



IN THE MATTER OF an application submitted by the Department of Transportation, the Department of Design and Construction and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the acquisition of property located on Marolla Place (Block 4922, p/o Lots 12 and 15) to facilitate the reconstruction, maintenance, and inspection of a retaining wall for Pratt Avenue, Borough of the Bronx, Community District 12.

This application was filed on September 8, 2022, by the New York City Department of Transportation (DOT), the New York City Department of Design and Construction (DDC), and the New York City Department of Citywide Administrative Services (DCAS) to acquire portions of two privately-owned properties (Block 4922, p/o Lots 12 & 15) to be used as a permanent easement for the reconstruction, maintenance, and inspection of the Pratt Avenue retaining wall and roadway in the Baychester neighborhood of The Bronx, Community District 12.

BACKGROUND

The project area includes Lot 17 and portions of Lots 12, 15 and 101 on Block 4922. Block 4922 is an irregularly shaped block surrounded by Marolla Place, Needham Avenue, Pratt Avenue and Boller Avenue. Lots 12 and 15 are both interior lots with frontage along Marolla Place. Lot 12 has approximately 23 feet of frontage on Marolla Place and Lot 15 has approximately 45 feet of frontage on Marolla Place. An approximately 25-foot-wide portion of Lot 12 and an approximately 25-foot-wide portion of Lot 15 would be included in the proposed acquisition. Lot 12 is currently vacant, and Lot 15 contains a two-story home. Lot 17 is the mapped but unbuilt portion of Pratt Avenue. Lot 101 contains a motel, a portion of which, is within the mapped right-of-way of Pratt Avenue and is currently being used as a temporary easement for the existing retaining wall. In 2014, the New York City Fire Department (FDNY) identified a concern related to compromised emergency response access to the residences along Pratt

Avenue due to the damaged condition of Pratt Avenue and its retaining wall. Subsequent inspections of the retaining wall revealed that individual sections showed extreme signs of lateral displacement with multiple sections showing spalling, cracking, and movement. The wall cracks and subsequent slippage of these panels also allowed backfill soil that supports the road to erode, further undermining the street. This erosion has combined with other substandard design elements to create a damaged street condition.

To address the stressed condition of the street support structures, temporary remedial measures were implemented in June 2017 to minimize future slippage and cracking. To implement these necessary repairs, the city acquired a temporary easement from RMJ Motel Corporation, the owner of Block 4922, Lot 101, located approximately 40 feet across from Pratt Avenue to access and perform the emergency work to support the retaining wall. Lot 17, which is the undeveloped portion of Pratt Avenue and under the jurisdiction of DCAS, was also used for access to the retaining wall. The temporary easement on Lot 101, which is expected to remain until 2024, also allows the city access in order to perform construction work, surveying and testing, install bracing and foundations that support the retaining wall, install monitoring devices, perform maintenance and inspection, and perform any other necessary operations.

The proposed action would support a capital budget street reconstruction project for Pratt Avenue from the centerline of Needham Avenue on the south to the dead end of the street on the north.

The surrounding area is located within an R4 zoning district, containing two- and three-story attached and semi-detached homes. Commercial uses are concentrated along Boston Road in one-story buildings occupied by auto repair and sales stores. Boston Road is located approximately 170 feet southwest of the project area. There is one motel use, the RMJ Motel, located on Lot 101 at the southern portion of the block. It is currently being used as a shelter for the homeless. Much of the surrounding area immediately north of the project area is occupied by the 36-acre Seton Falls Park. The elevated 5 subway line runs above ground along Esplanade

to Dyer Avenue. The nearest subway stop is at Baychester Avenue, approximately one-quarter mile from the project area.

