

Flood Resilience Text Amendment II

Queens Community Board 14

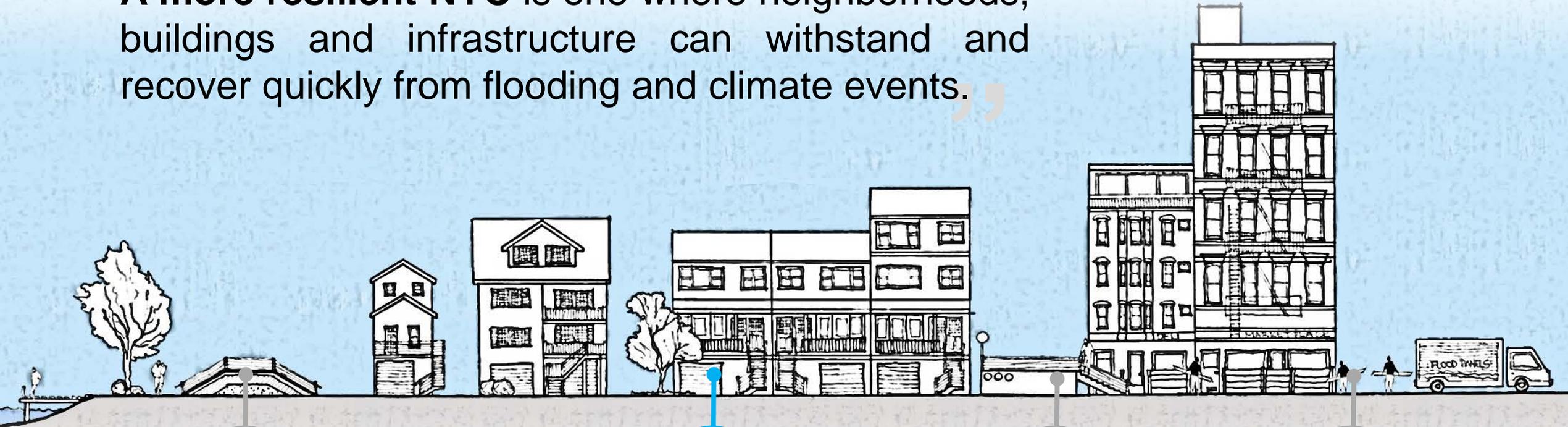
Land Use Committee

May 17, 2017



#ONENYC

“A more resilient NYC is one where neighborhoods, buildings and infrastructure can withstand and recover quickly from flooding and climate events.”



Coastal defenses

are strengthened as first line of defense against flooding and sea level rise



Buildings

are designed to withstand and recover from flooding



Infrastructure

is protected from climate hazards



Residents and businesses

are prepared

FEMA Flood Map

Citywide Flood Risk

NYC's flood risk is high.

The floodplain affects a large geography and most community and council districts.

100 Year Floodplain

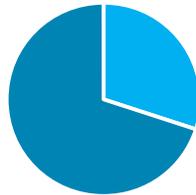
FEMA 2015 PFIRM

Population: **400,000**
Buildings: **71,500**

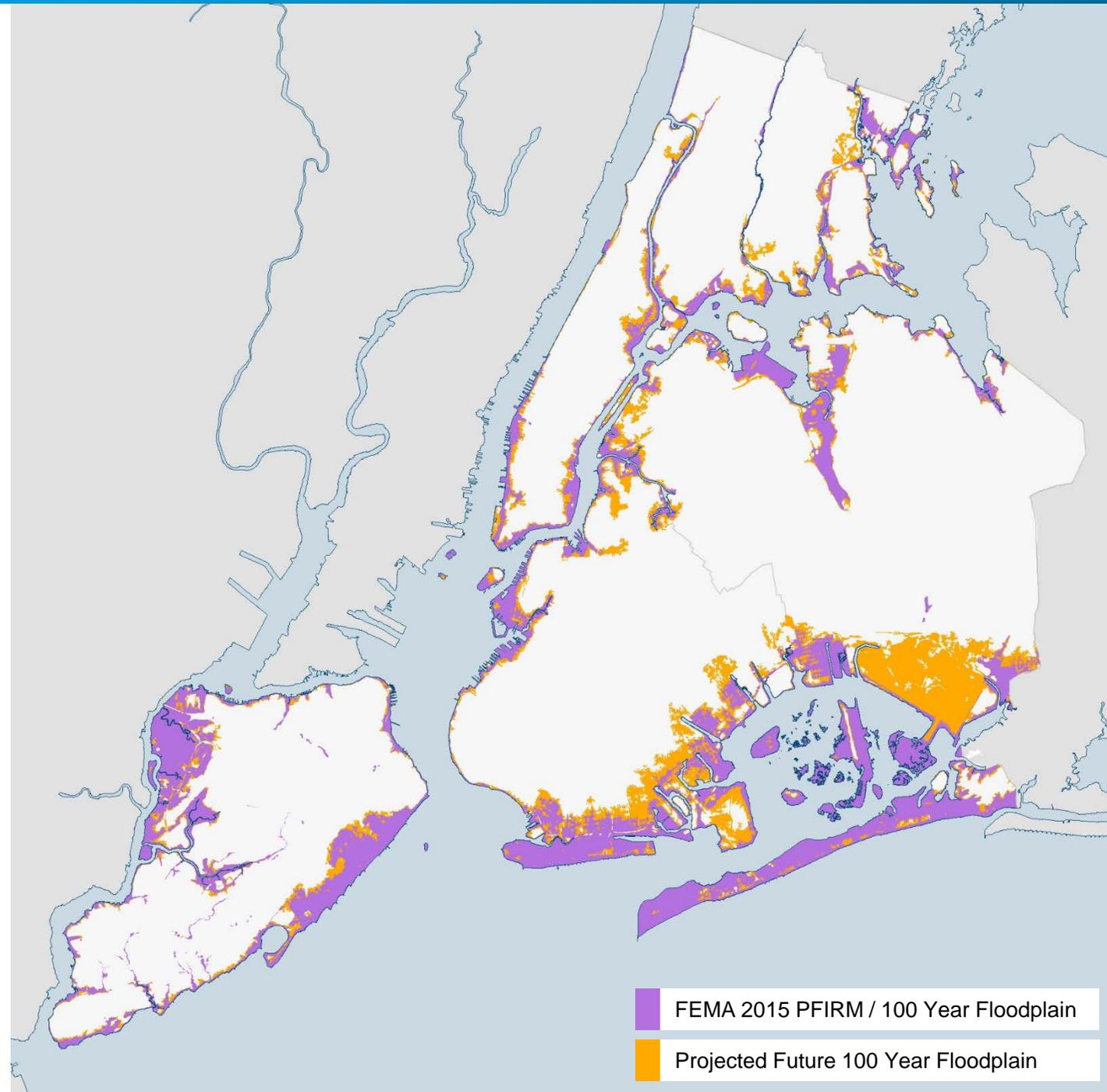
50 of 59 Community Boards
45 of 51 Council Districts



