



## Town of Atherton

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### MEMORANDUM

**To:** Planning Commission

**From:** Mike Greenlee – Building Official

**Date:** April 10, 2023

**Subject:** 76 Ridgeview Construction Time Limit Appeal

After reviewing the appeal letter and documents that were submitted by Behrens-Curry Homes regarding the delays in construction at 76 Ridgeview. The contractor / Owner is stating that the delays were caused by the following.

**1). Window Delays:**

They stated that Covid affected the production, lead times and delivery of the windows. They stated the extent of Covid greatly impacted the construction industry.

**2). Rain Delays During Foundation:**

Contractor stated there were 28 rain days between 2018-2019 which caused a 63-day delay. In Exhibit D they also stated that over the last two years they lost 2-3 months of production.

No weather data was provided showing the exact rain days and pictures showing the site conditions during the specified time frame the contractor provided. Rain is part of construction and to pinpoint the exact amount of time that was lost is difficult for staff to decide. If more precise data and pictures were presented the number of days that staff is approving. This number might have changed.

**3). Wood to Steel Frame – Over Double the Number of Piers:**

The contractor stated due to soils conditions the structural design changed from wood to steel frame. This change created the contractor to drill an additional 91 piers.

#### **4). COVID and Manpower:**

Contractor states that the San Mateo County Guidelines affected productivity and manpower on the job. When people got sick, they had to deal with the county guidelines which would create days/weeks of delays on multiple trades.

#### **5). Supply Chain:**

Contractor states that the COVID Pandemic disrupted the supply chain of construction materials globally and nationwide. It affected the order of stone for the exterior pavers with delivery and production delays of up to seven to eight months.

#### **Staff Recommendation:**

Of the **\$180,000.00** the appellant is requesting to be refunded back to them, staff is recommending the Planning Commission to approve a refund as follows:

- **Rain Delays: 35 days total. Recommend refund \$35,000.00.**
- **COVID Pandemic delays (Manpower, Supply Chain Production and Deliveries: 62 days total (2 months). Recommended refund \$62,000.00.**

**Total Recommend Refund: \$97,000.00**

**Total Forfeit Amount: \$83,000.00**

Mike Greenlee  
*Interwest Group*  
*Contract Building Official*  
Town of Atherton

*Samantha Brown*

4/13/2023  
Behrens Curry Homes