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City Attorney's Office

2019 JUN 13 PM 2:39

OAKLAND CITY COUNCIL

RESOLUTION NO. 87808 C.M.S.

STAFF RECOMMENDS THAT CITY COUNCIL CONDUCT A PUBLIC HEARING AND UPON CONCLUSION ADOPT A RESOLUTION, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, ADOPTING THE LET'S BIKE OAKLAND 2019 BICYCLE PLAN, RELYING ON THE 2019 ADDENDUM TO THE 2007 ENVIRONMENTAL IMPACT REPORT, FINDING THAT NO ADDITIONAL ENVIRONMENTAL REVIEW IS NEEDED PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15162-15164, AND ADOPTING RELATED CEQA FINDINGS.

WHEREAS, on December 4, 2007 the City Council adopted, via Resolution No. 80959 C.M.S., a Bicycle Plan, as part of the Land Use and Transportation Element of the City's general plan (LUTE); and

WHEREAS, with the passage of Measure BB in 2015, the Alameda County Transportation Commission requires that local jurisdictions update the Bicycle Plan every five years to receive pass-through (non-competitive) as well as discretionary funds that assist the City in paying for the design and installation of the necessary improvements; and

WHEREAS, an updated Bicycle Plan is also needed to maintain eligibility for Caltrans' Active Transportation Program funds that assist the City in paying for the design and installation of necessary improvements; and

WHEREAS, the Let's Bike Oakland 2019 Bicycle Plan Update Public Review Draft – April 1, 2019 (Plan) is a General Plan Amendment to the LUTE, and that the Plan meets the requirements for a General Plan Amendment, including comprehensiveness, internal consistency, and a long-term perspective; and

WHEREAS, the Let's Bike Oakland 2019 Bicycle Plan Update is consistent with the goals, values, and purpose of the Department of Transportation's (DOT) 2016 Strategic Transportation Plan; and

WHEREAS, the Let's Bike Oakland 2019 Bicycle Plan Update recommends actions in a five-year capital improvement plan to reduce bicycle injuries and fatalities in the "High Injury Network" of intersections and corridors in the City; and

WHEREAS, the Let's Bike Oakland 2019 Bicycle Plan Update uses a methodology created for prioritizing capital improvements that reduce collisions, close

gaps in the current network, connect Oaklanders to local destinations and that invest in disadvantaged neighborhoods; and

WHEREAS, updated policy, programmatic, and planning recommendations for longer-term actions are also a part of the Let's Bike Oakland 2019 Bicycle Plan Update; and

WHEREAS, the *Draft Plan* is the result of almost two years of work, beginning in October 2017, with the Community Advisory Committee, Partner Agency Advisory Committee, City Advisory Committee, the Bicycle and Pedestrian Advisory Commission (BPAC), the Mayor's Commission on Persons with Disabilities (MCPD), partnership with 5 Community Based Organizations, over 500 staff hours at 58 meetings or events, engagement of over 3,000 Oaklanders in person and over 2,000 Oaklanders online, and a statistically significant survey of over 1,600; and

WHEREAS, the Bicycle and Pedestrian Advisory Commission (BPAC) held two public meetings (October 2017 and April 2018) that included discussion and direction on the emerging Plan, with a final Public Hearing on April 29, 2019, which resulted in further recommendations to the Plan that have been incorporated June 19, 2019 Planning Commission report and a letter of support that was incorporated into the same report as Attachment B3; and

WHEREAS, the Mayor's Commission on Persons with Disabilities (MCPD) has reviewed the Let's Bike Oakland 2019 Bicycle Plan Update on June 17, 2019 and which have been incorporated the Planning Commission report; and

WHEREAS, on June 19, 2019, the City Planning Commission conducted a duly noticed Public Hearing on the Plan, took public testimony and recommended, in part, that the City Council adopt the Let's Bike Oakland 2019 Bicycle Plan Update, with further recommendations that have been incorporated into the June 19, 2019 Public Works Committee Agenda Report, and the related California Environmental Quality Act (CEQA) actions and findings; and

WHEREAS, on June 19, 2019 the City of Oakland's Public Works Committee and the Community and Economic Development Committee conducted duly noticed public meetings and recommended, in part, approval of the Let's Bike Oakland 2019 Bicycle Plan Update and the related CEQA actions and findings to the City Council; and

WHEREAS, a duly noticed Public Hearing was held by the City Council on June XX, 2019 to consider the Plan, now, therefore, be it

RESOLVED: that the City Council hereby adopts the Let's Bike Oakland 2019 Bicycle Plan Update based, in part, upon the General Plan Analysis and Adoption Findings in the June 19, 2019 Planning Commission staff report (incorporated by reference into this Resolution as if fully set forth herein); and further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by the adoption of the Plan; and be it

FURTHER RESOLVED: that the City Council, based upon its own independent review, consideration, and exercise of its independent judgment, hereby finds and

determines, on the basis of substantial evidence in the entire record before the City, that none of the circumstances necessitating further CEQA review are present under CEQA Guidelines section 15162-15164, for the reasons stated in the June 19, 2019 Planning Commission Report and Attachments (Planning Commission Report), and the June 25, 2019 Public Works Committee Agenda Report and Attachments (City Council Report), hereby incorporated by reference as if fully set forth herein; and be it

FURTHER RESOLVED: that the City Council finds and determines that this action complies with CEQA, adopts the CEQA findings contained in the Planning Commission Report and City Council Report (hereby incorporated by reference as if fully set forth herein), and directs the Environmental Review Officer to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED, that the City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the Let's Bike Oakland! 2019 Bicycle Plan Update prior to formal publication, without returning to the City Council or City Planning Commission; and be it

FURTHER RESOLVED, that nothing in this Resolution shall be interpreted or applied to create any requirement, power, or duty in conflict with any federal or state law; and be it

FURTHER RESOLVED, that the provisions of this Resolution and Plan are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Resolution and/or Plan that can be given effect without the invalid provision or application and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this Resolution and/or Plan irrespective of the invalidity of any particular portion of this Resolution and/or Plan; and be it

FURTHER RESOLVED, that the record before this Council relating to these actions include, without limitation, the following:

1. The Let's Bike Oakland 2019 Bicycle Plan Update, including all accompanying maps, papers and appendices;
2. All final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation the CEQA Analysis and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the Let's Bike Oakland! 2019 Bicycle Plan Update and attendant hearings;

3. All oral and written evidence received by the BPAC, MCPD, City Planning Commission and City Council during the Public Hearings on the Let's Bike Oakland 2019 Bicycle Plan Update; and all written evidence received by the relevant City Staff before and during the Public Hearings on the Plan;
4. All matters of common knowledge and all official enactments and acts of the City, such as: (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED, that the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Department of Transportation, 250 Frank H. Ogawa Plaza, Suite 4314, Oakland, California; (b) Planning and Building Department – Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (c) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California; and be it

FURTHER RESOLVED, that the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL - 9 2019

AYES -: FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~DEWITT~~ TAYLOR, THAO
and PRESIDENT KAPLAN - 7

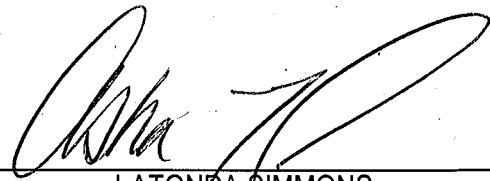
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Reid

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California