



AGENDA REPORT

Meeting Date: February 16, 2010

Item Number: D-1

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development

Subject: APPEAL OF THE BUILDING OFFICIAL'S REVOCATION OF BUILDING PERMIT NO. BS0725308 FOR THE PROPERTY LOCATED AT 1201 LAUREL WAY.

Attachments:

1. Scope of Work (included as part of approved plans for Building Permit No. BS0725308)
2. *Municipal Code Section 10-3-4100: Nonconforming Buildings*
3. Stop Work Order dated 7-16-2009
4. City's letter memorializing City office meeting between staff and applicant team, and revoking Building Permit No. BS0725308
5. Appeal Petition
6. Alex DeGood letter dated 10-14-2009 and attached declaration
7. Development Timeline
8. Administrative Code Section 303.5

INTRODUCTION and BACKGROUND

On November 11, 2007, Building Permit No. BS0725308 was issued for the alteration of and addition to a single family residence located at 1201 Laurel Way. The plans approved in conjunction with the building permit contain the statement that demolition activities would not exceed 49.88% of the walls and 45% of the roof of the then existing structure. (See Attachment 1.) By representing that less than 50% of the structure would be demolished, City staff determined that certain non-conforming aspects of the residence could be retained pursuant to Beverly Hills Municipal Code Section 10-3-4100 A, a copy of which is included in Attachment 2.

During construction of the project, City staff became aware that the demolition activities significantly exceeded the scope of work authorized by the building permit and approved plans, in that the contractors retained by Papcap Laurel Way, LLC, (the "Owner"), had demolished well over 50% of the structure. City staff issued a stop work notice (attached hereto as Attachment 3) on July 14, 2009, and advised the Owner to submit revised plans reflecting the

changed scope of work, which would include revisions based on the loss of the right to maintain the nonconforming aspects of the residence. The Owner failed to submit revised plans, and instead asserted that a City Building Inspector had approved demolition in excess of that authorized by the building permit. Due to a lack of compliance by the Owner, on December 14, 2009, Building Permit No. BS0725308 was revoked. A copy of the revocation letter is attached hereto as Attachment 4. A decision to revoke a building permit is appealable to the City Council pursuant to Beverly Hills Municipal Code Section 1-4-101 and 1-4-102 A, and the Owner submitted a timely appeal on December 28, 2009. The appeal letter is attached hereto as Attachment 5.

Municipal Code Section 10-3-4100: Nonconforming Buildings (see Attachment 2) states in part, "If more than fifty percent (50%) of the combined area of all the exterior walls and roof are replaced or reconstructed, then the building shall be treated as a newly constructed building for the purposes of this chapter and shall be reconstructed so that the entire building conforms with the development standards of this chapter." (BHMC 10-3-4100 A.) By representing the removal and replacement of less than 50% of the residence on the building plans, the Owner was allowed to maintain certain existing non-conforming features of the structure, and also benefited from reduced Parks and Recreation Taxes. In demolishing approximately 90% of the exterior walls and roof, the Owner greatly exceeded the scope of work authorized by the permit and approved building plans.

On October 14, 2009, Owner's attorneys submitted a letter, attached hereto as Attachment 6, asserting that project demolition exceeded 50% of the original structure only after a building inspector made a determination that the demolition was necessary for safety issues and approved the demolition. The attorney's letter included a declaration of Keith Bae, Project Manager for PCG Construction Inc, in which Mr. Bae asserts that a City building inspector approved the demolition in excess of the 50% permitted pursuant to the life safety exception provided by Beverly Hills Municipal Code Section 10-3-4100 C, which provides the following:

Exception For Life Safety Repairs/Upgrades: The provisions of this article shall not apply to any repairs or upgrades, regardless of whether those repairs or upgrades exceed the fifty percent (50%) threshold set forth in subsections A and B of this section, which the building official determines are necessary, for safety reasons, to bring the nonconforming structure into compliance with the requirements of title 9 of this code or any applicable governmental regulations. (See also Attachment 2.)

Mr. Bae's declaration, at paragraph 10, states that he asked how to get authorization to demolish more than 50% of the structure, that the Inspector "stated that he had the authority to approve it," and that he [the Inspector] would likely serve as the plan checker. Mr. Bae's statement suggests a process that would be consistent with City practice – submittal of revised plans for review by the City, and receipt of an approval for same. However, there is no indication in either the Bae declaration or in the City's records that revised plans denoting any "life safety repairs" in excess of the 50% allowed by the approved building plans were submitted for checking or approval.

Although no plans were submitted, Mr. Bae declares, at paragraph 19, that "the original house had been demolished per Inspector Tabor's approval...." Neither the City nor the applicant, however, has any documentation of any such approval. Inspector Tabor disputes Mr. Bae's claim that approval was ever requested or granted. Granting such an approval without any

documentation would be inconsistent with the City inspectors' pattern and practice to document in writing any approvals that are granted.

The Owner's contractors also failed to request inspections "before and after demolition to verify with building inspector the scope of demolition is less than 50%" as required by notations on the approved building plans (see Attachment 1). Although other unrelated inspections were requested and performed beginning February 8, 2008, as detailed in the Development Timeline (see Attachment 7), the Owner's contractors failed to request the aforementioned, specific, demolition-related inspections.

Subsequent to the issuance of the aforementioned Stop Work Order, staff made repeated requests to the Owner to revise and resubmit building plans to the City reflective of the change in scope of project, including the following:

- Verbal notice upon issuance of Stop Work Order (July 15, 2009)
- At a City Council Study Session meeting (July 21, 2009)
- At a meeting between Benjamin M. Reznik and City staff (November 30, 2009)
- In a letter issued to the subject property owner by the City Attorney's Office (December 14, 2009)
- At a City Council Regular Session meeting (January 12, 2010)

If the Owner submitted new plans, the necessary plan review would be performed by City staff. This would include, but not be limited to: the current code requirements for side yard setbacks, pad edge setbacks, and maximum driveway slope, and completion of a new view preservation analysis pursuant to Beverly Hills Municipal Code Section 10-3-2522. To date, the Owner has failed to respond to these requests to revise and resubmit building plans.

On December 14, 2009 the City issued a letter to the Owner, which is attached hereto as Attachment 4). This letter, at page four (4), sets forth the Building Official's written revocation of Building Permit No. BS072530. This revocation is pursuant to the City's adopted Administrative Code Section 303.5 (Attachment 8), which provides:

303.5 Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

Pursuant to BHMC Section 1-3-107, "[a]ny violation of a condition of any permit or approval issued pursuant to this code shall constitute a violation of this code." Therefore, the Owner's failure to comply with the demolition condition on the approved building plans constitutes a violation of the code, which empowers the Building Official to revoke the permit.

