

NEW HAVEN CITY PLAN COMMISSION LEASE REVIEW

1562-15R 45 YALE AVENUE. Review of Lease and Parking Agreement Amendments, as required by PDD 86, Condition 24 of the Consolidated Conditions of Approval, to assure their continued adequacy as a basis for Planned Development designation. (Applicant: Carolyn Kone, Esq. of Brenner, Saltzman & Wallman LLP on behalf of the Tennis Foundation of Connecticut, Inc..)

Previous Submission from NHCPA Outdoors, LLC, received October 3, 2019:

- Cover letter. Submitted October 3, 2019. Revised October 8, 2019, October 10, 2019, October 11, 2019, and October 15, 2019.
- Draft Lease Agreement. Submitted October 3, 2019.
- Redlined Parking Agreement. Submitted October 15, 2019.
- Email consents of the parties to the transaction. Submitted October 15, 2019.

Revised Submission from Tennis Foundation of Connecticut, Inc. received January 21, 2019:

- Development Permit, DATA page. Received January 22, 2020.
- Cover letter from Carolyn Kone, Esq. Dated and received January 21, 2020.

PDD 86, created by and for the Tennis Foundation of Connecticut, Inc., includes tennis courts and a tennis stadium on Yale University land. In accordance with PDD 86, the stadium was constructed for the August 1991 Volvo International Tennis Tournament. During the creation of the PDD, the City Plan Commission moved the item with conditions of approval. The Board of Alders imposed additional conditions thereafter. In the Consolidated Conditions of Approval and Detailed Plan Review Document (which restates the conditions of approval added by both CPC and BOA), ¶24 requires that "...the amendment of these leases (Site Lease, Facilities and Parking Agreement)...shall be submitted for CPC review and approval to assure their continued adequacy as a basis for Planned Development designation." The applicant brings this action to the City Plan Commission because, among other changes, NHCPA outdoors, LLC (whose sole member is New Haven Center for Performing Arts, Inc.) will replace the Tennis Foundation of Connecticut, Inc. as tenant under the lease and parking agreements to use the stadium primarily as a music and concert venue.

The applicant is looking for clarification and this revised approval from this Commission. According to the application, the Board of Alders delegated authority to the City Plan Commission to assure that, among other considerations, the use as described in the amendments "assure[s] their continued adequacy as a basis for Planned Development designation."

ACTION

The City Plan Commission reviews and approves of the Lease and Parking Agreement Amendments because of their continued adequacy as a basis for Planned Development designation as required by PDD 86, Consolidated Conditions of Approval ¶24.

CONDITION(S) OF APPROVAL

- NHCPA Outdoors, LLC represented that the modifications to the stadium are temporary and do not exceed the original perimeters of the PDD. Should the Building Department or the City Plan Staff find that the structures (1) become permanent, (2) exceed the original perimeters in the PDD, or (3) are not in accordance with the last detailed site plan review of record, NHCPA Outdoors, LLC will return to the City Plan Commission with a new detailed site plan review application for the Commission's consideration.

Date: January 22, 2020
Edward Mattison
Chair



Jenna Montesano
Deputy Director, Zoning