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Int. No. 396

By Council Members Lander, Koo, Mendez, Koslowitz and Rodriguez

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to curb cuts.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 27-313 of the administrative code of the city of New York is amended to read as follows:

(f) Curb cuts. The lowering of any curb or the change of grade of any sidewalk for the purpose of providing a driveway across such curb or sidewalk shall be constructed in accordance with the specifications prescribed in section 27-558 of article three of subchapter nine of this chapter or as required by the commissioner. The commissioner shall limit the length of any curb cut for the purpose of providing a driveway across such curb or sidewalk, when in the opinion of the commissioner the actual use or intended use of such driveway would endanger the public. The owner shall maintain every part of such driveway in accordance with

the specifications prescribed in section 27-558 of article three of subchapter nine of this chapter. Where the vehicular use of such driveway, in the opinion of the commissioner is dangerous to the public, or where the curb cut is inconsistent with the requirements of the zoning resolution of the city of New York, the commissioner shall order the owner to discontinue use of such driveway and restore the curb and sidewalk as required by the department of transportation. Upon the failure of the owner to comply with such order, the commissioner may inform the commissioner of transportation of such failure to comply and request the cooperation of the commissioner of transportation acting under his or her authority pursuant to section twenty-nine hundred four of the New York city charter in the enforcement of this section.

§ 2. Section 3202.2.2.4.1 of the New York city building code is amended to read as follows:

3202.2.2.4.1 Curb cut removal. Vehicular access curb cuts that can no longer serve as vehicular access across a curb or sidewalk shall be removed and the curb and sidewalk shall be restored in accordant with standards of the Department of Transportation. The commissioner may order such removal and restoration. The commissioner shall limit the length of any curb cut for the purpose of providing a driveway across such curb or sidewalk, when in the opinion of the commissioner the actual use or intended use of such driveway would endanger the public. Where the vehicular use of such driveway, in the opinion of the commissioner is dangerous to the public, or where a curb cut is inconsistent with any requirement of the building code or the New York City Zoning Resolution, the commissioner shall order the owner to discontinue use of such driveway and restore the curb and sidewalk in accordance with standards of the Department of Transportation. Upon the failure of the owner to comply with any of the orders provided for in Section 3202.2.2.4, in such cases where the restoration of such curb cuts are needed to facilitate department of transportation work, the commissioner may inform the commissioner of transportation of such failure to comply and may request the cooperation of the commissioner of transportation acting under his or her authority pursuant to section 2903(b)(7) of the New York City Charter in the enforcement of this section.

§ 3. Items 3 and 4 of section 28-104.8.1 of the administrative code of the city of New York are amended

and new item 5 is added to read as follows:

3. A professional certification; [and]

4. A statement certifying compliance with the New York city energy conservation code[.]; and

5. A statement certifying (i) that, where the proposed construction would cause any abutting curb cut to be in noncompliance with any requirement in the zoning resolution or in this code, construction documents include plans to restore the curb and sidewalk of such curb cuts as required by the department of transportation, or (ii) that the proposed construction would not render any curb cut abutting the property to be in noncompliance with the zoning resolution or this code.

§ 4. This local law shall take effect immediately.

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