

UPCOMING CHANGE

Demolition Filings + 2014 Construction Codes: Waiver of Backfill and/or Foundation Removal

After a full demolition of a building, the requirement to remove the foundation and backfill a site may be waived. The below information outlines when a waiver may be possible under the 2014 Building Code, which goes into effect October 1, 2014. This waiver option:

- Applies to demolitions with DM permits issued on or after October 1;
- Does not apply to the removal of existing structures other than foundations, slabs, vaults, etc.; and
- Requires approval from the Buildings Commissioner.

Requests to Waive Full Backfill ONLY; All Structure Completely Removed

1. **Include the waiver request on the demolition plan.** For sites exempt from a demolition plan, provide a plan – prepared by a licensed, professional engineer or registered architect – that indicates the site conditions at completion of demolition operations. The demolition or alternative site condition plan must include the following requirements.
2. **Provide a justification for waiving a complete backfill in the demolition plan's notes.** If earthwork for new development will not begin within three months of completion of demolition operations, periodic inspections by an engineer are required and must be included with the plan. See 2014 Building Code §3303.13.3.
3. **The plan – with plan view and section details – must indicate the site conditions upon cessation of demolition operations and include (among other key factors):**
 - Any berming of soil/masonry debris;
 - Shoring/bracing needed to support adjoining property and structures (including sidewalks, retaining walls, walkways, yards, buildings, etc.) and any necessary shoring must be designed by a licensed professional;
 - Required fences; and
 - Site drainage.
4. **The plan must include a statement that indicates the backfill waiver request satisfies the requirements outlined in this notice.**
5. **A qualified person must periodically inspect the site to ensure stability until earthwork commences.** Records of inspections and maintenance must be kept on site and made available to the Department upon request.

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Requests to Waive Foundation/Slab Removal ONLY; Site to Be Fully Backfilled With Clean Fill

- 1. Include the request to waive foundation/slab removal on the demolition plan.** For sites exempt from a demolition plan, provide a plan – prepared by a licensed, professional engineer, registered architect or licensed land surveyor – that indicates the site conditions at cessation of demolition operations. The demolition or alternative site condition plan must contain the following required items.
- 2. Justify a waiver of the foundation/slab removal requirement in the plan’s notes.**
- 3. The plan – with plan view and section details – must indicate the site conditions upon cessation of demolition operations, including but not limited to:**
 - Full backfill, with clean fill and fixtures or equipment that would cause voids removed, necessary to support of remnant foundations, as well as sidewalks, retaining walls, walkways, yards, buildings, etc.
 - All remnant structures.
 - Required fences.
 - Site drainage (Cellar floors and slab-on-grade (SOG) must be cracked to facilitate drainage).
- 4. Indicate on the plan that the request for waiver of foundation/slab removal satisfies the requirements outlined in this notice.**
- 5. Provide the owner with plans showing site conditions at the completion of demolition so that they will be incorporated into the support-of-excavation design for a new development.**

Request for Waiver of Foundation/Slab Removal AND Full Backfill

- 1. Include the request on the demolition plan.** Where the site is exempt from demolition plans, provide a plan – prepared by a licensed, professional engineer or registered architect – that indicates the site’s condition once demolition operations are completed. The demolition or alternative site condition plan must contain the following required items.
- 2. Justify a waiver of the complete foundation/slab removal and full backfill in the plan’s notes.** If earthwork for a new development will not begin within three months of the completion of demolition operations, an engineer must perform periodic inspections. See 2014 NYC Building Code §3303.13.3.

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3. **The plan – with plan view and section details – must indicate the site conditions at the completion of demolition operations on the plan, including but not limited to:**
 - Any berming of soil/masonry debris;
 - Shoring/bracing to support adjoining property and structures (including sidewalks, retaining walls, walkways, yards, buildings, etc.), with necessary shoring designed by a licensed professional;
 - All remnant structures;
 - Required fences; and
 - Site drainage (cellar floors and slab-on-grade [SOG] must be cracked to facilitate drainage).
4. **State on the plan that the request for waiver of foundation/slab removal and backfill satisfies the requirements of this notice.**
5. **A qualified person must periodically inspect the site to ensure stability until earthwork commences.** Records of inspections and maintenance must be kept on site and made available to the Department upon request.
6. **Provide the owner with plans that indicate site conditions at completion of demolition operations so that they will be incorporated into the support-of-excavation design for new a development.**