

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: ORDER OF THE BOARD OF ALDERS Approving lease modification and sublease and solar power purchase agreement acknowledgement agreement to facilitate the installation of solar panels at Common Ground High School (Director of Parks, Recreation, and Trees)

REPORT: 1521-11

ADVICE: Approval

BACKGROUND

Common Ground High School, which has a lease for its parcel from the City through August 31, 2033, is seeking the City's approval to install solar panels on one of its buildings and enter into a sublease and solar power purchase agreement (SPPA) with CEFIA Holdings, LLC. CEFIA cannot provide the initial financing for the installation of the solar panels under the SPPA without appropriate reassurance of repayment by the City in the event of default by NHEPI. Both the required sublease and the SPPA extend beyond the current term of the lease and the sublease and construction work required for the installation of the solar panels cannot be performed without the approval of the City in accordance with the terms and conditions of the lease. This Order seeks enter the City, NHEPI, and CEFIA into a lease modification, sublease and SPPA pursuant to which the City shall approve the sublease and the installation of the solar panels, agree to the extension of the lease for such period as will make the same coterminous with the SPPA and the sublease, and agree to cure defaults by NHEPI under the SPPA, subject to the City's option (in such circumstances) to terminate the lease so as to be the direct landlord of CEFIA with respect to the portion of the building subject to the sublease and assume NHEPI's position as "purchaser" under the SPPA. At the end of the lease term, the panels would become part of the building and the lease interest.

PLANNING CONSIDERATIONS

The proposed solar panels will generate green electricity to be used on-site, thereby reducing costs, while also providing an educational opportunity for students and helping the school building achieve LEED certification.

ADVICE

The Commission finds the Order in the best interest of the City and recommends approval.

ADOPTED: August 24, 2016
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director