Buildings:
80% 1-4 units
7% 5+ units
13% nonresidential



Residential
Units:
30% 1-4 units
70% 5+ units



FEMA 2015 PFIRM / 100 Year Floodplain

Projected Future 100 Year Floodplain

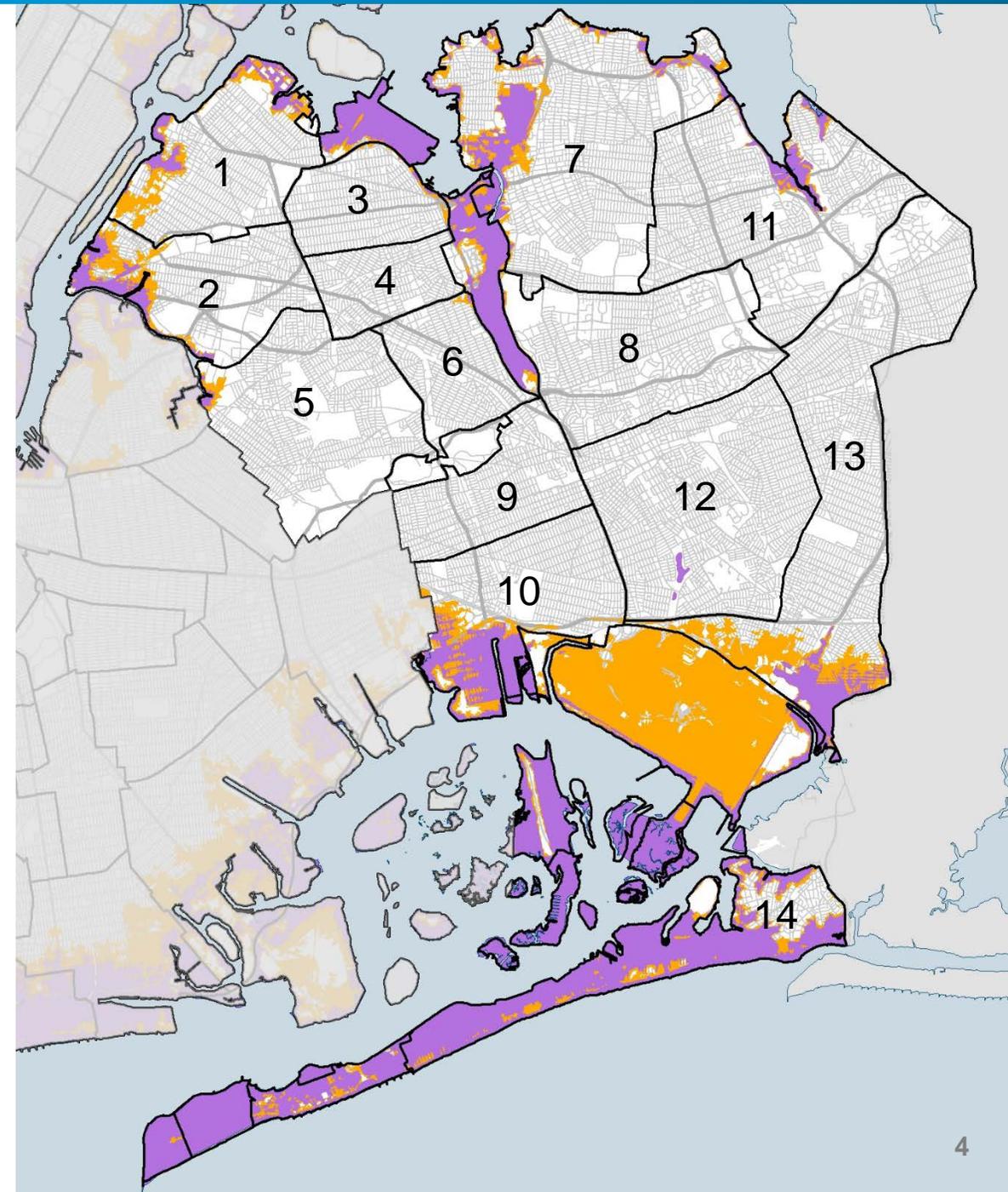
Future Flood Map

Flood Risk in Queens

2015 PFIRMs	2050s Projected	
Population in Floodplain	99,100	167,200
Buildings in Floodplain	25,200	35,600

↑
65%

↑
40%



How are buildings in the floodplain regulated?

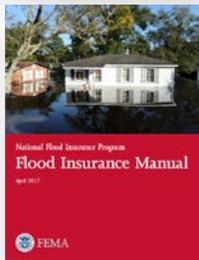


FEMA



Flood Insurance Rate Maps (FIRMs)

Determine where floodplain regulations apply



National Flood Insurance Program

Set up Insurance Rates depending on building elevation and other requirements



Construction Standards (ASCE 24)

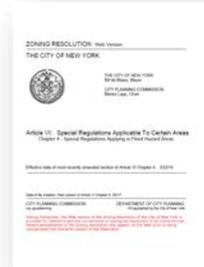
Design minimum construction requirements for flood hazard areas

NYC



Building Code (DOB)

Requires new buildings and substantial improvements to meet FEMA standards



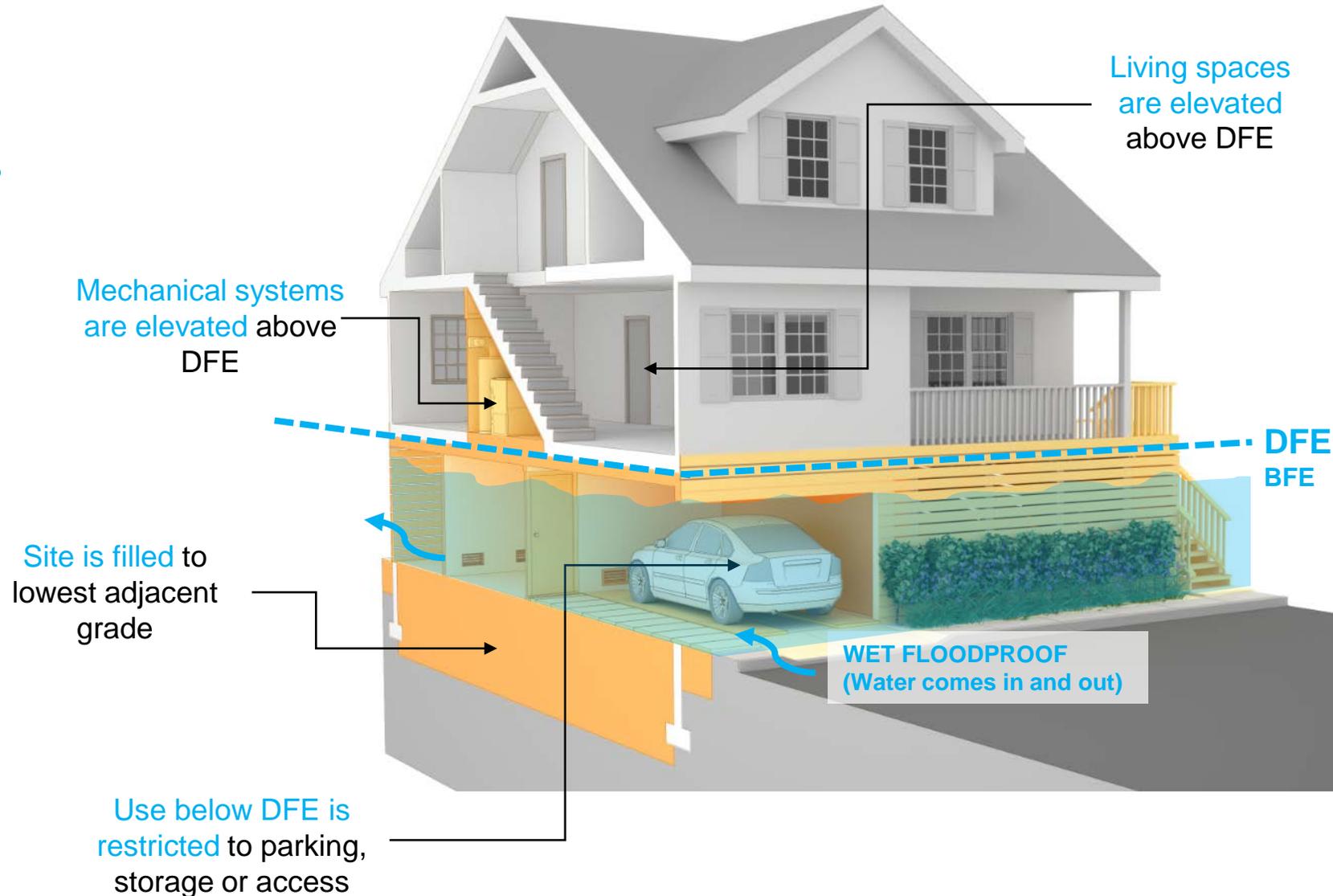
Zoning Resolution (DCP)

Zoning accommodates these regulations and improves neighborhood character

Flood resilient construction

Required by DOB

Flood resilient construction standards require certain buildings to elevate the lowest floor, as well as mechanical equipment, above the Design Flood Elevation (DFE).



Flood resilient construction

Required by DOB



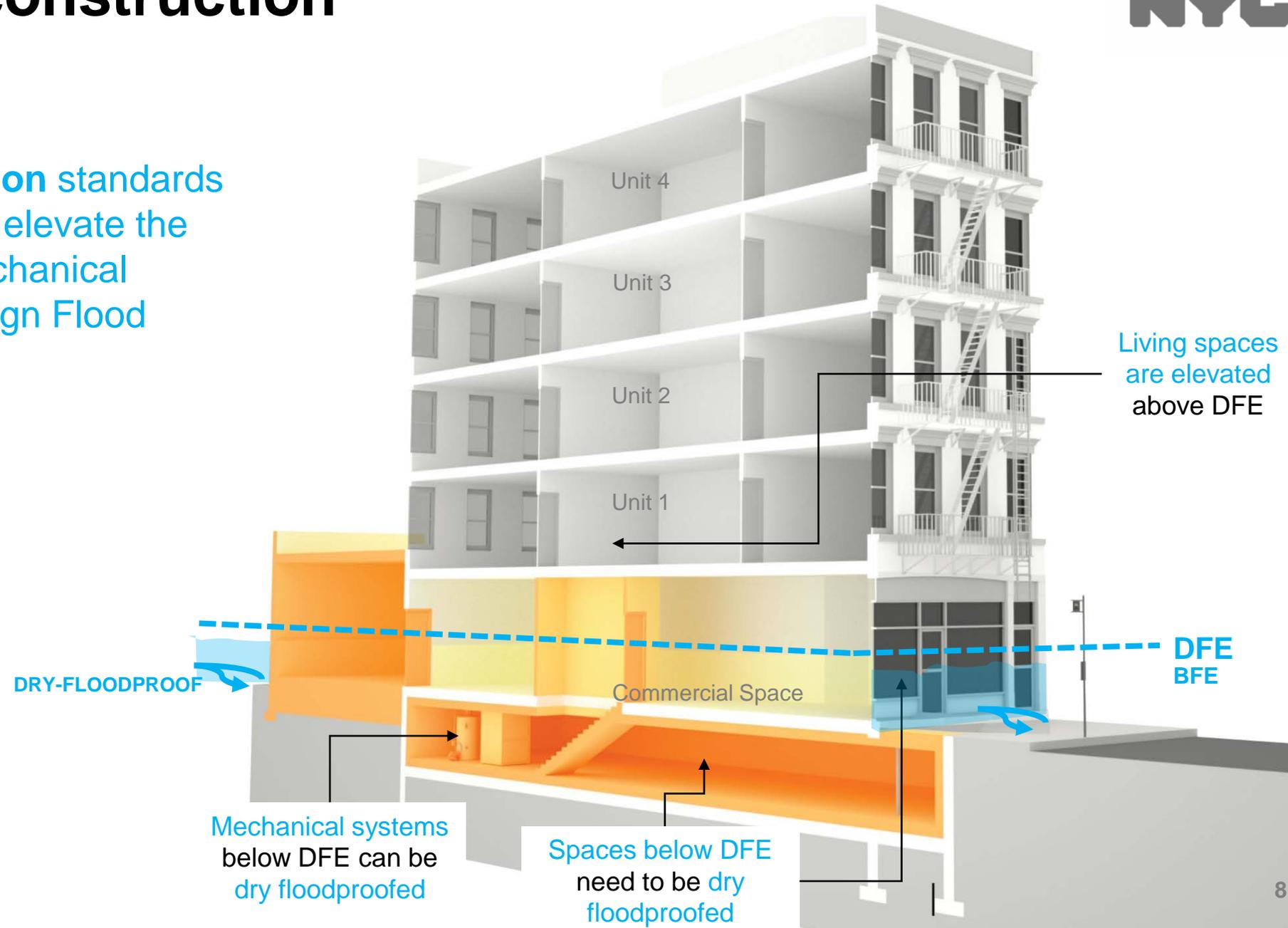
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Flood resilient construction

