

June 1, 2006

**Honorable Mayor and Members
of the Hermosa Beach City Council**

**Regular Meeting of
June 9, 2006**

SUBJECT: AMENDMENT TO THE CITY'S BUILDING CODE ADDING NEW PEDESTRIAN PROTECTION REQUIREMENTS FOR CONSTRUCTION AND DEMOLITION JOB SITES AND NEW PENALTY PROVISIONS FOR RELATED CODE VIOLATIONS

Recommendation:

That the City Council:

1. Waive full reading and introduce the ordinance.
2. Direct staff to return with a resolution amending the penalty provisions for violations of the subject ordinance.

Background:

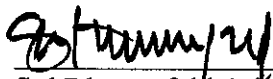
Section 3303 of the California Building Code requires pedestrian protection for construction in proximity to the public way. The protection typically involves installation of a construction fence and an overhead canopy. Once a demolition permit is issued, a builder may erect the protection (fence and canopy) immediately or may delay doing so which puts the public at risk if demolition or construction proceeds without it. An inspector may not be called to a job site for an extended period of time following demolition and the delay in installing protection may not occur until a building inspector visits the job site and orders the installation.¹

In order to deal with this condition, the code enforcement officer has created a log of all new construction and demolition projects to track compliance on a weekly basis. However, even with the tracking system, it is difficult to always catch violations before work commences since the actual start of demolition or construction is unknown. Therefore, staff is recommending a code revision to clarify the requirements and to increase the penalty provisions for violations.

Analysis:

The draft Ordinance provides for the following:

1. That all new construction or demolition sites must install protective fencing regardless of distance to the property line. (Currently the requirement is only for projects within 6 feet or less of the property line)
2. Submittal of a demolition plan that includes all areas of required pedestrian protection. The plan will be required prior to issuance of either demolition or building permits and must be prepared by a licensed contractor or engineer and indicate the proposed protection system to be installed and the method of installation. When conditions make installation of a canopy impractical (i.e. a narrow street or alley) an alternative method may be shown on the plan such as pedestrian diversion through use of flagmen and barriers.²
3. For remodeling of existing buildings on the second floor or above, (i.e., decks, balconies, second floor additions) a builder or owner must submit a pedestrian protection plan showing the proposed protection system and the method of installation, or indicate why pedestrian protection is not required (due to distance of construction from property line).
4. Establish a new more punitive penalty schedule for violations.³
5. Whenever any work encroaches into the public right of way or involves pedestrian diversion, the Public Works Department shall be contacted regarding encroachment permits and demolition plan approval.

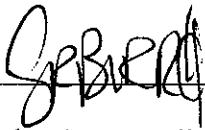


Sol Blumenfeld, Director
Community Development Department



Rick Morgan, Director
Public Works Department

Concur:



Stephen R. Burrell,
City Manager

Notes:

1. Canopies over adjacent public streets and/or walkways are required for all demolition, new buildings, and all work on the 2nd story or higher; including; new 2nd floor, roof decks, signs and balconies. Exception: Where installation of a canopy is impractical due to physical configuration of the site or adjacent public rights of way, the owner/builder may submit a plan for consideration to the Community Development Department. The plan must indicate number of personnel (i.e. flagmen and equipment i.e. cones, barricades and/or signs to ensure the safety of the public.).
2. Demolition permits will include requirement for canopies and fences installed prior to the commencement of any demolition activities. New construction sites shall be fenced during any staging of supplies or equipment, excavation or construction activity. Canopies shall be installed on new construction sites prior to the final foundation inspection.
3. Proposed Penalties for Violations Consider as Infractions – Amend Hermosa Beach Municipal Code Section 1.12.010. B as follows; Any violation deemed to be an infraction of this code shall be punishable by: (1) a fine not exceeding five hundred dollars (\$500.00) for the first violation; (2) a fine not exceeding six hundred dollars (\$600.00) for the second violation of the same ordinance within one year; and (3) a fine not exceeding seven hundred dollars (\$700.00) for each additional violation of the same ordinance within one year. (Any ordinance passed by the council after July 1, 1984, which does not specify that its violation constitutes a misdemeanor shall constitute an infraction as provided in this section. The City Council may also want to implement an administrative penalties program which will allows the City to recovery cost through a city administered hearing process. All infractions such as zone code infractions and the subject municipal code amendment could be processed under an administrative penalties program.

Attachments:

1. Ordinance

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ORDINANCE NO. 06-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HERMOSA BEACH, CALIFORNIA, AMENDING THE
BUILDING CODE (CHAPTER 15.04) TO REQUIRE THE
INSTALLATION OF FENCING AND PEDESTRIAN
PROTECTION ON CONSTRUCTION AND DEMOLITION
SITES AND AMENDING THE HERMOSA BEACH
MUNICIPAL CODE**

The City Council of the City of Hermosa Beach does hereby ordain as follows:

SECTION 1. Findings. The City Council hereby finds as follows: Construction and demolition projects in the City are often adjacent to the public right of way. The purpose of this Ordinance is to assure that the public is protected from the risk of falling materials through the installation of fencing and pedestrian protection.

