

Introduced by Councilmember _____

REVISED @ Council 6/27/17
Approved as to Form and Legality
Mark P. Wall
Office of the City Attorney

17 JUL 17 PM 2: 08

OAKLAND CITY COUNCIL

RESOLUTION NO. 86809 C.M.S.

A RESOLUTION, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, ADOPTING THE OAKLAND WALKS! 2017 PEDESTRIAN MASTER PLAN UPDATE, RELYING ON THE 2002 PEDESTRIAN MASTER PLAN MITIGATED NEGATIVE DECLARATION, AND OTHER DOCUMENTS, FINDING THAT NO ADDITIONAL ENVIRONMENTAL REVIEW IS NEEDED PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15162-15164, 15183 AND OTHER CEQA EXEMPTIONS, AND ADOPTING RELATED CEQA FINDINGS

WHEREAS, on November 12, 2002 the City Council adopted, via Resolution No. 77514 C.M.S., a Pedestrian Master 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 Pedestrian Master 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 Pedestrian Master 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 Oakland Walks! 2017 Pedestrian Master Plan Update Public Review Draft – April 6, 2017 (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 Plan is consistent with the goals, values, and purpose of the Department of Transportation’s (DOT) 2016 Strategic Transportation Plan; and

WHEREAS, the Plan recommends actions in a five-year capital improvement plan to reduce pedestrian injuries and fatalities in the “High Injury Network” of intersections and corridors in the City; and

WHEREAS, the Plan uses a methodology created for prioritizing capital improvements on the “High Injury Network” that relies upon data analyses measuring Safety, Equity, and Walkability; and

WHEREAS, updated policy, programmatic, and planning recommendations for longer-term actions are also a part of the Plan; and

WHEREAS, the public participation and planning process began in May of 2015 with the convening of a community-based Pedestrian Advisory Group and a staff-based Technical Advisory Committee; later, a survey was made available that received 588 responses; and subsequently, seven meetings were held with potentially directly affected populations that may not have responded to the survey; and

WHEREAS, the Bicycle and Pedestrian Advisory Commission (BPAC) held two public meetings (March and December 2015) that included discussion and direction on the emerging Plan, with a final meeting on April 20, 2017, which resulted in further recommendations to the Plan that have been incorporated into Attachment A in the May 17, 2017 Planning Commission report and a letter of support that was incorporated into the same report as Attachment B; and

WHEREAS, the Mayor's Commission on Persons with Disabilities (MCPD) has reviewed the Plan and submitted recommendations regarding Universal Access, which have been incorporated into Attachment A in the Planning Commission report; and

WHEREAS, on May 17, 2017, 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 Plan, with further recommendations that have been incorporated into Attachment C in the June 13, 2017 joint Public Works Committee and Community and Economic Development Committee Agenda Report, and the related California Environmental Quality Act (CEQA) actions/findings; and

WHEREAS, on June 13, 2017 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 Plan and the related CEQA actions/findings to the City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on June 27, 2017 to consider the Plan, now, therefore, be it

RESOLVED: that the City Council hereby adopts the Oakland Walks! 2017 Pedestrian Master Plan Update, but with alternative scoring which more heavily weights the Equity and Safety score as compared to the Walkability Score, based, in part, upon the General Plan Analysis and Adoption Findings in the May 17, 2017 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: 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, and separately and independently the Plan qualifies for various exemptions, for the reasons stated in the May 17, 2017 Planning Commission Report

and Attachments (Planning Commission Report), and the June 13, 2017 joint Public Works Committee and Community and Economic Development 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 and Notice of Exemption 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 Plan prior to formal publication, without returning to the City Council or City Planning Commission; and be it

FURTHER RESOLVED, that the City Administrator is directed to cause the incorporation of the following into the data collection efforts associated with the next Pedestrian Master Plan Update as it relates to safety data: (1) muggings and other crimes against pedestrians; (2) traffic speed; and (3) police stops of pedestrians; and be it

FURTHER RESOLVED, that nothing in this Resolution shall be interpreted or applied so as 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 Oakland Walks! 2017 Pedestrian Master 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 Oakland Plan 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 Plan; 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, JUN 27 2017

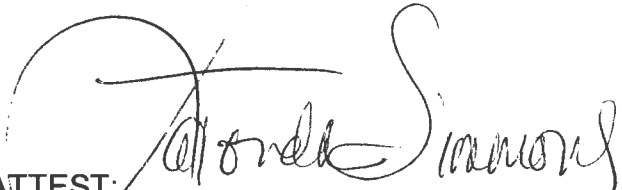
PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council of the
City of Oakland, California