

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR A DEVELOPMENT AGREEMENT FOR THE ENCINAL TERMINALS PROJECT, FOR THE PERIOD FROM JANUARY 1 THROUGH DECEMBER 31, 2025

WHEREAS, the City of Alameda (City) and North Waterfront Cove, LLC. (NWC) entered into that certain Development Agreement for the Encinal Terminals project dated as of March 3, 2022 and recorded in the Official Records of the County of Alameda (Official Records) on May 9, 2022 as Document No. 2022090828 (DA); and

WHEREAS, the City and NWC amended the DA in early 2025 to extend the internal deadlines for completion of certain tasks in light of the ongoing financial difficulties in residential development; and

WHEREAS, NWC has 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 May 26, 2026, and examined pertinent documents; and

WHEREAS, the Planning Board finds that NWC has complied in good faith with the terms and conditions of the Development Agreement, for the period through December 31, 2025, as summarized in the Annual Report Letter submitted by NWC dated May 8, 2026 and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in said Development Agreement; and

WHEREAS, Development Agreement annual review is not a project as defined in the CEQA Guidelines Section 15378, therefore, no further action is required and none of the conditions of CEQA Guidelines Section 15162 requiring additional environmental review exist.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the City of Alameda hereby declares that North Waterfront Cove, LLC, has demonstrated good faith compliance with the terms and conditions of the Encinal Terminals Project 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.

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