

**RESOLUTION NO. 2015-053**

**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 May 15, 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 commencing on June 15, 2012; 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**, at its meeting of June 2, 2015, the City Council considered the Annual Compliance Evaluation Form completed by the Developer that 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 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 2<sup>nd</sup> day of June, 2015 by the following vote:

**AYES:** Vice Mayor Dunsford, Councilmembers Kraus, Barnes and Lopez-Ortega and Mayor Canning

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

  
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**CHRIS CANNING, Mayor**

**ATTEST:**

  
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**KATHY FLAMSON, City Clerk**



**ANNUAL COMPLIANCE EVALUATION FORM ADDENDUM**  
**Annual Review Period: April 1, 2014 to April 1, 2015**

- A. Development activities during this period:
- a. demolition of the Silver Rose Inn and Spa and B Cellars Winery;
  - b. removal of 13 underground septic tanks;
  - c. deconstruction of 2 cold water wells;
  - d. relocation of 22 olive trees and 5 Oak trees, removal of trees due to construction and tree condition, and institution of tree protection in accordance with MacNair & Associates Arborist Report and Tree Protection Plan dated Dec. 8, 2011 and updated April 4, 2014;
  - e. exploratory excavation for Building A;
  - f. removal of all vines and vineyard equipment;
  - g. institution of Storm Water Pollution Prevention Plan.
- B. Permit fees paid during this period:
- a. Demolition Permit #6251 - \$4,058.93;
  - b. Tree Removal Permit #TP14-22 - \$10;
  - c. Phase I Grading Permit #6251-R1 (exploratory excavation) - \$2,029.86;
  - d. Site Mass Excavation and Construction of Retaining Wall Permit #6251-R3 - \$4,856.25;
  - e. Model Room Permit #6375 - \$4,548.45.