APPEAL

In the appeal petition, Owner's attorney identifies the following as the basis for the appeal:

The City's decision to revoke the Permit is inconsistent with Beverly Hills Municipal Code ("Code") in that Owner complied with all Permit and Code requirements. The City's

actions are arbitrary, capricious, and not supported by substantial evidence in the administrative record.

The appeal petition and letter prepared by Owner's attorney is attached to this report as Attachment 5.

APPEAL ANALYSIS

Staff has reviewed the appeal petition and believes that the Building Official's actions are consistent with Administrative Code Section 303.5 (see Attachment 8), as adopted by the Beverly Hills Municipal Code.

The appeal letter asserts that the "Owner complied with all Permit and Code requirements." Staff disagrees with this statement because demolition in excess of what was permitted on the approved plans has occurred. While the letter asserts compliance with the permit requirements, the Owner has not disputed that approximately 90% of the original residence was demolished, nor have they disputed that the approved plans and building permit restricted demolition to less than 50%. Further, the Owner has not pursued other available remedies, including revising the plans so that the structure complies with current city codes.

With respect to the obligations to adhere to plans and call for necessary inspections, it is the architect's, designers and contractors responsibility to make sure these specific conditions get adhered to and the City's responsibility to respond once the Owner's representatives feel they are ready for an inspection. Therefore, although the violation of the permit conditions was not identified during certain inspections after the unpermitted demolition had occurred, this does not change the fact that the Owner's contractors failed to call for the specific inspections related to demolition, and that the demolition proceeded in conflict with the approved plans.

Although not clear from the Appeal letter, staff expects that the Owner may continue to assert that the excess demolition is permissible pursuant to Beverly Hills Municipal Code Section 10-3-4100 C. The main question before the Council is whether the project qualifies for this exception to the generally applicable rules prohibiting the retention of nonconforming rights when 50% or more of a building is renovated.

As noted in the City's December 14, 2009 revocation letter, the declaration from the Owner's contractor states that the additional demolition was necessary because of his concerns "about the safety of proceeding with the necessary cuts for the Project's basement, given that [he] did not believe [he] could implement the cuts and maintain the house's structural integrity." Staff does not believe that this rationale meets the requirements for the Life Safety Repairs/Upgrades exception because they were not necessary to bring the nonconforming structure into compliance with Building Codes, but instead were necessary to allow the new construction to maintain structural integrity. Although this was pointed out in the City's revocation letter, the Owner's Attorney did not provide any response in the appeal letter.

Therefore, staff recommends that the Council consider the following when deliberating the merits of the appeal:

- 1) Whether there is evidence to show that the demolition of the existing structure exceeded the limitations established in the approved building plans and permits;

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2) Whether there is substantial evidence demonstrating that the demolition in excess of the 49.88% wall length and 45% roof area are necessary, for safety reasons, to bring the nonconforming structure into compliance with the requirements of Title 9 of the Municipal Code (including the Building Code); and,

3) Depending on information that the Owner may present at or before the appeal hearing, the Council might also consider whether there is evidence to support Owner's claim that the Building Inspector approved the excess demolition.

RECOMMENDED ACTION

After conducting a hearing on the matter, and considering any evidence presented, staff recommends that the Council direct the City Attorney's office to prepare a resolution upholding the Building Official's revocation of Building Permit No. BS0725308.

FISCAL IMPACT

No fiscal impact to the City is anticipated from a council decision in this matter.

Susan Healy Keene, AICP
Director of Community Development



SCOPE OF WORK

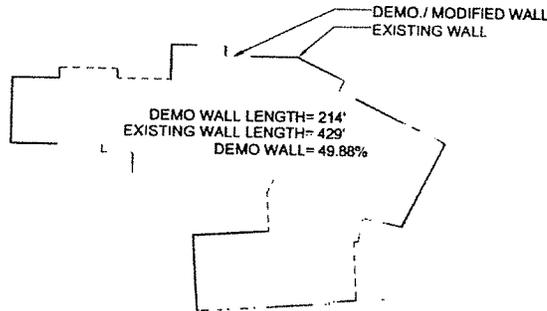
urban network
design, development & construction
urbnetworks.com

1. ADDITION OF 1447 S.F. BASEMENT UNDER E. 1 STORY HOUSE (NEW GYM, MAID'S ROOM, LAUNDRY & 2 BATHS, MECH & STORAGE ROOM).
2. ADDITION OF 1460 S.F. OF 2ND STORY (NEW MASTER BEDROOM, BATH & OFFICE SUITE)
3. COMPLETE REMODEL OF KITCHEN AND ALL 3 BATHROOM
4. DEMO. MECH & STORAGE AREA.
5. NEW PEDESTRIAN RAMP TO BASEMENT W/ RETAINING WALLS. SEE SECTION 2/A4.0 FOR RETAINING WALL HEIGHTS AND LOCATIONS IN FRONT YARD.
6. REPLACE 45% OF ROOF STRUCTURE TO ACCOMODATE THE 2ND STORY.
7. RESTUCCO EXTERIOR WALLS AS INDICATED.
8. UPGRADE GLAZING ON E. WINDOWS TO LOW-E INSULATED GLASS.
9. REPLACE INTERIOR WALL FINISHES AS INDICATED.
10. REPLACE ALL HVAC SYSTEM (SEPARATE PERMIT REQ'D)
11. REPLACE ALL ELEC. SYSTEM (SEPARATE PERMIT REQ'D)
12. REPLACE ALL PLUMBING SYSTEM (SEPARATE PERMIT REQ'D)
13. REGRADING ENTRANCE AREA FOR PEDESTRIAN RAMP TO BASEMENT.
14. FRONT YARD PAVING (SEPARATE PERMIT REQ'D)

3-50% RULES:

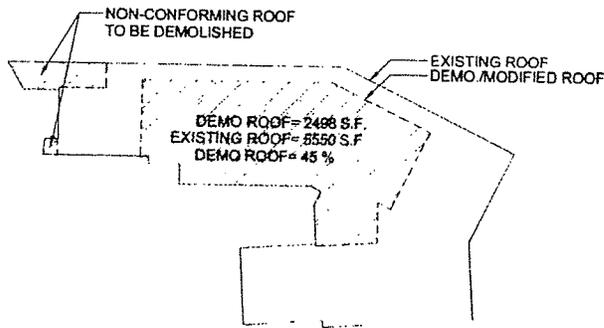
1. MORE THAN 50% OF EXTERIOR WALL ARE NOT MODIFIES OR DEMO'D, THEREFOR PARK AND RECREATION FEES ONLY APPLY TO ADDED FLOOR AREA AND NOT TO ENTIRE EXISTING HOUSES.

