Hurricane Sandy
Building Code and Zoning Reform Suggestions

In the aftermath of Hurricane Sandy, Citizens Housing & Planning Council (CHPC) has been focused on three main objectives in our support of this massive rehabilitation and rebuild effort:

- **Non-Profit Leadership** - We chair a task force for the Department of Housing Preservation & Development that is coordinating with and supporting the needs of non-profit organizations working in the affected neighborhoods.

- **How Environment and Home Meet for the 21st Century: Life After Sandy** – We are working in partnership with a CHPC William R. Ginsberg Practitioner Fellow who is establishing a new non-profit organization charged with addressing the needs of residents living in Zones A and V. This organization is working with specific neighborhoods across the city that require detailed assessment and support. It is focused on: exploring all options for communities; working through the complex decision-making processes with residents; and recommending policies and processes to decision-makers based on the experiences of these residents.

- **Regulatory Reform** - Citizens Housing & Planning Council assembled a number of targeted sub-committees made up of our board members and other industry experts in specific areas of housing policy, development, design, and management. They are tasked to develop concrete recommendations for regulatory change that are critical to speed up and streamline repair and rebuild efforts and to improve new and existing buildings to mitigate future flood damage.

This is a summary of items that we have already discussed directly with all relevant public agencies. We continue to develop these recommendations through further discussion and research:

REPAIR AND REBUILD

- **The Issue**

  If more than 75% of a home's value is lost in a fire then the rebuild would be required to follow current codes. Many of the destroyed houses that were destroyed are of wood-frame "stick" construction; however, stick construction is only permitted outside of the Fire Districts. Fire districts include all of Brooklyn, Manhattan and the Bronx, most of Queens, including the Rockaways, and some of Staten Island. Using the required construction classification for these homes would significantly increase cost.

  We recommend that a 24 month grace period is issued, with some mechanism for extension based on delayed insurance and FEMA payout and material shortages, where one and two family houses that are more than 75% damaged can be rebuilt using combustible construction in the Fire District. To lessen fire risks, protected exterior walls with noncombustible siding over gypsum sheathing could be mandated.

  The Fire Code also would mandate sprinklers if the roadbed of the adjacent street is less than 38' wide. This should be waived or only require sprinklers in lieu of noncombustible construction.

- **The Issue**

  Destroyed buildings may not comply with current, additional zoning requirements, such as parking and side yards, making it difficult to rebuild.

  We recommend that some sort of fast waiver or variance system should be considered.

- **The Issue**

  The base plane/floodplain map will be changing. While we understand that the city and FEMA are working on this together, but this may take some time and some buildings may be moving more quickly to rebuild.

  We recommend that the city works toward creating an interim map so that owners who will be rebuilding quickly can understand the implications if they are now in a floodplain. The city should include the housing and planning industry in this process.

- **The Issue**

  The current definition of height does not take into account its elevation or "freeboard" above the base flood elevation.

Citizens Housing & Planning Council
42 Broadway, Suite 2010, NY, NY 10004
(212) 286-9211
Info@chpcny.org

We recommend that buildings be permitted with up to 6 feet of freeboard, and the height of building be measured from the first occupiable floor, not the base flood elevation.

- **The Issue**
  There are some accessibility issues with buildings which are raised significantly above grade for freeboard. For example, an accessible ramp to get up 5 feet will be 70 feet long including landings, if straight.

  We recommend that if the first habitable floor is more than 2 feet above adjacent grade permit use of lifts for handicapped access. (Note: this is permitted in national codes, but not NYC Building Code.)

  We also recommend that ramps within a building not be counted as floor area.

  And we suggest that buildings are permitted to be setback to allow for ramps. This will require modifying street wall alignment requirements and possibly rear yard setback requirements.

- **The Issue**
  Owners/developers should be encouraged to move/site electrical rooms out of the cellar, but currently they would then count toward floor area.

  We recommend that electrical rooms be deducted from floor area.

- **The Issue**
  If more deductions are permitted, then building envelope can often max out their building envelope.

  We recommend that additional building envelope relief for should be offered if owners/developers include features that improve flood resistance.

- **The Issue**
  Some of the destroyed buildings had illegal basement or cellar apartments that were occupied by households.

  We recommend that a study should be done to find ways to streamline and facilitate the legalization of basement apartments to minimize the loss of this commonly used housing stock. CHPC would welcome the opportunity to undertake this study.

Citizens Housing & Planning Council
42 Broadway, Suite 2010, NY, NY 10004
(212) 286-9211
Info@chpcny.org

- **The Issue**
  Active ground floor features ie glass requirements may cause flooding issues in the floodplain.

  We recommend that these requirements are studied for flood vulnerability.

- **The Issue**
  Requirements to wrap above grade parking with active uses may encourage uses that are vulnerable to flooding.

  We recommend that these requirements are studied for flood vulnerability.

EXISTING BUILDINGS

We recommend that a study should be done to analyze certain strategies that could encourage or mandate the upgrade of existing buildings to make them more flood resistant and more capable of continued operation during severe weather events.

Measures might include:

a. "Floodproofing" of key utility rooms, such as electric service rooms.
b. Encourage locating boilers and electrical rooms with adequate freeboard above base flood elevation and/or on roof.
c. Consider expanded requirements for emergency generators.
d. Consider code implications of permitting portable flood barriers to be manually installed at building entrances in case of floor conditions (possible egress issue).