

CITY OF BELVEDERE

ORDINANCE NO. 2024-02

A REGULAR ORDINANCE OF THE CITY OF BELVEDERE AMENDING SECTION 20.04.035,  
ESTABLISHING TIME LIMITS FOR CONSTRUCTION, TO REQUIRE REACTIVATION OF  
PERMITS THAT EXCEED APPLICABLE TIME LIMITS

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Note: Unchanged text appears in plain Times New Roman font.  
Additions to text appear in *single-underline italics Times New Roman font*.  
Deletions to text appear in ~~strikethrough italics Times New Roman font~~.

THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 20.04.035 is hereby amended to read as follows:

20.04.035 Time Limits for Construction

A. *Purposes.* The City Council finds that:

1. A continuous stream of large numbers of construction projects on private properties within the City for many years past has resulted in substantial and continuing adverse impacts on the City and its residents from construction activities;
2. Among those adverse impacts are long-term noise disturbances to neighbors of the construction projects, loss of already inadequate on-street parking due to the presence of large numbers of construction vehicles, and frequent closures of the City's narrow streets for construction deliveries and staging, which closures hinder and/or eliminate local and emergency access for varying periods of time;
3. The City has seen numerous individual projects designed and built on a very large scale so that construction has often continued for many years, thus prolonging the adverse impacts created by those projects;
4. It is in the interests of the health, safety, and welfare of the citizens of Belvedere to place a reasonable time limit on the duration of each construction project, so as to balance the needs of the owner of the project with those of his neighbors and the community generally in the safe and peaceful enjoyment of their properties;
5. The time limits adopted in this Section allow an adequate and reasonable amount of time for the kinds of construction projects undertaken in the City; and
6. Because of the ~~large monetary value of many of the construction projects in the City, substantial penalties should be imposed upon persons who violate the time limits imposed pursuant to this Chapter, so as~~ *substantial and continuing adverse impacts on the City and its residents from construction activities, the permit reactivation charges established in Belvedere Municipal Code Section 16.04.030(B) are necessary to motivate timely completion and* encourage compliance with such time limits and achieve the purposes of this Section.

B. *Construction Time Limit Required.* This Chapter shall apply to any project for which a design review approval is required, and/or any project requiring a building permit with an estimated construction value of \$50,000 or greater, and/or any landscaping project with an estimated construction value of \$50,000 or greater that is associated with a building permit. As part of any application for design review, the applicant shall file a reasonable estimate of the cost of the proposed project, and based thereon, a construction time limit shall be established for the project in accordance with the guidelines set forth in Subsection C of this Section. The applicant shall submit all information requested by the Building Official to support the estimated value of the project, which information may include without limitation, an executed construction contract. Compliance with such time limit shall become a condition of design review approval. The time for completion of the project shall also be indicated on the building permit. For projects exceeding \$500,000 in project valuation, a detailed PERT or GANTT chart, including detailed information on the critical path of the project, may be required prior to the issuance of any building permit at the request of the City Building Official. Once approved, the property owner shall provide the City with written monthly job progress reports consistent with the approved PERT or GANTT chart if requested by the City Building Official.

C. *Time Limit Guidelines.*

1. *Table.* Except where a longer time period is ~~approved pursuant to Subsection D of this Section established pursuant to Section 16.04.030(B)~~, the maximum time for completion of approved alterations, additions, modifications, repairs, or new construction, following issuance of the building permit, shall not exceed the following:

**Construction Time Limits Based Upon Demonstrable Estimated Project Value**

<b>Estimated Value of Project (\$)</b>	<b>Construction Time Limit (months)</b>
\$0 to \$100,000	6 months
\$100,001 to \$500,000	12 months
<del>Greater than \$500,000</del> <i>\$500,001 to \$2,000,000</i>	18 months
<del>Greater than \$2,000,000</del>	<i>24 months</i>

2. *Time Limit for Landscaping.* To complete landscaping work approved as part of a larger construction project, the applicant may have an additional 90 days after the date of final inspection approval of the building permit for the main construction project. To receive the additional 90 days, the applicant must file an application prior to the expiration of the latest granted CTL deadline date, and make a deposit against the timely completion of the landscaping work in an amount determined by the Building Official in consultation with the Director of Planning and Building. The additional 90 days does not apply to projects solely comprised of landscaping and related improvements.

