

ORDER OF THE BOARD OF ALDERMEN OF THE CITY OF NEW HAVEN,  
CONNECTICUT APPROVING AMENDMENT #2 TO THE DOWNTOWN MUNICIPAL  
DEVELOPMENT PLAN, AND AUTHORIZING SUCH ACTIONS THAT MAY BE  
NECESSARY TO IMPLEMENT THE GATEWAY AND LONG WHARF DOWNTOWN  
DEVELOPMENT PROJECTS.

WHEREAS, the General Assembly of the State of Connecticut has enacted Chapter 132 of the General Statutes of the State of Connecticut, as amended, on Municipal Development Projects to enable municipalities to assemble, improve, and dispose of land or buildings or both to be used principally for industrial or business purposes; and

WHEREAS, the New Haven Development Commission (the "Development Commission") is designated as a development agency for the City of New Haven ("City") pursuant to Section 21-14 of the New Haven Code of Ordinances, as amended; and

WHEREAS, the Development Commission approved the Downtown Municipal Development Plan (the "Downtown MDP") in 1996 and approved Amendment #1 to the Downtown MDP in 1998; and

WHEREAS, the Board of Aldermen of the City of New Haven ("Board of Aldermen") approved the Downtown MDP in July 1996 and approved Amendment #1 to the Downtown MDP by Order dated July 6, 1998 and approved by Mayor John DeStefano, Jr. on July 17, 1998; and

WHEREAS, the Development Commission has caused to be prepared a second amendment ("Amendment #2") to the Downtown MDP in accordance with Section 8-189 of the General Statutes of the State of Connecticut, as amended; and

WHEREAS, in accordance with Section 8-191 of the General Statutes of the State of Connecticut, as amended, the South Central Connecticut Regional Council of Governments ("COG") found that Amendment #2 is in accordance with the development objectives for the region as stated in its letter dated July 8, 2004; and

WHEREAS, in accordance with Section 8-191 of the General Statutes of the State of Connecticut, as amended, the New Haven City Plan Commission ("City Plan Commission"), which is duly designated an official planning body for the City of New Haven, has found that Amendment #2 is in accordance with the planning objectives of the City as a whole as stated in its report dated July 21, 2004; and

WHEREAS, in accordance with Section 8-191 of the General Statutes of the State of Connecticut, as amended, the Development Commission held a public hearing on Amendment #2 on July 29, 2004. Notice of the hearing was published in accordance with the provisions set forth in Section 8-191 of the General Statutes of the State of Connecticut, as amended, and full opportunity was given to all interested persons to appear and to be heard; and

WHEREAS, the State of Connecticut Office of Policy and Management ("OPM") found that Amendment #2 is not inimical to any State-wide planning program objective of the State or State agencies as coordinated by the Secretary of OPM; and

WHEREAS, the Development Commission considered all findings and comments as indicated above; and

WHEREAS, Amendment #2 prescribes certain land uses and requires, inter alia, the acquisition and disposition of real property and/or certain easements or public rights-of-way, the relocation of sewers and other public facilities, and any necessary actions to implement the Downtown MDP, as amended; and

WHEREAS, the proposed parcels of land listed in Amendment #2 of the MDP are connected with the Concept Plan designed by Herbert S. Newman & Partners, wherein the Concept Plan includes Gateway Community College, Long Wharf Theatre, parking facilities, commercial and residential uses, a hotel, a conference center, open space for public use, and infrastructural improvements to the project area.

WHEREAS, on August 17, 2004 the Development Commission passed a resolution approving Amendment #2 to the Downtown MDP; and

WHEREAS, the Development Commission has submitted Amendment #2 to the Downtown MDP to the Board of Alderman in accordance with Section 8-191 of the General Statutes of the State of Connecticut.