The proposed project involves installing a replacement retaining wall that is aligned five feet outside of the existing retaining wall and within the mapped Pratt Avenue Street corridor within the area proposed for easements across portion of Lots 12 and 15. This also includes a segment in Lot 101, which already has an easement agreement in place and is therefore not a subject of this application. Constructing the proposed project would involve installing the new foundations and supports followed by the wall panels. Also included is approximately 300 linear feet of a new combined sewer in the Pratt Avenue right-of-way and reconstruction of the existing built segment of Pratt Avenue from Needham Avenue northward. This involves widening the street to the new wall location and replacing the paving, manhole frames and covers, curbs and sidewalks, and transitioning to the existing street grade at Needham Avenue. All public and private utilities along the corridor would be either temporarily protected or replaced as needed.

ENVIRONMENTAL REVIEW

This application (C 230060 PQX) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is DOT. The designated CEQR number is 22DOT013X.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on May 13, 2022.

UNIFORM LAND USE REVIEW

This application (C 230060 PQX) was certified as complete by the Department of City Planning on September 19, 2022 and was duly referred to Bronx Community Board 12 and the Bronx Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

On October 12, 2022, Bronx Community Board 12 held a public hearing on this application (C 230060 PQX) and on October 27, 2022, by a vote of 30 in favor, none opposed, and none abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Bronx Borough President held a public hearing on this application (C 230060 PQX) on November 22, 2022, and on November 28, 2022, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On November 30, 2022 (Calendar No. 1), the City Planning Commission scheduled December 14, 2022, for a public hearing on this application (C 230060 PQX). The hearing was duly held on December 14, 2022 (Calendar No. 9).

Two speakers appeared in favor of the application and none in opposition. A representative from DOT introduced the applicant team and gave a brief presentation of the project. A representative from AKRF provided an in-depth description of the project and responded to questions. He also testified that the owners of Lots 12 and 15 were notified of the proposed acquisition via certified mail and that only the owner of Lot 15 acknowledge receipt of the notification. Lot 12 is currently vacant.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 230060 PQX) for the acquisition of privately-owned property is appropriate.

This application for the acquisition of an approximately 25-foot-wide permanent easement across portions of Lots 12 and 15 would facilitate a Capital Budget project for the reconstruction of the Pratt Avenue retaining wall and roadway, which will significantly improve the condition of the retaining wall and the street, as well as provide emergency response access to the residences along Pratt Avenue. The proposed easement will also provide DOT with permanent access for future inspections, maintenance, and repairs of the new retaining wall.

The Commission notes that the applicant has provided proof that they have notified the homeowners affected by the proposed acquisition of property for use as a permanent easement for the Pratt Avenue Retaining Wall and Roadway Reconstruction.

The Commission acknowledges that the applicant team has provided additional clarifications about the project after the public hearing. This portion of Pratt Avenue was built by the developer of the adjacent homes decades ago. When the deteriorated condition was brought to the applicant's attention, they worked to implement the emergency repair and develop the capital project to permanently fix the roadway to remedy a public safety condition that was not created by the city. The project will benefit the adjacent homeowners along Pratt Avenue by providing a stable street and retaining wall built to proper engineering standards.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant adverse impact on the environment, and be it further

RESOLVED that the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that this application submitted by the Department of Transportation, the

Department of Design and Construction and the Department of Citywide Administrative Services for the acquisition of property located on Marolla Place (Block 4922, p/o Lots 12 and 15) to serve as an easement to facilitate the reconstruction of a retaining wall and roadway reconstruction, is approved.

The above resolution (C 230060 PQX), duly adopted by the City Planning Commission on January 18, 2023 (Calendar No. 3), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq. *Chair*

KENNETH J. KNUCKLES, Esq. *Vice Chair*

GAIL BENJAMIN, LEILA BOZORG, ALFRED C. CERULLO, III,

ANTHONY W. CROWELL, JOSEPH I. DOUEK, DAVID GOLD,

LEAH GOODRIDGE, RASMIAH KIRMANI-FRYE, ORLANDO MARIN,

JUAN CAMILO OSORIO, RAJ RAMPERSHAD, *Commissioners*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Pratt Ave Retaining Wall & Roadway Reconstruction			
Applicant:	DDC - NYC Department of Design and Construction	Applicant's Primary Contact:	Jazmin Logan
Application #	230060PQX	Borough:	
CEQR Number:	22DOT013X	Validated Community Districts:	X12

