

EXHIBIT E

APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE OF THE CITY OF OAKLAND ADOPTING THE PLANNED WATERFRONT ZONING DISTRICT (PWD-4) OAK-TO-NINTH MIXED USE DEVELOPMENT PROJECT

WHEREAS, on May 28, 2004, in accordance with the California Environmental Quality Act ("CEQA"), City staff issued a Notice of Preparation stating the City's intent to prepare an Environmental Impact Report ("EIR") for the Oak to Ninth Avenue Mixed Use Development Project; and

WHEREAS, as part of the proposed Project, the applicant requested adoption of a new Planned Waterfront Zoning District (PWD-4) to allow for a residential, commercial, open space mixed use development on the Project site; and

WHEREAS, on September 1, 2005, the Draft EIR for the Project, SCH #2004062013, was released by the City for a 54-day public review and comment period and on September 28, 2005, October 12, 2005, and October 17, 2005, respectively, the Planning Commission, the Parks and Recreation Advisory Commission, and the Landmarks Preservation Advisory Board held public hearings to provide the public with additional opportunities to comment on the DEIR; and

WHEREAS, on December 3, 2005, the Planning Commission conducted a site visit to the Project site; and

WHEREAS, on February 1, 2006, the City released the Final EIR for the Project and on March 2, 2006 the City published Additional Responses to Comments Prepared for the Oak to Ninth Project EIR, which are incorporated into the Final EIR; and

WHEREAS, on February 8, 2006, the Parks and Recreation Advisory Commission, and, on January 9, 2006 and February 27, 2006, the Landmarks Preservation Advisory Board, held public hearings on the Project, and

WHEREAS, on December 14, 2005 and January 25, 2006, the Design Review Committee of the Planning Commission held public hearings on the Project; and

WHEREAS, on January 25, 2006, the Planning Commission held a public hearing to discuss the major environmental and policy issues pertaining to the Project; and

WHEREAS, on March 15, 2006, the Planning Commission held a public hearing on the Project and certified the EIR, adopted CEQA Findings and a Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program, adopted General Findings, recommended adoption of General Plan Amendments, recommended amendment of two Redevelopment Plans, recommended adoption of an ordinance rezoning the Project site from M-40 and S-2/S-4 to Planned Waterfront Zoning District-4, Open Space-Region Serving, and S-2/S-4, recommended adoption of a Development Agreement ordinance, approved a Vesting Tentative Map, approved a Preliminary Development Plan, approved Design Guidelines, and adopted Conditions of Approval; and

WHEREAS, on March 15, 2006, the Planning Commission recommended that the City Council adopt the Planned Waterfront Zoning District-4 (PWD-4) Oak-to-Ninth Mixed Use Development Project; and

WHEREAS, the notice required by the Oakland Municipal Code section 17.144.060 has been given.

SECTION 1. The Planned Waterfront Zoning District (PWD-4) Oak-to-Ninth Mixed Use Development Project (attached as Exhibit A) is hereby established.

SECTION 2. The City of Oakland's Zoning Code is hereby amended to include the Planned Waterfront Zoning District (PWD-4) Oak-to-Ninth Development Project as Chapter 17. ____.

SECTION 3: Except as specifically set forth herein, this ordinance suspends and supersedes all conflicting resolutions, ordinance, plans, codes, laws and regulations.

SECTION 4: If any provision of this ordinance or application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of provisions to other persons or circumstances shall not be affected thereby.

IN COUNCIL, OAKLAND CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES

NOES

ABSENT

ABSENTION

ATTEST: _____
City Clerk and Clerk of the Council
of the City of Oakland California

AN ORDINANCE OF THE CITY OF OAKLAND ADOPTING THE PLANNED

**WATERFRONT ZONING DISTRICT (PWD-4)
OAK-TO-NINTH MIXED USE DEVELOPMENT PROJECT**

Attachment A

Planned Waterfront Zoning District (PWD-4)

Zoning Regulations and Standards for Development
and Use of Property within the Planned Waterfront Zoning District (PWD-4)
Oak to Ninth Mixed Use Development

**AN ORDINANCE OF THE CITY OF OAKLAND
ADOPTING THE PLANNED WATERFRONT ZONING DISTRICT (PWD-4)
OAK-TO-NINTH MIXED USE DEVELOPMENT PROJECT**

NOTICE AND DIGEST

This Ordinance established the Planned Waterfront Zoning District (PWD-4). The Zoning Regulations and Standards for Development and Use of Property within the Planned Waterfront Zoning District are hereby adopted and attached to this Ordinance as Exhibit E. The City of Oakland's Zoning Code is hereby amended to include Chapter 17.____, Planned Waterfront Zoning District and Zoning Regulations and Standards for Development and Use of Property within the Oak to Ninth Mixed Use Development Project.