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen that:

1. Amendment #2 is in accordance with the plan of development for the City as indicated in the comments received from the City Plan Commission dated July 21, 2004.
2. Amendment #2 is in accordance with the plan of development for the south central Connecticut region as indicated in the comments received from COG on July 8, 2004.
3. Amendment #2 is not inimical to any statewide planning program objectives of the State or State agencies as coordinated by the Secretary of OPM.
4. Prior to redevelopment and subject to the approval of the Development Commission, the Executive Director of the Development Commission or his designee shall take the following actions to implement the Downtown MDP:
  - i. Create a detailed parking plan that is sufficient to meet the interim and long-term parking needs for existing businesses, organizations, and residences and known development projects located in the project area, including accommodations for existing parking capacity that may be displaced in connection with the development project.
  - ii. Ensure that the project yields community benefits by providing affordable housing and New Haven resident participation in construction and long-term employment; and
  - iii. Create a detailed set of urban design guidelines and a design review protocol to maintain design standards.
5. The land and buildings within the Downtown Municipal Development Plan will be used principally for business purposes.
6. The implementation of Amendment #2 to the Downtown MDP, as amended, will contribute to the economic welfare of the City and the State.

7. The acquisition and/or disposition of real property and/or easements, rehabilitation and/or demolition of buildings, other improvements to real property, and the right to take any action related to air rights over the public rights-of-way in the project area are necessary to promote the optimum development of the project area.
8. The installation, construction, and/or elimination of streets, utilities, parks, and other improvements in accordance with Amendment #2 are necessary to carry out the objectives of the Downtown MDP, as amended.
9. The carrying out of the Downtown MDP, as amended, will result in materially improving conditions in the Downtown Area.
10. The Downtown MDP, as amended, is sufficiently complete to meet all the requirements of Section 8-189, et. seq. of the General Statutes of the State of Connecticut, as amended, relative to municipal development projects, and includes sufficient details regarding action to be taken, including financial aspects of municipal development, to give this Board adequate information.

NOW, THEREFORE, IT IS ORDERED BY THE NEW HAVEN BOARD OF ALDERMEN that:

1. Amendment #2 to the Downtown MDP, having been incorporated in this Order by reference, is hereby approved, and the Development Commission is authorized and directed to take all steps necessary to carry out the Downtown MDP, as amended, including, but not limited to, the purchase, lease, and/or exchange of property, easements and/or rights of way, and/or acquisition of property, easements and/or rights of way through the exercise of eminent domain as authorized by Chapter 132 of the General Statutes of the State of Connecticut, and it is further authorized to utilize all powers granted by any other legislative enactment including all powers vested in development agencies as set forth in the aforesaid Chapter 132. Prior to redevelopment, the Economic Development Administrator or his designee shall comply with the conditions stated in the City Plan Commission Advisory Report to the Board of Aldermen:
  - a. Provide a more detailed conceptual plan in Amendment #2. Make reference to the current plan drawn by Herbert S. Newman and Partners. Summarize existing planning to date; a project timeline; land use plan; interim uses (e.g. surface parking); general project financing; city, state and developer responsibilities, etc.
  - b. Supplement Section E to integrate more detailed urban design guidelines and design review protocol. Provide an overall design scheme for the project that addresses integration with surrounding areas / downtown, the relationship of private / public space, guidelines pertaining to massing, circulation, first floor and façade, sign planning, landscaping, parking and energy efficiency. Include a guideline or policy on the air-walk and tunnel. Review the Zoning Ordinance and recommend a zoning approach for the project (e.g. utilize the existing zoning, develop a new zoning district, develop a planned development program or recommend amendments to the central business district zoning). Develop a design review protocol. For design review, develop submission requirements, develop a review protocol, designate a design review committee, and outline the approval steps.
  - c. Prepare an infrastructure development program and guidelines. Provide location and guidelines for the improvement, management and maintenance of infrastructure, including the tunnel, air rights, parking garages, interim parking

facilities, streets, sidewalks, lighting, open spaces. Provide a schedule for implementation, as well as a mechanism for private developer participation in structured parking for the Phase II housing elements.

