

MEMORANDUM OF UNDERSTANDING  
BY AND BETWEEN THE  
NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION  
AND  
THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), executed this ~~21~~<sup>21</sup> day of ~~November~~<sup>December</sup>, 2011, among the NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION (“Parks”) and the NEW YORK CITY DEPARTMENT OF TRANSPORTATION (“DOT”).

WITNESSETH

**WHEREAS**, the parties desire to work together to redesign and renovate a parcel of land known as Monsignor Del Valle Square and its surrounding streets, located at 163<sup>rd</sup> Street, Southern Boulevard and Bruckner Boulevard in the Bronx (hereinafter known as the “Plaza”), and is more particularly described on Exhibit A annexed hereto and made a part hereof; and

**WHEREAS**, the majority of the Plaza is under the jurisdiction of Parks, while a smaller portion of the Plaza is under the jurisdiction of DOT, as further shown on Exhibit A; and

**WHEREAS**, DOT currently has a program whereby it seeks to create and maintain neighborhood plazas throughout New York City by transforming underused streets into vibrant, social public spaces, as part of New York City's effort that all New Yorkers live within a 10-minute walk of quality open space (hereinafter referred to as “NYC Plaza Program”).

**WHEREAS**, DOT has agreed to fund the redesign and renovation of the Plaza (hereinafter referred to as the “Project”) through the NYC Plaza Program in order to revitalize a key South Bronx public space for the community. The Project's planned scope of work is hereinafter referred to as the “Scope” and annexed hereto as Exhibit B and made a part hereof; and

**WHEREAS**, subject to the funding as herein described, Parks has agreed to take the lead in the design and construction of the Project; and

**NOW THEREFORE**, in consideration of the promises and the representation and agreements contained herein, it is agreed by and between the parties as follows, Parks and DOT agree as follows:

1. Parks acknowledges that DOT has already transferred \$4,000,000 in DOT capital funds to Parks' budget (hereinafter referred to as the “Funds”) in order to cover the cost of the Project, and that the Funds will be used solely for the purposes of the Project. Parks further acknowledges that DOT is not obligated to provide any additional funding to cover the cost of the Project and that if such costs exceed the Funds, Parks must either seek to revise the Project so that it can be completed using the Funds or seek additional funding from another source.
2. The parties acknowledge that Parks shall maintain the Plaza once the Plaza is constructed, however, Parks shall have the right to enter into agreements with other

entities for such maintenance upon written notice to DOT, consistent with other Parks maintenance agreements.

3. The parties acknowledge that the DOT portions of the Plaza will always remain the jurisdictional properties of DOT, available for DOT purposes and uses as needed. The parties further acknowledge that the DOT portions of the Plaza are not intended to be formal or implied dedicated parklands. However, if DOT needs to use any part of DOT portion of the Plaza for street or roadway purposes, DOT will be solely responsible for all costs involved in making such DOT portions of the Plaza suitable for street or roadway purpose. In addition, DOT will also be solely responsible for costs involved to ensure, to Parks' reasonable satisfaction, that the remaining portions of the Plaza can still be used as open space by the public and are redesigned as necessary to address the loss of such DOT portions of the Plaza in keeping with the intent of this MOU.
4. Parks and DOT shall coordinate as needed, and set up a review process and regular meetings pertaining to the Project, including design and construction.
5. The parties acknowledge and agree that DOT will review each stage of the design plans for the Project and that final approval of the design of the Project is subject to Parks' approval.
6. The parties acknowledge that DOT and Parks will jointly hold two public design workshops to get public design input for the Project prior to obtaining preliminary design approval from the Public Design Commission, and the Project design will incorporate reasonable input received from the public workshops when possible.
7. The parties acknowledge that they will work together so that final design of the Plaza will meet the NYC Plaza Program design criteria as further described on Exhibit C annexed hereto and made a part hereof.
8. DOT shall provide Parks with assistance regarding the design as needed, including but not limited to supplying schematic plans for curblin geometry, and obtaining design approvals for the Project.
9. All notices between the parties shall be in writing sent by certified mail, return receipt requested, or by facsimile, or personally delivered:

To Parks:

Commissioner  
The Arsenal  
830 Fifth Avenue  
New York, New York 10065

cc: Parks General Counsel

To DOT:

Commissioner  
55 Water Street – 9<sup>th</sup> Floor  
New York, New York 10041

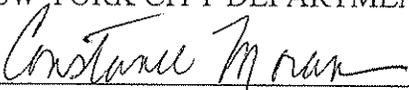
cc: DOT General Counsel  
DOT Planning and Sustainability

Any change of address shall be designated by written notice to the other party.

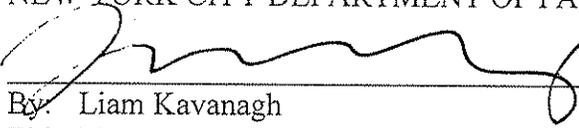
10. No Third Party Beneficiaries. This MOU shall be binding upon and for the benefit of the parties hereto and each of their respective successors and permitted assigns. The provisions of this MOU shall be for the sole benefit of the parties hereto and no other person or entity shall be a third party beneficiary hereof.

**IN WITNESS WHEREOF**, DOT and Parks have executed this MOU on the day and year first above written.

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

  
\_\_\_\_\_  
By: Constance Moran  
Title: Bronx Borough Commissioner

NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

  
\_\_\_\_\_  
By: Liam Kavanagh  
Title: First Deputy Commissioner

**EXHIBIT A**

[Map/description of Plaza]



**EXHIBIT B**  
[Scope of project]

**Capital Program Management**  
**Capital Planning & Project Initiation**  
Monsignor Del Valle Square (Crames Square)  
Bronx  
841 HWPLZ003X (846 P102-DELV)

**Scope of Work**

Throughout design, the designers should include DOT. The designers should aim to create a design that meets the needs of all parties. The following include the most important variables to consider:

1. Work in conjunction with DOT to conduct a public workshop to gather the community's thoughts and concerns before design begins. This input should be synthesized and will inform the development of the program for the site.
2. Research and analyze the existing site conditions and constraints including but not limited to; adjacent land use, building entrances, parking and curbside regulations, pedestrian circulation, utilities, opportunities for planting, and solar studies. This information should then be synthesized and used to develop the design and program of the plaza and referenced throughout the design process. Create urban design diagrams to clearly explain how these existing conditions led the team to their design and program decisions.
3. Develop a conceptual design in collaboration with all parties that enhances safety, maximizes public pedestrian space, and balances the needs of adjacent/nearby stakeholders. The design should create an open and flexible plaza that uses as many standard/off-the-shelf materials as possible. The design should also consider the following:
  - Varied seating options: formal, informal, backed, movable
  - Sustainable design – especially stormwater capture
  - Pedestrian-scale lighting within DOTs standards – Submit plaza photometrics for DOT review prior to PDC Preliminary Review.
  - No irrigation/sprinkler systems: simple water connections, include RPZ valve
  - Inclusion of one ADA compliant drinking fountain
  - There will be no permanent art—no Percent for Art
  - Simplicity of maintenance - The design must cater to the maintenance capacity of all parties.
4. Through schematic design development, the designers should develop a maintenance cost estimate so that the annual maintenance costs of the plaza are well defined and understood by all parties. Develop a preliminary cost estimate for the construction of the plaza once preliminary design is complete, as the project receives preliminary design approval from PDC.

Maintain a proactive design approach to bring up any/all questions early so that decisions can be made as soon as issues arise; communicating with DOT as much as is needed to resolve issues quickly. Develop and maintain a schedule that seeks to complete final design within one year, always being open to and willing to propose time-saving solutions.

