# Demolition Permit and Adjacent Property Protection



## Agenda

- Property Protections
  - Pre-Construction Survey
  - Monitoring Plan
  - Notice to Adjoining Owner
- Site Restoration
  - Exterior Wall Protection
  - Backfilling/Site Grading



#### PROTECT LIFE SAFETY AND ADJOINING PROPERTY!

- Demonstrate that an adequate investigation/assessment necessary for responsible design/ construction and ensure affected buildings are appropriately monitored throughout the demolition.
- Provide notice and complete project information to an adjoining owner or resident of a building that is directly impacted by the work.
- Clarify requirements for site restoration after demolition

### Bill No 210389 and 220008

Requirements	
Excavation Permit and Contractor	Not Applicable
Protection of Property	Requires Pre-Construction Survey, Monitoring Plan, and Notifications to Adjacent Owner for specific work scopes that may directly impact adjacent property

### Code Bulletin B-2203

Information	
Protection of Property	
Site Restoration	Exterior Wall, Backfilling, and Permit Sequencing



#### Construction impacting adjacent property documents

The **Department of Licenses and Inspections** (L&I) issues permits for **construction**, **demolition** and excavation work in the city. The documents on this page include information related to construction impacting an adjacent property where the project includes any of the following work:

- Excavation work more than 5 feet below adjacent grade and within 10 feet of an adjacent building or structure.
- Excavation, demolition, or construction work where historic structure is within 90 feet on the same or adjacent parcel.
- Structural alterations of a historic structure (excluding 1 or 2 family dwellings).
- · Modification to a party wall, including demolition, joist replacement, and additions.
- · Severing of structural roof or wall covering spanning properties.

Refer to the **Excavations and the Protection of Adjacent Property Code Bulletin B-0503-R3** for more details on construction and protection requirements.

Name	Description	Released	Format
Acknowledgement of receipt of construction or demolition project form	This form outlines the information required to be submitted and must be signed as an acknowledgment of receipt by the adjacent property owner impacted by construction or demolition work.	November 9, 2022	PDF 🛓
<u>Monitoring plan information</u> <u>sheet</u>	This document provides information on the monitoring plan requirements including the scope of monitoring, frequency, and acceptable tolerances.	November 8, 2022	PDF 🛓
Notification to adjacent owner information sheet	This document provides information about the process to notify the adjacent owner impacted by construction or demolition work.	November 8, 2022	PDF 🛓
Pre-construction survey information sheet	This document provides information on the pre-construction survey requirements including the documentation on existing conditions of all adjoining and adjacent buildings and any potential hazards.	November 8, 2022	PDF 🛓

Documents available at phila.gov/li for review

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Direct links will be included in Nov newsletter (to be distributed on Nov 30)

### **Reference Material**



#### Pre-Construction Survey Information Sheet

#### Overview

Pursuant to <u>Section 4-A-3307 of the Philadelphia Code</u>, a preconstruction inspection and summary plan or report is required to document the existing conditions of all adjoining and adjacent buildings and identify any potential hazards where proposed construction or demolition may impact buildings on an adjacent or adjoining property.

The survey must be prepared by a licensed professional engineer. At a minimum, the survey shall be based upon a physical inspection of the property and supplemented with available records and reports. The engineer shall determine means and methods required to determine the character and condition of surrounding structures. Supplemental records and reports may include a soils investigation report, aerial imagery, and permit and violation records.

#### Applicability

Section 4-A-3307 requires that a preconstruction survey be performed when the project scope includes any of the following conditions:

- Excavation work to a depth of more than 5 feet below adjacent grade and within 10 feet of an adjoining or adjacent building. This excludes excavation for utilities and geotechnical exploration.
- Excavation, new construction or demolition work occurring within 90 feet of a building or structure on the <u>Philadelphia</u> <u>Register of Historic Places</u> that is located on the subject property or abutting lot. This excludes excavation for utilities and geotechnical exploration.



#### Monitoring Plan Information Sheet

#### Overview

Pursuant to Section 4-B-1704 of the Philadelphia Code, buildings or structures adjoining or adjacent to certain excavation, demolition, or construction shall be monitored by a licensed special inspector to ensure that the structural integrity of the building is not adversely impacted by the activity.