- d. Substitute draft maps with final versions. Amend Maps 6 & 7 to add the new MDP boundary and the acquisition schedule.
  - e. Amend Section C to describe the more fully all of the project elements and detailed land use descriptions.
  - f. Amend Section D to integrate the parking program and other infrastructure improvements.
2. The Economic Development Administrator is authorized to enter into negotiations with the Board of Trustees for the Connecticut Community Colleges, Long Wharf Theatre, Property owners within the project area, the State of Connecticut, and any other necessary party for the purposes of carrying out the Downtown MDP, as amended, including but not limited to the following: (a) acceptance of grant funds from the State of Connecticut for the demolition of the former Macy's Department Store, the relocation of Long Wharf Theatre, and infrastructure and streetscape improvements; (b) transfer of land from the City to the Board of Trustees for the Connecticut Community Colleges on behalf of Gateway Community College for purposes of relocating Gateway Community College to a downtown location within the project area; (c) other necessary actions for purposes of relocating the Long Wharf Theatre to a downtown location within the project area; (d) tunnel and streetscape improvements within the project area; and (e) acquisition of real property and/or easements, rehabilitation and/or demolition of buildings, other improvements to real property, and the right to take any action related to air rights over the public rights-of-way in the project area to promote the optimum development of the project area.
  3. The Mayor of the City is authorized to execute any and all necessary documents, and take any and all necessary action for the purposes of carrying out the Downtown MDP, as amended, including but not limited to the following: (a) acceptance of grant funds from the State of Connecticut for the demolition of the former Macy's Department Store, the relocation of Long Wharf Theatre, and infrastructure and streetscape improvements; (b) the sale, transfer, and/or conveyance of parcel 241/0222/00200 known as 20 Church Street ("Macy's Site") and parcel 241/0205/00200 known as 2 Church Street ("Malley's Site") to the Board of Trustees for the Connecticut Community Colleges, on behalf of Gateway Community College for the purpose of the relocation of Gateway Community College to this site; (c) the leasing or sale (or combination thereof) of any part or parts of the project site to Long Wharf Theatre for the purpose of the Theatre's relocation to a Downtown location within the project area; (d) tunnel and streetscape improvements within the project area; and (e) acquisition of real property and/or easements, rehabilitation and/or demolition of buildings, other improvements to real property, and the right to take any action related to air rights over the public rights-of-way in the project area to promote the optimum development of the project area.
  4. The development of any hotel or conference center in the area on property listed in Amendment #2 to the MDP will include the requirement for an agreement that the owner will not interfere with the formation of a union (termed "neutrality agreement") with regard to the selection of a union by the employees of said hotel or conference center. This requirement will be reflected in the development agreement, or similar document, between the City and the developer of said hotel or conference center. The City shall make clear from the outset of the selection of a developer for said hotel or conference center, including but not limited to specific language reflecting this requirement in any request for proposals for the selection of a developer, that there will be the requirement for said neutrality agreement. This

requirement will similarly limit any future developer, should the original developer sell, or otherwise dispose of, its development interests in said hotel or conference center.