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 30	# Against: 0	# Abstaining: 0	Total members appointed to the board: 38
Date of Vote: 10/27/2022 4:00 AM		Vote Location: https://nyccb.webex.com/nyccb/j.php?MTID=mbf80973049465a4139a1c1e0cb1bb8ca	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 10/12/2022 11:00 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	WebEx - https://nyccb.webex.com/nyccb/j.php?MTID=m358c8003f6ac949beeb3093ab88685b9

CONSIDERATION:

Recommendation submitted by	BX CB12	Date: 11/2/2022 4:02 PM
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BOROUGH PRESIDENT RECOMMENDATION

Project Name: Pratt Ave Retaining Wall & Roadway Reconstruction	
Applicant: DDC - NYC Department of Design and Construction	Applicant's Administrator: Jazmin Logan
Application # 230060PQX	Borough: Bronx
CEQR Number: 22DOT013X	Validated Community Districts: X12

Docket Description:

IN THE MATTER OF an application submitted by the Department of Transportation, the Department of Design and Construction and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the acquisition of property located on Marolla Place (Block 4922, p/o Lots 12 and 15) to facilitate the reconstruction, maintenance, and inspection of a retaining wall for Pratt Avenue Borough of the Bronx, Community District 12.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: Bronx Borough President's ULURP Recommendation for Application No: 230060 PQX

Recommendation submitted by	BX BP	Date: 11/30/2022 3:09 PM
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**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
120 BROADWAY- 31ST FLOOR
NEW YORK, NEW YORK 10271-0001**

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant’s representative as indicated on the Notice of Certification.

APPLICATION # C 230060 PQX-PRATT AVENUE RETAINING WALL & ROADWAY RECONSTRUCTION

PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 12 BOROUGH: BRONX

RECOMMENDATION

- ☒ **APPROVE**
- ☐ **APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- ☐ **DISAPPROVE**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

PLEASE SEE ATTACHMENT FOR BOROUGH PRESIDENT’S RECOMMENDATION


BOROUGH PRESIDENT

11/28/22

DATE

BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 230060 PQX
Pratt Avenue Retaining Wall and Roadway Reconstruction

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Transportation, the Department of Design and Construction and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the acquisition of property located on Marolla Place (Block 4922, p/o Lots 12 and 15) to facilitate the reconstruction, maintenance, and inspection of a retaining wall for Pratt Avenue Borough of The Bronx, Community District 12.

BACKGROUND

The Project Area of this application is located on Pratt Avenue which is a narrow street approximately thirty feet wide. It is bounded by Needham Avenue on the south and Marolla Place north. This Project Area includes two privately owned rear yards located on Block 4922, Lots 12 and 15. Lot 15 is composed of 9,605 square feet of property and includes a two-story residential dwelling the address of which is 3653 Marolla Place. This dwelling is composed of 2,316 square feet. Lot 12 includes 4,700 square feet. There is no building address for Block 4922, Lot 12. This area also includes Block 4922, Lot 17 which is vacant and is an unbuilt, mapped portion of Pratt Avenue's right of way. Lot 17 is under the jurisdiction of the Department of Transportation (DOT). In addition, there is an existing temporary easement agreement between the City of New York and the RMJ Motel Corporation that includes a portion of Block 4922 Lot 101 which is a mapped right-of-way of Pratt Avenue. The motel address is 2101 Needham Avenue. It is composed of a low-rise, two story building, consisting of approximately 11,634 square feet. This building currently serves as a homeless shelter. This area is zoned R4.

