

**RESOLUTION NO. 2019-009**

1 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA,**  
2 **STATE OF CALIFORNIA, FINDING THAT RESORT AT INDIAN SPRINGS, LLC IS IN GOOD**  
3 **FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT**  
4 **AGREEMENT FOR THE RESORT AT INDIAN SPRINGS PROJECT**

5  
6 **WHEREAS**, on February 23, 2013, the City of Calistoga (City) entered into a Development  
7 Agreement (Agreement) with Resort at Indian Springs, LLC (Developer), (Ordinance No. 688);  
8 and

9 **WHEREAS**, the Agreement provided the Developer with certain assurances that they  
10 could proceed with a hotel expansion and restaurant development project; and

11 **WHEREAS**, the initial term of the Agreement was for a period of five years and the City  
12 Manager has extended the term twice by one year, to February 15, 2020; and

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

16 **WHEREAS**, at its meeting of February 5, 2019, the City Council considered the Annual  
17 Compliance Evaluation Form completed by the Developer that provides evidence of its good faith  
18 compliance with its obligations under the Agreement, and the facts as described in the staff report  
19 that the Developer has completed all of the improvements required of the project and paid all  
20 required fees; and

21 **WHEREAS**, the annual review of the Agreement is not subject to the California  
22 Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) because it can  
23 be seen with certainty that there is no possibility it could have a significant effect on the  
24 environment.

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

- 27 1. The Developer is in good faith substantial compliance with the terms and conditions of the  
28 Development Agreement between the City of Calistoga and Resort at Indian Springs, LLC.  
29 2. This review satisfies the annual review of development agreement as provided in  
30 Government Code §65865.1.

31 **PASSED AND APPROVED** by the City Council of the City of Calistoga at its meeting held  
32 the 5th day of February, 2019 by the following vote:

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

  
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**CHRIS CANNING, Mayor**

**ATTEST:**  
  
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**IRENE CAMACHO-WERBY, City Clerk**