5. The Economic Development Administrator shall take such necessary actions to ensure that quality urban design principles are utilized in the development of properties listed in Amendment #2 to the MDP. This shall include at a minimum attention to street level uses, which encourage and engage pedestrians, promotion of public transportation, density of development to encourage an urban streetscape, and facades, which are reflective of the design guidelines in use by the City throughout downtown and particularly in the Ninth Square. The Economic Development Administrator shall develop or cause to be developed design guidelines to govern development that reflect these goals. The final design of properties listed in Amendment #2 to the MDP shall be forwarded to the City Plan Commission for review and comment, with an advisory report coming back to the Board of Aldermen, the Development Commission, and the Design Team for Gateway Community College.
6. The Development Commission, acting through its Executive Director, shall ensure that the development principals in this project work in consultation with each other to make certain that high quality and consistent urban design are incorporated in all elements of the project. At a minimum the Development Commission shall require that the Long Wharf Theatre, Gateway Community College, any hotel developer, and any other developers responsible for a portion of the area covered by this MDP Amendment, including but not limited to the Knights of Columbus, will meet regularly to discuss matters relevant to coordinated design, construction, and public improvements. The Development Commission, acting through its Executive Director, shall seek regular input from key local stakeholders and will encourage public discussion of proposed development elements. At a minimum, the Development Commission will hold public presentation sessions wherein relevant City staff and developers will present designs for any building proposed for the site. These public presentations will occur prior to a vote of the Development Commission for a disposition of property or an initial approval of the design of a major project component, or a subsequent design approval should the subsequent design approval allow a material and significant change from the prior approval; and in no case shall six months pass while major components remain to be developed without a public presentation; nor shall a presentation take place less than 21 calendar days prior to a vote when a primary subject of the vote is a primary subject of the presentation. The Development Commission will consider input from the public from these sessions as it implements the project.

The Development Commission, acting through its Executive Director, will seek further amendment through the Board of Aldermen whenever it intends to: (a) Acquire additional properties beyond those identified in Amendment #2 to the MDP; (b) Change the community benefits plan in a way that reduces the percent of affordable housing units (currently identified as 20% at 50% of median income); (c) Change the detailed parking plan in a way that reduces by more than 20% the total number of spaces projected for the five parking garages specified in this project's parking plan; (d) Remove a development project from the concept plan; (e) Add a new development concept to the project; or (f) Move a piece of the project to a site located outside the project

To the Honorable Board of Aldermen of the City of New Haven:

YOUR COMMITTEE ON

Committee of the Whole

TO WHOM WAS REFERRED THE [REDACTED]

ORDER of the Board of Aldermen of the City of New Haven, Connecticut approving Amendment #2 to the Downtown Municipal Development Plan, and authorizing such actions that may be necessary to implement the Gateway and Long Wharf Downtown Development Projects.

BEG LEAVE TO REPORT THAT ON THE 30th DAY OF December X 2004 NOTICE OF COMMUNICATION REGISTER HEARING ON SAID [REDACTED] WAS ADVERTISED 1 TIME IN ALL DAILY NEWS-LEGAL NOTICES PAPERS IN THE CITY; THAT ON THE 5th DAY OF January [REDACTED] 2005 A PUBLIC COMMUNICATION HEARING ON SAID [REDACTED] WAS HELD IN PURSUANCE OF SAID NOTICE.

YOUR COMMITTEE ON DUE EXAMINATION ARE OF THE OPINION THAT THE COMMUNICATION PRAYER OF SAID [REDACTED] SHOULD BE GRANTED.

THEY THEREFORE RESPECTFULLY RECOMMEND THE PASSAGE OF THE FOLLOWING ORDER.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

HON SHIRLEY ELLIS-WEST/HON ANDREA JACKSON-BROOKS CHAIRMAN.

ORDERED THAT

**REPORT OF THE**

Committee on ..... *Whose* re:  
ORDER OF THE BOARD OF ALDERMEN OF THE CITY OF NEW HAVEN, CONNECTICUT  
APPROVING AMENDMENT #2 TO THE DOWNTOWN MUNICIPAL DEVELOPMENT PLAN, AND  
AUTHORIZING SUCH ACTIONS THAT MAY BE NECESSARY TO IMPLEMENT THE GATEWAY  
AND LONG WHARF DOWNTOWN DEVELOPMENT PROJECTS.

February 7, 2005  
Board of Aldermen time and ordered printed  
Read for the first time and ordered printed  
for the first time and ordered printed

*[Signature]*  
City/Town Clerk

February 22, 2005  
Board of Aldermen time and order, was amended by  
the Board of the second (See amendment enclosed), was passed by a  
substitution (See amendment recombines item into one -- see  
viva voce vote. (Substituted amendment recombines item into one -- see  
enclosed.)

