



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

City Council Meeting  
December 14, 2021

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

# 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.
- City and ABC have engaged in extensive settlement 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.

# PARKING AGREEMENT

- 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; and
  - (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.

# PARKING AGREEMENT

- 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
- includes provisions related to construction, maintenance, repair and redevelopment of Garage 5.
- Thirty-year term with cancellation provisions allowing either party to terminate at year ten and at year twenty, provided the terminating party provides one year advance written notice of termination.

# 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 for Parking Permits in Garage 5 and Garage 9 related to Settlement and Dismissal with Prejudice of Airport Business Center and Blue Fox Partners v. City of Santa Rosa (Sonoma County Civil No. SCV-267372); and 2) authorize the City Manager to execute the Parking Agreement.

Questions?