

Builders Pavement Plans

Public Right of Way



Photo: Dante Ramirez

Where a new building or alteration is underway – work that will result in a new or amended Certificate of Occupancy – the sidewalks and portions of the streets facing those new building or alteration lots must be improved or refurbished. These public rights-of-way are primarily under the jurisdiction of the NYC Department of Transportation, though other agencies may regulate different infrastructural systems and streetscape components. Changes to these public areas must be submitted to the Department of Buildings in a Builders Pavement Plan (BPP) application.

NYC Department of Transportation Standards

The NYC Department of Transportation (DOT) provides standards and specifications for BPPs and issues permits for the installation of new pedestrian sidewalks (including paving, slopes, curbs, drainage and regulations on permanent encroachments).

New York City Building Code

The NYC Department of Buildings (Buildings or the Department) creates and enforces the NYC Building Code (AC 28-108). The BC outlines numerous safety requirements, including:

- Encroachment of building street wall elements (such as door swings, steps and architectural details) BC 3202.2; and
- Pedestrian protection requirements during construction.

The Department acts as the primary approval and enforcement entity for compliance to all applicable codes and regulations and also coordinates the requirements of all involved City agencies.

This publication is a general overview of the requirements for this type of work. There may be additional, applicable Zoning Resolution, Construction Code or other requirements.

FIRST STEPS

- Verify fees paid for correct length of lot frontage
- [BPP-1](#) – check list describing scope of work
- [BPP-5](#) – DOT authorization
- [PW1](#) #11A – List all new buildings related to the BPP being filed; under the Work Type section, select OT-BPP
- Zoning district and map number, site designations (*little 'e' DEP designated block, wetlands, 200' within MTA infrastructure*)
- Lot site plan of proposed new building or altered building showing (*landmark district, lot dimensions, building, yards, distance to corner street intersection, street names, zoning use group, building occupancy group, construction classification, number of stories, buildings on adjacent lots, curb cut application numbers, distance to existing curb cuts on adjoining lots, sidewalk obstructions, existing sidewalk and roadway conditions 25' into adjoining lots in all directions*)
- Photographs of existing sidewalk conditions marked to indicate extent of proposed sidewalk paving- signed and sealed by applicant
- Initial survey- signed and sealed by licensed surveyor
- Borough commissioner determinations, if applicable

ADMINISTRATIVE

Additional DOB Forms

- [PW1](#)

Technical Documents

- Initial survey (conditions should match photographs of existing conditions)
- Zoning and tax maps to indicate site location
- Standard Builders Pavement Plan / detailed site plan required for every BPP filing
- Photos of existing conditions signed and sealed by the applicant

Related Applications

- New Building or Alteration enlargement application if greater than 30% the existing gross floor area value ([Dir 9/72, amended in 1976](#))
- Curb cut application number if new curb cut proposed

BIS Required Items

- Review and enter all BPP required items as applicable
- Parks-approved Street Tree Site Plan (prior to Buildings Department approval)

BPP Sign Off Checklist

- Photos of finished conditions matching proposed plan
- Final survey conditions matching proposed plan
- Related NB required items: BPP signed off by inspector
- [BPP-11](#) form “Engineer Affidavit” provided, signed and sealed by applicant
- DOT permits 405/118/119 provided
- Concrete delivery receipt **or** concrete core report provided (*15’ – 20’ center for properties with great than 100’ frontage*)
- DEP catch basin report provided, if applicable
- [Parks Tree Removal Permit](#) and [Parks Tree Planting Permit](#) final sign off
- Document management fee paid

ZONING

Location of Access to Street (for Parking and Loading Berths)

- Curb cuts comply with zoning regulations for location and size – ZR 13-34, 25-63, 25-75, 36-53, 36-682, 44-43, 44-582, 86-44, 97-53, 115-52

Street Tree Planting and Planting Strip Requirements

- Required street trees and sidewalk planting strips provided – ZR 23-03, 23-04, 26-41, 26-42, 33-03, 43-02
- [ST-1](#) form signed and sealed by applicant

Commercial Screening

- Commercial parking – ZR 36-56, 37-90

MULTIPLE DWELLING LAW

- N/A

FIRE CODE

- N/A

CONSTRUCTION CODES**Administrative Code**

- No permits or Certificates of Occupancy may be issued for NB and Alt-1 applications unless the sidewalk is repaired at owner's cost. – BC [§28-108.1](#), GCL 36
- DOT Roadway Repair Permit may be accepted in lieu of BPP filing in certain cases.

