

RESOLUTION NO. 2017-009

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA FINDING THAT RESORT AT INDIAN SPRINGS, LLC IS IN GOOD FAITH COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE DEVELOPMENT AGREEMENT FOR THE RESORT AT INDIAN SPRINGS PROJECT

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

WHEREAS, the Agreement provided the Developer with certain assurances that it could proceed with a development project on property located at 1712 Lincoln Avenue; and

WHEREAS, the term of the Agreement is for a period of five years commencing on February 23, 2013; and

WHEREAS, as required by Government Code Section 65865.1 and by the Agreement, each January 1, the City shall 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 January 17, 2017, 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 the facts as described in the staff report that the Developer has completed all of the improvements required of the project and paid all required fees; and

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

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 Resort at Indian Springs, LLC.
2. This review satisfies the annual review of development agreement as provided in Government Code §65865.1.

PASSED AND APPROVED by the City Council of the City of Calistoga at its meeting held the 17th day of January, 2017 by the following vote:

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

NOES:

ABSTAIN:

ABSENT:



CHRIS CANNING, Mayor

ATTEST:



MELISSA VELASQUEZ, Deputy City Clerk