

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: CLARE HARTMAN, INTERIM ASSISTANT CITY MANAGER
SUE GALLAGHER, CITY ATTORNEY
SUBJECT: APPROVAL OF PARKING AGREEMENT WITH AIRPORT
BUSINESS CENTER AND BLUE FOX PARTNERS FOR PARKING
PERMITS FOR GARAGE 5 AND GARAGE 9 RELATED TO
SETTLEMENT OF AIRPORT BUSINESS CENTER V. CITY OF
SANTA ROSA LAWSUIT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department and the City Attorney's Office that the Council, by resolution: 1) approve a Parking Agreement with Airport Business Center and Blue Fox Partners for Parking Permits in Garage 5 and Garage 9 related to Settlement and Dismissal with Prejudice of Airport Business Center v. City of Santa Rosa (Sonoma County Civil No. SCV-267372); and 2) authorize the City Manager to execute the Parking Agreement.

EXECUTIVE SUMMARY

The Planning and Economic Development Department and the City Attorney's Office recommend that Council approve a Parking Agreement with Airport Business Center and Blue Fox Partners ("ABC") to set aside certain reserved and new non-reserved permits for a total possible term of 30 years in Garage 5 and Garage 9. The Parking Agreement represents settlement of the matter of *Airport Business Center and Blue Fox Partners v. City of Santa Rosa*, a challenge to the City's Downtown Station Area Specific Plan, under which ABC challenged the City's adoption of the Downtown Station Area Specific Plan and certification of the Downtown Station Area Specific Plan Environmental Impact Report ("EIR").

BACKGROUND

On November 12, 2020, ABC filed suit against the City, seeking to set aside the City's adoption of the Downtown Station Area Specific Plan and certification of the Specific Plan EIR. Since that date, the City and ABC have engaged in extensive settlement

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negotiations in an effort to resolve the litigation. ABC is willing to dismiss its lawsuit challenging the City's Downtown Station Area Specific Plan and Specific Plan EIR if the City can provide assurances that parking in Garage 5 and Garage 9 will be made available to tenants of 50 Old Courthouse Square.

PRIOR CITY COUNCIL REVIEW

On January 12, 2021, August 3, 2021 and August 31, 2021, Council held closed sessions on this matter.

ANALYSIS

Among other terms, the Parking Agreement between the City and ABC would allow for the following: (1) retention of two reserved permits in Garage 5 held under a current parking agreement with the City and provide certain priorities for ABC for reserved spaces that become available in Garage 5; (2) Forty new non-reserved parking permits for lease in Garage 5 and twenty-five new non-reserved parking permits for lease in Garage 9.

The Parking Agreement also provides certain assignment rights for the new non-reserved permits to ABC during the first year, provides additional validation options in Garage 5 and Garage 9, and includes provisions related to construction, maintenance, repair and redevelopment of Garage 5. The term of the Parking Agreement is thirty-year term with cancellation provisions allowing either party to unilaterally terminate at year ten and at year twenty, provided the terminating party provides one year advance written notice of termination.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

This action is not subject to California Environmental Quality Act ("CEQA") because it is not a project with potential for resulting in either a direct, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines Section 15378. In addition, or in the alternative, this action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

None.

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NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution/Exhibit A (Parking Agreement)

CONTACT

Clare Hartman, Interim Assistant City Manager
Sue Gallagher, City Attorney