SECTION 2. The City Council held a duly-noticed public hearing on June 20, 2006 to consider the amendment to the California Building Code relative to adoption of this Ordinance requiring the installation of fencing and pedestrian protection at demolition and construction sites at which the Council took testimony from interested persons prior to deliberating and taking action.

SECTION 3. Chapter 15.04 of Title 15 of the Hermosa Beach Municipal Code is amended by adding thereto a new Section 15.04.140 to read as follows:

15.04.140 Fencing and pedestrian protection shall be required at all building and demolition sites as follows:

1. All new construction or demolition sites must install protective fencing consistent with California Building Code 3303 and Table 33-A regardless of distance to the property line.
2. Submittal of a Pedestrian Protection Plan identifying all areas of required pedestrian protection. Prior to the issuance of either demolition or building permits said plan must be prepared by a licensed contractor or engineer and indicate the proposed protection system to be installed and the method of installation. When conditions make installation of a canopy impractical (i.e. a narrow street or alley) an alternative method may be shown of the plan such as pedestrian diversion through use of flagmen and barriers.
3. For remodeling of existing buildings on the second floor or above, (i.e. decks, balconies, second floor additions) a builder or owner must submit a Pedestrian Protection Plan showing the proposed protection system and the method of installation, or indicate why pedestrian protection is not required (due to distance of construction from property line).
4. Any work encroaching into the public right of way or involving pedestrian protection diversion shall require Public Works Department approval of permits and pedestrian Protection.

SECTION 4. Adoption of this Ordinance is not a project within the meaning of the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the State CEQA Guidelines.

SECTION 5. This ordinance shall become effective and be in full force and effect from and after thirty (30) days of its final passage and adoption.

SECTION 6. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this ordinance to be published in the "Easy Reader", a weekly newspaper of general circulation published and circulated in the City of Hermosa Beach, in the manner provided by law.

1 **SECTION 7.** The City Clerk shall certify to the passage and adoption of this ordinance,
2 shall enter the same in the book of original ordinances of said city, and shall make minutes of the
3 passage and adoption thereof in the records of the proceedings of the City Council at which the
4 same is passed and adopted.

5 **PASSED, APPROVED and ADOPTED** on 13th of June 2006 by the following vote:

6 AYES:
7 NOES:
8 ABSENT:
9 ABSTAIN:

10 _____
11 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

12 ATTEST:

13 APPROVED AS TO FORM:

14 _____
15 City Clerk

16 _____
17 City Attorney

SECTION 3303 — PROTECTION OF PEDESTRIANS DURING CONSTRUCTION OR DEMOLITION

3303.1 General. No person shall use or occupy a street, alley or public sidewalk for the performance of work under a building permit except in accordance with the provisions of this chapter.

No person shall perform any work on any building or structure adjacent to a public way in general use by the public for pedestrian travel unless the pedestrians are protected as specified in this chapter.

Any material or structure temporarily occupying public property, including fences and walkways, shall be adequately lighted between sunset and sunrise.

For additional requirements for temporary buildings or structures, see Section 3103.

3303.2 Temporary Use of Streets and Alleys. The use of public property shall meet the requirements of the public agency having jurisdiction. Whenever requested, plot plans and construction details shall be submitted for review by the agencies concerned.

3303.3 Storage on Public Property. Material and equipment necessary for work to be done under a permit shall not be placed or stored on public property so as to obstruct free and convenient approach to and use of any fire hydrant, fire or police alarm box, utility box, catch basin, or manhole or so as to interfere with the free flow of water in any street or alley gutter.

3303.4 Mixing Mortar on Public Property. The mixing or handling of mortar, concrete or other material on public property shall be done in a manner that will not deface public property or create a nuisance.

3303.5 Protection of Utilities. A substantial protective frame and boarding shall be built around and over every street lamp, utility box, fire or police alarm box, fire hydrant, catch basin, and manhole that may be damaged by any work being done under the permit. This protection shall be maintained while such work is being done and shall not obstruct the normal functioning of the device.

3303.6 Walkway. A walkway not less than 4 feet (1219 mm) wide shall be maintained on the sidewalk in front of the building site during construction, alteration or demolition unless the public agency having jurisdiction authorizes the sidewalk to be fenced and closed. Adequate signs and railings shall be provided to direct pedestrian traffic. Railings shall be provided when required by Section 3303.7.

The walkway shall be capable of supporting a uniform live load of 150 pounds per square foot (psf) (7.18 kN/m²). A durable wearing surface shall be provided.

3303.7 Pedestrian Protection.

3303.7.1 Protection required. Pedestrian traffic shall be protected by a railing on the street side when the walkway extends into the roadway, by a railing adjacent to excavations and by such other protection as set forth in Table 33-A. The construction of such protective devices shall be in accordance with the provisions of this chapter.