Operations shall be monitored in accordance with an approved monitoring plan specifying scope, frequency, and acceptable tolerances. The monitoring plan shall include observation of any specific defects or conditions, including those identified in the pre-construction survey or soils investigation report, that may be affected by the construction or demolition.

#### Applicability

Sections 4-B-1704 and 4-B-3310 of the Philadelphia Code require that structural observations be provided in accordance with a monitoring plan prepared by the engineer of record where any of the following conditions exist:

 Excavation, new construction or demolition work occurring within 90 ft of a building or structure on the Philadelphia Register of Historic Places that is located on the subject property or abutting lot. This excludes excavation for utilities and geotechnical exploration.

### **Reference Material**

DEPARTMENT OF LICENSES AND INSPECTIONS CODE BULLETIN OF INFORMATION B-2203	CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA TITLE 4 — BUILDING CONSTRUCTION AND OCCUPANCY CODE	
SUBJECT OF BULLETIN: DEMOLITION PERMIT REQUIREMENTS	REFERENCE CODE SECTION Phila Building Code a Regulations Phila Administrative Code	
ISSUED BY	ISSUE DATE	
NAME: Elizabeth Baldwin, P.E. Chief Code Official	November 29, 2022	

#### BACKGROUND:

The Philadelphia Building Construction and Occupancy Code includes specific provisions to address the complex operation of building demolition, which may pose significant risk to the public and surrounding property.

Complete permit provisions designed to ensure safe operation and mitigate risk to both the public and surrounding property are contained within Chapters 4-A-3, 4-B-17, and 4-B-33 of the Philadelphia Code. This Code Bulletin is intended to clarify certain application and sequencing requirements contained in these chapters:

Section 1: Protection of Adjacent Property Section 2: Waiver to leave floor slab or foundation in-place Section 3: Exterior Wall Protection Section 4: Backfilling of Site Section 5: Demolition and Construction Permit Sequencing

Section 1 shall apply to all permit applications filed on or after January 1, 2023, unless otherwise noted.

#### CODE BULLETIN B-2203 DEMOLITION PERMIT REQUIREMENTS

DIRECTION:

#### Section 1. Protection of Adjacent Property

Additional permit requirements apply during certain activities that may have a direct impact on adjacent property:

- Modification to a wall which is used for joint service between two buildings on separate lots, including exposure of the wall, removal of perpendicular walls, floor diaphragms, or roof diaphragms. This shall also include demolition where the shared wall abuts an independent bearing wall; or
- 2. Demolition within 90 feet of an historic structure on an adjacent parcel; or
- Severing of any structural, roof, or wall covering element extending continuously across the property line onto adjoining property

Demolition meeting any of the above conditions shall comply with the following requirements:

#### A. Pre-Construction Survey

The Site Safety Plan required under Section 4-A-305.2.2.1 and including condition of adjacent buildings and potential hazards shall be prepared by a Pa registered professional engineer and satisfy all requirements of Section 4-B-3307.9, as outlined in the <u>Pre-</u> Construction Survey Information Sheet.

The plan shall highlight any specific conditions that <u>will be</u> adversely impacted by construction and must be addressed in the construction documents and conditions that <u>may be</u> adversely impacted by construction and must be monitored during construction.

#### B. Monitoring

A monitoring plan shall be prepared by a registered professional engineer and identify the scope, frequency, instrumentation and allowable tolerances as established by Section 4-B-3307 of the Philadelphia Code, based upon the conditions detailed in the pre-construction survey, and as outlined in the <u>Monitoring Plan Information Sheet</u>.

The monitoring plan shall also include minimum special inspection requirements set forth in Section 4-B-1705.1.1.1.2:

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### **Enforcement Date**

- New property protection laws apply to all permit applications filed <u>after</u> December 30, 2022 (or Dec 29, if submitted online). Most provisions of Code Bulletin are already applicable but will be more strictly enforced.
- Refer to <u>L&I regulations</u> for more information on Permit Filing Date.
- Applications that were rejected (and not accepted for review) prior to Jan 1 may require manual adjustment. Recommend scheduling a virtual appointment to complete the application.
- Ensure that you know which requirements apply to your project.