Required by DOB

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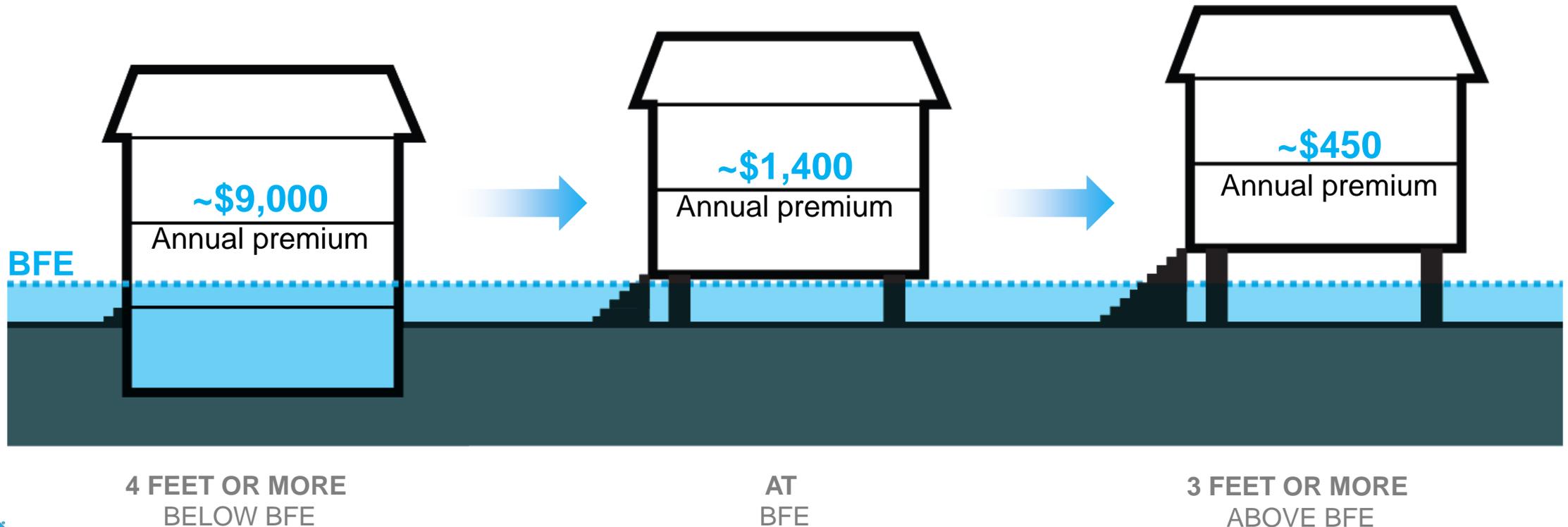
Flood insurance rates

Set by FEMA



Raising or retrofitting your building or home will reduce costs

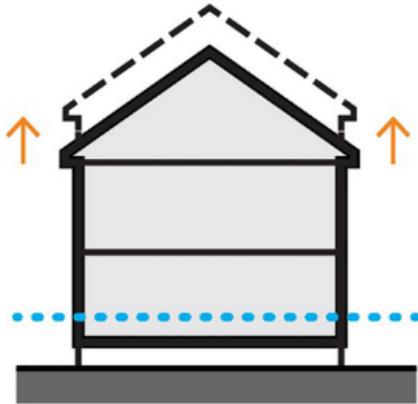
FEMA's flood insurance premiums are lowest when the lowest inhabited floor (any area not used solely for storage, access or parking) is elevated above the **Base Flood Elevation (BFE)**.



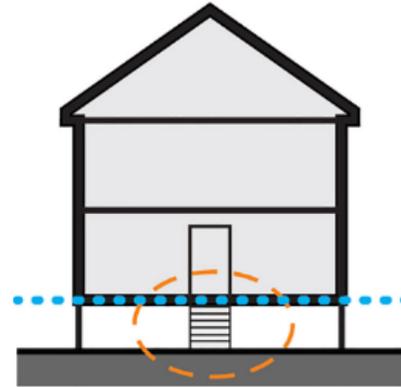
2013 Citywide Flood Text

Amended zoning in six key areas

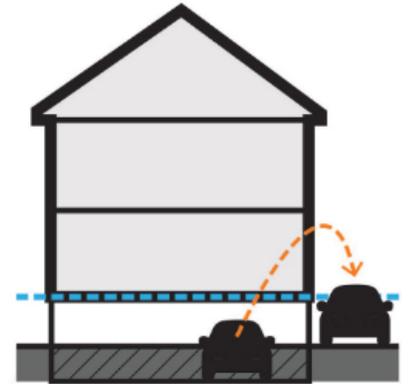
1
Height
Measured from
flood elevation



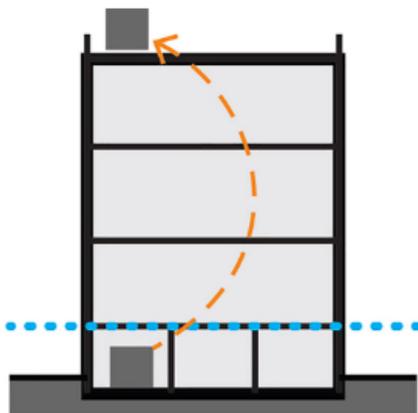
2
Access
Flexibility for
stairs, ramps, lifts



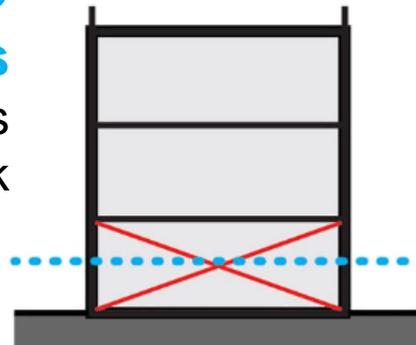
3
Parking
Flexibility to
relocate parking



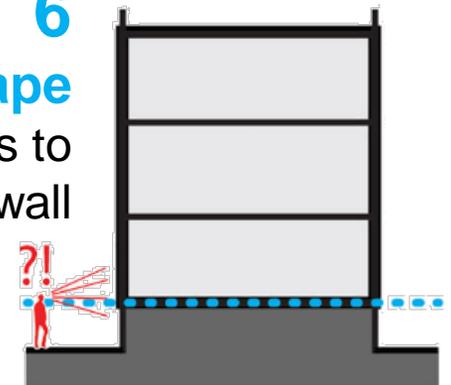
4
Systems
Flexibility to
relocate/elevate