3303.7.2 Railings. Railings shall be substantially built and, when of wood, shall be constructed of new material having a nominal size of at least 2 inches by 4 inches (51 mm by 102 mm). Railings shall be at least 3 feet 6 inches (1067 mm) in height and, when adjacent to excavations, shall be provided with a midrail.

3303.7.3 Fences. Fences shall be solid and substantially built, be not less than 8 feet (2438 mm) in height above grade and be placed on the side of the walkway nearest to the building site. Fences shall extend the entire length of the building site and each end shall be returned to the building line.

Openings in such fences shall be protected by doors that are normally kept closed.

All fences shall be provided with 2-inch-by-4-inch (51 mm by 102 mm) plates, top and bottom, and shall be well braced. The fence material shall be a minimum of ³/₄-inch (19.1 mm) boards or ¹/₄-inch (6.4 mm) plywood. Plywood fences shall conform to the following requirements:

1. Plywood panels shall be bonded with an adhesive identical to that for exterior plywood.

2. Plywood ¹/₄ inch (6.4 mm) or ⁵/₁₆ inch (7.9 mm) in thickness shall have studs spaced not more than 2 feet (610 mm) on center.

3. Plywood ³/₈ inch (9.5 mm) or ¹/₂ inch (12.7 mm) in thickness shall have studs spaced not more than 4 feet (1219 mm) on center, provided a 2-inch-by-4-inch (51 mm by 102 mm) stiffener is placed horizontally at the midheight when the stud spacing exceeds 2 feet (610 mm) on center.

4. Plywood ⁵/₈ inch (15.9 mm) or thicker shall not span over 8 feet (2438 mm).

3303.7.4 Canopies. The protective canopy shall have a clear height of 8 feet (2438 mm) above the walkway. The roof shall be tightly sheathed. The sheathing shall be 2-inch (51 mm) nominal wood planking or equal. Every canopy shall have a solid fence built along its entire length on the construction side.

If materials are stored or work is done on the roof of the canopy, the street sides and ends of the canopy roof shall be protected by a tight curb board not less than 1 foot (305 mm) high and a railing not less than 3 feet 6 inches (1067 mm) high.

The entire structure shall be designed to carry the loads to be imposed on it, provided the live load shall not be less than 150 psf (7.18 kN/m²). In lieu of such design, a protection canopy supporting not more than 150 psf (7.18 kN/m²) may be constructed as follows:

1. Footings shall be continuous 2-inch-by-6-inch (51 mm by 152 mm) members with scabbled joints.

2. Posts not less than 4 inches by 6 inches (102 mm by 152 mm) in size shall be provided on both sides of the canopy and spaced not more than 12 feet (3658 mm), center to center.

3. Stringers not less than 4 inches by 12 inches (102 mm by 305 mm) in size shall be placed on edge upon the posts.

4. Joists resting upon the stringers shall be at least 2 inches by 8 inches (51 mm by 305 mm) in size and shall be spaced not more than 2 feet (610 mm), center to center.

5. The deck shall be of planks at least 2 inches (51 mm) thick nailed to the joists.

6. Each post shall be knee-braced to joists and stringers by members 4 feet (1219 mm) long, not less than 2 inches by 4 inches (51 mm by 102 mm) in size.

7. A curb not less than 2 inches by 12 inches (51 mm by 305 mm) in size shall be set on edge along the outside edge of the deck.

EXCEPTION: Protection canopies for new, light-frame construction not exceeding two stories in height may be designed for a live load of 75 psf (3.59 kN/m²) or the loads to be imposed on it, whichever is the greater.

3303.8 Maintenance and Removal of Protective Devices.

3303.8.1 Maintenance. Pedestrian protection required by Section 3303.7 shall be maintained in place and kept in good order for the entire length of time pedestrians may be endangered.

3303.8.2 Removal. Every protection fence or canopy shall be removed within 30 days after such protection is no longer required by this chapter for protection of pedestrians.

3303.9 Demolition. The work of demolishing any building shall not commence until the required pedestrian protection structures are in place.

The building official may require the permittee to submit plans and a complete schedule for demolition. Where such are required, no work shall be done until such plans or schedule, or both, are approved by the building official.

TABLE 33-A—TYPE OF PROTECTION REQUIRED FOR PEDESTRIANS

HEIGHT OF CONSTRUCTION	DISTANCE FROM CONSTRUCTION	PROTECTION REQUIRED
	× 304.8 for mm	
8 feet or less	Less than 6 feet	Railing
	6 feet or more	
More than 8 feet	Less than 6 feet	Fence and canopy
	6 feet or more, but not more than one fourth the height of construction	Fence and canopy
	6 feet or more, but between one fourth to one half the height of construction	Fence
	6 feet or more, but exceeding one half the construction height	None