RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING AN AMENDMENT TO THE SALINAS GENERAL PLAN TO REVISE THE CIRCULATION SYSTEM TO MODIFY THE BERNAL STREET AND KERN STREET/CONSTITUTION BOULEVARD FUTURE EXTENSION LOCATED AT 618 SHERWOOD DRIVE (GPA 2020-001 - RELATED TO RZ 2020-001)

WHEREAS, on August 24, 2021, the Salinas City Council, at the request of the Applicant and Property Owner, Big Sur Land Trust, held a duly noticed public hearing to consider the project is located at 618 Sherwood Drive (Assessor's Parcel Numbers: 003-212-016-000, 003-212-007-000, 003-212-015-000, 003-821-033-000, 261-191-001-000, and 261-191-007-000) as described below:

- 1. General Plan Amendment 2020-001 (GPA 2020-001); A request to amend the General Plan Map to revise the circulation system to modify the Bernal Street and Kern Street/Constitution Boulevard future extensions; and
- 2. Rezone 2020-001 (RZ 2020-001); A request to rezone six (6) lots consisting of 73 acres from "Agricultural Flood Overlay" to "Parks Flood Overlay".

WHEREAS, the City, in accordance with requirements of CEQA and the CEQA Guidelines prepared a Mitigated Negative Declaration, dated May 28, 2021, for General Plan Amendment 2020-001 and Rezone 2020-001 herein incorporated by reference and included as Exhibit "1"; and

WHEREAS, the City completed and filed a Notice of Intent to Adopt a Mitigated Negative Declaration with the Monterey County Clerk on May 28, 2021, which commenced a 30-day local public review period starting on May 28, 2021 and ending on June 28, 2021; mailed a Notice of Public Hearing to all property owners located within 300-feet the project sites; and posted the Notice of Intent to Adopt a Mitigated Negative Declaration in locations throughout the City of Salinas City Hall and administrative offices; and

WHEREAS, the City mailed the Mitigated Negative Declaration to the State Clearinghouse on May 28, 2021, which commenced a 30-day local public review period starting on May 28, 2021 and ending on June 28, 2021 (State Clearinghouse No. 2021050632); and

WHEREAS, on July 7, 2021, the Salinas Planning Commission, held a duly noticed public hearing to consider General Plan Amendment 2020-001 and Rezone 2020-001; and

WHEREAS, the Planning Commission rescheduled General Plan Amendment 2020-001 and Rezone 2020-001 to the July 21, 2021 public hearing; and

WHEREAS, on July 21, 2021, the Planning Commission continued General Plan Amendment 2020-001 and Rezone 2020-001 to the August 4, 2021 public hearing; and

WHEREAS, the Planning Commission considered a Mitigated Negative Declaration

prepared for this project and independently determined that all impacts were adequately addressed in accordance with the California Environmental Quality Act; and

WHEREAS, the Planning Commission weighed the evidence presented at said public hearing, considered the staff report, determined that positive findings could be established for approval of the project, adopted Resolution No. 2020-16 recommending that the City Council adopt the Mitigated Negative Declaration and approve General Plan Amendment 2020-001 and Rezone 2020-001; and

WHEREAS, the City Council weighed the evidence presented at said public hearing, including the Staff Report which is on file at the Community Development Department, reviewed and considered the information contained in the Initial Study and related environmental documents including the Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED by the Salinas City Council that the Council adopts the proposed Mitigated Negative Declaration and approves General Plan Amendment 2020-001 and adopts the following findings as the basis for its determination, and that the foregoing recitations are true and correct, and are included herein by reference as findings:

For the Mitigated Negative Declaration:

The City Council hereby finds that a Mitigated Negative Declaration has been prepared with respect to the project in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the guidelines promulgated thereunder. Further, this Council has independently reviewed and considered the information contained in the Initial Study and related environmental documents, together with the comments received during the public review process. On the basis of the whole record before it, the Council finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Council's independent judgment and analysis. On this basis, the City Council adopts the Mitigated Negative Declaration.