~~D. *Extension of Construction Time Limit.*~~

~~1. *An applicant may request a construction time limit extension at any time between the design review hearing and prior to building permit final. An applicant is limited to one construction time limit extension per project.*~~

~~2. *The Planning Commission has the authority to grant, conditionally grant, or deny a time limit extension request made at the time of a design review hearing based on the reasonable anticipation of one or more of the factors in this Subsection. The Planning Commission's decision may be appealed in writing to the City Council.*~~

~~3. The extension committee has the authority to administratively grant, conditionally grant, or deny a time limit extension request made after the issuance of a building permit based on one or more of the factors in this Subsection. The extension committee shall consist of the City Building Official, the Director of Planning and Building, and the Public Works Manager, who shall meet with the project contractor, architect and, at the applicant's option, a representative or the applicant. The extension committee shall review the extension request within 10 working days of receiving a complete application. Within 10 working days of receiving the decision, the applicant may appeal the extension committee's decision to the Planning Commission and the Planning Commission's decision to the City Council. All appeals shall be scheduled within a reasonable time of the receipt of the appeal.~~

~~4. An application for a construction time limit extension shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, any other information requested by Planning staff, and a fee as established by City Council resolution.~~

~~5. Projects with an initial 18 month construction time limit may receive a maximum 6 month extension for a total time limit of 24 months. Projects with an initial 6 or 12 month construction time limit may receive an extension, provided that such extensions do not result in a total construction time limit exceeding 18 months.~~

~~6. Landscaping Extension. When landscaping work, which was approved as part of a larger construction project, is delayed because of inclement weather, the applicant may file with the City Manager for an extension to complete the landscaping work. The request must be filed prior to, and may not exceed 30 days beyond, the final building inspection approval, issuance of an occupancy permit, or expiration of the 90-day landscaping time limit granted per Subsection C2 above, whichever occurs later. The City Manager shall grant said extension only if, in his or her opinion, such extension is warranted because of delays caused by inclement weather.~~

~~7. Construction Time Limit Extension Factors. Requests for construction time limit extensions shall be determined based on one or more of the following factors:~~

~~a. Site topography~~

~~b. Site access~~

~~c. Geological issues~~

~~d. Neighborhood considerations~~

~~e. Other unusual factors~~

~~f. Extreme weather events~~

~~g. Unanticipated discovery of archeological resources~~

~~h. Other conditions that could not have been reasonably anticipated at the time of project application~~

~~E. Construction Time Limit Penalties.~~

~~1. Upon failure of the applicant to complete construction by the established time limit, the Building Official shall issue a compliance order setting a date 30 days from the date of such order within which time the applicant shall be required to complete the construction, and advising the applicant that the following penalties shall be imposed if the applicant fails to comply with said order:~~

~~a. For the initial 60 days that the project remains incomplete beyond the compliance order deadline: a penalty of \$600 per day;~~

~~b. For the next 60 days (i.e., the 61st through the 120th day) beyond the compliance order deadline during which the project remains incomplete: an additional penalty of \$900 per day; and~~

~~e. For any additional days (i.e., the 121st and subsequent days) beyond the compliance order deadline during which the project remains incomplete: an additional penalty of \$1,200 per day.~~

~~2. New construction shall be deemed completed for purposes of this Section upon the issuance by the City of a certificate of occupancy, per City Policy No. 14.4. A remodel shall be deemed completed for purposes of this Section per City Policy No. 14.4.~~

~~3. The applicant shall be notified in writing of the amount of any penalty imposed pursuant to this Section. Notice shall be served as provided in Section 1.14.040 of this Code. Service shall be deemed complete upon mailing or posting as required in that Section. Penalties imposed pursuant to this Section shall be paid within 60 calendar days of the date of the notice of penalty.~~

