

## RESOLUTION NO. 2019-037

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, FINDING THAT THE DEVELOPER OF THE SILVER ROSE RESORT PROJECT IS IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE PROJECT'S DEVELOPMENT AGREEMENT

**WHEREAS**, on June 14, 2012, the City of Calistoga (City) entered into a Development Agreement (Agreement) with Silver Rose Venture, LP (Developer) through its approval of Ordinance No. 682; and

**WHEREAS**, the Agreement provided the Developer with certain assurances that they could proceed with a development project known as the Silver Rose Resort on property located on Silverado Trail involving a resort hotel, spa, restaurant, winery and single-family residences; and

**WHEREAS**, the term of the Agreement is for a period of five years and the City Manager has extended that term to June 14, 2020, as allowed by the terms of the Agreement; and

**WHEREAS**, as required by Government Code Section 65865.1 and by the Agreement, the City shall annually determine whether the Developer has, in good faith, substantially complied with the terms of the Agreement up to and including the date of the review; and

**WHEREAS**, the annual review of the Agreement is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined by Public Resources Code Section 21065; and

**WHEREAS**, at its meeting of May 21, 2019, the City Council considered the Annual Compliance Evaluation Form and Addendum for the period of April 1, 2018 to April 1, 2019, submitted by the Developer, which provides evidence of its good faith compliance with its obligations under the Agreement and other information provided by staff; and

**WHEREAS**, the Developer and members of the public were provided an opportunity to be heard regarding the Agreement's status before the City Council conducted its review.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Calistoga hereby finds that:

1. The Developer is in good faith substantial compliance with the terms and conditions of the Development Agreement between the City of Calistoga and Silver Rose Venture, LP for the Silver Rose Resort project.
2. This review satisfies the annual review of development agreement requirements as provided in Government Code §65865.1.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at its meeting held the **21st day of May 2019**, by the following vote:

**AYES:** Councilmembers Kraus, Lopez-Ortega and Williams, and Vice Mayor Dunsford  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Mayor Canning



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**MICHAEL DUNSFORD, Vice Mayor**

**ATTEST:**



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**IRENE CAMACHO-WERBY, City Clerk**