5
Ground Floors
Account for costs
of new flood risk



6
Streetscape
Require features to
mitigate blank wall

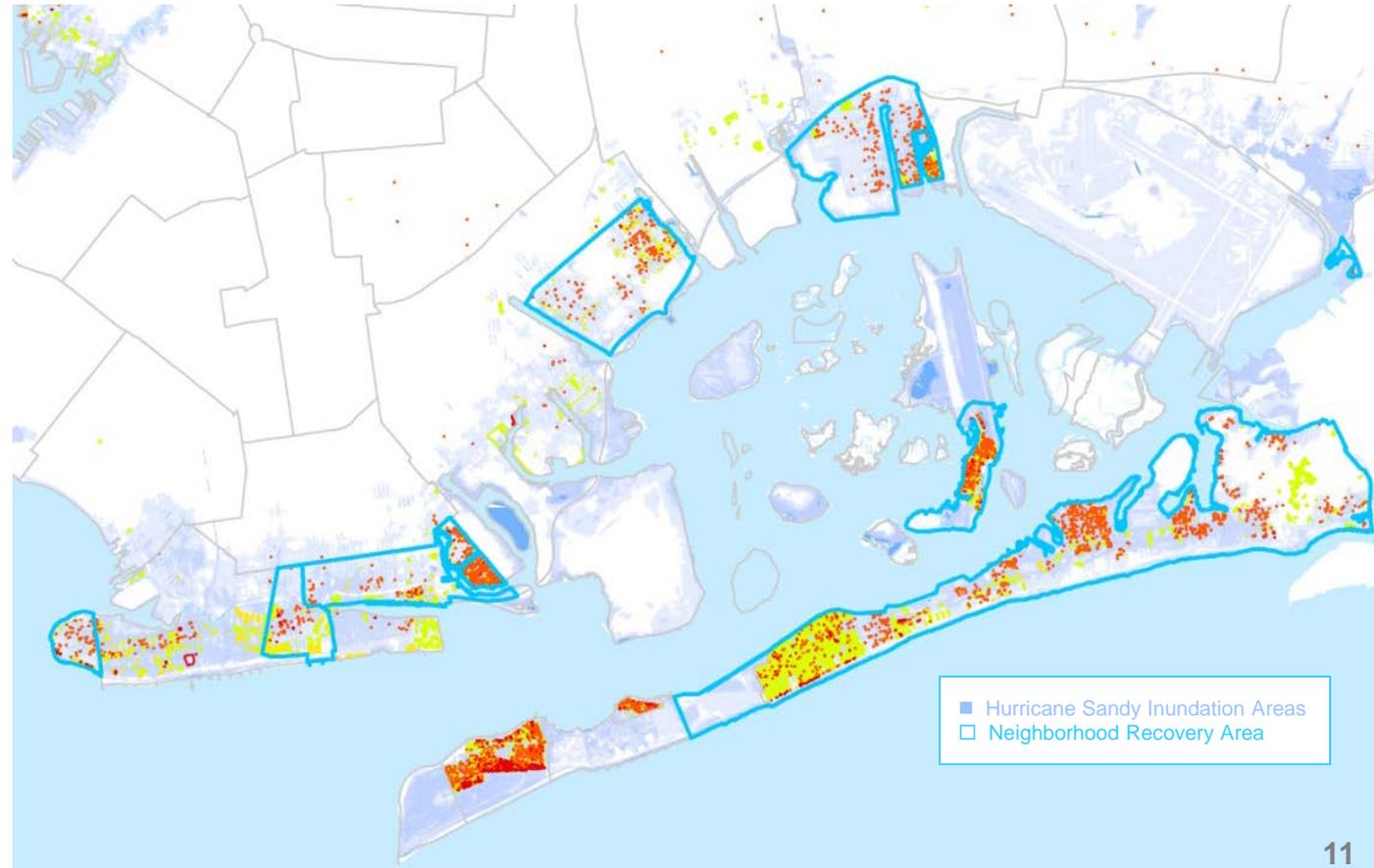
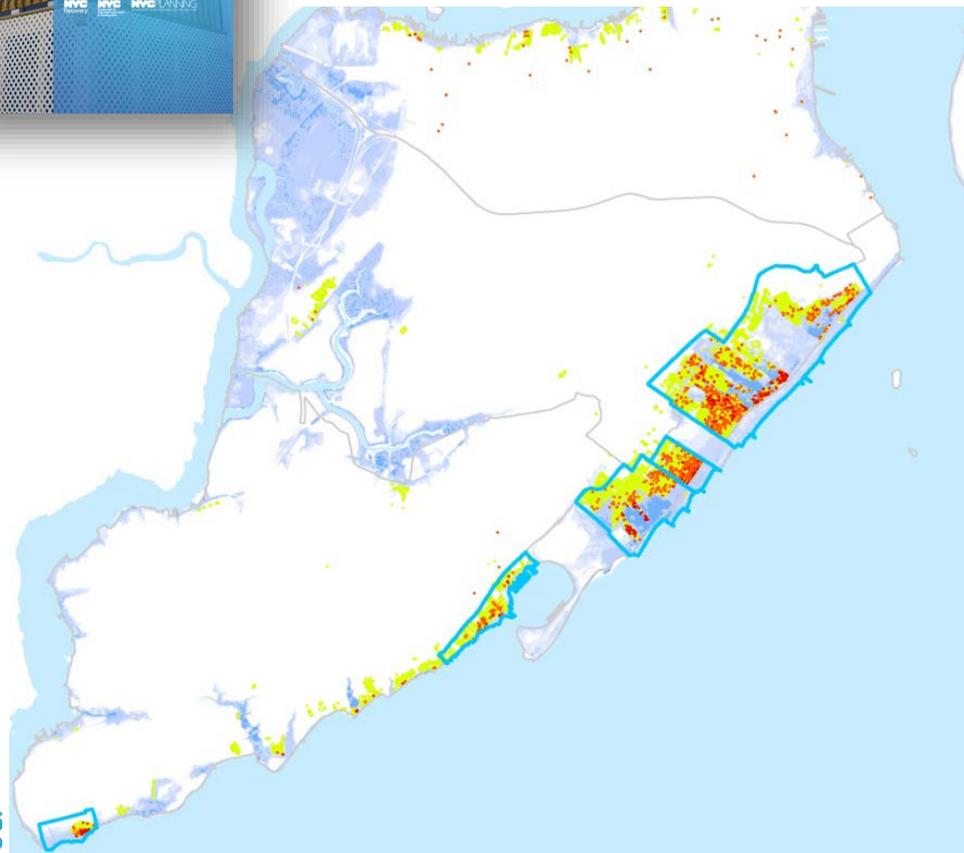


2015 Special Regulations

Accelerate recovery in Sandy-damaged neighborhoods



Temporary regulations, expiring in 2020, in limited areas of Brooklyn, Queens, and Staten Island



2015 Special Regulations

Accelerate recovery in Sandy-damaged neighborhoods

Provided new zoning solutions in three key areas:

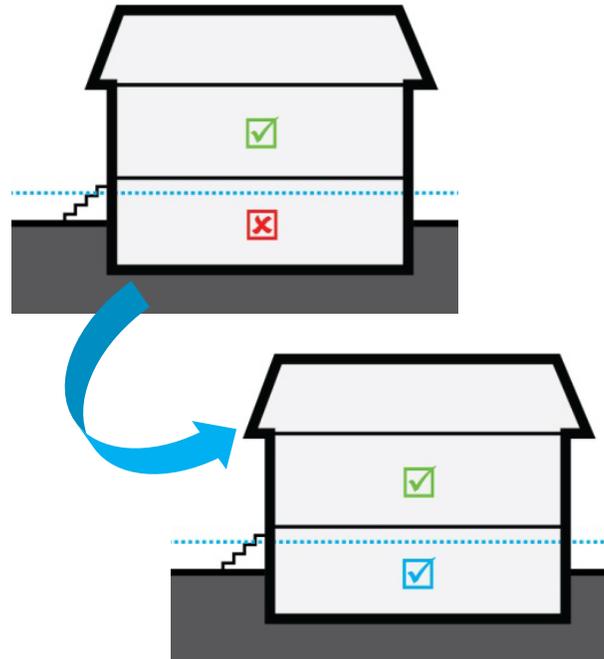
Simplified process
for documenting old homes



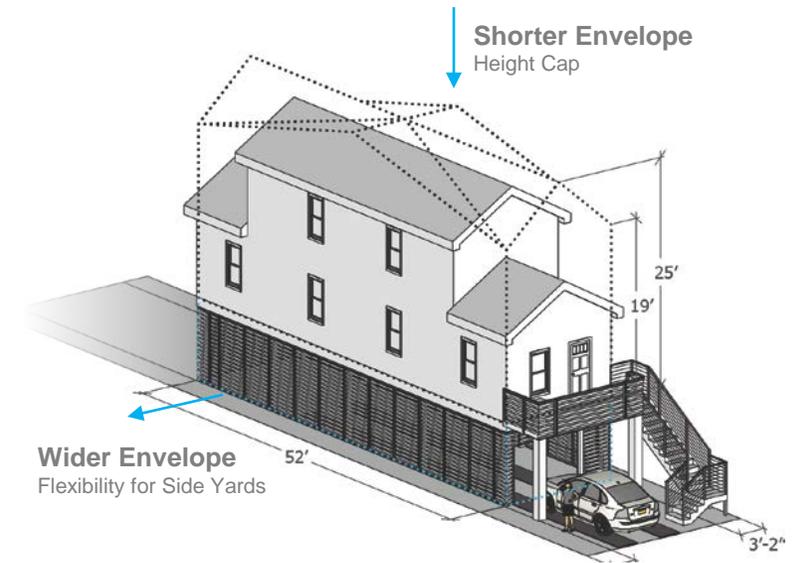
Home in Gerritsen Beach
© Google 2015

1931 Sanborn Map
Used with permission from
The Sanborn Library, LLC

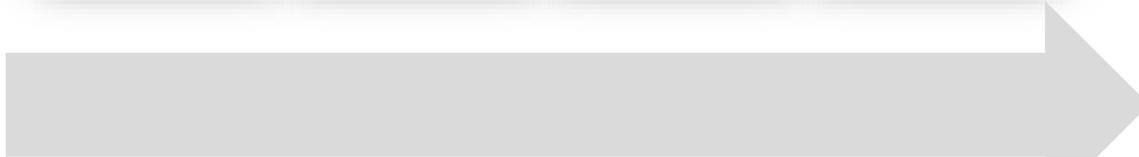
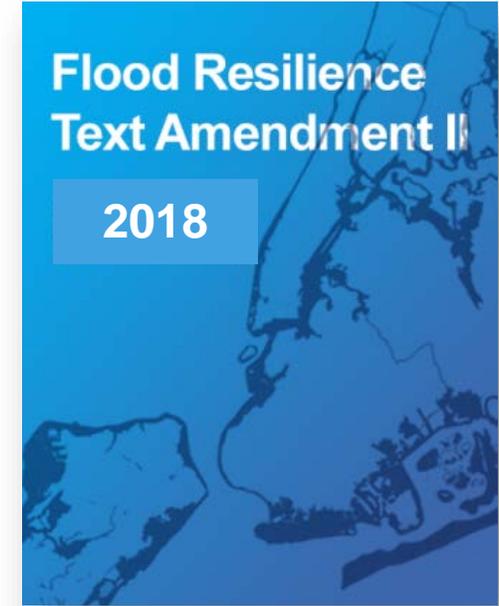
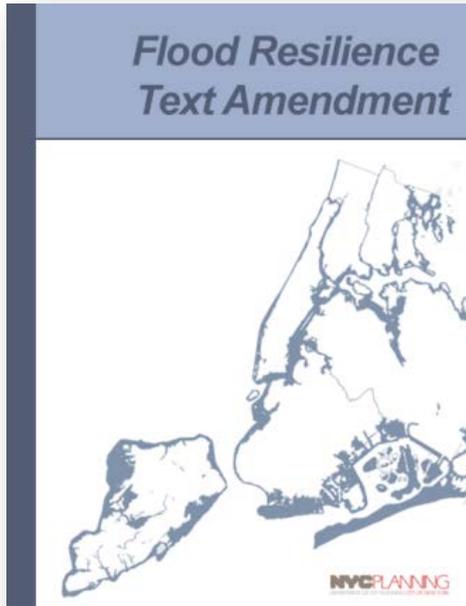
Removed disincentives
such as loss of basement space



