

Description of “A” Text

Revisions beyond the Scope of the Original Proposal

Promote Active Commercial Streets

The original proposal would allow building owners to recapture existing floor space that cannot be finished and occupied because of the Building Code’s wet flood proofing standards. While this rule accommodates one type of modification to make buildings more resilient, this approach would leave ground floors inactive. Dry flood proofing existing ground floor space, where feasible, allows the space to continue to be used for commercial or community facility uses, but can be expensive, particularly for smaller buildings. To encourage active commercial streets and continued provision of neighborhood services in low density commercial districts (those commercial districts and commercial overlays with R1 through R6 residential equivalents), the “A” text would encourage dry flood proofing by allowing existing ground-level floor space that is dry flood proofed and used for commercial or community facility uses to be exempt from floor area calculations in the same way that wet flood proofed floors are proposed to be exempt. The exempt floor area could then be relocated elsewhere on the zoning lot within the permitted building envelope. The amount of exempted floor area is limited to 10,000 square feet, and no additional dwelling units may be created on the zoning lot beyond what existed previously.

Additional Locations for Temporary Flood Panels

The original proposal would allow temporary flood panels in yards, courts, and open space. The “A” Text would expand the areas where flood panels are allowed to include waterfront yards, public plazas or other privately owned public areas as permitted obstructions.

Single- and two-family residences

The original proposal would allow existing homes to elevate to the extent necessary to lift the lowest habitable floor above grade to the flood resistant construction elevation (FRCE), even if new non-compliances are created, in order for homeowners to maintain the home that they had prior to the storm. However, in V Zones, flood-resistant standards require the lowest horizontal structural member to be elevated to the specified flood elevation, to protect the building’s structure from damaging lateral wave forces. This results in a lowest habitable floor that is generally 1 to 2 feet higher than a house in an A Zone with the same specified flood elevation. To accommodate this requirement, the revised proposal would allow existing homes in V zones to elevate to the extent necessary to lift the bottom of the lowest horizontal structural member to the FRCE.

The time within which an owner must vest to replace a destroyed single- or two-family building with an equivalent house is currently limited to two years. The scale of destruction from the storm and the complexities for individual homeowners of receiving insurance claims and identifying funding to undertake improvements indicates that more time should be allowed for

reconstruction of damaged or destroyed buildings than is generally allowed. To address this issue, the “A” text would extend this time limit to ten years after the adoption of new FIRMs (expected in 2015).

Streetscape standards

The original proposal included streetscape standards for single- and two-family homes in R1 through R5 Districts, requiring a porch, planted area, raised yard or stair turn where such residences have a first floor five or more feet above grade, to mitigate the increased height of these buildings. The revised proposal would also apply these standards to the hundreds of single- and two-family detached and semi-detached residences in R6 Districts.

In order to enable a wider variety of treatments that provide visual mitigation for elevated first floors, and to encourage a more active streetscape with additional “eyes on the street,” this “A” text would expand the types of covered porches that may be provided as streetscape mitigation to include trellis-covered porches and porches with balconies above. The proposed revisions allow trellis-covered porches to count as covered porches, and balconies to exceed the underlying size limitations when located directly over a covered porch.

For new multi-family or community facility buildings in Residence Districts, the original proposal would impose streetscape standards when the FRCE is 10 or more feet above grade. Feedback from practitioners suggested that planting could also soften the visual effect of buildings elevated to lower heights. The revised proposal would extend the proposed requirement for plantings at least three feet high along the street wall to situations where the FRCE is five or more feet above grade.

Mechanical systems

For multi-family buildings in R3-2 and R4 Districts, the original proposal would allow elevator, stair and mechanical bulkheads to exceed height limits, limited to 10 percent of the building footprint. Further study revealed that for small buildings, this 10 percent limit did not allow reasonably sized bulkheads for smaller buildings. The revised proposal would allow bulkheads with coverage of up to 250 square feet, or 10 percent of a building’s coverage, whichever is greater, so that smaller buildings have sufficient space to provide bulkheads.

