

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** **BROADWAY near ELM and YORK STREETS and TOWER PARKWAY**, First Amendment to Ground Lease to include **BROADWAY PARKING LOT** (Deputy Economic Development Director).

**REPORT:** 1452-14

**ADVICE:** Approval

### BACKGROUND

The Board of Aldermen approved a Ground Lease on June 24, 2009 for the City to lease Market Island and Begonia Island to Yale University. The islands are improved public open spaces that are considered enhancements to the retail environment on Broadway, and serve to calm traffic in the area. The University paid a \$400,000 premium in the first year (and \$1.00 per year for the next 98 years), to lease these two "islands" totaling 12,247 square feet. They are located within North and South Broadway just west of the intersection of Broadway with York and Elm Streets. The Commission recommended approval to the Board of Aldermen of the Ground Lease (CPC 1427-19, April 22, 2009).

The City now proposes to amend the Ground Lease which will add the Broadway Parking Lot to the properties leased to the University. The 53,016 SF Broadway Lot is currently a New Haven Parking Authority-operated public parking lot west of Market Island between North and South Broadway, extending westward to the intersection of Broadway with Tower Parkway. The First Amendment proposes that the University pay a premium of \$3 million in the first year and \$1.00 for each remaining year of the 99 year lease.

### PLANNING CONSIDERATIONS

The Broadway Lot, Market Island and Begonia Island as shown on Exhibit B-1 and legally described in Exhibit B, remain as separate parcels, not to be merged unless Yale specifically requests this in writing. Yale will continue to operate the Broadway Lot as a commercial parking lot available for public use unless the City and Yale mutually agree to change the use. Yale will pay annual real estate taxes as currently provided in the existing lease. The additional amount is estimated to be approximately \$92,190. The original 2009 Lease Agreement remains in full force and effect.

Yale has previously acquired City parking facilities such as the York Street Garage formerly owned and operated by the Parking Authority. It owns and operates the lot at 272 Elm Street south of Broadway. Both of these facilities are available for public parking, and the same will apply for the Broadway Lot.


The City continues to reserve the right to enter the premises at all reasonable times (with appropriate notice) for purposes related to the public streets which surround the Broadway Lot and the Islands in order to maintain its lighting, crosswalks, traffic signal or pedestrian signals for the purpose of making such installation, repairs or modifications as may from time to time be necessary for public safety and traffic control. Yale agrees to continue to maintain the pedestrian crosswalks and to repair or replace publicly-owned fixtures on the leased premises such as sidewalks, curbs, pedestrian crosswalks, lighting, benches, or other fixtures and furnishings, provided they have no responsibility for traffic related fixtures, bollards or facilities which shall be installed, maintained and repaired by the City. Any future improvements on the Lot and Islands shall comply with all applicable codes, regulations and ordinances.

The submittal letter states that the premium payment will be recognized as General Fund revenue in the FY 2010-2011 budget. The lease amendment can be closed before the end of this fiscal year, helping to close a gap between revenue and expenditures.

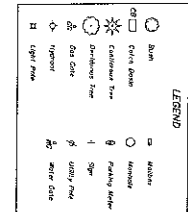
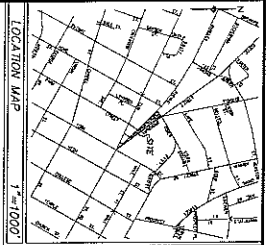
**ADVICE**

The Commission finds that the retail, public parking and other BA zone uses and open space use proposed for the parcels will continue the present use of these areas and are in keeping with the City's Comprehensive Plan of Conservation and Development and therefore recommends approval. The Commission does not comment on price. Future development plans, including interim uses, are subject to all applicable ordinances including planning and zoning reviews.