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). An Initial Study was prepared to evaluate the potential impacts associated with the project. Based upon review of the Initial Study, the proposed project will not have a significant effect on the environment because the mitigation measures outlined in the Revised Mitigation Monitoring and Reporting Program dated August 11, 2021 have been included in the project (see Exhibit "2"). The Initial Study and Mitigated Negative Declaration were routed to responsible agencies and posted at the County Clerk's Office on May 28, 2021; the deadline for comments was June 28, 2021. The State Clearinghouse received the document on May 28, 2021; the deadline for Clearinghouse comments was June 28, 2021 (SCH #2021050632).

Public comments were received from interested parties and public agencies during the comment period as described below:

Agency Responses:

Correspondence was received from interested parties and public agencies (paraphrased comments are shown below):

- 1. Comments received via email from Vicki F, a nearby resident on June 3 and 9, 2021.
 - a. Requested information on hours of operation of the park, how the park will be maintained, how will homeless residents be kept from setting up in the park, and on-site security, especially concerning gangs.

Staff Response: The hours of the park will be from dawn to dusk, which is consistent with other City parks and pursuant to City Ordinance. Maintenance of the proposed park will occur on a daily basis, which includes, but is not limited to the following: cleaning of all on-site restrooms, picking up of trash, and playground/equipment checks. In addition, mowing and weeding/edging of all on-site landscaped areas shall occur on at least a weekly basis. Homeless issues will be addressed by working with local residents to design the park, provide open site lines and minimize visual obstructions to discourage encampments and facilitate monitoring. The proposed park will have the same police presence as other City parks with regular patrols and more frequent visits as needed (see Attachment 56 of the Initial Study). The Salinas Police Department reviewed and approved the plans, per letter received from Sergeant Kendall Gray on 7/24/20. Applicant is working with the City Recreation & Community Services Department on an ongoing basis to ensure successful management and operations of the park.

- 2. Comments received via email from the Salinas Union High School District on June 7, 2021.
 - a. Is the City going to require the addition of fencing to the plan where there are gaps at the school's properties and what is the current proposed plans for fencing bordering the property and can it be required?

Staff Response: Pedestrian access is generally permitted from the public right of way to create "walkable" neighborhoods and a pedestrian-friendly environment. Per Zoning Code Section 37-50.090, there is no requirement for a fence between a Park (P) and a Public/Semipublic (PS) zoned property. However, the Applicant has stated they are willing to meet with the Salinas Union High School District to discuss this matter.

b. Since the City has determined to permanently terminate the Sherwood Place roadway, will fencing be allowed to expand across both sides of the roadway to prevent access onto the District's property at the termination point? The Salinas Union High School District has concerns because they could incur extensive new fencing costs.

<u>Staff Response</u>: Sherwood Place is currently a City-maintained roadway and any proposed fencing would need to comply with all applicable City regulations. Sherwood Place is a public road, and the City does not restrict access in the public right of way. As with the previous comments, the Applicant has stated they are willing to meet with the Salinas Union High School District to discuss this matter.

3. <u>Comments received via email from the California Department of Conservation dated June</u> <u>21, 2021.</u>

a. Since the project site is currently designated as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program and represents a permanent reduction in the State's agricultural land resources. The Department advises the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the loss of agricultural land. Per the Department's comments, this can be done in either two (2) ways; outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements.

Staff Response: The proposed project complies with "AG-4" of Resolution No. 19422 (City of Salinas Agricultural Land Preservation Program) by implementing General Plan Policy COS-10, which requires the City to encourage the provision and maintenance of buffers, such as roadways, topographic features, and open space to prevent incompatibilities between agricultural and non-agricultural land uses. The proposed park and habitat restoration area will provide a buffer area between existing agricultural and non-agricultural uses. Both the Salinas General Plan and Salinas General Plan EIR addressed the conversion of Carr Lake from agricultural uses to park and recreational uses. The proposed rezoning of the project site to "Park" is in compliance with General Plan Policy LU-8.4, which states that Carr Lake should be continued as a reclamation/flood control facility in addition to its other functions in addressing water quality, enhancing traffic/circulation, and creating recreational opportunities. In addition, the proposed rezoning complies with General Plan Policy COS-7.2, by maximizing the use of built and natural features to develop a citywide network of parks and open space, including Carr Lake as an essential element of the open space network. Since the conversion of Carr Lake from Agricultural uses to a Park and Recreational use was previously addressed in the 2002 General Plan and 2002 General Plan EIR, no additional mitigation is required.

