

**CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR DEVELOPMENT AGREEMENT, DA-89-1, FOR THE PERIOD APRIL 5, 2016 THROUGH APRIL 4, 2017

WHEREAS, Harbor Bay Village Four Associates (HBV4), Harbor Bay Village Five Associates (HBV5) and Harbor Bay Isle Associates (HBIA) have initiated a Periodic Review of a Development Agreement between the City of Alameda and said Harbor Bay Entities, as required under Zoning Ordinance Section 30-95.1; and

WHEREAS, the Board held a public hearing on this request on April 24, 2017, and examined pertinent documents.

NOW THEREFORE BE IT RESOLVED THAT, the Board has made the following finding:

1. The Harbor Bay Entities have complied with the terms and conditions of the Development Agreement, DA-89-1, through the April 4, 2017 review period, as summarized in the Annual Report submitted by the Harbor Bay Entities and have demonstrated a continuing good faith effort to implement the terms and conditions as set forth in the Development Agreement, DA-89-1.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the City of Alameda hereby declares that Harbor Bay Entities are in compliance with the terms and conditions of Development Agreement, DA-89-1, through April 4, 2017.

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 Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 24th day of April, 2017, by the following vote to wit:

* * * * *