

January 4, 2023

Catherine Payne  
Zoning Manager  
Planning & Building Department, City of Oakland  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612-2032

**Re: Extension of ER030004, DA13171, PUD13170-PUDF-03 (APN 018 042000402) Final Development Plan, Regular Design Review and Minor Variance for Jack London Square Site F3 Per Conditions of Approval # 2.**

Dear Catherine:

On behalf of CIM Group, the purpose of this letter is to formally request a **two-year extension** of the above-referenced entitlements for the Jack London Square Redevelopment Project property known as Site F3, pursuant to Conditions of Approval #2. For ease of reference we have attached: (1) a detailed explanation providing why an extension from the Planning Commission is permissible; and (2) the City's most recent Planning Commission staff report regarding the Entitlements from the March 2018, which notes the applicability of the Conditions of Approval from 2014.<sup>1</sup>

In summary, the Final Development Plan (FDP), regular design review and a minor variance (collectively, the F3 Entitlements) for this hotel project were approved on March 21, 2018. The F3 Entitlements did not include any conditions of approval or any expiration date. The F3 Entitlements note that conditions of approval (COAs) adopted in 2014 continue to apply. The COAs adopted in 2014 state that those approvals were good for two years, unless a different date is indicated. The 2014 COAs also provide that the approvals can be extended by the approving body if a request is submitted prior to expiration. In this case the approving body is the Planning Commission.

As such, the F3 Entitlements either have not expired (and have no expiration date), or pursuant to the COAs from the 2014 approval, the initial life of the F3 Entitlements was two years, meaning the initial expiration date of the F3 Entitlements was March 21, 2020. On May 10, 2019, CIM requested an extension of the Site F3 Entitlements for one year – from March 21,

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<sup>1</sup> We have also included a staff report from the approvals for Sites D and F2 that includes the 2014 conditions.

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2020, to March 21, 2021. This request was approved by the City of Oakland. As such, the Site F3 Entitlements were extended to March 21, 2021.

The City's Emergency Order No. 6 (EO-6) issued in July 2020 automatically extended all "planning entitlements" that have not expired by March 9, 2020, but were set to expire by August 1, 2022. The Site F3 Entitlements fell within the "planning entitlements" covered by EO-6. As such, the City granted further extension from March 21, 2021 to March 21, 2023 for the F3 Entitlement.

Per 2014 COA # 2, CIM now requests a two-year extension from March 21, 2023 to March 21, 2025 from the "approving body" which in this case will be the Planning Commission.

As part of this request, CIM also requests modification of mitigation measures Trans-2 and Trans-5 from the 2004 project EIR (and 2014 addendum) relating to certain contemplated improvements at the intersection of Oak and Embarcadero. Due to the development of restaurant at this location (as approved by the City), this mitigation is no longer feasible, and the mitigation measure should be updated to be an in-lieu fee to address transportation improvements. This in-lieu fee is proposed to be apportioned between CIM and Signature Development.<sup>2</sup>

Please let me know when we can expect this extension request to go before the Planning Commission, the amount of required administrative fees and/or if you need any additional information.

Sincerely,

FENNEMORE WENDEL



Todd A. Williams

TAW

cc: Sean Buran, CIM Group  
Richard Walker, Contract Planner

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<sup>2</sup> Signature Development's Brooklyn Basin project EIR contains similar mitigation measures. Signature is concurrently seeking the same modification of such measures into an in-lieu fee for the same reason.

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## **ANALYSIS RE STATUS OF PLANNING ENTITLEMENTS FOR JLS SITE F3**

This analysis reviews the status of the planning entitlements for Site F3 located in Jack London Square (JLS) and owned by CIM.

The Site F3 entitlements include a Final Development Plan (FDP) for development of a hotel, Design Review and a Minor Variance (F3 Entitlements). The F3 Entitlements were approved on March 21, 2018.

The F3 Entitlements did not include any conditions of approval and did not include any expiration date. The F3 Entitlements did note that conditions of approval (COAs) adopted in 2014 continued to apply. The COAs adopted in 2014 state that the approvals embodied in that approval were good for two years, unless a different date is indicated. The 2014 COAs also provide that the approvals can be extended by one-year if a request is submitted to the planning department prior to expiration. (Pursuant to the JLS Development Agreement, any approval would be extended at least to the DA's expiration date of the DA (12/31/19) or potentially longer depending on the timing of the approval.) Assuming that the COAs from the 2014 approval resulted in the initial life of the F3 Entitlements being two years, then the initial expiration date of the F3 Entitlements was **March 21, 2020**.

On May 10, 2019, CIM requested an extension for one year – from March 21, 2020, to March 21, 2021. This request was approved by the City of Oakland. As such, the F3 Entitlements were extended to **March 21, 2021**.

The City's Emergency Order No. 6 ("EO-6") issued in July 2020 automatically extended all "planning entitlements" that have not expired by March 9, 2020 but would be set to expire by August 1, 2022. The F3 Entitlements fell within the "planning entitlements" covered by Emergency Order No. 6. As such, they were extended for two years – from March 21, 2021, to **March 21, 2023**.

Now without a further extension the entitlements will expire on **March 21, 2023**. The Planning Commission per COA #2 has the discretionary authority to extend the entitlements for two years to **March 21, 2025**. All the above information can be confirmed via the attached Staff Report from the March 21, 2018 Planning Commission meeting where these entitlements were last considered.