- 4. <u>Comments received via email from the Monterey County Water Resources Agency on June</u> 25, 2021.
 - a. The Monterey County Water Resources Agency (MCWRA) is requesting a quit claim to remove any respective flowage easement(s) in the project site.

<u>Staff Response:</u> Comment noted. The Applicant (Big Sur Land Trust) has the intention to coordinate with MCWRA subsequent to certification and adoption of the

CEQA document.

- 5. <u>Comments received via email from the Monterey County Agricultural Commissioner's</u> <u>Office on June 28, 2021.</u>
 - a. The Commissioner's Office identified concerns with the conversion of Prime Farmland to the non-agricultural use as a park and whether the conversion should be mitigated by the provision and maintenance of an agricultural buffer easement.

<u>Staff Response</u>: As stated above in the response for No. 3, the proposed Parks and Recreational Facilities use complies with "AG-4" of Resolution No. 19422 (City of Salinas Agricultural Land Preservation Program) by implementing General Plan Policy COS-10, which requires the City to encourage the provision and maintenance of buffers, such as roadways, topographic features, and open space to prevent incompatibilities between agricultural and non-agricultural land uses. The proposed park and habitat restoration area will provide a buffer area between existing agricultural and non-agricultural uses.

Both the Salinas General Plan and Salinas General Plan EIR addressed the conversion of Carr Lake from agricultural uses to park and recreational uses. The proposed rezoning of the project site to "Park" is in compliance with General Plan Policy LU-8.4, which states that Carr Lake should be continued as a reclamation/flood control facility in addition to its other functions in addressing water quality, enhancing traffic/circulation, and creating recreational opportunities. In addition, the proposed rezoning complies with General Plan Policy COS-7.2, by maximizing the use of built and natural features to develop a citywide network of parks and open space, including Carr Lake as an essential element of the open space network. Since the conversion of Carr Lake from Agricultural uses to a Park and Recreational use was previously addressed in the 2002 General Plan and 2002 General Plan EIR, no additional mitigation is required.

- 6. <u>Comments received via email from Monterey Salinas Transit on June 28, 2021.</u>
 - a. Monterey Salinas Transit (MST) has issues with an impact to their facilities concerning the road realignment of Bernal Drive. MST is recommending that a new far-side bus stop be located at the intersection of Street A and Sherwood Drive to better serve the Toro Park High School and the new park via a proposed signalized intersection. Also, the bus stop located on the north side of Sherwood Drive should be preserved.

<u>Staff Response</u>: The proposed road realignment of Bernal Drive is being proposed so that it does not impact the proposed project. Currently, there is insufficient demand for the proposed bus-stop or for a signalized intersection. City staff is currently updating the General Plan, including circulation. The proposed project will preserve the existing bus stop on the north side of Sherwood Drive.

The intersection of future Street A is highly speculative and could be eliminated in the General Plan Update, currently underway. City staff agrees with the spirit of this

comment and recommends the far-side bus stop to be located at the existing intersection of Sherwood Place and Sherwood Drive.

b. The proposed project describes a "bus-drop off area', but this is unclear on the plans where it is located and this needs to be addressed.

<u>Staff Response</u>: The bus-drop off area will be located adjacent to the west of the Agricultural Storage Building (see Exhibit "15" of the Initial Study). The bus-drop off area will allow for the unloading of passengers visiting the project site (i.e., school buses). This is for general uses and is not intended to become an MST bus stop.

c. MST has identified concerns that the project will substantially increase hazards due to design features or incompatible uses.

<u>Staff Response</u>: The proposed design of roadways and driveways will not increase hazards because the use of existing roadways to access the site and proposed driveways will be required to comply with all applicable City design standards. Much of the area around the proposed park of the project site is currently developed. Mitigation TR-1 includes the installation of a raised median at the two new driveways on Sherwood Drive. Without the raised median the additional left turn access on Sherwood Drive could create substantial hazards. This impact would be significant if not mitigated.

- 7. <u>Comments received via email from the Transportation Agency for Monterey County</u> (TAMC) on June 28, 2021.
 - a. TAMC supports the integration of bicycle and pedestrian elements in the project area to support comfortable and safe travel of bicyclists and pedestrians. TAMC encourages the project to place a premium on safe and accessible pedestrian access to the site.