## Safeguards

#### Pre-construction Survey

Inspection report required to document the existing conditions of all adjoining and adjacent buildings and identify any potential hazards where proposed demolition may impact buildings on an adjacent or adjoining property.

### Monitoring Plan/ Special Inspections

Buildings or structures adjoining or adjacent to demolition shall be monitored by a licensed special inspector to ensure that the integrity of the building is not adversely impacted by the activity

### Notification to Adjacent Property Owner

Written notification of certain upcoming demolition activities is required to be given from the owner or owner's representative to adjacent property owners

Work Scope	Survey	Monitoring Plan	Notice
Demolition where historic structure is within 90' on same or adjacent parcel	Y	Y	Y
Modification to a party wall, including demolition of adjoining or abutting structure	Y <sub>1</sub>	Y	Y
Severing of structural roof or wall covering spanning properties	Y	As per Eng	Y

- 1. Existing Site Survey for demo meets requirement if prepared by an engineer<sub>1</sub>
- 2. Engineer must confirm no additional monitoring required or prescribe monitoring

## **Pre-Construction Survey**

- Assessment of exterior condition of adjacent building must be performed by a licensed PA engineer.
- Primarily addressed through existing site safety plan BUT must be prepared by an engineer and Code includes some more specific detail.
- Documentation of adjoining or adjacent buildings, including height, number of stories, construction type, and identification of any elements that may be impacted by construction or demolition operations.
  - If building above adjacent roof line must also include visible chimneys, parapets, skylights, etc..
- Documentation of existing conditions of adjoining or adjacent buildings and identification of deficiencies Must identify any potential hazards requiring monitoring
- > Photographs of adjoining buildings and any elements that may be impacted
- Signature of special inspection agency acknowledging that assessment was reviewed and existing conditions will be monitored accordingly.

### **Pre-Construction Survey**

The pre-construction survey shall be used to identify temporary and permanent protections, supports and alterations required to preserve the integrity of affected structures, including:

- Specific conditions that must be monitoring during the demolition operation, as outlined in the Monitoring Plan.
- Temporary protections, such as roof covering or bracing, that must be identified in the permit documents.
- Permanent alterations necessary to mitigate potential code violations directly caused by the demolition, such as modification to tunnel alley or porch support. Intended resolution must be addressed in the permit document.

### **Pre-Construction Survey**

Condition	Documentation			
	Monitoring Plan	Construction Plan	Separate Permit	
Cracks or Deformations	х			
Demolition, resulting in modification of lateral support	x	x (if temporary bracing is required)	x (if permanent support is required)	
Demolition abutting an independent structure	x	x (if temporary bracing or protection is required)	x (if permanent restoration is required)	
Historic Structure within 90' on same or adjacent lot	x			
Adjacent building or pedestrian area requiring protection		x (if temporary protection is required)		
Severing shared component (i.e. porch roof, or balcony)	x	x (if temporary bracing is required)	x (if permanent support is required)	

# Monitoring Plan

- The engineer shall determine the required level of inspection and prescribe the scope and frequency of inspections, required instrumentation (if applicable) and acceptable tolerances based on pre-construction survey, reports, and records.
- The engineer may <u>not</u> waive the inspection requirement, unless otherwise approved by the Department based on level of work and potential hazard.
- > The monitoring plan shall be signed and sealed by the engineer.
- Monitoring shall be carried out by a Special Inspector approved for Structural Stability of Existing Buildings. SI may establish increased inspections; however, a reduction in inspections requires an amended permit.
- > Demolition SI still required for mechanical demo and buildings more than 40' in height/ 3 stories.
- > Special inspections may be executed by same individual if licensed in both categories.

# Notification to Adjoining Owner

- Written notification is required to be given from the owner or owner's representative to adjacent property owners.
- Notification is required to be provided both at the time an application is submitted and a minimum of 10 days prior to the start of work.
- > The notification must include project information as specified in the Philadelphia Code.
- > The notice must also be provided to the resident, if different from owner.
- Proof of the initial notification to the adjacent owner must be submitted with the building permit application.