NOTE: CONTRACTOR SHALL CALL FOR INSPECTION BEFORE AND AFTER DEMOLITION TO VERIFY W/BLDG INSPECTOR THAT SCOPE OF DEMO IS LESS THAN 50 %.



2. MORE THAN 50% OF EXTERIOR BUILDING ENVELOPE IS NOT REPLACED OR MODIFIED, THEREFORE BUILDING MAY KEEP ITS EXISTING NON-CONFORMING RIGHTS.

NOTE: CONTRACTOR SHALL CALL FOR INSPECTION BEFORE AND AFTER DEMOLITION TO VERIFY W/BLDG INSPECTOR THAT SCOPE OF DEMO IS LESS THAN 50 %



3. BUILDING SHOULD BE FULLY SPRINKLERED SINCE COST OF ADDITION AND ALTERATION IS MORE THAN 50 % OF COST OF BUILDING REPLACEMENT.

NO	DESCRIPTION	DATE
1	DESIGN REVIEW	2007.05.09
2	BID SET	2007.05.29
3	PLAN CHECK	2007.06.29
4	BID SET	2007.07.10
5	PLAN CHECK REVISION	2007.08.16

The use of these plans and specifications restricted to the original site for which prepared and publication thereof is expressive to such use. Reproduction, publication or any method, in whole or in part, is prohibited to the plans and specifications remains Networks Inc. without prejudice. Void of these plans & specifications shall constitute evidence of these restrictions.

PROJECT DATA

BUILDING TABULATIONS:	
ZONE	HILLSIDE R-1
CONSTRUCTION TYPE	V-N
NO. OF STORIES	2 STORY + BASEMENT

LLC.

10-3-4100: NONCONFORMING BUILDINGS:

- A. Single-Family Residential Developments: Except as otherwise provided by applicable local, state or federal law, any alteration to a nonconforming building in a single-family development shall conform to the following requirements:
1. Remodels: A maximum of fifty percent (50%) of the combined area of all the exterior walls and roof of a legally nonconforming building or structure may be replaced or reconstructed in any five (5) year period. For the purpose of this section, roof area shall be calculated as the horizontal area covering the floor area. If more than fifty percent (50%) of the combined area of all the exterior walls and roof are replaced or reconstructed, then the building shall be treated as a newly constructed building for the purposes of this chapter and shall be reconstructed so that the entire building conforms with the development standards of this chapter. For the purpose of this section, a portion of a wall or roof is considered replaced or reconstructed when the framing has been replaced or reconstructed.
 2. Additions: Nothing in this section shall restrict the construction of an addition to a legally nonconforming building provided that such addition complies with the requirements of this chapter.
- B. All Development Other Than Single-Family Residential Development: Except as otherwise provided by applicable local, state or federal law, any alteration to a legally nonconforming building in any development other than a single-family development shall conform to the following requirements:
1. Remodels: If, within a five (5) year period, a nonconforming building is altered, renovated, repaired, or remodeled, and the cumulative cost of such alteration, renovation, repair or remodel equals or exceeds fifty percent (50%) of the replacement cost of the building, then the building shall be treated as a newly constructed building for the purposes of this chapter and shall be reconstructed so that the entire building conforms with the development standards of this chapter.
 - a. Calculation Of Costs: The building official shall calculate the cost of replacement as well as the cost of alterations, renovations, repairs and remodels. When the building official determines that such calculation requires a degree of specialized knowledge, skill, or experience beyond that possessed by any employee of the city, or when there are differences of opinions between city staff and the project applicant with respect to such calculation, the building official may employ an independent, third party consultant or consultants to calculate the replacement cost or the cost of alterations, renovations, repairs or remodels. The project applicant or the property owner, or their respective agent(s), shall pay to the city all direct and indirect costs incurred by the city to retain said consultants and shall maintain a cash deposit with the city at all times in an amount sufficient to cover such costs.
 2. Additions: Nothing in this section shall restrict the construction of an addition to a legally nonconforming building provided that such addition complies with the requirements of this chapter.

C. Exception For Life Safety Repairs/Upgrades: The provisions of this article shall not apply to any repairs or upgrades, regardless of whether those repairs or upgrades exceed the fifty percent (50%) threshold set forth in subsections A and B of this section, which the building official determines are necessary, for safety reasons, to bring the nonconforming structure into compliance with the requirements of title 9 of this code or any applicable governmental regulations. (Ord. 96-O-2272, eff. 1-9-1997; amd. Ord. 06-O-2498, eff. 3-24-2006)



CITY OF BEVERLY HILLS
DEPARTMENT OF BUILDING AND SAFETY
455 NORTH REXFORD DRIVE - ROOM G10, BEVERLY HILLS, CALIFORNIA

STOP WORK ORDER

To: POPCAP Beverly Hills, Calif., 7-15 20 09

Address of Recipient: _____

Address of Violation: 1201 LINDA WAY

Property Owner: _____ Mailing Address: _____

Nature of Violation: THE BUILDING APPEARS TO HAVE GONE BEYOND THE APPROVED 48% PERCENT REMODEL ADDITION. THE STRUCTURE PLANS ARE DIFFERENT FROM THE ARCHITECTURAL PLANS

Work description at time of violation: _____

Applicable Code Section(s): 301.1, 304.5, 705

You are hereby notified to stop all work by 10:45 AM/PM 7-15 20 09

Failure on your part to comply with this notice will subject you to penalties prescribed by said Code. 202.4

For general information you may Contact the Building and Safety Department at **(310) 285 - 1141**

Signature acknowledges receipt of notice only.

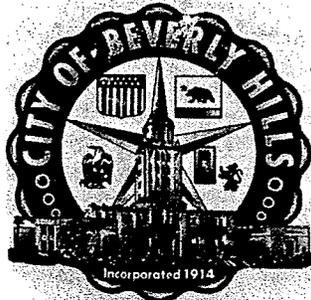
Date: _____

Driver License #: _____

Print name: Michael J. Williams

Signed: Michael J. Williams

For the Director
By: STEVE TABER
Inspector/ Code Enforcement
Tele: (310) 285 - 1148
Stop work posted on site: YES / NO Initials: _____



CITY OF BEVERLY HILLS
DEPARTMENT OF BUILDING AND SAFETY

STOP WORK ORDER

Stop Order: When work is being done contrary to the provisions of the code, the technical codes, or other pertinent laws or ordinances implemented through the enforcement of this code, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the building official to proceed with the work.