#### ~~F. Appeal of Construction Time Limit Penalty.~~

~~1. A penalty imposed pursuant to this Section may be appealed in writing to the City Council no later than 10 calendar days from the date of service of the notice of the penalty, with payment of an appeal fee as established by City Council resolution. For purposes of filing an appeal, if the final day to appeal falls on a day when City Hall is closed, the final day to appeal shall be extended to the next day City Hall is open for public business. The applicant shall submit all information reasonably requested by Planning Staff related to the appeal including without limitation an executed construction contract.~~

~~2. Within a reasonable time of receipt of a construction time limit penalty appeal, the appeal shall be reviewed by an appeals committee consisting of the City's Building Official, Director of Planning and Building, Public Works Manager, and City Manager. The appeals committee shall conduct a meeting with the project contractor, architect and, at the applicant's option, the applicant and/or any other designated representative(s). The appeals committee shall make a written recommendation to the City Council on whether to affirm, reduce, or remove the penalty based on one or more of the factors in this Subsection.~~

~~3. Table No. 2. The appeals committee may recommend a credit of a certain number of construction time limit days for projects which have incurred a penalty but have employed dismantling techniques, as approved in the project waste management plan, in the deconstruction of a building. The number of credit days shall not exceed the following:~~

#### **Table 2. Allowable Credit Days for Dismantling Purposes Regarding Construction and Demolition Debris Diversion**

<i>Dismantling Category</i>	<i>Description of Dismantling Categories</i>	<i>Credit Days</i>
<i>Category I</i>	<i>Removal of interior features, including cabinets, plumbing and electrical fixtures</i>	<i>2 Days</i>
<i>Category II</i>	<i>Buildings of 1000 – 2500 sq. ft.</i>	<i>5 Days</i>
<i>Category III</i>	<i>Buildings of 2501 – 4000 sq. ft.</i>	<i>10 Days</i>
<i>Category IV</i>	<i>Buildings of 4001 sq. ft. and greater</i>	<i>15 Days</i>

*4. Construction Time Limit Penalty Appeal Factors. The City Council may affirm, reduce, or remove a penalty if the construction time limit was exceeded for reasons beyond the control of the applicant, which may include one or more of the following factors:*

- a. Administrative appeals of the project filed by third parties*
- b. Extreme weather events*
- c. Unanticipated discovery of archeological resources*
- d. Labor stoppages*
- e. Acts of war or terrorism*
- f. Natural Disasters*

*5. For the purposes of this Subsection, reasons beyond the control of the applicant shall not include:*

- a. Delays caused by normal weather events*
- b. Failure to adequately protect the job site from damage*
- c. Failure of subcontractors to complete work according to schedule*
- d. The use of custom and/or imported materials and/or highly specialized subcontractors*
- e. Significant, numerous, and/or late design changes*
- f. Failure of materials suppliers to provide materials in a timely manner*

*6. Any penalty finally imposed pursuant to this Section shall constitute a lien on the applicant's property, to be imposed, recorded and satisfied as provided in Sections 1.14.160 through 1.14.190 of this Code.*

*7. The provisions of this Section are not the exclusive remedy for addressing violations of a construction time limit. In addition to penalties provided by this Chapter, the City may pursue all other actions and remedies provided by law including but not limited to administrative citations, administrative code enforcement, and nuisance abatement proceedings.*

~~G. D.~~ This Section shall be known and cited as the “Construction Time Limit Ordinance of the City of Belvedere.”