### **Initial Notification**

- Notice of proposed work must be provided to adjacent property owner and resident (if different) and include:
  - Description of work
  - Plans depicting work that may impact building
  - Project schedule
  - Preconstruction survey
  - Protections
  - Prescribed Monitoring
  - Contractor Certificate of Insurance
  - Project Contact Information

### Initial Notification



Department of

Licenses and Inspections

- Owner or owner's representative is responsible for notice.
- If condominium or PUD ownership structure, authorized representative may sign.
- Must send to the owner at the address listed in OPA record, unless a more current address is identified.
- Must submit the form with the demolition permit application. Must either have signature of adjacent owner OR indicate that a reasonable attempt has been made and provide proof of mailing.
- ➤ A separate form is required for each affected parcel.
- Form will be made available in multiple languages on L&I website. Can submit separate forms if cannot sign in common language.

### Notification from L&I



Current Resident 1224 Main Street Philadelphia PA 19111

Novemeber 8, 2022

RE: Notice to Adjoining Owner of 1222 Main Street

#### Dear Resident:

A permit application has been submitted for the project described below, which may impact your property.

- A Commercial Building Permit application (CP-2022-001234) was received on November 8, 2022 for 1222 Main Street
- The application is for the following work: New Construction of a three-family dwelling.

In accordance with Section B-3307.11 of the Philadelphia Code, the owner or their agent is required to provide you with the following information:

- Description of work and estimated schedule,
- · Results of a pre-construction inspection, documenting existing conditions of the adjacent building
- Plans or details depicting work that may affect adjacent property,
- details of monitoring (i.e., periodic inspections, ongoing measurements of existing cracks, etc.) to be performed on the adjoining property,
- · protection proposed to be installed on the adjoining property, and
- once a contractor has been selected for the permitted work, you must be provided with their contact and insurance information.

If you have not received this information, please contact the permit applica t: Josephine Architect 215-111-1111.

The owner is required to provide notice, in writing, at least 10 calendar days price tast start of work; provide notice, in writing, at least 10 calendar days price tast start of work; provide notification of the construction between the outsin individual not a noted above. The owner is also responsible for notifying you of any significant modifications required during construction or demolition operations that may have an impact on your property.

Thank you, City of Philadelphia Department of Licenses & Inspection



#### More Information about Nearby Construction Activity

Prior to the start of construction on the adjacent property, it is a good idea to educate yourself about construction and your rights as a property owner.

#### Access to your Property

At times, gaining access to an adjacent property can help a contractor perform work more safely, quickly, and/or affordably on the property next door. Before entering another property, the contractor is required to obtain permission. It is encouraged that the owners, residents and contractor coordinate with one another in order to reach an agreement that statisfies all affected parties. A written agreement regarding access and other construction related issues may avoid unnecessary confusion or miscommunication if such agreement is reached before construction pelated.

#### Damage to your Property

It is suggested that you document the condition of your property prior to the start of construction or demolition. A good way to do this is by taking timestamped photographs. It is recommended to exchange pre-construction photographs with the owner or contractor.

If a construction project causes damage, immediately notify the owner of the property under construction and/or the contractor. Prior to the start of work, you should be provided with a copy of the contractor's Certificate of Insurance for general liability. If you have questions about your legal rights you will need to consult with a lawyer, among other options, you can contact the Philadelphia Bar Association Lawyer Referral and Information Service (LRIS) at https://philadelphibato.rog/ris or by phone at 215-238-6333.

#### Exceeding the Allowable Scope of a Permit

If you believe that the contractor is performing work that is not permitted, you should report II immediately. If the activity is observed on a weekday, call 311 to generate a construction complaint service call. Call (215) 686-6866 if you are outside Philadelphia! Tactivity is observed on the weekend, email <u>weekendwork(II@phila.ag</u>).

If you are concerned that the adjacent construction has put your home in danger of collapse, leave the house immediately and call 911.

For additional information about construction activity next door as related to hours of operation, underpinning, party walls, dust management and more, please refer to the <u>Construction Activity FAQ</u> located on the L&I website, <u>www.phila.gov/li</u>.