<u>Staff Response</u>: This comment refers to impacts associated with the road realignment of Bernal Drive. The future implementation of any realignment is a future City transportation project and outside the scope of the project proposed here. The comment is noted and if the road is constructed, the City will follow MST guidelines, as suggested. Thus, there is no "potentially significant impact", as suggested.

b. TAMC strongly encourages the developer to connect the proposed walking path with existing and planned bicycle and pedestrian facilities around the project site.

<u>Staff Response</u>: The discussion about VMT impacts is consistent with the checklist. The "potentially significant unless mitigation incorporated" checkbox is referring to the road realignment for the General Plan amendment and mitigation is provided (TR-1). The bus drop off area associated with this project is intended for school buses to utilize the site for field trips and is not intended as a public transit bus stop. Additionally, the proposed project does connect to the existing city sidewalk and bike lane.

c. TAMC encourages the installation of a bicycle repair station, bicycle racks, and secure bicycle parking on the project site. Bicycle facilities should be placed near building entrances and have adequate lighting for safety and visibility.

<u>Staff Response</u>: Comments noted. Bicycle lockers and bicycle racks will be provided onsite as required by the California Green Building Standards Code. Quantity provided will meet and/or exceed the requirements of the Code.

d. Consideration should be given to the installation of electric vehicle charging stations, as new construction provides an opportunity to install this needed infrastructure at a much lower cost.

<u>Staff Response</u>: EV Charging stations will be provided onsite as required by the California Green Building Standards Code. Quantity provided will meet the requirements of the Code.

e. TAMC recommends coordination with MST regarding existing and planned transit connections at the development.

<u>Staff Response</u>: The Applicant has been notified of this request from MST for coordinated access and staff recommends they provide adequate transit access to the project site.

- 8. <u>Comments received via email from Monterey One Water on June 28, 2021.</u>
 - a. Monterey One Water does not support the IS-MND because the Balance Hydrologics Report (Exhibit "52" of the Initial Study) did not provide enough information as to whether the dry weather flows from Hospital and Gabilan Creeks will be diverted from entering the Reclamation Ditch.

Staff Response: First, the proposed project redirects flow through new channels to the same ultimate outflow location and into the reclamation ditch for conveyance downstream. Second, a report published in June 2015 titled "Preliminary Engineering Design Report for Control of Non-Winter Drainage at Carr Lake prepared for Monterey County Water Resources Agency" found that the Gabilan/Hospital ditch system provides very little to no surface water during dry-season baseflow periods. As such, it would not be possible for the restoration design to substantially cause a negative impact to dry-season baseflows at Monterey One Water's water right location if there are essentially no dry-season baseflows coming from the Hospital/Gabilan system in the existing condition. USGS stream gage data collected from a site just upstream, shows that over a 25-year period (1989-2014) there is little or no flow during dry season, confirming findings from the 2015 report. Stream gage data was collected more recently on the project site and between 2019 and 2021, no summer flow was recorded. Additionally, the water rights permit (#21377) does not guarantee flow and is subject to natural conditions. Applicant met with commenter on 7/19/21 and provided additional information. Lastly, per the City Engineer, dry weather flows from Hospital and Gabilan Creeks are not currently diverted and runoff from agricultural activities drain into the Reclamation Ditch.

- 9. Comments received via email from Roy C. Gunter III on June 27, 2021 and August 17, 2021 representing the property owner of multi-family residential uses located adjacent to the project site on 17 and 19 Lunsford Drive stating the following paraphrased concerns with the proposed project:
 - a. Productive farmland should not be converted to park and that non-productive or blighted property should be used for parks.

Staff Response: No mitigation for the conversion of the existing farmland to park and open space is not required because the proposed conversion of the Carr Lake back to its natural state and as a recreational area was contemplated as a part of the General Plan and the General Plan EIR. The project site is currently designated as "Park" in the General Plan. The proposed rezoning of the project site to "Park" is in compliance with General Plan Policy LU-8.4, which states that Carr Lake should be continued as a reclamation/flood control facility in addition to its other functions in addressing water quality, enhancing traffic/circulation, and creating recreational opportunities. In addition, the proposed rezoning complies with General Plan Policy COS-7.2, by maximizing the use of built and natural features to develop a citywide network of parks and open space, including Carr Lake as an essential element of the open space network.

b. There should be no conversion of the property to a park unless the City can assure it will not become occupied by homeless camps.

