

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE DEL MONTE PROJECT, FOR THE PERIOD FROM JANUARY 2021 THROUGH DECEMBER 2021

WHEREAS, the City of Alameda (City) and TL Partners I, LP (TLP) entered into that certain Development Agreement for the Del Monte Warehouse project dated as of January 15, 2015 and recorded in the Official Records of the County of Alameda (Official Records) on May 17, 2016 as Document No. 2016124746 (Original DA), as amended by that certain First Amendment to Development Agreement dated as of June 8, 2017 and recorded in the Official Records on June 15, 2017 as Document No. 2017130965 (First Amendment), and as further amended by that certain Second Amendment to Development Agreement dated as of July 18, 2018 and recorded in the Official Records on August 28, 2018 as Document No. 2018169332 (Second Amendment), and as further amended by that certain ministerial amendment dated October 25, 2018 (Ministerial Amendment), and as further amended by that certain second ministerial amendment dated September 25, 2019 (Second Ministerial Amendment), and that certain Third Amendment to Development Agreement dated January 4, 2021 and recorded in the Official Records on January 14, 2021 as Document No. 2021017275 (Third Amendment, and together with the Original DA, the First Amendment, the Second Amendment, the Ministerial Amendment, and the Second Ministerial Amendment, the Development Agreement or DA); and

WHEREAS, on October 9, 2019, the City granted its written consent to a partial assignment of certain rights and obligations under the Development Agreement from TLP to Alta Buena Vista Owner, LLC; and

WHEREAS, TLP and Alta Buena Vista Owner, LLC have initiated a Periodic Review of the Development Agreement with the City of Alameda, as required under Alameda Municipal Code Section 30-95.1; and

WHEREAS, the Planning Board held a duly noticed public hearing on this request on June 27, 2022, and examined pertinent documents; and

WHEREAS, the Planning Board finds that TL Partners I, LP and Alta Buena Vista Owner, LLC have complied in good faith with the terms and conditions of the Development Agreement, for the period from January 1, 2021 through December 31, 2021, as summarized in the Annual Report Letter submitted by TL Partners I, LP and Alta Buena Vista Owner, LLC, and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement; and

WHEREAS, the Annual Review and reporting is exempt from the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby finds that TL Partners I, LP and Alta Buena Vista Owner, LLC have complied with the terms and conditions of the Development Agreement.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision or decision on any appeal plus extensions authorized by California Code of Civil Procedure Section 1094.6.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

* * * * *