For existing single- and two-family residences, the original proposal would allow accessory mechanical equipment in a rear yard either close to a building wall or beneath the roof of an accessory garage. The revised proposal would allow accessory mechanical equipment on top of flat roofed garages, as long as the equipment is screened on all sides and all screening and equipment is no more than 12 feet in height above adjacent grade.

Parking regulations

The original proposal would relax parking location and curb cut spacing rules for single- and two-family residences in lower density districts where the FRCE is 9 feet or more above curb level, provided that more than one off-street parking space is provided. The revised proposal

would allow residences that have a FRCE between 6 and 9 feet above curb level, and utilize the proposed flexible height allowance that enables them to measure the building's height from a height of 9 feet, to apply the same relaxed parking location and curb cut rules.

Proposed Revisions that are within Scope

Bulkheads in low density districts

For multi-family buildings in R3-2 and R4 districts, the original text would allow the bulkheads to be located at the front of the building without setback if the building were 20 or 25 feet from a street line, for wide or narrow streets, respectively. Recognizing that these districts require a front yard of at least 10 to 15 feet, or more if parking spaces are located in front of the building, the revised proposal would require, in all cases, the bulkhead to be set back at least 10 feet from the street wall.

Commercial District streetscape rules

Proposed provisions applying within Commercial districts would allow a building that provides a high degree of transparency along the street wall to measure height limits from a point 12 feet above curb level. The "A" text would revise this to apply only where street walls are within 50 feet of the street line.

Where street wall transparency rules apply in commercial districts, the original text did not specify what was required within a building in the area behind street wall windows. The revised proposal specifies that the floor level of the ground floor cannot exceed the height of the bottom sill for a depth of at least 4 feet from the street wall. This would allow a wet flood proofed space behind the window with a 4 foot deep display area, and beyond 4 feet, a floor raised to the FRCE.

Other streetscape rules

The original proposal was not clear about how planting requirements applied in relation to long ramps or stairs running parallel to the street wall. The revised proposal would require plantings to be provided in front of the ramps or stairs, instead of between the ramps or stairs and the building wall. In addition, where street wall location rules would be in conflict with planting rules, the revised text clarifies that street wall location rules shall apply.

The original proposal would require a lobby at least 20 feet wide as a mitigation measure for buildings that have a FRCE 10 or more feet above curb level. Since zoning allows new buildings on lots as narrow as 18 feet, the "A" Text would allow zoning lots with less than 25 feet of frontage to exempt a five-foot wide service corridor from the required lobby area.

Gravel driveways

The proposed text would allow gravel driveways in flood zones for single- and two-family homes. The “A” Text would specify that such gravel driveways must be “dustless” gravel driveways, to be consistent with the Department of Building’s standards.

Clarifications

The proposed “A” text includes clarifications of several of the proposed regulations:

Language has been added to establish how height should be measured where a building is located in a flood zone with two different flood elevations, or partly in and partly outside a flood zone.

In the case of freestanding mechanical equipment, the screening requirements would apply only to mechanical equipment and not to the structure supporting such equipment.

The street wall transparency requirements would be based on the level of the adjacent sidewalk or adjacent publicly accessible area. Also, these requirements would not apply where a building is in a flood zone where Building Code rules prohibit glazing below the FRCE (such as a V zone).

Buildings that do not comply with the requirement to screen parking areas need not be retrofitted to comply. However, they cannot increase the degree of non-compliance with this standard.

For the purposes of vesting, changes in flood maps would be considered as if they were changes to zoning maps. All of the time limits for reconstruction cited in the text would further extend the underlying time limits to vest.

Where a waterfront public access area is required, the maximum height of a waterfront yard is limited by the height of the main circulation path, which current regulations limit to a maximum grade of three percent.