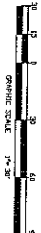
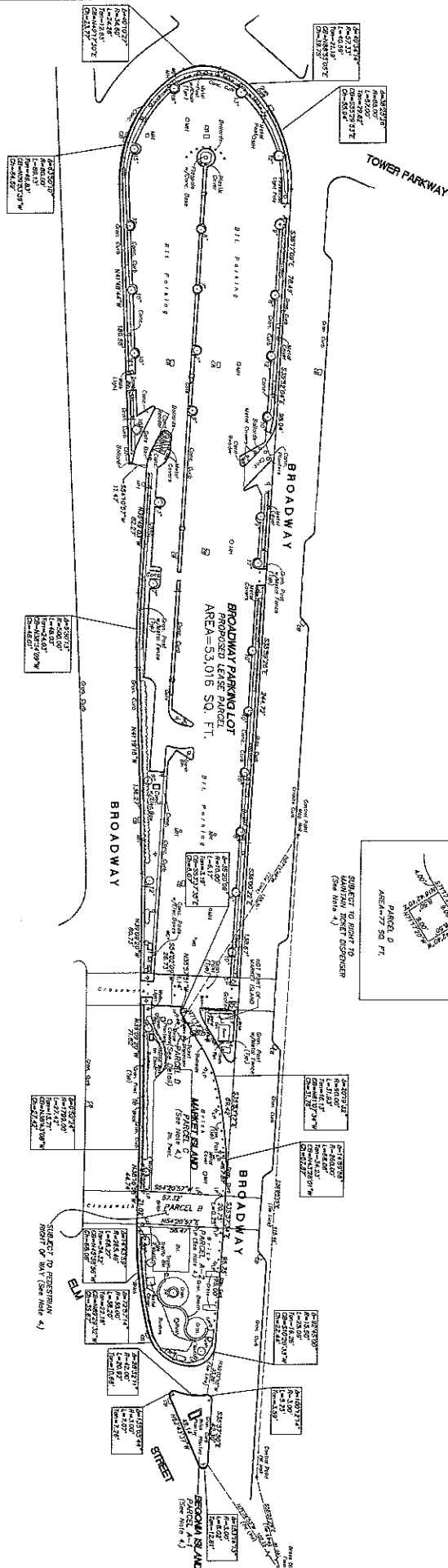
**ADOPTED:** May 18, 2011  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvarg, AIA  
Executive Director

**EXHIBIT B1**



PROPERTY SURVEY  
PROPOSED LEASE PARCEL  
**BROADWAY PARKING LOT**  
BROADWAY & ELM STREET  
NEW HAVEN, CONNECTICUT



- NOTES:**
1. THIS SURVEY AND MAP WAS SET UP IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE SERVICES, SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AS ADOPTED BY THE BOARD OF SURVEYS AND MAPS OF THE STATE OF CONNECTICUT, AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AS ADOPTED BY THE BOARD OF SURVEYS AND MAPS OF THE STATE OF CONNECTICUT.
  2. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AS ADOPTED BY THE BOARD OF SURVEYS AND MAPS OF THE STATE OF CONNECTICUT.
  3. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AS ADOPTED BY THE BOARD OF SURVEYS AND MAPS OF THE STATE OF CONNECTICUT.
  4. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AS ADOPTED BY THE BOARD OF SURVEYS AND MAPS OF THE STATE OF CONNECTICUT.

TO WHOMSOEVER AND BY WHOM THE SAME MAY COME I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AND THE STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AS ADOPTED BY THE BOARD OF SURVEYS AND MAPS OF THE STATE OF CONNECTICUT.		EXHIBIT B1 SURVEY AND MAP FOR THE PROPOSED LEASE PARCEL BROADWAY PARKING LOT BROADWAY & ELM STREET NEW HAVEN, CONNECTICUT
SURVEYED BY TURS SCALE: 1"=20' DATE: 08/12/2011	DRAWN BY TURS DATE: 08/12/2011	CHECKED BY TURS DATE: 08/12/2011

Surveyed and Drawn by  
**TURS Corporation**  
118 Corporation  
118 Corporation  
118 Corporation  
118 Corporation