(SEE REVERSE SIDE OF THIS CARD FOR VIOLATION INFORMATION)



Office of the City Attorney

December 14, 2009

Via Electronic Transmission and U.S. Mail

Benjamin M. Reznik, Esq.
Jeffer Mangels Butler & Marmaro
1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308

Re: 1201 Laurel Way, Beverly Hills

Dear Mr. Reznik:

This letter is provided in response to the meeting held on November 30, 2009 with various City staff members, yourself and Messrs. DeGood and McDonnell of your office regarding the project at 1201 Laurel Way in Beverly Hills (the "Project"). The main purpose of the meeting was to discuss how to resolve the present situation wherein construction of the Project fails to conform to the approved building plans and conditions noted thereon.

As you and your client are aware the approved set of building plans includes the restriction that demolition of existing walls would not exceed 49.88%. (Approved Building Plans at p. A2.0.)

Based on this notation on the approved building plans, staff determined that the Project could retain certain nonconforming features of the Project pursuant to the "50%" rules set forth in Beverly Hills Municipal Code Section 10-3-4100 A. Recently, City staff realized that the applicant had demolished somewhere on the order of 90% of the exterior walls. Neither you nor your client dispute the fact that the demolition greatly exceeds what was authorized on the set of approved building plans on which Building Permit No. BS0725308 was issued.

In advance of the November 30, 2009 meeting, City staff considered the information provided in the letter from your office dated October 14, 2009, and completed a comprehensive review the City's records related to the Project.

If we understand correctly, it is your position that your client is entitled to maintain the nonconforming aspects of the Project notwithstanding the fact that construction has not proceeded in conformance with the approved building plans. This assertion is presumably based on Beverly Hills Municipal Code (BHMC) Section 10-3-4100 C, which provides the following:

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Re: 1201 Laurel Way
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C. Exception For Life Safety Repairs/Upgrades: The provisions of this article shall not apply to any repairs or upgrades, regardless of whether those repairs or upgrades exceed the fifty percent (50%) threshold set forth in subsections A and B of this section, which the building official determines are necessary, for safety reasons, to bring the nonconforming structure into compliance with the requirements of Title 9 of this code or any applicable governmental regulations.

The applicant's contractor, Keith Bae, asserts that a City building inspector approved the demolition to exceed the 50% allowed pursuant to the above life safety exception. Mr. Bae's declaration, at paragraph 10, states that he asked how to get authorization to demolish more than 50% of the structure, and that "Inspector Tabor stated that he had the authority to approve it" and that he would likely serve as the plan checker. Mr. Bae's statement suggests a process that would be consistent with City practice – submittal of plans for review by the City, and receipt of an approval for same. However, there is no indication in either the Bae declaration or in the City's records that revised plans denoting any "life safety repairs" in excess of the 50% allowed by the approved building plans were submitted for checking or approval.

Although no plans were submitted, Mr. Bae declares, at paragraph 19, that "the original house had been demolished per Inspector Tabor's approval...." Neither the City nor the applicant, however, has any documentation of any such approval. Inspector Tabor disputes Mr. Bae's claim that approval was granted. Granting such an approval without any documentation would be inconsistent with the City inspectors' pattern and practice to document in writing any approvals that are granted.

It is noteworthy that Mr. Bae's declaration provides no evidence that the replacement of the existing walls was necessitated by a compromised condition of those wall resulting from such things as dry-rot or termite damage, but instead admits that the additional demolition was because he "was concerned about the safety of proceeding with the necessary cuts for the Project's basement, given that [he] did not believe [he] could implement the cuts and maintain the house's structural integrity." (Bae declaration, ¶ 8.) Further, Mr. Tabor did not observe any such damage and does not recall any assertions of such damage from the contractor during the various site inspections. Therefore, based on the City's review of its records and discussions with Inspector Tabor, staff has concluded that no approval was granted to allow demolition to exceed the 50% rule.

Based on the current conditions at the site and the records available, City staff is unable to conclude that the demolition in excess of the 49.88% allowed on the approved building plans is "necessary, for reasons of safety, to bring the nonconforming structure into compliance with the requirements of Title 9" of the Municipal Code. (BHMC §10-3-4100 C.) As noted above, Mr. Bae's declaration strongly suggests that the demolition in excess of 50% was undertaken because

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of Mr. Bae's concern that "the necessary cuts for the Project's [new] basement" could adversely impact the house's structural integrity. (Bae Declaration, at ¶8.) The Municipal Code's allowance to make life safety repairs and upgrades was not intended to allow an applicant to create a safety issue through the scope of the project (such as the basement excavation proposed for this Project), and use that self-generated circumstance to evade the 50% demolition limitation while at the same time reaping the benefit of retaining non-conforming aspects of a structure.

Because of staff's realization that the Project construction was proceeding in violation of the 50% rule, a stop work notice was issued.

In addition to violating the 50% demolition rule, the contractor failed to comply with the requirement noted on page A2.0 of the approved building plans to "call for inspection before and after demolition to verify with building inspector the scope of demolition is less than 50%." Although other inspections were called for, the contractor never called for these pre- and post-demolition inspections.

In order to resolve the issue and allow construction to continue, staff has requested that the building plans be revised to conform to the current code requirements for side yard setbacks, pad edge setbacks, and maximum driveway slope. Upon submittal of the new plans, the necessary plan check process, including completion of a new view preservation analysis pursuant to Beverly Hills Municipal Code Section 10-3-2522, can be completed. Please note that the view preservation analysis is considered discretionary in nature, and thus any staff determination regarding view preservation would be appealable to the City Council within 14 days. (BHMC Secs. 1-4-101 A and 1-4-102 A.)

Further, because of the demolition in excess of the 50% rule and the resultant loss of nonconforming rights, continued construction pursuant to the previously approved building plans would be a violation of the Municipal Code Sections 10-3-203 C and D because it would constitute alteration of a building in a manner that fails to conform to code requirements, and would constitute alteration of a structure within required setbacks.

