



Legislation Details (With Text)

File #: 20-2554 **Version:** 1 **Name:** Settlement Agreement
Type: Resolution **Status:** Passed
File created: 4/29/2020 **In control:** Town Council
On agenda: 5/5/2020 **Final action:** 5/5/2020
Title: SETTLEMENT AGREEMENT
Consider Adoption of Resolution Number 20-3987 Approving a Settlement Agreement and Parking Lease with Restoration Hardware.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Settlement Agreement, 3. Parking Lease Agreement, 4. Parking Lease Exhibit A - Property Description

Date	Ver.	Action By	Action	Result
5/5/2020	1	Town Council	adopted	Pass

Yountville Town Council Staff Report

DATE: May 5, 2020

TO: Mayor and Town Council

FROM: Steven R. Rogers, Town Manager

TITLE

Consider Adoption of Resolution Number 20-3987 Approving a Settlement Agreement and Parking Lease with Restoration Hardware.

DISCUSSION/BACKGROUND

On January 13, 2020, the Town issued Restoration Hardware ("RH") a Notice of Violation/Abatement Order and Imposition of Administrative Penalty for violations of the municipal code (the "Notice of Violation"). A copy of the Notice of Violation is available for public inspection from the Town Clerk. Following issuance of the Notice of Violation, RH entered into discussions with the Town regarding how to cure the municipal code violations identified in the Notice of Violation which resulted in two proposed agreements:

1. A Settlement Agreement and Release which requires RH to pay the Town \$75,000 in four equal quarterly payments of \$18,750; requires compliance with an Employee Parking Management Plan meeting the requirements of the Yountville Municipal Code and the land use approvals for the site; and requires consideration of an amendment to the Master Use Permit increasing the number of seats by eight upon approval of the amendment and an additional eight upon completion of the construction of parking spaces under the Parking Lease, discussed below.
2. A Parking Lease which requires RH to construct 23 parking spaces for use by RH employees and 21 parking spaces for use by the public, adjacent to Washington Street between the intersections of

Washington Street and Lincoln Avenue and Washington Street and Jackson Street, and leases the real property, owned by the Town, to RH for an initial term of 15 years; requires RH to pay Town \$33,493 no later than January 1, 2021 and \$66,986 no later than January 1, 2021 and on each January 1 thereafter for the duration of the lease; adjusts the annual payment on January 1, 2021 and each subsequent January 1 thereafter for the duration of the lease by the Consumer Price Index (CPI) for All Urban Consumers for the San Francisco Area; requires the parking spaces be constructed within 120 days following the Town's issuance of all permits therefor, plans and specifications for which must be submitted to the Town within 30 days of the effective date of the lease; and requires the Town's consent for assignment of the lease except to an affiliated company or to a buyer of the business and real property. The Parking Lease becomes effective, and the deadlines therein are triggered, when the amendment to the use permit under the Settlement Agreement and Release is used but will be tolled if and for the duration of any appeal or court action related to the amendment.

Copies of the Settlement Agreement and Release and Parking Lease are included with the resolution accompanying this staff report.

ENVIRONMENTAL REVIEW

Exempt per CEQA Guidelines Section 15061(b)(3). To the extent this is deemed a project under CEQA, it is categorically exempt per CEQA Guidelines Sections 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), 15311 (Accessory Structures), 15321 (Enforcement Actions by Regulatory Agencies), and 15322 (In-Fill Development Projects).

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? Yes

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? Nominal

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Yes

If yes, Identify Strategic Goal and Objective. **Quality of Life:** The Town enhances the livability of Yountville by providing well-maintained public facilities, parks, and trails, and quality programs and events.

Briefly Explain Relationship to Strategic Plan Goal and Objective. The Settlement Agreement and Release and Parking Lease cure municipal code violations and increase public parking spaces in Town.

ALTERNATIVES

Amend the Agreements prior to approval.

Do not approve the agreements.

Provide different or additional direction to staff.

RECOMMENDATION

Receive staff report and direct questions to staff.

Receive public comment.

Conduct Council discussion on proposed Resolution.

Adopt Resolution Number 20-3987 Approving a Settlement Agreement and Parking Lease with Restoration Hardware.

