

# EXHIBIT F

APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE OF THE CITY OF OAKLAND REZONING PROPERTY IN THE OAK TO NINTH AVENUE MIXED USE DEVELOPMENT PROJECT SITE FROM HEAVY INDUSTRIAL (M-40) TO THE PLANNED WATERFRONT ZONING DISTRICT (PWD-4) AND OPEN SPACE-REGION SERVING PARK (OS-RSP), AND FROM CIVIC CENTER COMBINING ZONE (S-2/S-4) TO THE PLANNED WATERFRONT ZONING DISTRICT (PWD-4) AND OPEN SPACE-REGION SERVING PARK (OS-RSP)**

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 a rezoning of the portion of the Project site zoned M-40 and S-2/S-4 to PWD-4, Open Space-Region Serving Park, and S-2/S-4 to allow for a residential, commercial, and 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 is 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 adoption of amendments to two Redevelopment Plans, recommended adoption of a Planned Waterfront Zoning District (PWD-4), recommended adoption of a Development Agreement ordinance, approved a Vesting Tentative Subdivision 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 rezone the portions of the Project site currently zoned M-40 and S-2/S-4 to Planned Waterfront District (PWD-4), Open Space-Region Serving and S-2/S-4; and

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

**SECTION 1.** The City of Oakland's Zoning Map is hereby amended by rezoning the land in the areas shown on the map attached as Exhibit \_\_\_ and incorporated herein by reference as follows:

FROM CURRENT ZONING: M-40 and S-2/S-4

TO: Planned Waterfront Zoning District-4, (PWD-4) Open Space- Region Serving Park, (OS-RSP), and Civic Center/Design Review Combining Zone, (S-2/S-4)

**SECTION 2.** The Planning Director is directed to change the Zoning Map pursuant to Chapter 17.144 of the Oakland Municipal Code to conform to the rezoning referenced in Section 1.

IN COUNCIL, OAKLAND CALIFORNIA, \_\_\_\_\_, 2006

PASSED BY THE FOLLOWING VOTE:

AYES

NOES

ABSENT

ABSTENTION

ATTEST: \_\_\_\_\_

City Clerk and Clerk of the Council  
of the City of Oakland California