The existing retaining wall which is in poor condition is located on the east side of Pratt Avenue. It runs 260 linear feet (adjacent to Lots 17 and 101) commencing to the south at Needham Avenue. It turns west, extending an additional 115 linear feet (adjacent to Lots 12 and 15) for a total of 375 linear feet. On the southern end of Pratt Avenue, the wall rises approximately three feet, with a maximum height of 12 feet above grade on the northern end of Pratt Avenue. There is an embedded guardrail which defines the wall's entire length. The Pratt Avenue roadway is in need of repair.

As proposed, a new retaining wall will be constructed, running parallel to the existing retaining wall. Approval of this application will provide for the acquisition of a 25 foot wide permanent easement within a portion of the privately owned Lots 12 and 15. The amount of property proposed to be acquired from Lot 12 is 1,217 square feet and 1,813 square feet from Lot 17. It is this acquisition that mandates ULURP. This easement will allow for routine maintenance of the new structure with a minimum of conflict with activity on Pratt Avenue. The total construction costs for this project will be approximately \$15 million.

The full scope of this project calls for:

- Installing new foundations and supports;
- Installing new wall panels;
- 300 linear feet of new combined sewer infrastructure within Pratt Avenue;
- Reconstructing the built portions of Pratt Avenue including the widening of the street to the façade of the new retaining wall;
- Repaving Pratt Avenue, installing new sidewalks, installing new manhole frames and covers;
- Where necessary, public and private utilities will be replaced;
- When completed, the width of Pratt Avenue is expected to remain at 30-feet;
- Any trees requiring removal will be compensated for by the applicants pursuant to the replacement tree mandates as followed by the City of New York;
- Noise and vibrations caused by construction will be measured and monitored;
- A comprehensive emergency vehicle plan will require the approval of the New York City Fire Department; and
- It is anticipated that this project will conclude in 2027.

Development of the surrounding area is typified by two- to three-story, two-family attached homes. Commercial activity is found on Boston Road and is typified by a laundromat and car dealerships. Bus access via the Bx30 operates on Boston Road. Subway access via the #5 train at the Baychester Avenue station is approximately 0.4 miles from the Pratt Avenue Project Area.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to CEQR and SEQR and received a Negative Declaration. The City Planning Commission certified this application as complete on September 19, 2022.

BRONX COMMUNITY BOARD PUBLIC HEARING

On October 27, 2022, Bronx Community Board #12 held a public hearing on this application. A unanimous vote recommending approval of this application was 30 in favor, zero opposed and zero abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

A virtual public hearing was convened by the Bronx Borough President on November 22, 2022. Representatives of the applicant were present and spoke in favor of this application. There were no other speakers, and the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

It is an essential responsibility of city government that the infrastructure on which the public relies is appropriately maintained. In New York the fact that much of this infrastructure was constructed during the first half of the twentieth century means that we must double our vigilance to make certain that public safety is never compromised. It is overwhelmingly apparent that this retaining wall is deteriorating and that it currently poses a potential threat to safety. Therefore, until the new structural improvements can be made to repair the wall, which the full scope is not planned to be completed until 2027, I call upon the Department of Transportation to ensure that appropriate monitoring is being carried out and that any interim measures that need to be taken to protect the structural integrity of the current wall are made. It is concerning that a public safety project will take nearly 5 years to be completed and I would call on the city to coordinate expediting the work as much as possible.

The scope of this retaining wall project poses several additional challenges that I must acknowledge. These include making certain that emergency vehicles have adequate access to the dwellings on Pratt Avenue. I was surprised to learn that this critical issue has yet to be resolved. I would advice DOT, DDC, and DCAS to reach out to FDNY to coordinate any emergency vehicle access needs.

Based on my review of the project, it is clear that trees will need to be removed. Trees are a sensitive issue and one that I am passionate about. As a supporter of the million trees initiative, I believe that trees have a direct correlation with a persons' quality of life. It is important that the local residents are made aware of any trees being removed in advance and commitments need to be made for replanting new trees to replace any that are removed.

Noting my observations, advice, and concerns, I concur with the unanimous decision of Community Board #12 and recommend approval of this application.