*[Signature]*  
City/Town Clerk

CITY OF NEW HAVEN,

Approved:

*[Signature]*  
3/7/05

Mayor

Recorded,  
Board of Aldermen Records, vol. P.

City/Town Clerk

Resolution and Order for the Board of Aldermen  
on the Gateway Downtown Development Project

ORDER OF THE BOARD OF ALDERMEN OF THE CITY OF NEW HAVEN, CONNECTICUT APPROVING AMENDMENT #2 TO THE DOWNTOWN MUNICIPAL DEVELOPMENT PLAN, AND AUTHORIZING SUCH ACTIONS THAT MAY BE NECESSARY TO IMPLEMENT THE GATEWAY AND LONG WHARF DOWNTOWN DEVELOPMENT PROJECTS.

WHEREAS, the General Assembly of the State of Connecticut has enacted Chapter 132 of the General Statutes of the State of Connecticut, as amended, on Municipal Development Projects to enable municipalities to assemble, improve, and dispose of land or buildings or both to be used principally for industrial or business purposes; and

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WHEREAS, the Board of Aldermen of the City of New Haven ("Board of Aldermen") approved the Downtown MDP in July 1996 and approved Amendment #1 to the Downtown MDP by Order dated July 6, 1998 and approved by Mayor John DeStefano, Jr. on July 17, 1998; and

WHEREAS, the Development Commission has caused to be prepared a second amendment ("Amendment #2") to the Downtown MDP in accordance with Section 8-189 of the General Statutes of the State of Connecticut, as amended; and

WHEREAS, in accordance with Section 8-191 of the General Statutes of the State of Connecticut, as amended, the South Central Connecticut Regional Council of Governments ("COG") found that Amendment #2 is in accordance with the development objectives for the region as stated in its letter dated July 8, 2004; and

WHEREAS, in accordance with Section 8-191 of the General Statutes of the State of Connecticut, as amended, the New Haven City Plan Commission ("City Plan Commission"), which is duly designated an official planning body for the City of New Haven, has found that Amendment #2 is in accordance with the planning objectives of the City as a whole as stated in its report dated July 21, 2004; and

WHEREAS, in accordance with Section 8-191 of the General Statutes of the State of Connecticut, as amended, the Development Commission held a public hearing on Amendment #2 on July 29, 2004. Notice of the hearing was published in accordance with the provisions set forth in Section 8-191 of the General Statutes of the State of Connecticut, as amended, and full opportunity was given to all interested persons to appear and to be heard; and

WHEREAS, the State of Connecticut Office of Policy and Management ("OPM") found that Amendment #2 is not inimical to any State-wide planning program objective of the State or State agencies as coordinated by the Secretary of OPM; and

WHEREAS, the Development Commission considered all findings and comments as indicated above; and



**Resolution and Order for the Board of Aldermen  
on the Gateway Downtown Development Project**

WHEREAS, Amendment #2 prescribes certain land uses and requires, inter alia, the acquisition and disposition of real property and/or certain easements or public rights-of-way, the relocation of sewers and other public facilities, and any necessary actions to implement the Downtown MDP, as amended; and

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WHEREAS, the Development Commission has submitted Amendment #2 to the Downtown MDP to the Board of Alderman in accordance with Section 8-191 of the General Statutes of the State of Connecticut.

