



## MEMORANDUM

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**TO:** The Honorable Tyisha Walker-Myers, President  
Members of the New Haven Board of Alders

**FROM:** Michael Piscitelli, EDA

**RE:** **101 College Street Development Agreement, Amendment 1**

**DATE:** July 5, 2020

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Thank you for your ongoing support of Downtown Crossing and the economic development of New Haven. The City team is truly appreciative of the time and consideration of this important agreement and fully supportive of the amendments approved at the CD Committee on May 27, 2020. The Together, we Grow inclusive growth initiative sets this project apart from our prior development agreements and the amendments focused on scholarships and the workforce pipeline will create opportunities for New Haven public school students at this development and throughout the city.

The attached documents are respectfully submitted as Amendment 1, addressing the CD Committee amendments as well as technical changes and the approach to Downtown Crossing Phase 3. In summary,

**CD Committee Amendment.** The CD Committee amendment has been incorporated into the DLDA except as follows:

- The term of free occupancy for the classroom remains at 10 years per Developer request.
- The workforce partner agreement with provided to you as informational and in draft form, pending final execution by Winstanley and New Haven Works.
- As noted by Developer's counsel, the outside entities identified in the CD Committee amendment are not formal parties to the DLDA. However, to make sure the commitments are carried forward, the language compels the City to implement the innovation workforce pipeline and the ACE mentoring program.

**Downtown Crossing Phase 3.** At the CD hearing, the City provided an update on the fiscal impact statement in light of the fact that the bids for Downtown Crossing Phase 3 came in over budget. The available budget of approximately \$20 million simply will not allow for completion of the Temple Street Bridge or for the full elevation of MLK Boulevard. To address this challenge, the City is proposing to modify and phase the scope of work in a manner that satisfies the terms and conditions of the DLDA and also sets up a future phase of work. Exhibits F and P illustrate the work to be performed on South Frontage Road and MLK Boulevard as well as construction of a landscaped "infield" area east of where Temple Street will be in the future. Key provisions which merit your attention and consideration:

- The detour route has been changed. Instead of taking land to realign South Frontage Road temporarily, the City proposes to reopen the now-closed section of Columbus Avenue through the vacant Church Street South.
- The “infield” will be carried out either by the Developer or by the City, depending on final design and coordination of work. This is an important, highly visible corner which needs to be well-designed in the next three months. To account for this late addition to the project, the City proposes to add \$500,000 to the contingency line and the Developer proposes to make a \$200,000 contribution. Additional steps would be constructed to access the plaza and these would be in the public right of way (see Exhibits S).

**Technical Amendments.** A number of technical changes will need to be made to the DLDA, which include the following,

- The definition of “Affiliate” was made at the Developer’s request.
- The definition of “Streetscape Improvements”, was made including a new Exhibit E that includes such additional Streetscape Improvements proposed through design coordination.
- A limitation on some of the remedies that the Developer can seek in the case of a City or Parking Authority default, a limitation on the obligations of the Parking Authority regarding obtaining consents for the pedestrian bridge connecting the Temple Medical Garage to the 101 College Street parcel all added at the request of the New Haven Parking Authority.
- Changes were made to Exhibit G (the Project Schedule) to fill in dates that were left blank or need to be corrected as well as to Exhibit H (the Critical Milestones) to correct a typographical error.
- Timing of Public Financing. Due to the aggressive schedule for this project, the City was concerned that some of the grant agreements for public financing will not be in place at the time of closing. The Developer has agreed to limit the City’s financial exposure to completing the critical milestones on Exhibit H (for which we have budget in place in existing capital accounts) and then move forward into construction.

While we commonly provide you with amendments through the review process, the funding gap for the traffic improvements and the aggressive schedule to start construction added time to the process.

Thank you for your consideration and, if you have any questions, please do not hesitate to call.