<u>Staff Response</u>: As stated in No. 1.a. above, the hours of the park will be from dawn to dusk, which is consistent with other City parks and pursuant to City Ordinance. Maintenance of the proposed park will occur on a daily basis, which includes, but is not limited to the following: cleaning of all on-site restrooms, picking up of trash, and playground/equipment checks. In addition, mowing and weeding/edging of all on-site landscaped areas shall occur on at least a weekly basis. Homeless issues will be addressed by working with local residents to design the park, provide open site lines and minimize visual obstructions to discourage encampments and facilitate monitoring. The proposed park will have the same police presence as other City parks with regular patrols and more frequent visits as needed (see Attachment 56 of the Initial Study).

- c. If the project site is converted to a park, then the following issues will need to be addressed:
 - 1. The site must provide recorded easement to continue to receive water from 17 and 19 Lunsford Drive.

<u>Staff Response</u>: The discussion of placement of easement for stormwater is beyond the scope of this project.

2. There should be no vehicular access to the park except where the existing farmlands immediately abut Sherwood Drive and traffic through existing residential properties should not be permitted.

<u>Staff Response:</u> La Posada Drive and La Posada Way are public roads for public access. The City does not restrict access in public right of way. Traffic will not be routed through private residential properties. In addition, traffic circulation has been analyzed and impacts determined to be less than significant.

3. There should be no pedestrian access except off of Sherwood Drive. Trespassing should be prevented by construction of at least an eight (8) foot high wall or fence.

Staff Response: Pedestrian access will be directed to and accommodated at the two park entrances. Pedestrian access is generally permitted from public right of way to create "walkable" neighborhoods and a pedestrian-friendly environment. No fence will be required.

4. Because of trespassing concerns, the existing farm road on the west side of the project site should not be used as a public roadway or trail.

<u>Staff Response</u>: Per the Applicant, the existing farm road is not intended to be used as a public roadway or trail. A small portion of the project site includes public access trails in the restoration area. These trails connect with the parking lots and public right of way. The proposed trails do not connect to private residential properties, which could encourage trespassing.

10. <u>Comments received via email from Louise J. Miranda Ramirez, Tribal Chairwoman of the Ohlone/Costanoan-Esselen Nation, on July 7, 2021 stating that because the project includes a General Plan Amendment that they have a 90-day response time for consultation.</u>

<u>Staff Response</u>: As stated in Page 21 of the Initial Study, the required tribal consultation pursuant per CEQA prior to circulation of the IS-MND was done on October 16, 2020. The IS-MND has been drafted and was sent for 30-day public review pursuant to CEQA from May 28, 2021 to June 28, 2021. The Ohlone/Costanoan-Esselen Nation was provided a copy of the IS-MND as a part of the routing for public review.

11. Letter of support (attached) from Laura Lee Lienk, Director of the Watershed Institute at California State University, Monterey Bay (CSUMB) dated June 25, 2021. The Institute supports the proposed project because it provides additional park and recreational facilities to the City of Salinas.

<u>Staff Response:</u> Not required.

12. Comments received via email from Lorri A. Koster dated July 19, 2021 supporting the proposed project because it will offer mental and physical health benefits, provide outdoor amenities, and an outdoor classroom for the adjacent neighborhood.

Staff Response: Not required.

13. Letter from Jason Retterer from JRG Attorneys at Law dated August 3, 2021. Mr. Retterer represents the Higashi and Hibino families who own the balance of Carr Lake contiguous to the project site. Per the letter, the families have met with the Big Sur Land Trust (BSLT) and have discussed issues concerning limited fencing at the site perimeter, food safety due to the potential increase in wildlife activity, insect control and disease vectoring by insects, weed propagation, and sediment build up because of the proposed project. Per the letter, the BSLT has verbally responded to the families to work with them on securing funding for the long-term management of the property to address weed propagation, vector control, and sediments control within the restoration area. They have also discussed working together on a fencing plan. The families are recommending that a long-term adaptive management plan for the park and wetland restoration area and a fencing plan that identifies the location and design of fencing that is appropriate for placement within a floodway be prepared and submitted to the City for review and approval.