Established new envelope
for rebuilds on small existing lots



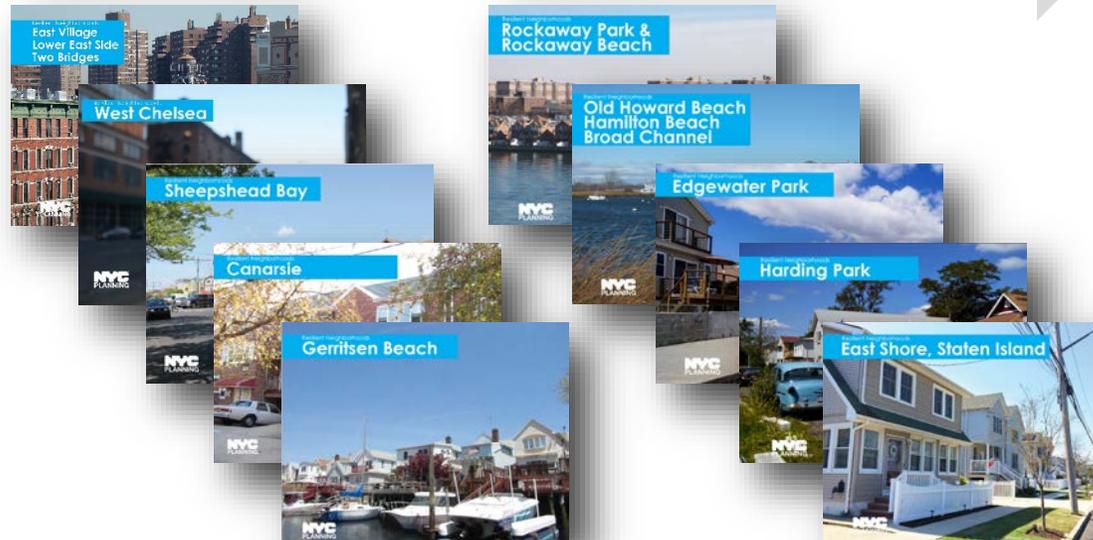
Flood Resilience Zoning Projects at DCP



2013

“Flood Text”

initial temporary regulations to facilitate recovery



2018

“Flood Text Update”
improve upon, and make permanent, the Flood Text

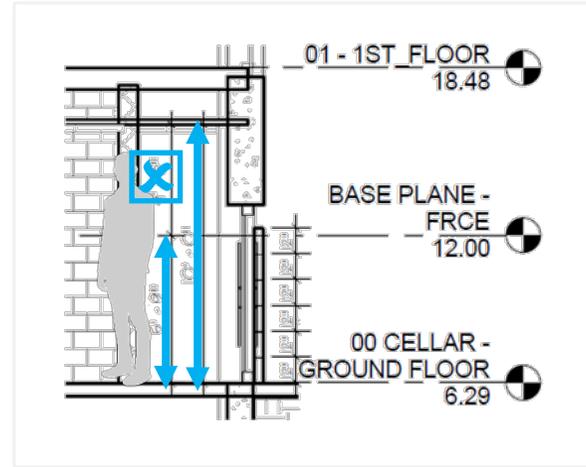
Flood Text Update

Need for a new citywide text amendment



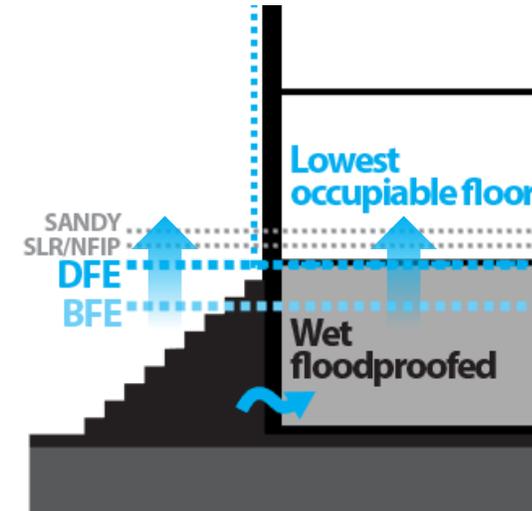
1

Make the provisions of the current, temporary 2013 Flood Text **permanent**



2

Fix and improve provisions based on studies, lessons learned, and outreach



3

Begin to **promote** new development + proactive retrofitting to high resiliency standards

Lessons learned since 2013



Construction/retrofitting activity in the flood zone:

The zoning relief we provided may not be achieving our goal of increasing code-compliant, flood-resistant projects.

DOB Permit Filings

in the flood hazard area, 10/2013 – 1/26/2016

New Buildings NB	Major Alterations Alt-1	Minor Alterations Alt-2
1,021	1,090	15,573
All 1,021 (100%) meet full resiliency standards	Only 113 (10%) meet full resiliency standards	Only 532 (3%) meet full resiliency standards
149 (14%) approved 451 (44%) underway 179 (17%) complete	36 (31%) approved 24 (21%) underway 0 (0%) complete	245 (46%) approved 122 (23%) underway 9 (1%) complete
25% rejected/pending	48% rejected/pending	30% rejected/pending

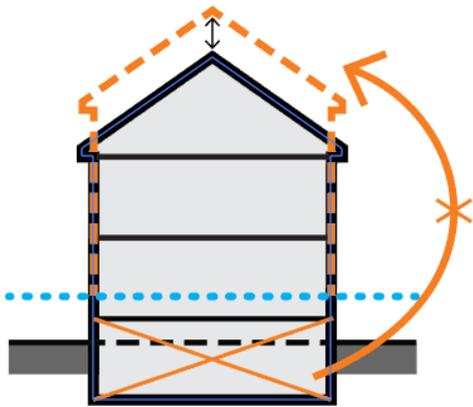
Flood Text II

Fix and improve provisions based on lessons learned

1

Height

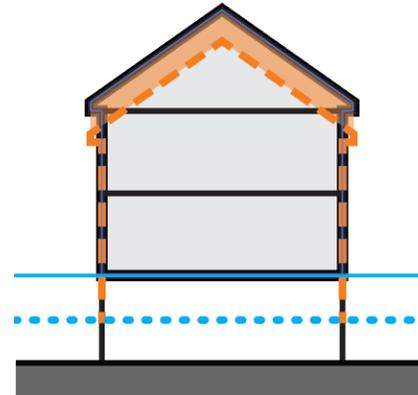
Homeowners may face the loss of subgrade spaces when retrofitting



2

Height

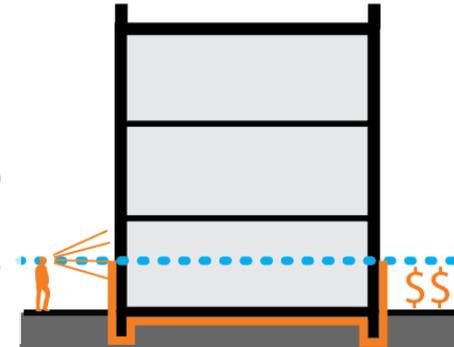
Property owners may want to address future risk by over-elevating



3

Ground Floors

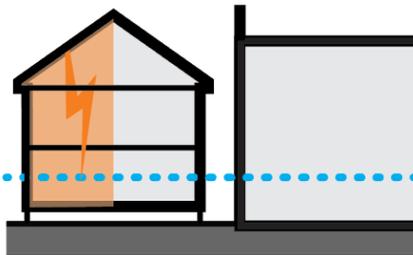
Current incentives to keep active ground floors may not be enough



4

Homes in M Districts

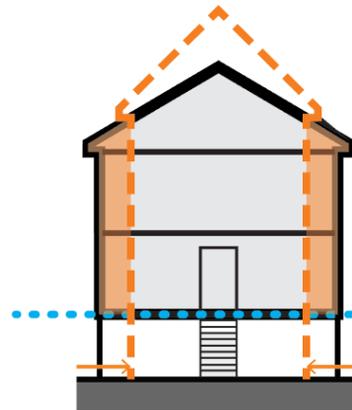
Existing homes in M. Districts, if damaged, may not be able to rebuild



5

Old Homes in Small Lots

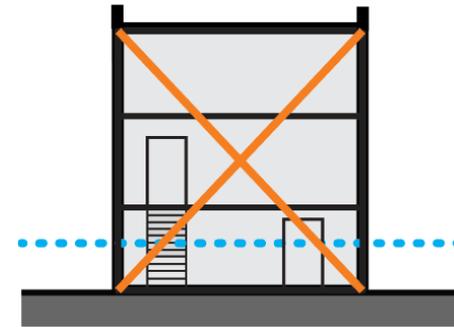
Old homes on small lots may need more flexibility to rebuild in the future



6

Highly Vulnerable Areas

Density may need to be limited in highly vulnerable areas



Flood Text Update Outreach

DCP plans a robust public engagement process:



As part of this outreach process, DCP will:

- **Partner with stakeholders** to educate and promote awareness of flood risk and resiliency issues
- **Explain how zoning tools** relate to resiliency
- **Explore unique neighborhood issues** through in-depth public presentations and workshops
- Develop a proposal through an **iterative process** that is shaped by feedback

* Schedule is tentative and subject to change

Outreach Resources



NYC Flood Hazard Mapper

www.nyc.gov/floodhazardmapper

Info briefs on Flood Resilience Zoning, Flood Risk, Flood Resilient Construction, and Flood Insurance

www.nyc.gov/resilientneighborhoods



NYC PLANNING Info Brief Flood Insurance

Flood insurance covers damages to property or personal contents from flooding caused by excessive rainfall, tidal flooding, or wind-driven storm surges. Changes to flood maps and reforms to the National Flood Insurance Program will lead to increases in flood insurance rates over time. In addition to flood resilient construction, insurance is another strategy for reducing flood risk.