Plan Requirements

- Provide lot site plan of related NB or Alt showing all proposed work on lot
- Sidewalk widths
- Legal street widths
- PL (*property line*), TC (*top of curb*), BC (*bottom of curb*) elevations at every 25' and at prolongation of property lines
- Location of all sidewalk obstructions (*utility poles, traffic signs, trees, hydrants, mailboxes, newsstands, phone booths, bike racks, parking meters, etc.*)
- Location of all street penetrations (*catch basins, gas valves, water valves, manholes, grates, subway entrances, bus stops, etc.*)
- Location of all curb cuts on lot and adjoining lots with their application numbers
- Legal grades, existing and proposed
- List of estimated quantities (*LF new curb, SF new sidewalk, square yards, new roadway, number of new trees, number of new catch basins, LF new ductile iron pipe D.I.P., number of new manholes*)
- All existing curb cuts to be removed are shown

Encroachments into Public Right-of-Way – [BC §3202.2](#)

- Confirm allowable encroachment limits for entrance steps, accessibility ramps, door swings, window swings, architectural details, vaults, area ways, etc.

Safeguards During Construction or Demolition

- Measures provided to protect pedestrian – [BC §3307.3](#)

NYC ENERGY CONSERVATION CODE

- N/A

APPLICABLE BULLETINS, DIRECTIVES, PPNS, MEMOS

- [Directive 9/72, amended in 1976](#)

DOT**Sidewalks and Slopes**

- Cross (transverse) slopes within allowable range of 1.67% minimum and 5% maximum (ADA Standards specify a limit of 1:48, 2.08%)
- Cross (transverse) slopes on corner lots do not exceed 2.08% on either frontage, per accessibility Standards.
- Gutter (longitudinal) slope at least 0.5% shown in profile view with elevations shown 50' each way from lot lines for large developments
- Full concrete sidewalks provided for [zoning districts](#) C, M and R6 and higher
- 13' to 15' wide sidewalk provided for 60' wide mapped streets
- Corner lots: matching pedestrian ramps provided across both streets for all BPP applications
- Grade study provided frontages exceeding 100' showing cross (transverse) slopes between 1.67 – 5% at 25' intervals
- Tripping hazards (vertical changes in level exceeding ¼") have not been created or have been corrected
- Portion of roadway paving (5' or as directed by BPP examiner) adjoining the sidewalk curb is marked to be paved
- Standard Paving Details or Detail References provided (*for sidewalk flag paving, decorative tile or stone insets and paving, roadway paving, etc.*)
- Paving flag size (5'x5' typical), expansion joint spacing (20' typical)

Curbs and Drainage

- Curb reveals match existing developments; or 4" or 7" provided for virgin development
- Metal faced curbs provided for districts C, M, R7 and up, and for corner quadrants in all districts, with extent of corresponding roadway repairs indicated
- No water ponding situations created by proposed bottom curb elevations
- Means of storm drainage provided, does not drain across public right of way
- Drain inlet provided every 300' with diameter of connecting pipe and hydraulic calculations provided; examiner will send 3 copies of approved plan to DEP with letter
- Minimum clearances between curb cut and sidewalk encroachments provided (3' from traffic signs, 5' from adjacent curb cuts on same lot, 7' from tree, poles, hydrants, 10' from mailboxes and phone booths, bus stops, right of way, etc.)
- DOT Standard Curb & Drainage Details or Detail References provided (*for curbs, curb cuts, pedestrian ramps, drains, catch basins, etc.*)

Encroachments

- Cellar hatch doors may remain provided they are legally existing, do not exceed 3' x 7', are placed against the building line and do not project more than 5' into the sidewalk
- DOT revocable consent required for permanent improvements in public right of way (*bushes, planters, fences, retaining walls, stoops, gas and electric meters, bollards, walls, conduits, sidewalk vaults ...*)
- DOT approval letter for removal or relocation of parking meters and traffic signs

Waiver Requests

- Waiver of grade 6" (difference of 3" up or 3" down) difference from legal grades
- [Waiver of curb alignment](#)
- Waiver of improvements – curbs and/or sidewalks or all improvements

OTHER AGENCY REQUIREMENTS

Multiple City, State or federal agencies may regulate construction related to Builders Pavement Plans. For example:

- The NYC Department of Environmental Protection (DEP) and New York City Fire Department regulate fire hydrants.
- DEP inspects sewer catch basins.
- The Metropolitan Transit Authority (MTA) regulates sidewalk grates, subway entrances and bus stops.
- The NYC Department of Parks and Recreation (Parks) regulates tree and sidewalk plantings.
- Utility companies will be involved when utility poles must be relocated or removed.
- The United States Postal Service may require written consent to relocate or remove a mailbox.