As we discussed in our meeting, Staff has determined that Building Permit No. BS0725308 will be revoked because of the need for submittal of revised plans that conform to City codes, further plan checking, and further view preservation analysis as described above. This revocation is pursuant to the City's adopted Administrative Code Section 303.5, which provides:

303.5 Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

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Re: 1201 Laurel Way
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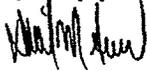
Pursuant to BHMC Section 1-3-107, "[a]ny violation of a condition of any permit or approval issued pursuant to this code shall constitute a violation of this code." Therefore, the applicant's failure to comply with the demolition condition on the approved building plans constitutes a violation of the code, which empowers the Building Official to revoke the permit. This letter serves as the Building Official's written revocation of Building Permit No. BS0725308 based on the violation of the approved plans and the 50% rule noted thereon, as well as failure to comply with required setbacks resulting from the loss of nonconforming rights.

Revocation of the building permit is appealable within a 14-day period from the date of this letter, pursuant to BHMC Sections 1-4-101 A. and 1-4-102 A. Appeals must be filed with the City Clerk, along with the required appeal fee. I trust this answers your question regarding administrative remedies that must be exhausted before your client could file any legal challenge regarding a permit revocation.

It remains staff's hope that the applicant will revise and resubmit plans for review by the Building and Planning Divisions, so that a new permit can be issued for a structure that complies with all code requirements, thus enabling the applicant to proceed with construction. Staff remains available to assist the applicant through this process.

If you have any questions regarding this letter, please do not hesitate to contact the undersigned.

Very truly yours,



David M. Snow
Assistant City Attorney



George Chavez
Assistant Director of Community Development and
Building Official

cc: Susan Healy Keene, Director of Community Development
Jonathan Lait, Assistant Director of Community Development / City Planner
David Reyes, Principal Planner
David Yelton, Plan Check Manager

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Attachment No.5

JMBM | Jeffer Mangels
Butler & Marmaro LLP

Alex DeGood
Direct: (310) 201-3540
Fax: (310) 712-3348
AMD@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 70547-0001

December 28, 2009

Byron Pope
City Clerk
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Appeal of Revocation of Building Permit No. BS0725308 - APPEAL
FILED UNDER PROTEST

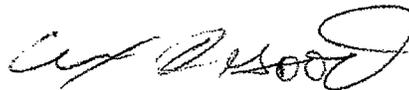
Dear Mr. Pope:

On behalf of Papcap Laurel Way, LLC, the owner ("Owner") of the real property located at 1201 Laurel Way, this office appeals the City's revocation of Building Permit No. BS0725308 (the "Permit").

The City's decision to revoke the Permit is inconsistent with Beverly Hills Municipal Code ("Code") in that Owner complied with all Permit and Code requirements. The City's actions are arbitrary, capricious, and not supported by substantial evidence in the administrative record.

**THIS APPEAL IS FILED UNDER PROTEST AND WITH FULL
RESERVATION OF RIGHTS TO BRING LEGAL ACTION AGAINST THE CITY,
INASMUCH AS OWNER MAINTAINS THAT AN ADMINISTRATIVE APPEAL OF A
BUILDING PERMIT REVOCATION DOES NOT EXIST UNDER BEVERLY HILLS
MUNICIPAL CODE.**

Sincerely,



ALEX DEGOOD of
Jeffer, Mangels, Butler & Marmaro LLP

OCT 16 2009

JMBM | Jeffer Mangels
Butler & Marmaro LLP

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

Alex DeGood
Direct: (310) 201-3540
Fax: (310) 712-3348
AMD@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 70547-0001

October 14, 2009

VIA EMAIL AND U.S. MAIL

David Reyes
Principal Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: 1201 Laurel Way - Updated Demolition Schedule and Project Manager
Declaration

Dear David:

Following up on our October 6, 2009 meeting regarding 1201 Laurel Way (the "Project"), attached please find (1) the signed declaration of Project manager Keith Bae and (2) an updated demolition schedule prepared by Project architect Mauricio Duk.

These documents reinforce the fact that Project demolition in excess of 50% of the original structure occurred only after a determination that such demolition was necessary for safety issues, and that City officials were aware of and approved the demolition. It remains our expectation that the City can complete its review of the Project and resolve any issues by our scheduled October 22, 2009 meeting. In the interim, if you have any questions, please contact me. We look forward to an amicable resolution of this matter.

Sincerely,



Alex DeGood of
Jeffer, Mangels, Butler & Marmaro LLP

cc: Susan Healy Keene, Director of Community Development
Jonathan Lait, City Planner
Benjamin M. Reznik, Esq.
Kevin K. McDonnell, Esq.

DECLARATION OF KEITH BAE

I, Keith Bae, declare:

1. I am the Project Manager for PCG Construction Inc., a licensed general contractor in the State of California, Contractor License # 881795.
2. I serve, and at all times relevant to this declaration served, as the Project Manager for the General Contractor overseeing construction and remodeling activities at the single family residential property located at 1201 Laurel Way, Beverly Hills, California (the "Project").
3. Prior to commencing work on the Project I reviewed all plans and held detailed discussions with the Project architect, engineer, and owner to familiarize myself with the Project's particular requirements and approvals, including the requirement that Project demolition remain under 50% of total square footage of the existing exterior walls and roof area.
4. Prior to commencing work on the Project, on December 12, 2007, I, Miguel Macias and Joseph Yoon met with City of Beverly Hills Building & Safety inspector Steve Tabor for a pre-demolition inspection. I told Inspector Tabor that the Project would be my first work in Beverly Hills. I asked him whether he would be the Project's primary inspector. I further asked him what he would be looking for generally on the Project so that I could be sure to meet all Beverly Hills requirements.
5. At the December 12, 2007 pre-demolition inspection, Inspector Tabor and I discussed the Project's demolition plan. I informed Inspector Tabor that the Project involved a careful hand demolition of certain walls and floor area. I walked Inspector Tabor through the Project to show him the specific areas I planned to hand-demolish. As I understood it, one purpose of the December 12, 2007 meeting with Inspector Tabor was to ascertain what specific areas of the Project would count towards the 50% square footage cap.
6. On January 9, 2008 hand demolition of selected areas of the Project began. A crew of three to four workers engaged in hand demolition under the supervision of a crew leader.
7. As hand demolition progressed, substantial discrepancies emerged between the Project's City-provided structural plans and the actual physical layout of the home on the Project site. Numerous beams and footings were either missing or were not where they were shown on the structural plans. Further, over the years, the house had sustained substantial structural damage.
8. Due to these discrepancies I called an onsite meeting with Shaul Shachar, the Project's structural engineer, in early March 2008. I explained the discrepancies and stated that I was concerned about the safety of proceeding with the necessary cuts for the Project's basement, given that I did not believe I could implement the cuts and maintain the house's structural integrity. Shaul responded that I should consult with the Project's Inspector to arrive at a safe excavation plan.