Why is Flood Insurance Important?

- Floods can cause significant damage to your most valuable asset: your business.
- Even properties far from the coast are at risk of flooding.
- Homeowner and property insurance do not cover damage by flooding. You need a separate policy.
- Federal assistance is not guaranteed in the event of a flood.
- Many property owners are required by federal law to purchase and maintain flood insurance if the property is located in a high-risk flood zone of the 2007 FIRM (to the right), has a federally backed mortgage, or has received federal disaster assistance.

How Much Flood Insurance Must a Homeowner Purchase?

Properties with a federally backed mortgage or outside a high-risk flood zone and those that received federal disaster assistance must maintain flood insurance up to the National Flood Insurance Program (NFIP) limits, or the outstanding mortgage balance, whichever is lower. Failure to do so may require mortgage servicers to purchase a private mortgage insurance policy for the property—possibly at a higher price on the cost through monthly mortgage payments. Homeowners without a federally backed mortgage or outside a high-risk flood zone may carry up to the maximum policy limit with additional contents coverage up to \$100,000 for owners or renters. Co-ops, multifamily buildings and business properties may be covered up to \$500,000. Business and tenants can also purchase up to \$500,000 in contents coverage.

NYC Planning | November 2016

NYC PLANNING Info Brief Flood Risk in NYC

New York City is highly vulnerable to flooding from coastal storms due to its intensively used waterfront and its extensive coastal geography. Floods have the potential to destroy homes and businesses, impair infrastructure, and threaten human safety. With climate change and sea level rise, these risks are expected to increase in the future, but will most adversely affect low-lying neighborhoods.

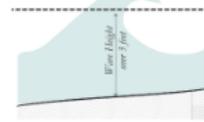
Flood Risks

Hurricanes, tropical storms, nor'easters, intense rain storms, and even extreme tides are the primary causes of flooding in NYC.

For building code, zoning, and planning purposes, flood risk in NYC is regulated by FEMA's 2015 Preliminary Flood Risk Rate Maps (PFIRMs).

- PFIRMs show the extent to which waters are expected to rise during an event that has a 1% annual chance of occurring. This height is denoted as Flood Elevation (FE) on the maps.
- The 1% annual chance floodplain, sometimes referred to as the 100-year floodplain, is the area that is expected to be flooded once every 100 years. In the 1% annual chance floodplain, there is a 26% chance over the life of a 30-year mortgage that a property will be flooded.

For flood insurance purposes, the 1% annual chance floodplain is divided into two zones: the V Zone (Vulnerability Zone) and the Coastal Flood Zone (CFZ). Properties in the V Zone are required to purchase flood insurance, while properties in the CFZ are not.



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NYC Planning | November 2016

NYC PLANNING Info Brief Flood Resilience Zoning

City Planning is working with communities throughout the floodplain to identify zoning and land use strategies to reduce flood risks and support the city's vitality and resiliency through long-term adaptive planning. The Flood Resilience Zoning Text is one part of a wide range of efforts by the City to recover from Hurricane Sandy, promote rebuilding, and increase the city's resilience to climate-related events.

Overview

The Flood Text enables and encourages resilient building construction through designated floodplains.

The Flood Text modified zoning to regulate building construction through the reconstruction of storm-damaged or the reconstruction of storm-damaged by enabling new and existing buildings with new, higher flood elevations issued by the Federal Emergency Management Agency (FEMA), and to comply with new requirements of the New York City Building Code.

It also introduced regulations to mitigate negative effects of flood resilient construction on the public realm. The text was adopted on a temporary, emergency basis. The future update of this text, guided by community input, will aim to make the text permanent and incorporate lessons learned during the rebuilding process.

Where is the Flood Text Applicable?

The Flood Text is available to buildings located entirely or partially within an annual chance floodplain.

These rules can be found in Article 24 of the Zoning Resolution and, if utilized, require the building to fully comply with resilient construction standards found in the New York City Building Code. Some provisions, such as elevation certification, are available to all buildings in the floodplain, even if not fully compliant with Appendix G.

For more information about the Flood Resilience Zoning Text, visit www.nyc.gov/resilientneighborhoods.

*Per the more restrictive of the 2007 FIRMs or PFIRMs.

NYC Planning | March 2017 | Flood Resilient Construction

NYC PLANNING Info Brief Flood Resilient Construction

Flood resilient construction reduces potential damages from flooding and can lower flood insurance premiums. New buildings in the floodplain are required to meet flood resilient standards. Existing buildings can reduce their risk by retrofitting or rebuilding to meet these standards, or can take partial, short-term measures to address safety concerns.

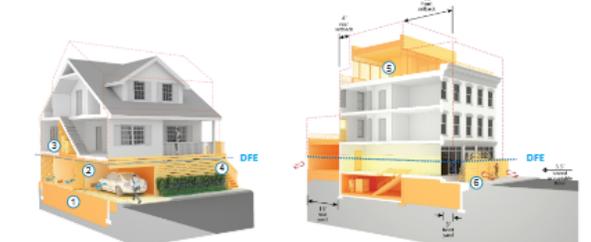
Overview

There is a wide range of accepted flood resilient construction practices for buildings to better withstand floods and reoccupy more quickly following a storm. These include:

- Elevating the lowest floor.
- Elevating mechanical equipment such as electrical, heating, and plumbing equipment.
- Wet floodproofing by utilizing water resistant building materials and limiting uses below the Design Flood Elevation (DFE) to parking, building access, and minor storage. This allows water to move in and out of uninhabited, lower portions of the building with minimal damage.
- Dry floodproofing sealing the building's exterior to flood waters and using removable barriers at all entrances below the expected level of flooding in mixed-use and non-residential buildings.

Examples of Flood Resilient Construction

Visit www.nyc.gov/resilientneighborhoods to see more examples in the Retrofitting for Flood Risk report.



- Wet floodproofed residential building**
- 1 Site is filled to the lowest adjacent grade
 - 2 Space below the DFE is for parking, building access or minor storage
 - 3 Mechanical systems are above the DFE
 - 4 Plants and stair turns improve the look of the building from the street

- Dry floodproofed mixed-use building**
- 5 Rooftop addition replaces lost below grade space
 - 6 Commercial space is dry floodproofed with removable barriers



Thank you!

For more information, and to stay involved, email
resilientneighborhoods@planning.nyc.gov