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3. Amendment #2 is not inimical to any statewide planning program objectives of the State or State agencies as coordinated by the Secretary of OPM.
4. Prior to redevelopment and subject to the approval of the Development Commission, the Executive Director of the Development Commission or his designee shall take the following actions to implement the Downtown MDP:
  - i. Create a detailed parking plan that is sufficient to meet the interim and long-term parking needs for existing businesses, organizations, and residences and known development projects located in the project area, including accommodations for existing parking capacity that may be displaced in connection with the development project.
  - ii. Ensure that the project yields community benefits by providing affordable housing and New Haven resident participation in construction and long-term employment; and
  - iii. Create a detailed set of urban design guidelines and a design review protocol to maintain design standards.
5. The land and buildings within the Downtown Municipal Development Plan will be used principally for business purposes.
6. The implementation of Amendment #2 to the Downtown MDP, as amended, will contribute to the economic welfare of the City and the State.
7. The acquisition and/or disposition of real property and/or easements, rehabilitation and/or demolition of buildings, other improvements to real property, and the right to take any action related to air rights over the public rights-of-way in the project area are necessary to promote the optimum development of the project area.
8. The installation, construction, and/or elimination of streets, utilities, parks, and other improvements in accordance with Amendment #2 are necessary to carry out the objectives of the Downtown MDP, as amended.
9. The carrying out of the Downtown MDP, as amended, will result in materially improving conditions in the Downtown Area.

**Resolution and Order for the Board of Aldermen  
on the Gateway Downtown Development Project**

10. The Downtown MDP, as amended, is sufficiently complete to meet all the requirements of Section 8-189, et. seq. of the General Statutes of the State of Connecticut, as amended, relative to municipal development projects, and includes sufficient details regarding action to be taken, including financial aspects of municipal development, to give this Board adequate information.

NOW, THEREFORE, IT IS ORDERED BY THE NEW HAVEN BOARD OF ALDERMEN that:

1. Amendment #2 to the Downtown MDP, having been incorporated in this Order by reference, is hereby approved, and the Development Commission is authorized and directed to take all steps necessary to carry out the Downtown MDP, as amended, including, but not limited to, the purchase, lease, and/or exchange of property, easements and/or rights of way, and/or acquisition of property, easements and/or rights of way through the exercise of eminent domain as authorized by Chapter 132 of the General Statutes of the State of Connecticut, and it is further authorized to utilize all powers granted by any other legislative enactment including all powers vested in development agencies as set forth in the aforesaid Chapter 132.
2. The Economic Development Administrator is authorized to enter into negotiations with the Board of Trustees for the Connecticut Community Colleges, Long Wharf Theatre, Property owners within the project area, the State of Connecticut, and any other necessary party for the purposes of carrying out the Downtown MDP, as amended, including but not limited to the following: (a) acceptance of grant funds from the State of Connecticut for the demolition of the former Macy's Department Store, the relocation of Long Wharf Theatre, and infrastructure and streetscape improvements; (b) transfer of land from the City to the Board of Trustees for the Connecticut Community Colleges on behalf of Gateway Community College for purposes of relocating Gateway Community College to a downtown location within the project area; (c) other necessary actions for purposes of relocating the Long Wharf Theatre to a downtown location within the project area; (d) tunnel and streetscape improvements within the project area; and (e) acquisition of real property and/or easements, rehabilitation and/or demolition of buildings, other improvements to real property, and the right to take any action related to air rights over the public rights-of-way in the project area to promote the optimum development of the project area.
3. The Mayor of the City is authorized to execute any and all necessary documents, and take any and all necessary action for the purposes of carrying out the Downtown MDP, as amended, including but not limited to the following: (a) acceptance of grant funds from the State of Connecticut for the demolition of the former Macy's Department Store, the relocation of Long Wharf Theatre, and infrastructure and streetscape improvements; (b) the sale, transfer, and/or conveyance of parcel 241/0222/00200 known as 20 Church Street ("Macy's Site") and parcel 241/0205/00200 known as 2 Church Street ("Malley's Site") to the Board of Trustees for the Connecticut Community Colleges, on behalf of Gateway Community College for the purpose of the relocation of Gateway Community College to this site; (c) the leasing or sale (or combination thereof) of any part or parts of the project site to Long Wharf Theatre for the purpose of the Theatre's relocation to a Downtown location within the project area; (d) tunnel and streetscape improvements within the project area; and (e) acquisition of real property and/or easements, rehabilitation and/or demolition of buildings, other improvements to real property, and the right to take any action related to air rights over the public rights-of-way in the project area to promote the optimum development of the project area.