AS

9. After the early March meeting with Shaul Shachar, I remained concerned that due to the extent of the house's structural damage the house would not withstand building the planned basement. To advise how best to execute construction of the basement in light of the house's structural weaknesses, I called for another onsite meeting with Inspector Tabor, which took place on March 12, 2008. In preparation for the meeting, I drew a line on the interior and exterior of the house to indicate where I would need to excavate to build the basement. In further preparation for the meeting, my crew removed the house's sheetrock, insulation and flooring to expose beams and footings throughout the house.

10. During the March 12, 2008 meeting I walked Inspector Tabor into the house through a side gate and showed him a bathroom with substantial damage and missing beams based upon the structural plans the City provided. I then took him to the family room area and showed him more damaged structural elements. I asked him to advise me how I could accomplish construction of the basement without endangering collapse of the house in light of the 50% demolition limitation, particularly because I felt I needed to remove the portion of the house over the driveway, the roof and the living area to safely install the basement. Inspector Tabor explained that I could exceed the 50% limitation if there was structural damage that necessitated further demolition. I asked how I was to get such additional demolition approved. Inspector Tabor stated that he had the authority to approve it. I further asked about the plan check process because I was concerned about any discrepancies between submitted and actual demolition. Inspector Tabor stated that I need not worry about plan check as my plan checker was on leave and that he would likely serve as the plan checker for the Project going forward.

11. During the March 12, 2008 meeting I informed inspector Tabor that if I was allowed to demolish the home without running afoul of the 50% limitation, I would bring in large equipment to accomplish the demolition quickly rather than continuing to demolish by hand, and would need to remove the driveway to do so.

12. After a delay to procure the necessary insurance for heavy haul demolition equipment and obtain a City heavy haul permit, large-scale demolition of the Project's existing home began on April 15, 2008, consistent with the March 12, 2008 meeting with Inspector Tabor, and was completed on May 28, 2008. The existing home's driveway was also removed to accommodate the demolition equipment. The location of the driveway was marked so that the driveway could be replaced exactly as built to maintain the driveway's non-conforming layout.

13. I began reconstruction of the house after the demolition. I was able to accomplish reconstruction without new or revised plans because the approved plans clearly showed the required structural elements, either as new (N) or as existing (E). Revised plans and/or additional engineering were not necessary because the plans, including engineered elements, were complete. All structural elements, whether identified on the approved plans as new (N) or as existing (E) were replaced with new (N) members of the size and materials indicated on the approved plans. Thus, there was no need to duplicate the already-approved plans to account for the previously unplanned demolition.

14. On June 30, 2008, Inspector Tabor performed, in his plan check capacity, the plan check for the Project's mechanical permit.

15. On June 30, 2008 the Project's plumbing permit was issued.
16. On July 22, 2008 Inspector Tabor visited the Project to perform basement foundation and plumbing inspections. During this visit I showed Inspector Tabor the line I cut indicating where the old driveway had been. I explained that I was going to replace the driveway exactly as it had been so that I could maintain the driveway's non-conforming layout. Inspector Tabor agreed with this approach.
17. Between July 22, 2008 and October 28, 2008 Inspector Tabor visited the site nine times for various inspections. In addition, Inspector J. Boone inspected the site on August 7, 2008. At no time did either Inspector Tabor or Inspector Boone indicate that the Project was not in compliance with City code or approvals.
18. On October 21, 2008, Inspector Tabor, in his plan check capacity, reviewed the Project's electrical plans and issued a permit.
19. On December 12, 2008 City Planning and Building & Safety staff members, including Ryan Golich, Erik Keshishian and Steve Tabor visited the site to examine the height of the renovated home. At this time the original house had been demolished per Inspector Tabor's approval, the first floor of the new structure was framed, and I was in the process of framing the second floor of the new structure. At no point did any City staff member raise any issue related to the demolition of over 50% of the original home.
20. During the December 12, 2008 meeting, Inspector Tabor warned me to follow every City regulation strictly because "everybody" was watching the project. Inspector Tabor stated "I'm watching you like a hawk." Inspector Tabor did not mention any issue with respect to the over 50% demolition, nor did he indicate that any other City staff member was concerned with the demolition.
21. On July 15, 2009, Inspector Tabor visited the Project, along with City staff member David Yelton. Mr. Yelton informed me that the Project was in violation of City approvals because demolition had exceeded 50% of measurable area, and that he was issuing a stop work order as a result.
22. During the July 15, 2009 meeting, Inspector Tabor repeatedly asked Mr. Yelton if a restricted renovation project had the right to demolish more 50% if such demolition was approved by a project's structural engineer. After being asked multiple times, Mr. Yelton stated that this was correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed this 9th day of October, 2009, at Los Angeles, California.



KEITH BAE

- SCOPE OF WORK**
1. ADDITION OF 144 SF BASEMENT UNDER E. 1 STORY HOUSE (NEW CIVIL, LAIDS ROAD, LAUNDRY & 2 STORAGE ROOMS).
 2. ADDITION OF 1440 SF OF 2ND STORY (NEW WASTED EXTERIOR, BATH & OFFICE).
 3. COMPLETE REMOVAL OF RETAINING WALLS AND ALL 3 BARRIACOS.
 4. BOLD, HATCH & STORAGE AREA.
 5. Z/ALO FOR RETAINING WALL, MEDICINE AND LOCATIONS IN FRONT YARD.
 6. REPLACE ASH OF ROOF STRUCTURE TO ACCOMMODATE THE 2ND STORY.
 7. REPLACE EXISTING WALL, MEDICINE AND LOCATIONS IN FRONT YARD.
 8. REPLACE EXISTING WALL, MEDICINE AND LOCATIONS IN FRONT YARD.
 9. REPLACE EXISTING WALL, MEDICINE AND LOCATIONS IN FRONT YARD.
 10. REPLACE ALL EXISTING SYSTEMS (SEPARATE PERMIT REQUIRED).
 11. REPLACE ALL EXISTING SYSTEMS (SEPARATE PERMIT REQUIRED).
 12. REPLACE ALL EXISTING SYSTEMS (SEPARATE PERMIT REQUIRED).
 13. REORGANIZE EXISTING WALLS FOR PROCESSION ROAD TO BARRIACO.
 14. FRONT YARD PAVING (SEPARATE PERMIT REQUIRED).