**SECTION 2.** Section 16.04.030 is hereby amended to read as follows:

16.04.030 California Building Code and California Residential Code – Amendments.

The following changes and modifications are made to the 2022 Edition of the California Code of Regulations, Parts 2 and/or 2.5, as indicated:

A. Subsection 105.2 is amended to read as follows:

**105.2 Work exempt from permit.** Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City of Belvedere. Permits shall be required, except for the following work:

**Building:**

- 1) Conventionally constructed one-story detached structures accessory to a dwelling, used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the structure complies with Zoning regulations. A building permit is required for any associated electrical, plumbing or mechanical work.
- 2) Fences 7 feet high or lower.
- 3) Private residential sidewalks and driveways not more than 30 inches above adjacent grade and supported directly on existing grade, that are not part of a required accessible route.
- 4) Painting, papering, tiling, carpeting, cabinets, counter tops and similar work, except for the purposes of project valuation when a component of a larger project which requires a permit.
- 5) Swings and other playground equipment.
- 6) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- 7) Decks not exceeding 100 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

B. Subsection 105.5 is amended to read as follows:

**105.5 Permit Extension and Expiration.**

1. All permits issued by the Building Official subject to the Construction Time Limit Ordinance set forth in Belvedere Municipal Code Section 20.04.035 shall expire by limitation and become null and void 6-months, 12-months, 18-months, or 24-months from the date the permit is issued, as specified in the Planning Commission’s Resolution Granting Design Review Approval.

2. Prior to the expiration of a building permit or an extended building permit granted under subsections 3 through 5, the Building Official may grant one completion extension of up to thirty (30) days, without payment of additional charges or penalties. If the permittee receives a completion extension from the Building Official, the permittee shall not be subject to a Stop Work Order and may continue work on the project. The intent of the thirty (30) day completion extension is to allow projects in good standing the opportunity to complete construction without applying for a longer permit extension. In determining whether the permittee is in good standing, the Building Official shall consider whether work began promptly after permit issuance, whether work was conducted on a regular basis, and any other relevant facts.

3. If the project is not completed by the expiration date of the initial permit or by the expiration of a completion extension, the Building Official shall issue a Stop Work Order, and work shall not recommence until the permittee reactivates and extends the permit. The Building Official may grant a reactivation and extension of the permit, once the permittee has paid a reactivation/extension charge equal to the original project construction permit fee. A reactivation/extension charge, for purposes of this subsection, is primarily a penalty for failure to complete the project within the allotted time, and secondarily a fee to recover the cost of providing additional building management and inspection services. A permit reactivated and extended under this subsection 3 shall be valid for an additional period equal to one-third of the length of the original Construction Time Limit.

4. If the project is not completed within the extension allowed under subsection 3 above or by the expiration of a completion extension, the Building Official shall issue a Stop Work Order, and work shall not recommence until the permittee reactivates and extends the permit. The Building Official may grant a reactivation and extension of the permit, once the permittee has paid a reactivation/extension charge equal to three (3) times the original project construction permit fee. A permit reactivated and extended under this subsection 4 shall be valid for an additional period equal to one-third the length of the original Construction Time Limit.

5. If the project is not completed within the extension allowed under subsection 4 above or within a completion extension, the Building Official shall issue a Stop Work Order, and refer the matter to the City Council for resolution. The City Council shall impose additional requirements, such as the retention of a qualified contractor for owner/builder projects or retention of a qualified construction manager for a contracted project, in order to promote swift completion. The City Council may reactivate and extend the permit upon imposition of any such conditions, and the permittee has paid a reactivation/extension charge up to five (5) times the original project construction permit fee.

~~B- C.~~ Subsection 105.7.1 is hereby added to Parts 2 and 2.5 to read as follows:

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**SECTION 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional, invalid or effective. To this end, the provisions of this Ordinance are declared to be severable.

**SECTION 4. Pending Violations.** The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

**SECTION 5. Effective Date.** This Ordinance shall take effect and be in force thirty (30) days after the date of its passage. Within fifteen (15) days following its passage, a summary of this Ordinance shall be published with the names of those City Council members voting for or against the Ordinance and the City Clerk shall post in the office of the City Clerk, a certified copy of the full text of the adopted Ordinance along with the names of the members voting or against the ordinance.


**INTRODUCED AT A PUBLIC HEARING** on April 8, 2024 and adopted at a regular meeting of the Belvedere City Council on May 13, 2024 by the following vote:

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

**APPROVED:**

  
\_\_\_\_\_  
Peter Mark, Mayor

**ATTEST:**

  
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Beth Haener, City Clerk