

**CITY OF BELVEDERE**

**ORDINANCE NO. 2019-7**

**AN ORDINANCE OF THE CITY OF BELVEDERE  
AMENDING THE CONSTRUCTION TIME LIMIT ORDINANCE,  
BELVEDERE MUNICIPAL CODE SECTION 20.04.035(D),  
TO CLARIFY EXTENSION APPLICATION TIME FRAME**

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

**SECTION 1.     Findings.**

- A. The City enacted the Construction Time Limit Ordinance, Municipal Code Title 20, Section 20.04.035 (the “Ordinance”) in 1999 in order to minimize neighborhood construction impacts and encourage the prompt completion of construction projects by imposing penalties when a project exceeds the required construction time limit; and
- B. The Ordinance assigns a time limit to complete construction of 6, 12, or 18 months based on the reasonable estimation of the project’s value; and
- C. April 2018, the City Council adopted various amendments to the Ordinance including an amendment that allowed applicants with 6, 12, and 18 month projects to seek a CTL Extension between a Design Review hearing and building permit issuance; and
- D. The City Council wishes to clarify that an applicant may seek a CTL Extension at any time between the Design Review hearing up until completion of the construction project (prior to building final) (“Ordinance Amendment”); and
- E. The Ordinance Amendment will protect and promote the general public health, safety, and welfare and preserve the quality of life in Belvedere by encouraging the timely completion of construction projects and reduce adverse construction-related neighborhood impacts; and
- F. The Ordinance Amendment is consistent with the General Plan, Policy TC-1.3 because the amendment will encourage the prompt completion of construction projects, which will help minimize construction related traffic congestion and related neighborhood impacts; and
- G. On June 18, 2019, the Planning Commission unanimously recommended City Council approval of the Ordinance Amendment; and
- H. At its regularly scheduled and properly noticed meeting on August 12, 2019, the City Council voted to adopt the Ordinance Amendment; and
- I. The City Council finds that the proposed Ordinance Amendment is categorically exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guideline 15061(b)(3) (common sense exemption), because it can be seen with certainty that there is no possibility that the proposed amendment could have a significant environmental effect.

**SECTION 2. Amendment.** Section 20.04.035(D)(1) of the Belvedere Municipal Code is hereby amended to read as follows:

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. ~~at the time of the design review hearing or after the issuance of a building permit.~~ An applicant is limited to one construction time limit extension per project.

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

**SECTION 4. 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 the ordinance shall be published with the names of those City Council members voting for and 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 for and against the Ordinance.

**INTRODUCED AT A PUBLIC HEARING** on August 12, 2019, and adopted at a regular meeting of the Belvedere City Council on September 9, 2019, by the following vote:

**AYES:** Claire McAuliffe, James Campbell, Robert McCaskill and Mayor Nancy Kemnitzer

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**APPROVED:**   
Nancy Kemnitzer, Mayor

**ATTEST:**   
Christina Cook, City Clerk

CERTIFICATION OF CITY ORDINANCE  
POSTING AND PUBLICATION

I, Christina Cook, City Clerk of the City of Belvedere, hereby certify regarding the document to which this certificate is annexed:

- (a) It is a true and correct copy of the City ordinance.
- (b) The number of the ordinance is 2019-7.
- (c) A Notice of Public Hearing for the August 12, 2019, introduction and first reading of the ordinance was posted in front of City Hall on July 30, 2019, and published in *The Ark*, a newspaper of general circulation published in the county and circulated in the City, on July 31, 2019.
- (d) A Notice of Adoption of Ordinance 2019-7 was posted on September 24, 2019 in front of City Hall. The notice included the names of those city council members voting for or against the ordinance.
- (e) The same Notice of Adoption of Ordinance 2019-7 was published on October 2, 2019, in *The Ark*, a newspaper of general circulation published in the county and circulated in the City.
- (f) A certified copy of the ordinance with the names of those city council members voting for and against the ordinance was posted in the office of the City Clerk on September 24, 2019.

WITNESS my hand and the official city seal of the City of Belvedere.

C Cook (Seal)  
Christina Cook, City Clerk

Dated: 09/24/2019