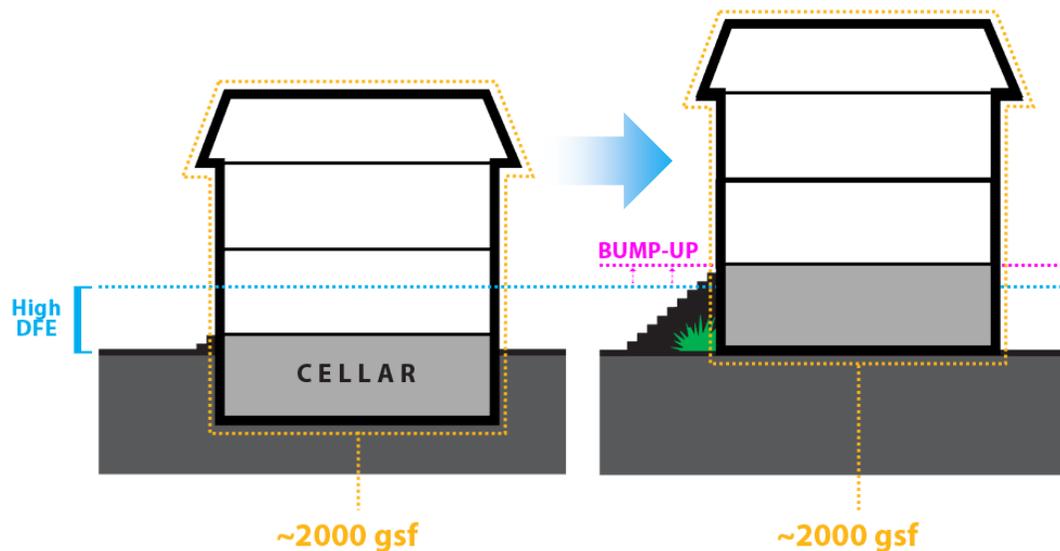
Flood Text II

Lesson learned: Cellar and Residential living space lost

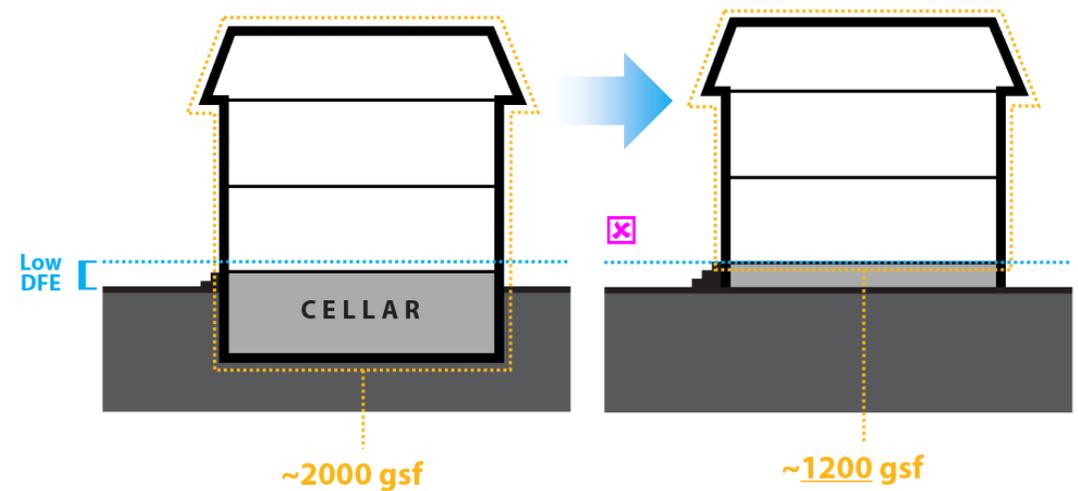
EXAMPLE ISSUE

The 2013 Flood Text allowed for adjustment of “zoning envelopes” to facilitate the retrofitting and replacement of living space above the DFE, out of harm’s way, but this flexibility applies unevenly:

Case study 1: Replacement of ‘cellar’ story in a high-DFE retrofit



Case study 2: Loss of living space in a low-DFE retrofit



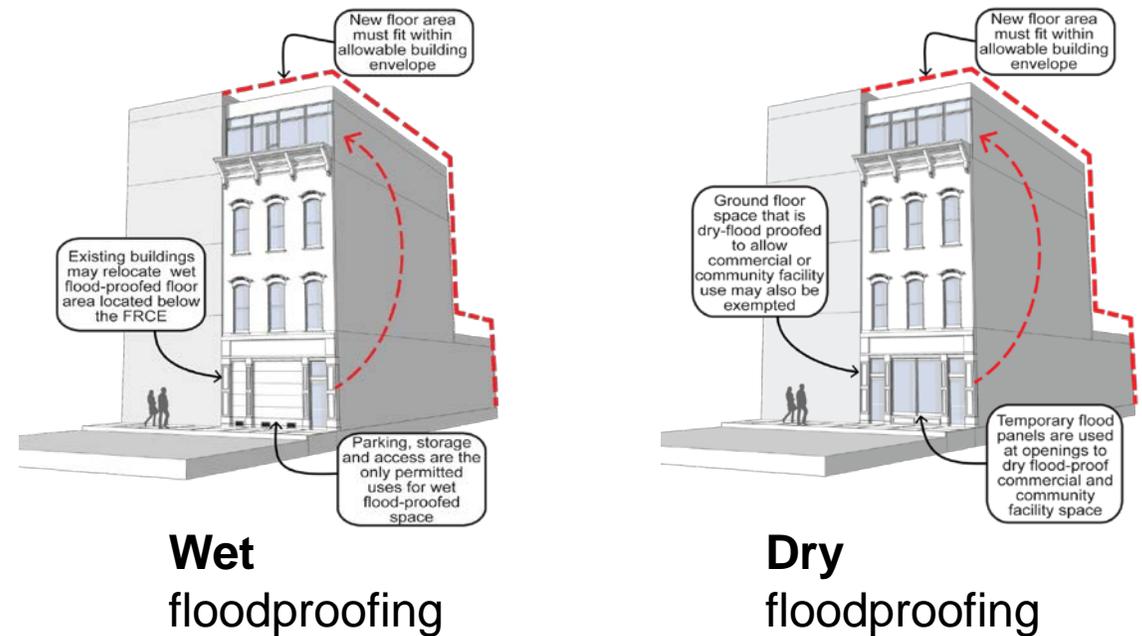
Flood Text II

Lesson learned: FAR incentive to retrofit buildings not effective

EXAMPLE ISSUE

The 2013 Flood Text allowed for floodproofed space to be exempted from floor area to incentivize the retrofitting of existing buildings but had the following issues:

- Analysis of DOB permitting indicates this incentive likely has not been used since it was introduced.
- Restrictions accompanying this flexibility (only applies in certain districts, up to 10,000 sq. ft., C space cannot be replaced atop R, prohibition against creating new units, requirement to provide new parking spaces) may be too onerous.
- Only applies to existing buildings – not new buildings.



Wet
floodproofing

Dry
floodproofing

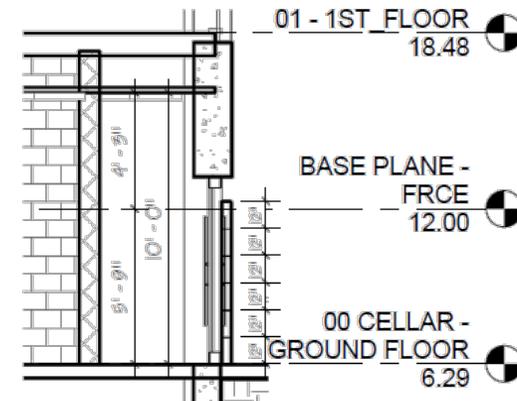
Flood Text II

Lesson learned: Desirable ground floor retail not being provided

EXAMPLE ISSUE

The 2013 Flood Text redefined “cellar” to exempt at-grade stories to incentivize the retrofitting of existing buildings but had the following issues:

- Bad urban design outcomes due to “squishing” – dark, low-ceilinged establishments.
- Causes lower-grade commercial stock, limits the types of retail tenants and services that can locate in the building, such as restaurants.
- Doesn’t apply to [at least half] of the floodzone.
- Doesn’t create a zoning incentive to prefer **dry floodproofing** implementations over wet floodproofing (active over passive).



④ TYP FLOOD SHIELD
3/16" = 1'-0"

Example of ‘squished’ retail
(1809 Emmons Ave., BK)

Flood Text II

Lesson learned: Additional height not permitted

EXAMPLE ISSUE

The 2013 Flood Text doesn't provide zoning relief for accommodating future flood risk

- Zoning relief is “minimum necessary” to elevate only to the DFE – nothing higher.
- Some building owners may want to take sea level rise, future flood heights, or more powerful storms (e.g., Hurricane Sandy) into account when building. No incentives.
- Close coordination is necessary to align zoning with FEMA “Climate Smart” maps.



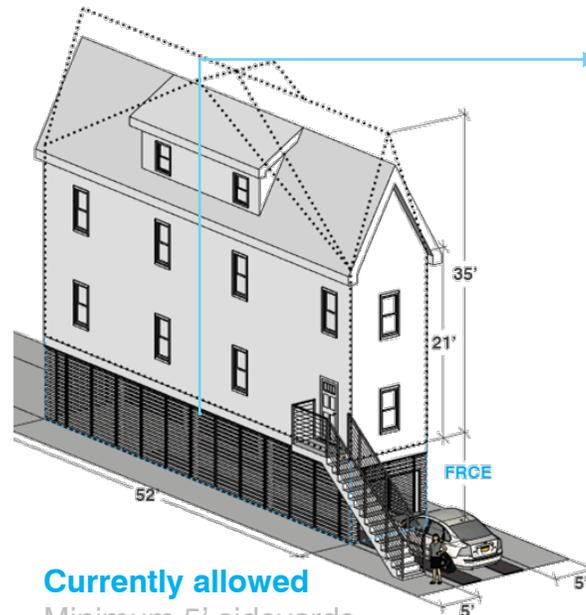
Flood Text II

Lesson learned: Cottage envelope is not permanent

EXAMPLE ISSUE

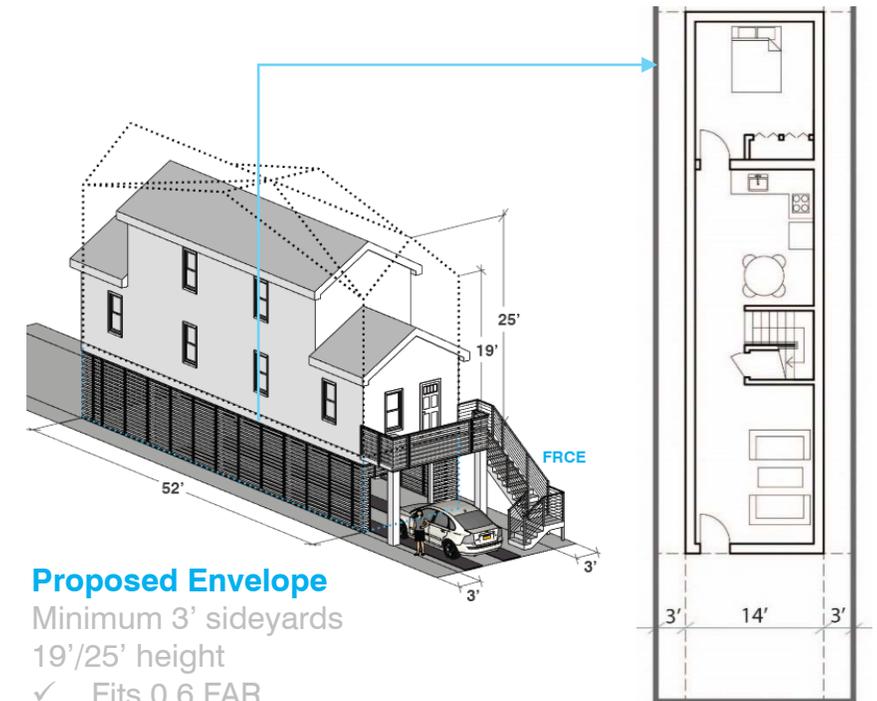
The 2015 SRNR created a new contextual envelope to facilitate the reconstruction of the very small homes on small lots, however these rules were temporary:

- Not available permanently (past 2022)
- Doesn't apply outside of "Neighborhood Recovery Areas"
- Doesn't prevent "candlesticks" on currently vacant lots



Currently allowed

Minimum 5' sideyards
21'/35' height
✓ Fits 0.6 FAR



Proposed Envelope

Minimum 3' sideyards
19'/25' height
✓ Fits 0.6 FAR

Flood Text II

Lesson learned: Not all existing buildings were grandfathered

EXAMPLE ISSUE

To facilitate the recovery of non-conforming and non-complying homes, the 2013 Flood Text gave greater relief to these homes, but 500+ residential buildings in C8/M Districts were left out.

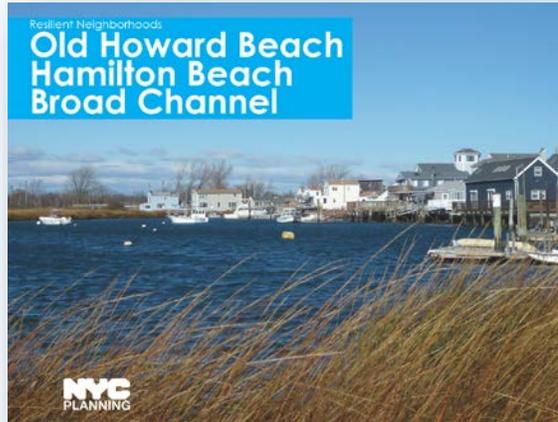
- **Underlying Article V** rules always allow 1+2 family homes to be rebuilt, regardless of level of damage, **except R in C8/M**
- **FT I** allowed any non-conforming building damaged >50% by Hurricane Sandy to rebuild, **except R in C8/M**

100y Flood Zone - PFIRMS (2015) 
Non-Conforming Single-Two Family Lots 
Non-Conforming Multi-family Lots 



Resilient Neighborhoods

Old Howard Beach, Hamilton Beach, and Broad Channel



Community Advisory Committee:

- Appointed by Councilmember Eric Ulrich and included representatives from:
 - Community Boards 10 and 14
 - Broad Channel Civic Association
 - New Hamilton Beach Civic Association
 - Howard Beach-Lindenwood Civic Association
 - Local business owners

Public Outreach Summary:

- 5 Community Advisory Committee Meetings
- 4 Community Board Meeting Presentations
- 4 Civic Association Meeting Presentations

Recommendations:

- Reflect neighborhood character in Old Howard Beach through a future rezoning
- Update zoning to make it easier for property owners to make resiliency investments to their buildings
- Advance coordinated infrastructure and coastal protection strategies
- Enact targeted zoning changes to reflect the unique character and long-term vulnerability of Hamilton Beach and Broad Channel

Resilient Neighborhoods

Broad Channel

Existing Zoning

R3-2

- Allows all residential building types
- 0.6 FAR (includes 0.1 attic allowance)
- 40' min. lot width (D); 18' min. lot width (SD, A)
- 5' min. side yard width (D)
- 1 parking space required per unit

C1-2 Overlay

- Max. commercial FAR is 1.0 when mapped in R3-2
- Permits local commercial uses
- Parking requirements vary by use, but typically one off-street parking space is required for every 300 sq ft of commercial floor area



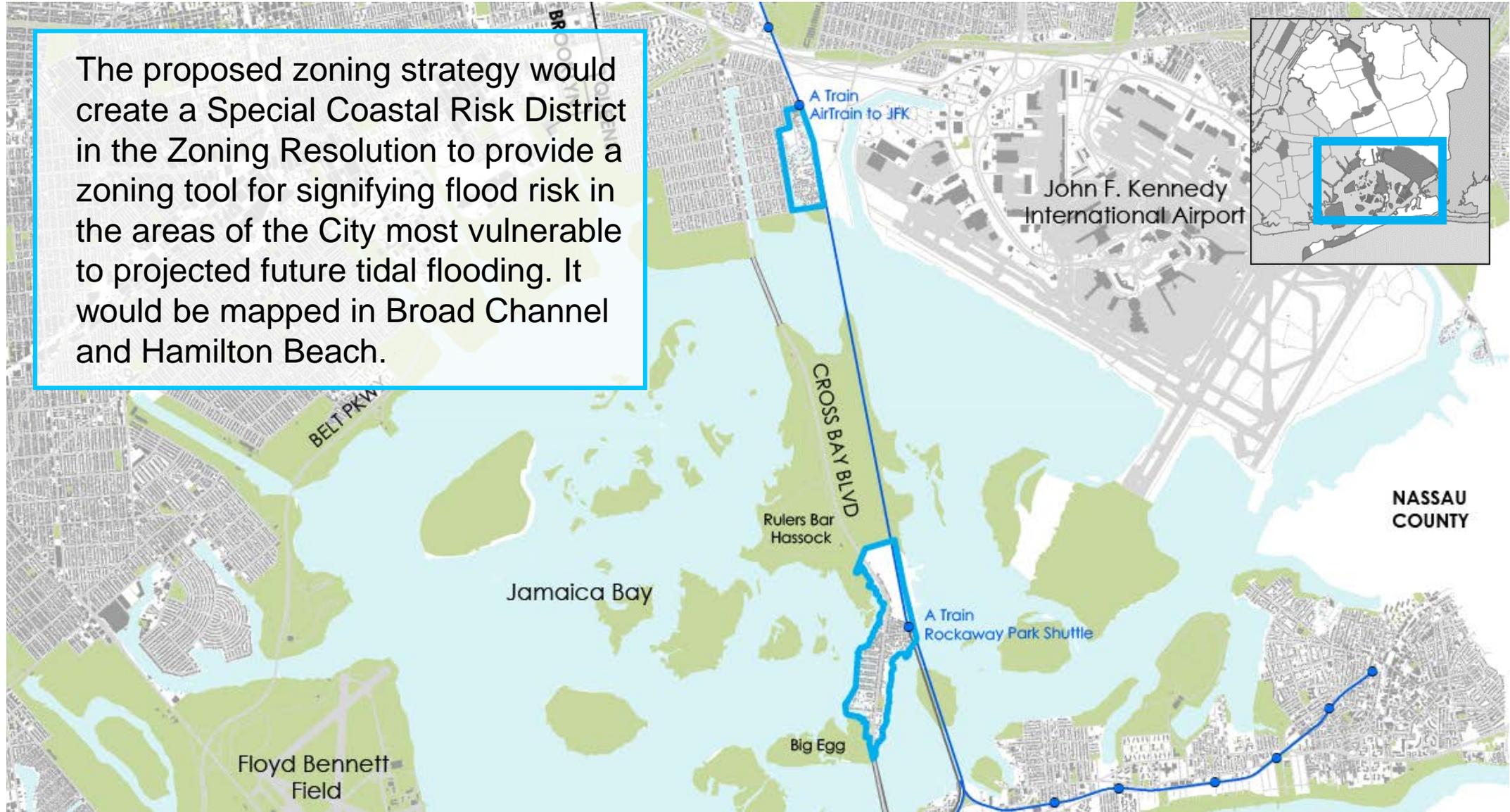
2050s Sea Level Rise Projections

226 Buildings
MHHW + 11" (25 th percentile projection)
368 Buildings
MHHW + 21" (75 th percentile projection)
744 Buildings
MHHW + 30" (90 th percentile projection)



Special Coastal Risk District Proposed Zoning Text Amendment

The proposed zoning strategy would create a Special Coastal Risk District in the Zoning Resolution to provide a zoning tool for signifying flood risk in the areas of the City most vulnerable to projected future tidal flooding. It would be mapped in Broad Channel and Hamilton Beach.



NASSAU COUNTY

Broad Channel Rezoning

Proposed Zoning Text and Map Amendments



Special Coastal Risk District, Broad Channel Subdistrict
The Broad Channel Subdistrict would modify the underlying regulations of the proposed R3A and C3A districts to limit future residential development to single-family detached houses only. In addition, community facilities with sleeping or overnight accommodations would be prohibited.

Proposed R3-2 to R3A

R3A districts permit detached residential buildings, but would be modified by the Special District. The main changes to the underlying zoning from R3-2 to R3A are:

- 40' min. lot width → 25' min. lot width
- 5' min. lot width → 4' min. side yard width

Proposed R3-2 to C3A

C3A districts permit detached residential buildings and water-dependent uses, including marinas and boat storage facilities, but would be modified by the Special District.

Proposed C1-2 to C1-3

Updating the existing commercial overlay to C1-3 is proposed to slightly reduce the off-street parking requirement.