### **Construction FAQs**

Home About *	Licenses * Permits & certificates * Inspections * Appeal	s Resources
/ Department of Licenses and Inspec	tions / Resources / Construction next door FAQs	
Construction ne	ext door FAQs	
This page contains soi yours.	ne frequently asked questions about construction on property ag	<i>jacent to</i>
		Expand All +
Permits	What type of work doesn't require a building permit?	More 4
	How do I check that a permit was issued?	More 4
Construction damage and	The contractor wants to access my property. Should I let them?	More +
oamage and property rights	How do I protect my property from being damaged during construction or demolition?	More 4
	The contractor damaged my property. What do I do now?	More +
	My property was damaged by a contractor performing a demolition contracted by the City. What do I do?	More 4
	How do I obtain the contractor's insurance information?	More +
	What is a party wall and does my neighbor need my permission to work on the shared party wall?	More 4

QR Code is directed to existing resource page for surrounding property owners

Page can be translated into over 120 languages.

Will incorporate pre and post Jan 1 requirements

## **Final Notification and Updates**

- Final notification identifying any updates or changes must be sent to the adjacent owner and resident must be sent at least 10 days prior to the start of work
  - Time period does not apply to permit applications filed to remediate an unsafe or imminently dangerous conditions
- Owner or owner's agent responsible to update adjacent owner and resident of any changes that may impact their property throughout the duration of the project
- L&I is not collecting proof of notice; however, any substantiated deviations from Code may result in enforcement action, including a Stop Work Order

### eCLIPSE- Automated Triggers



Applicant must indicate if conditions apply to their project to trigger requirements.

Requirements may be also be automatically triggered based on other fields.

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## eCLIPSE- Automated Triggers

#### WARNINGS ON APPLICATION

These warnings will not prevent submission of your permit application but require attention prior to permit issuance.



Warning The location indicated on this permit application is adjacent to one or more historic property.

Warning will appear if system detects adjacent historic parcel.

Does not relieve the applicant of the responsibility to verify status of adjacent property.

# **Site Restoration**



### **Exterior Wall**

- B-3307 requires party walls exposed during demolition be treated with exterior wall coverings compliant with Ch 14
- Wall must be protected against weather and temporary protections are permitted for a max of 30 days under existing regulation. Provision moved to Ch 33 and allowable time period for temporary protection is extended to 60 days (via amendment)
- Beginning Jan 1, a complete demolition exposing a wall must either include the exterior wall covering in the permit scope OR a separate exterior wall covering permit shall be required prior to demolition permit issuance
- > An exposed wall that is not permanently covered after 60 days shall constitute a violation
- > Demolition permit final inspection will not be conducted until wall covering is in place.

### **Exterior Wall Protection EZ Standard**

CITY OF PHILADELPHIA DEPARTMENT OF LICENSES & INSPECTIONS Construction Services Division Municipal Services Building - Concourse Level 1401 John F. Kennedy Boulevard Philadephia, Penresykania 16102

#### EZ PERMIT

#### Party Wall Protection

For Applications of Exterior Wall Coverings to address Party Wall Protection Revised 7/2022 (IRC-18 / IBC-18)

#### EZ Party Wall Protection Permit

Obtain permits for the application of exterior wall sidings for the purpose of finishing walls exposed during demolition (including party walls and independent bearing walls abutting party <u>walls/without</u> submitting plans by meeting the Conditions and Design Limitations below. Any deviations from this permit standard will result in permit revocation.

#### **Conditions**

- Installation must fully comply with the requirements of the 2018 International Residential Code (IRC) and the 2018 International Building Code (IBC). Buildings under the scope of the 2018 IRC shall include detached one- and two-family dwellings and townhouses not more than 3 stories above grade in height with a separate means of egress and their accessory structures.
- Exterior Insulation Finish Systems subject to special inspections <u>are not</u> applicable to the EZ permit process.
- Work being performed on historically certified buildings will require approval from the Philadelphia Historical Commission and may require the submission of supplemental details and documentation for the proposed exterior work.
- Wall covering must be installed no more than 60 days after the wall is exposed.
- Final inspection of associated demolition permit shall not be conducted until wall covering is satisfactorily installed.

