

RESOLUTION NO. 2021-036

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA 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 was originally for a period of five years and the City Manager has extended that term to June 14, 2022, 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 June 1, 2021, the City Council considered the Annual Compliance Evaluation Form and Addendum for the period of April 1, 2020 to April 1, 2021, 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 **1st day of June 2021**.

I, Marni Rittburg, City Clerk of the City of Calistoga, hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Calistoga at a regular meeting held on the 1st day of **June 2021**, by the following vote:

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

ATTEST:


Marni Rittburg, CMC, City Clerk

APPROVED:


Chris Canning, Mayor

ANNUAL COMPLIANCE EVALUATION FORM

This Annual Compliance Evaluation Form is submitted to the City of Calistoga ("City") by Silver Rose Venture LP ("Developer") pursuant to the requirements of California Government Code Section 65865.1 and Chapter 17.39 of the City Municipal Code regarding Developer's good faith compliance with its obligations under the Development Agreement between the City and Developer by Ordinance No. 682 ("Development Agreement").

Annual Review Period: April 1, 2020 to April 1, 2021

Please attach description and/or documentation in support of any "Yes" answers

- A. Development activities during this annual review period:
Yes: X No:

- B. Development impact fees, processing fees, architectural review fees and/or other fees paid during this annual review period:
Yes: X No:

- C. On- and/or off-site infrastructure improvements completed or paid for during this annual review period:
Yes: No: X

- D. Other Development Agreement obligations completed during this annual review period:
Yes: X No:

- E. Transfers, assignments, or dedications from or by Developer during this annual review period:
Yes: No: X

- F. Awareness of any facts or circumstances that may be construed as a default by Developer during this annual review period:
Yes: No: X

The undersigned representative of Developer confirms that Developer is:

X In compliance with its obligations under the Development Agreement for this annual review period.

 Not in compliance with its obligations under the Development Agreement for this annual review period, in response to which Developer is taking the actions set forth in the attachment hereto.

IN WITNESS WHEREOF, Developer has executed this Annual Compliance Evaluation Form as of this 6th day of May, 2021.

By: 

David Oliver
Vice President of Development
Silver Rose Venture, LP

ANNUAL COMPLIANCE EVALUATION FORM ADDENDUM
Annual Review Period: April 1, 2020 to April 1, 2021

- A. *Development activities during this review period*
- A. *Continued implementation of Storm Water Pollution Prevention Plan*
 - B. *Permit B20-38: Grease Duct at the Lodge*
 - C. *Permit PR20-17: Air makeup at residence kitchens*
 - D. *Permit PR20-05: Cooling tower electrical updates*
 - E. *Permit B20-06: Presidential Suite updates*
 - F. *Permit PR20-13: Convert portion of storage room to temperature controlled space*
 - G. *Permit PR20-36: Demo and replace vintage siding at Lodge*
 - H. *Permit PR20-41: Install 22 kW Generac generator at 20 residences*
 - I. *Permit PR20-07: Villa siding updates*
 - J. *Permit PR20-39: Convert General Store into public wine tasting space. Convert existing visitors' space to private members tasting area.*
 - K. *Permit PR20-43: Install backup power for 16 Villas*
 - L. *Permit PR20-14: F&B storage room converted to pastry kitchen*
 - M. *Permit TP-202733: Tree removal permit*
- B. *Development impact fees, processing fees, architectural review fees and/or other fees paid during this period*
- A. *There were no development impact fees paid during this period*
 - B. *Development Agreement related fees paid*
 - i. *\$130 processing fee paid 5/21/20 to extend term of Development Agreement to June 14, 2021*
 - ii. *\$130 processing fee paid 5/21/20 for 2020 annual Development Agreement Compliance evaluation*
 - C. *Permit processing fees paid*
 - i. *Dec. 15, 2020: \$284.50 fee for Permit B20-38*
 - ii. *Dec. 15, 2020: \$317.19 fee for Permit PR20-17*
 - iii. *Dec. 15, 2020: \$545.25 fee for Permit PR20-5*
 - iv. *Dec. 15, 2020: \$982.25 fee for Permit PR20-06*
 - v. *Dec. 15, 2020: \$1,149.50 fee for Permit PR20-13*
 - vi. *Dec. 15, 2020: \$1,273.75 fee for Permit PR20-36*
 - vii. *Dec. 15, 2020: \$4,658.75 fee for Permit PR20-41*
 - viii. *Dec. 15, 2020: \$5,608.75 fee for Permit PR20-07*
 - ix. *Jan. 26, 2021: \$6,139.25 fee for Permit PR20-39*
 - x. *March 31, 2021: \$9,081 fee for Permit PR20-43*
 - xi. *April 12, 2021: \$3,956.75 fee for Permit PR20-14*
 - xii. *May 6, 2021: \$2,261.00 fee for Permit TP-202733*
 - D. *Developer Deposit Account ("DDA")*
 - i. *April 17, 2020: Paid \$7,189.25 to DDA #42-2220-0226 "Inspections"*
 - ii. *May 20, 2020: Paid \$4,447.50 to DDA #42-2220-0226 "Inspections"*
 - iii. *June 4, 2020: Paid \$765 to DDA #42-2220-0226 "Inspections"*
 - iv. *July 20, 2020: Paid \$19,799 to DDA #42-2220-0226 "Inspections"*
 - v. *Aug. 31, 2020: Paid \$479.44 to DDA #42-2220-0166 "Silver Rose Expansion"*
 - vi. *Aug. 31, 2020: Paid \$14,152 to DDA #42-2220-0166 "Inspections"*
 - vii. *Nov. 20, 2020: Paid \$46,771 to DDA #42-2220-0226 "Inspections"*

- viii. Dec. 28, 2020: Paid \$29,321.40 to DDA #42-2220-0226 "Inspections"
- ix. Jan. 25, 2021: Paid \$13,706.15 to DDA #42-2220-0226 "Inspections"
- x. Feb. 28, 2021: Paid \$33,126.35 to DDA #42-2220-0226 "Inspections"

- D. Other Development Agreement Obligations completed during this annual review period:
 - E. Renewed Performance Bond, Labor & Materials Bond, and Maintenance Bond in the amount of \$1,124,344 covering the **offsite improvements**, for the period 9/7/20 – 9/7/21.
 - F. Renewed Performance Bond, Labor & Materials Bond, and Maintenance Bond in the amount of \$1,926,229 covering the **onsite improvements**, for the period 9/7/20 – 9/7/21.