FOUNDATION	1
RETAINING WALL	1
CONCRETE	1
STEEL	1
WOOD	1
GLASS	1
ASPH/FLT	1
MECHANICAL	1
ELECTRICAL	1
PLUMBING	1
PAINT	1
LANDSCAPE	1
DEMOLITION	1

1201 LAUREL WAY
BEVERLY HILLS, CA 90210

Client: Papcap Laurel Way LLC
1201 Laurel Way
Beverly Hills, CA 90210

PROJECT DATE: 1/18/19
SCALE: 1/8" = 1'-0"
SHEET DESCRIPTION: DEMOLITION SCHEDULE

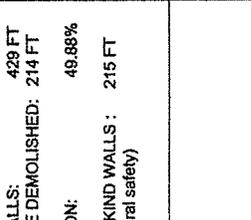
A2.0a

PROJECT DATA

DESCRIPTION	AMOUNT	UNIT
EXISTING ROOF AREA	5550	SF
ROOF TO BE DEMOLISHED (due to renovation)	2,300	SF
NON CONFORMING ROOF TO BE DEMOLISHED	198	SF
% DEMOLITION	45.00%	
REPLACE IN-KIND ROOF (due to structural safety)	3,052	FT
EXISTING WALLS	429	FT
WALLS TO BE DEMOLISHED	214	FT
% DEMOLITION	49.88%	
REPLACE IN-KIND WALLS (due to structural safety)	215	FT

ROOF

EXISTING ROOF	(SF)
EXISTING ROOF:	5550 SF
ROOF TO BE DEMOLISHED (due to renovation):	2,300 SF
NON CONFORMING ROOF TO BE DEMOLISHED:	198 SF
% DEMOLITION:	45.00%
REPLACE IN-KIND ROOF (due to structural safety):	3,052 FT



PORTION OF ROOF TO BE DEMOLISHED DUE TO RENOVATION

ROOF TO BE REPLACED IN-KIND DUE TO STRUCTURAL SAFETY

NON-CONFORMING ROOF TO BE DEMOLISHED

EXTERIOR WALLS TO REMAIN

WALLS TO BE DEMOLISHED

EXTERIOR STEEL FRAMES TO REMAIN

REPLACE IN-KIND WALLS (due to structural safety)

Development Timeline

ACTION	DATE
A site visit was conducted and view preservation was approved with a maximum building height of 23'8" for the proposed project.	12/11/2006
Plans were reviewed and applicant was provided with comments.	5/15/2007
Proposed plans were reviewed and corrections were made. Building permits issued on 11/27/2007.	7/5/2007
Proposed plans were reviewed and it was determined that a Hillside R-1 Permit would be required to allow construction of the proposed pool and deck. To date, building permits have not been issued.	12/24/2007
Permit issued for demolition on 4/17/2008.	4/16/2008
The application was reviewed by the Planning Commission on 9/11/2008 and the request was denied.	5/28/2008

<p>The application was reviewed by the Planning Commission, and after several meetings was approved with conditions. The plans are currently being reviewed by Building and Safety, and permits will be issued if it is determined that the project complies with all applicable codes.</p>	<p>11/3/2008</p>
<p>Planning conducted a site visit to assess the situation, and determined that the construction exceeded the permitted height by approximately 2 feet. A Stop Work Order was issued for work on the second story of the house, and was lifted once the plans and project were brought into compliance with the original view preservation approval.</p>	<p>On or about January 2009</p>
<p>The trees were removed prior to the issuance of a permit due to the immediate life safety concerns. A permit was issued for the removal of the 7 heritage trees after-the-fact, pursuant to BHMC §10-3-2901C.</p>	<p>4/1/2009</p>
<p>Permit issued for work on guest house and garage on 4/16/2009.</p>	<p>4/15/2009</p>

A permit was issued for removal of the trees prior to their removal, pursuant to BHMC §10-3-2901.	6/12/2009
No action was taken; however, it was noted that the subject project may not be in compliance with the City's 50% rule regarding addition to and reconstruction of existing, legally nonconforming structures.	7/14/2009
Planning informed by B&S that the project does not comply with the City's 50% rule and that a Stop Work Order was issued for the subject project. No work is permitted to take place until the entire project is brought into compliance with the BHMC.	7/15/2009

DESCRIPTION	ACTION	APPLICANT NAME	DATE
Additional and Alteration to SFR	Applied	MAURICIO DUK/PCG CONSTRUCTION	7/5/2007
Excavation for basement and new retaining walls	Applied	MAURICIO DUK	7/5/2007
Additional and Alteration to SFR	Issued	MAURICIO DUK/PCG CONSTRUCTION	11/27/2007
Excavation for basement and new retaining walls	Issued	MAURICIO DUK	11/27/2007
Temporary Power Pole	Applied	NATIONAL CONSTRUCTION RENTALS INC	2/4/2008
Temporary Power Pole	Issued	NATIONAL CONSTRUCTION RENTALS INC	2/4/2008
Mechanical for alteration and addition	Applied	PCG CONSTRUCTION	6/2/2008
Plumbing for alteration and addition	Applied	LYNN GLENN PLUMBING	6/2/2008

Mechanical for alteration and addition	Issued	PCG CONSTRUCTION	6/30/2008
Plumbing for alteration and addition	Issued	LYNN GLENN PLUMBING	6/30/2008
Addition and alteration to SFR	Applied	PCG CONSTRUCTION	9/22/2008
Electrical-conduit only pending plan check	Applied	K O R BUILDERS INC dba: A W ELECTRICAL	9/23/2008
Electrical-conduit only pending plan check	Issued	K O R BUILDERS INC dba: A W ELECTRICAL	9/23/2008
Addition and alteration to SFR	Issued	PCG CONSTRUCTION	10/21/2008
Install new fire sprinkler system for single family res: 2 story with basement and 2 car garage with workshop	Applied	A H ACCORD GROUP INC	11/19/2008
Install new fire sprinkler system for single family res: 2 story with basement and 2 car garage with workshop	Applied	A H ACCORD GROUP INC	3/23/2009