#### Exterior Wall Covering Application Types

Work shall conform to the requirements of the governing code (IBC 2018 or IRC 2018) with regard to the proposed wall covering application type. If a wall covering type other than exterior plaster & stucco is being utilized, please submit a completed copy of the <u>EZ Exterior Wall Coverings Standard</u> with your application identifying the proposed wall covering type.

#### General Construction Requirements

- · To conform with requirements of specific exterior wall covering applications to be used
- · All proprietary applications to be installed in accordance to manufacturer's installation instructions
- · Manufacturer's installation instructions to be provided in field for inspectors
- Wall covering fasteners shall be with approved aluminum, stainless steel, zinc-coated, or other corrosionresistive fasteners <u>unless</u> specified otherwise.
- Walls must be carefully examined with regard to its existing condition for physical adequacy to accept the
  proposed wall covering treatment.

### **Exterior Wall**

Demolition Permit DP-2022-000009 (Draft)	Apply for a Permit		
RELATED PERMITS		e information about each type of Permit or Certificate please visit our w erations Permit or Preliminary Review, your eClipse User account must	
Identify the following permits associated with the proposed demolition		"Associated an Activity License" to your User Account.	
Plumbing Permit or Application Number to cap and seal any existing sewer lateral(s).	CONSTRUCTION (MAIN) BUILDING	CONSTRUCTION (MISCELLANEOUS)	CONSTRUCTION (EZ - PERMITS WITHOUT
Water Service Discontinuance Permit Number from the Philadelphia Water Department (PWD).	Residential Commercial	Fence	Exterior window replacement
Zoning Permit Number authorizing Full (Complete) Demolition.	Demolition	Hazardous tank Retaining wall	Interior, non-load bearing wall demolition Masonry facade replacement
	Electrical	Sidewalk / shelter platform	Roof covering
	Fire suppression systems Mechanical	sisis	Security gates
	Mechanical Plumbing	Solar	Swimming.pool / spa (residential)
Search for the Permits by clicking on the magnifying glass icon below. If there are multiple Permit the results.	ts ava	Tower crane	Party Wall Protection Complete Demolition
Visit atlas.phila.gov to Search by Address for complete description of previously issued Permits as	sociated with property.		
Please identify an applicable Lateral Seal Permit:	٩,		
Please identify an applicable Water Discontinuance Permit:			
Please identify an applicable Zoning Permit:	9		
Please identify an applicable Party Wall Protection Permit:			
The wall covering is included in the Demolition Permit application scope:			
A party wall will not be exposed as part of demolition:			

# Backfilling

- B-3303.4.1 Where a structure is demolished or removed and no new construction is contemplated, the vacant lot shall be graded in accordance with the Building Code.
- New construction shall be considered 'contemplated' where there is an active permit for development in the issued status, unless otherwise approved by the Department.
- > Demolition is complete upon removal of the building and permit cannot be left open indefinitely.
- Within 30 days of building removal: A site must be backfilled OR a new construction permit must be issued.
  - If the demolition exposed foundation wall (or includes excavation within 10'), the new construction permit must include monitoring of the adjacent structure from the time the building is removed.
  - Failure to comply within 30 days of building removal constitutes a violation
- > The intent to leave open must be indicated in work plan and supported with new con permit.

# Waiver to leave foundation or slab in place

- Section 4-B-3303.12 of the Philadelphia Code allows the Department to authorize a waiver of requirement to remove a slab and/or foundation of the building being demolished.
- > Department shall only consider if slab or foundation system is integral to future development.
- > Request shall be submitted with bldg. permit application (or through prelim) and include:
  - A statement from a licensed design professional detailing the interaction of the existing slab with the future building or site design;
  - A drainage plan sealed by an engineer;
  - Proposed monitoring of adjacent buildings
- Exclude slab area from area of disturbance.

### **Permit Sequencing**

There is no restriction on sequencing of demolition and construction permits with the following exceptions:

- The proposed demolition is in an area that requires issuance of a construction permit prior to demolition permit issuance under the Philadelphia Zoning Code.
- A demolition permit must be completed, and a Certificate of Approval issued before work may commence under the construction permit.



# for future announcements, email communications, and information sessions

