

**CITY OF HERMOSA BEACH**

**MEMORANDUM**

**Date:** July 6, 2006  
**To:** Honorable Mayor and Members of the City Council  
**From:** Sol Blumenfeld, Director Community Development  
Stephen R. Burrell, City Manager  
**Subject:** Revised Amendments to Pedestrian Protection Ordinance

---

**Recommendation:**

That the City Council waive full reading and introduce the ordinance.

**Background & Analysis:**

At the June 27, 2006 meeting the City Council considered the subject ordinance and made the following revisions:

1. Requirement for pre-demolition inspection.
2. Change of wording from "must" to "shall".

These changes are reflected in the attached Ordinance.

1  
2  
3  
4  
5  
6

**ORDINANCE NO. 06-**

7  
8  
9  
10  
11  
12

**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**

13  
14  
15  
16  
17

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

18  
19  
20  
21  
22  
23

**SECTION 1. Findings.** The City Council hereby finds as follows:

1. Hermosa Beach is an older city with narrow streets and sidewalks.
2. When construction and demolition projects are located on these streets and sidewalks and inadequately protected with fencing and canopies hazardous conditions are created for pedestrians.
3. The current building code does not sufficiently address the City's constrained building and right of way conditions to ensure pedestrian safety.
4. The purpose of this Ordinance is to assure that the public is protected from the risk of falling construction materials through the installation of fencing and pedestrian protection on construction sites.

24  
25  
26  
27  
28

**SECTION 2.** The City Council held a duly-noticed public hearing on June 27 and July 11, 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. Pedestrian Protection**

**Notwithstanding the provisions of Section 15.04.010, Chapter 3303 of the Building Code is amended by adding thereto a new Section 3303.7.5 to read as follows:**

**Section 3303.7.5** Fencing and pedestrian protection shall be required at all building and demolition sites as follows:

1. Prior to issuance of a demolition or building permit, a pre-demolition site inspection shall be performed verifying sewer cap and temporary toilet location, and the capping of electrical, water and gas service to the property.
2. Prior to commencement of work, all new construction or demolition sites shall install minimum 6 foot high protective chain link fencing or wood fencing consistent with Section 3303 of the California Building Code, and Table 33-A regardless of distance to the property line Protective wood canopies must be installed prior to commencement of work pursuant to the requirements of Section 3303 and Table 33A of the CBC.
3. A Pedestrian Protection Plan must be approved identifying all areas of required pedestrian protection for the property, prior to the issuance of demolition or building permits. The plan must indicate all areas of pedestrian protection or indicate why such protection is not required (i.e. exempt due to distance of construction to property line). The Pedestrian Protection Plan, must be prepared by a licensed contractor, engineer or

1 owner-builder and indicate the proposed protection system to be installed and the  
2 method of installation. When conditions make installation of a pedestrian canopy  
3 impractical (i.e. a narrow street or alley) an alternative method may be shown on the  
4 plan such as pedestrian diversion through use of flagpersons and barriers.

- 5 4. Any work encroaching into the public right of way or involving pedestrian diversion  
6 shall require Public Works Department approval of permits and pedestrian protection.  
7 5. In addition to the remedies provided in the Building Code, violations of this section  
8 shall result in revocation or suspension of a building permit pursuant to the procedures  
9 set forth in the Code.

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

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

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

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

23 **PASSED, APPROVED and ADOPTED** on 11h of July 2006 by the following vote:

24 AYES:

25 NOES:

26 ABSENT:

27 ABSTAIN:

28 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney