

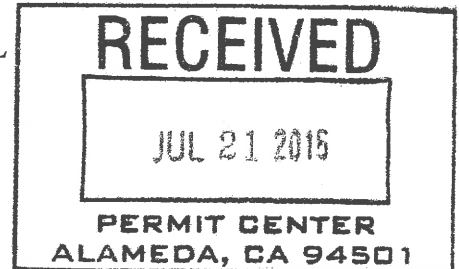
# HARPER & ARMSTRONG, LLP

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July 21, 2016

BY HAND DELIVERY and E-MAIL

Janet Kern  
City Attorney  
Alameda City Hall  
2263 Santa Clara Avenue  
Alameda, CA 94501  
[jkern@alamedacityattorney.org](mailto:jkern@alamedacityattorney.org)



**Re: Boatworks Project – Request for Litigation Stay on Boatworks  
Tentative Map (PLN 10-0262)**

Dear Ms. Kern:

I represent Boatworks, LLC, (“Boatworks”) Owner of the Property at 2229-2235 Clement Avenue in Alameda. On July 19, 2011, Alameda’s City Council approved Tentative Map 8060 and the accompanying Density Bonus (application PLN 10-0262) (“Tentative Map”) for a proposed development on the Property (“the Project”). (See City Council Resolution No. 14614.)

The City has agreed that, absent any further action, the current Tentative Map remains valid until September 19, 2016.

On Thursday, July 14, 2016, Boatworks filed a Complaint and Petition for Writ of Mandate demanding that the City and City Council as Successor Agency to the Community Improvement Commission (“CIC”) comply with the parties’ 2010 Settlement Agreement in order to facilitate satisfying the conditions of the Tentative Map. Boatworks served this Complaint on the City Parties on Tuesday, July 19, 2016.

Boatworks now requests that the City grant a litigation stay extending the

*LTR SLA to Kern – Application for Litigation Stay (Gov. Code 66463.5) July 21, 2016*

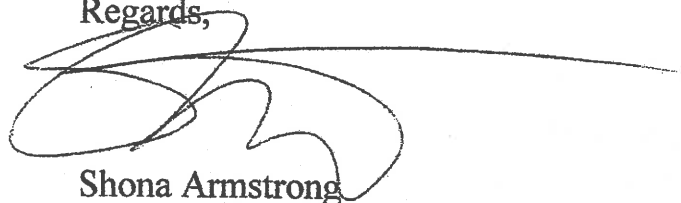
life of the existing Tentative Map pursuant to Government Code section 66463.5(e), which states:

After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay.

As we have repeatedly stated, Boatworks wishes to work with the City on completing its final map. The engineers are currently working on completing the map and satisfying the engineering requirements, but the positions the City is currently taking promise to push the development plans Boatworks has worked so hard to develop (along with Boatworks' contract with Toll Brothers to purchase the Property) into the ditch.

Boatworks requests that you place this request on the agenda for a City Council meeting at the earliest opportunity.

Regards,



Shona Armstrong

cc: Nicoley Collins  
Managing Member of Boatworks

Winter King  
Outside Counsel to City of Alameda