**EXHIBIT C**  
[NYC DOT Plaza design criteria]

## Design Checklist

To define context, set project goals, and give appropriate consideration to the full range of factors that should inform the street's design, refer to this checklist of key design criteria. Note that the checklist follows the format of the Design Review Cover Sheet (Appendix A). Projects submitted to NYC DOT for approval will be reviewed with respect to these topic areas.

**Use the checklist in conjunction with the questions in the next section, Integration into Project Development.**



*Fulton Street, Manhattan*

### Street Context

- History & Character**  
Describe for the specific project area
- Land Use**  
Predominant land uses and densities within the project area (e.g., light residential, dense commercial), any historic districts or special zoning districts, proximity to transit
- Network Role**  
The role of the street in the neighborhood, city, and regional transportation system
- Major Sites**  
Identify major sites, destinations, and trip generators within or proximate to the project area, including prominent landmarks, commercial, cultural and civic institutions, and public spaces
- Street Width**  
Available space and how its allocation will be prioritized



*Fulton Mall, Brooklyn*

### Street Operations

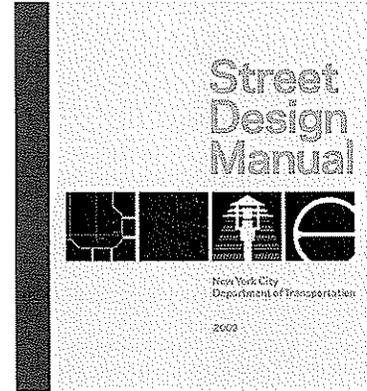
- Walking**  
Pedestrian safety, volumes, comfort and convenience of movement, accident history, important walking connections, and quality of the walking environment
- Bicycling**  
Bicycle volumes, comfort and convenience of movement, existing or proposed bike routes and other important bicyclist connections, accident history, and bicycle parking
- Motor Vehicles**  
Motor vehicle volumes, access, accident history, important motor vehicle connections, appropriateness of motor vehicle traffic to street scale (e.g., local versus through traffic), and ways to reduce the negative impacts of motor vehicle traffic
- Transit**  
Bus routes and operations, subway or other transit station access, and supportiveness of transit usage and users
- Trucks/Freight**  
Truck routes, safety, volumes, access, mobility, and ways to reduce the negative impacts of truck traffic

- Access**  
Access or mobility needs of the disabled, elderly, and children, ADA compliance, and any school or senior safety zones within the project area
- Curbside Conditions**  
Curbside demand and usage patterns within the project area, allocation of space for through movement, meter parking, non-metered parking, loading, deliveries, and pedestrian space
- Public Space**  
Public space, pedestrian seating, quality of public realm
- Drainage**  
Stormwater flow patterns, catch basins, and sewer connections
- Street Cuts**  
Frequency of utility "cuts" into the roadway within the project area, potential improvement or consolidation of utility infrastructure.



**Greening**

- Street Trees**  
Tree coverage within the project area
- Greenstreets & Vegetation**  
Existing Greenstreets within the project area and opportunity sites for Greenstreets or other planted areas
- Stormwater Control**  
Stormwater runoff conditions, permeability of underlying soil, stormwater source controls
- Flooding**  
Flooding conditions within the project area
- Maintenance Partner(s)**  
Potential and/or committed maintenance partners (e.g., BIDs, DPR) and level of commitment (e.g., watering, weeding, pruning, litter removal, replacements)
- Permits**  
Wetlands or coastline areas within 100 feet of the project area; requirements for New York State Department of Environmental Conservation or the Army Corps of Engineers permits



**Street Design Manual Usage**

- Materials, Lighting & Furniture**  
Paving materials, lighting poles, fixtures and levels, and street furniture
- Application**  
Ways in which proposed design will follow the guidelines of the *Street Design Manual* in regards to overall policies and principles, street geometry, materials, lighting, and other street elements
- Divergence**  
Extent and reasons why a potential design may deviate from the guidelines, policies, and principles of the manual
- Pilot Treatments**  
Any pilot geometric, material or lighting treatments from the *Street Design Manual* that could be proposed in a potential design