DESCRIPTION	ACTION	APPLICANT NAME	DATE
Additional and Alteration to SFR	Assigned to PRE	MAURICIO DUK/PCG CONSTRUCTION	7/5/2007
Excavation for basement and new retaining walls	Assigned to PRE	MAURICIO DUK	7/5/2007
Additional and Alteration to SFR	Plan Check w/Corrections	MAURICIO DUK/PCG CONSTRUCTION	7/16/2007
Excavation for basement and new retaining walls	Plan Check w/Corrections	MAURICIO DUK	7/16/2007
Additional and Alteration to SFR	PC Approved	MAURICIO DUK/PCG CONSTRUCTION	8/20/2007
Excavation for basement and new retaining walls	PC Approved	MAURICIO DUK	9/10/2007
Mechanical for alteration and addition	Assigned to PRE	PCG CONSTRUCTION	6/5/2008
Plumbing for alteration and addition	Assigned to PRE	LYNN GLENN PLUMBING	6/5/2008
Mechanical for alteration and addition	PC Approved	PCG CONSTRUCTION	6/10/2008
Plumbing for alteration and addition	PC Approved	LYNN GLENN PLUMBING	6/10/2008
Addition and alteration to SFR	Assigned to PRE	PCG CONSTRUCTION	9/25/2008
Addition and alteration to SFR	PC Approved	PCG CONSTRUCTION	10/2/2008
Install new fire sprinkler system for single family res: 2 story with basement and 2 car garage with workshop	Assigned to PRE	A H ACCORD GROUP INC	11/19/2008
Install new fire sprinkler system for single family res: 2 story with basement and 2 car garage with workshop	Plan Check w/Corrections	A H ACCORD GROUP INC	12/1/2008
Install new fire sprinkler system for single family res: 2 story with basement and 2 car garage with workshop	PC Approved	A H ACCORD GROUP INC	3/23/2009

INSPECTION DESCRIPTION	SCHEDULING TYPE	ACTION	DATE
Clarifier	MANUAL	No Access	12/6/2007
Clarifier	ONLINE	Req for Inspection (History)	12/6/2007
Pre-construction meeting	MANUAL	Progress	12/12/2007
Pre-construction meeting	ONLINE	Req for Inspection (History)	12/12/2007
Edison meter release	MANUAL	Approved	2/8/2008
Temporary power pole	MANUAL	Approved	2/8/2008
Temporary power pole	IVR	Req for Inspection (History)	2/8/2008
Miscellaneous building	MANUAL	Progress	3/12/2008
Miscellaneous building	MANUAL	Req for Inspection (History)	3/12/2008
Project conditions	MANUAL	Progress	4/11/2008
Foundations/UFER ground	MANUAL	Progress	7/22/2008
Rough plumbing	MANUAL	Progress	7/22/2008
Foundations/UFER ground	IVR	Req for Inspection (History)	7/22/2008
Rough plumbing	IVR	Req for Inspection (History)	7/22/2008
Block wall grout	MANUAL	Progress	7/28/2008
Block wall grout	IVR	Req for Inspection (History)	7/28/2008
Block wall grout	MANUAL	Progress	7/30/2008
Block wall grout	IVR	Req for Inspection (History)	7/30/2008
Foundations/UFER ground	MANUAL	Partial Approval	8/7/2008
Foundations/UFER ground	IVR	Req for Inspection (History)	8/7/2008
Foundations/UFER ground	MANUAL	Progress	9/25/2008
Foundations/UFER ground	ONLINE	Req for Inspection (History)	9/25/2008
Foundations/UFER ground	MANUAL	Progress	10/6/2008
Foundations/UFER ground	ONLINE	Req for Inspection (History)	10/6/2008
Under-floor plumbing	MANUAL	Approved	10/14/2008
Block wall grout	MANUAL	Progress	10/14/2008
Foundations/UFER ground	ONLINE	Req for Inspection (History)	10/14/2008
Rough plumbing	ONLINE	Req for Inspection (History)	10/14/2008
Foundations/UFER ground	MANUAL	Wrong Inspection Request	10/14/2008
Rough plumbing	MANUAL	Wrong Inspection Request	10/14/2008
Slab pour	MANUAL	Correction	10/27/2008
Slab pour	ONLINE	Req for Inspection (History)	10/27/2008
Slab pour	MANUAL	Approved	10/28/2008
Slab pour	ONLINE	Req for Inspection (History)	10/28/2008
Miscellaneous building	MANUAL	Cancelled	12/8/2008

Miscellaneous building	MANUAL	Req for Inspection (History)	12/11/2008
Miscellaneous building	MANUAL	Stop Work Order	12/11/2008
Duct joint sealing (pre-duct insulation)	ONLINE	Cancelled	3/27/2009
Duct joint sealing (pre-duct insulation)	IVR	Req for Inspection (History)	3/27/2009
Duct joint sealing (pre-duct insulation)	IVR	Req for Inspection (History)	3/27/2009
Duct joint sealing (pre-duct insulation)	ONLINE	Progress	3/30/2009
Rough plumbing	MANUAL	Approved	4/20/2009
Shear walls	MANUAL	Not Approved	4/20/2009
Under-floor	MANUAL	Progress	4/20/2009
Shear walls	ONLINE	Req for Inspection (History)	4/20/2009
Under-floor	ONLINE	Req for Inspection (History)	4/20/2009
Rough plumbing	ONLINE	Req for Inspection (History)	4/20/2009
Shear walls	MANUAL	Not Approved	4/27/2009
Shear walls	ONLINE	Req for Inspection (History)	4/27/2009
Roof framing/sheathing (nailing)	MANUAL	Progress	5/7/2009
Roof framing/sheathing (nailing)	ONLINE	Req for Inspection (History)	5/7/2009
Project conditions	MANUAL	Progress	7/8/2009
Miscellaneous building	MANUAL	Stop Work Order	7/16/2009
Project conditions	MANUAL	Stop Work Order	7/16/2009

ture or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

303.2 Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 90 days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

303.3 Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or the technical codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this jurisdiction.

303.4 Expiration. Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

303.5 Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

SECTION 304 — FEES

304.1 General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by this jurisdiction.

304.2 Permit Fees. The fee for each permit shall be as set forth in Tables 3-A through 3-H. Where a technical code has been adopted by the jurisdiction for which no fee schedule is shown in

this code, the fee required shall be in accordance with the schedule established by the legislative body.

The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment.

304.3 Plan Review Fees. When submittal documents are required by Section 302.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 3-A.

The plan review fees for electrical, mechanical and plumbing work shall be equal to 25 percent of the total permit fee as set forth in Tables 3-B, 3-C and 3-D.

The plan review fee for grading work shall be as set forth in Table 3-G.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 304.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 302.4.2, an additional plan review fee shall be charged at the rate shown in Tables 3-A through 3-G.

304.4 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

304.5 Investigation Fees: Work without a Permit.

304.5.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

304.5.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Tables 3-A through 3-H. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

304.6 Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.