<u>Staff Response:</u> During the August 4, 2021 public hearing, the Planning Commission instructed staff to work with the Applicant and Mr. Retterer to address the concerns. In response, staff has revised the Mitigation Monitoring and Reporting Program by amplifying the existing AG-1 mitigation measure with two (2) additional Mitigation Measures (AG-2 and AG-3) (see Exhibit "2" Revised Mitigated Monitoring and Reporting Program dated August 11, 2021) as shown below:

- a. <u>Mitigation Measure AG-2 (Agricultural Resources)</u>; requires submittal of a Long-Term Adaptive Management Plan for the park and restoration area for review and approval to the Community Development Department. The plan shall include vegetation management, insect and pest control, weed control, and sediment removal. The plan shall also identify proposed funding sources and anticipated annual budget for proposed management activities; and
- b. <u>Mitigation Measure AG-3 (Agricultural Resources)</u>; requires submittal of a Fencing Management Plan for review and approval to the Community Development Department. The plan shall identify the location and design of fencing appropriate for placement within a floodway. The plan shall also identify the type and location of temporary wildlife exclusion fencing that is located along perimeters of the project site that abuts farmland during the dry season when active farming is occurring, as needed.
- 14. Comments received via email from Ana Toledo dated August 2, 2021 supporting the proposed project because it will provide more accessible places for residents and additional mental and physical health benefits and amenities to the community.

Staff Response: Not required.

15. <u>Comments received via email from Colin Simpson dated August 3, 2021 supporting the proposed project because it will help to enrich the entire community and provides natural open space for families to spend time together.</u>

Staff Response: Not required.

16. <u>Comments received via email from Dr. Oscar Gantes dated August 4, 2021 supporting the</u> proposed project because it will offer mental and physical health benefits, provide amenities for various age groups, and an outdoor classroom.

Staff Response: Not required

General Plan Amendment 2020-001:

1. That the proposed General Plan Amendment is in conformance with all other goals, policies, programs, and land uses of the Salinas General Plan.

The proposed Amendment is consistent with Salinas General Plan Policies. The Amendment would not change the existing "Park" land use designation for the project site, but would amend the General Plan Land Use and Circulation Policy Map to revise the circulation system to modify the Bernal Street and Kern Street/Constitution Boulevard future extensions so they would not transverse through most of the project site. The amendment would shift the Bernal Street extension to the south within the project site and would transverse through the southern portion of the site. The amendment would also shift the Kern Street/Constitution Boulevard future extensions to the east of the project site through existing agricultural fields.

2. That the proposed General Plan Amendment promotes the public necessity, convenience, and general welfare.

The General Plan Amendment promotes the public necessity, convenience, and general welfare because the proposal will create additional park and recreational activities for the City of Salinas.

NOW BE IT FURTHER RESOLVED that the Applicant or Successor-in-Interest shall comply with the following conditions of approval:

- 1. Pursuant to Salinas City Code Section 1-8.1: Civil action enforcement, and Section 1-8.2: Liability for costs, the Applicant or Successor-in-Interest shall reimburse the City of Salinas for all costs and expenses (including but not limited to fees and charges of architects, engineers, attorneys, and other professionals, and court costs) incurred by the City in enforcing the provisions of the General Plan Amendment and/or Rezone; and
- 2. The Applicant or Successor-in-Interest shall defend, indemnify, and hold harmless the City

of Salinas or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of this project/use. For Tentative Maps, this shall also apply when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the Applicant or Successor-in-Interest of any such claim, action, or proceeding. The City shall cooperate in the defense. Nothing contained in this condition shall prohibit the City from participation in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

PASSED AND APPROVED this 24th day of August 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED

Kimbley Craig Mayor

ATTEST

Patricia Barajas City Clerk

Attachments:

Exhibit 1:	Mitigated Negative Declaration dated May 28, 2021
Exhibit 2:	Revised Mitigation Monitoring and Reporting Program dated August 11, 2021
Exhibit 3:	Proposed General Plan Amendment 2020-001 Map