Included elsewhere	
8	Drainage, site utility work		23	Masonry, Veneer			OTHER:	
9	Rough Carpentry, Lumber, Roof Trusses		24	Built in Equipment & Appliances				
10	Exterior Siding, Stucco		25	Garage Doors & Hardware			SUBTOTAL:	
11	Roofing, Water Proofing, Flashing		26	Sprinkler System				

12	Electrical Rough & Finish Fixtures		27	Elevator, Funicular		38	Profit & Overhead (minimum 10%) MANDATORY
13	Plumbing Rough & Finish Fixtures		28	Staircase, Handrails, Guardrails		39	Design Consultants Decorators
14	Mechanical Rough & Finish/HVAC		29	Deck, Retaining Walls		40	Architectural & Engineering Fees
15	Fireplace - Masonry or Factory		30	Doors, frames, floor coverings			TOTAL:

By signing this Cost Evaluation Statement, the person providing the actual construction costs contained on this worksheet attests that the figures are true and correct under penalty of perjury.

Property Address: _____

Permit #: _____

Contractor Name: _____

License #: _____

Signature: _____

Date: _____

Property Owner Name: _____

Signature: _____

Date: _____