AGENDA
Joint REGULAR Meeting
Wednesday, December 8, 2021 * 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California
This meeting will be conducted in accordance with California Government Code sections 54953(e) and 54954.3 and other applicable law.

MEETING LOCATION WILL NOT BE OPEN TO THE PUBLIC
Be advised that due to the COVID-19 pandemic in-person participation will not be allowed, there will be no members of the public in attendance at Council Meetings. Alternatives to in-person attendance for viewing and participating in City Council meetings are provided below.

AGENDA MATERIALS
A full City Council agenda packet including relative supporting documentation is posted online www.cityofsolanabeach.org Closed Session Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings.

WATCH THE MEETING
- Live web-streaming: Meetings web-stream live on the City’s website on the City’s Public Meetings webpage. Find the large Live Meeting button.
- Live Broadcast on Local Govt. Channel: Meetings are broadcast live on Cox Communications - Channel 19 / Spectrum (Time Warner)-Channel 24 / AT&T U-verse Channel 99.
- Archived videos online: The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City’s Public Meetings webpage.

PUBLIC COMMENTS
- Written correspondence (supplemental items) regarding an agenda item at an open session meeting should be submitted to the City Clerk’s Office at clerkoffice@cosb.org with a) Subject line to include the meeting date b) Include the Agenda Item # as listed on the Agenda.
- Correspondence received after the official posting of the agenda, but before 3:00 p.m. (or 3 hrs. prior to the meeting start time) on the meeting day, will be distributed to Council and made available online along with the agenda posting. All submittals received before the start of the meeting will be made part of the record.
- Written submittals will be added to the record and not read out loud.
- The designated location for viewing supplemental documents is on the City’s website www.cityofsolanabeach.org on the posted Agenda under the relative Agenda Item.

OR

Verbal Comment Participation: If you wish to provide a live verbal comment during the meeting, attend the virtual meeting via your computer or call in.

Before Meeting
- Alert Clerk’s Office. We ask that you alert us that you will joining the meeting to speak. Please email us at clerkoffice@cosb.org to let us know which item you will speak on. This allows our Staff to manage speakers more efficiently.
- Watch the Meeting and Make a Public Comment
You can watch the meeting on the Live Meeting button on the Public Meetings page OR on TV at the stations provided above OR on the zoom event: https://cosb-org.zoom.us/j/85164574499?pwd=blBIWDRiU3ICejoRSZGNrTHImOEJnUT09
Webinar ID: 851 6457 4499  Passcode: 978359
If you cannot log on or need to use a phone for audio quality, use one of these call-in numbers:
888 475 4499 (Toll Free) or 833 548 0276 (Toll Free)
- Join/Log-In to the meeting at least 15 minutes prior to the start time so that the City Clerk can verify that you are ready to speak before the meeting begins.
- Audio Accessibility: If your computer does not have a microphone or you have sound issues, you can call-in from a landline or cell phone and use it as your audio (phone # is provided once you log-in to Zoom, see above). If you call in for better audio, mute your computer's speakers to eliminate feedback so that you do not have two audios when you are speaking.
**During Meeting:**
- During each Agenda Item and Oral Communications, attendees will be asked if they would like to speak. Speakers are taken during each agenda item.
- Speakers will be asked to raise their hand (zoom icon under participants can be clicked or on the phone you can dial "+9") if they would like to be called on to speak during each item. We will call on you by your log in name or the last 4 digits of your phone #. When called on by the meeting organizer, we will unmute so you may provide comments for the allotted time. Allotted speaker times are listed under each Agenda section.
- Choose Gallery View to see the presentations, when applicable.

**SPECIAL ASSISTANCE NEEDED - AMERICAN DISABILITIES ACT TITLE 2**
In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk’s office (858) 720-2400 clerkoffice@cosb.org at least 72 hours prior to the meeting.

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**CITY COUNCILMEMBERS**

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<th>Deputy Mayor</th>
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**SPEAKERS:**
See Public Participation on the first page of the Agenda for publication participation options.

**READING OF ORDINANCES AND RESOLUTIONS:**
Pursuant to Solana Beach Municipal Code Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

**CALL TO ORDER AND ROLL CALL:**

**CLOSED SESSION REPORT:**

**FLAG SALUTE:**

**PROCLAMATIONS/CERTIFICATES:** Ceremonial

None at the posting of this agenda

**PRESENTATIONS:** Ceremonial items that do not contain in-depth discussion and no action/direction.

None at the posting of this agenda

**APPROVAL OF AGENDA:**

**ORAL COMMUNICATIONS:**

Note to Public: Refer to Public Participation for information on how to submit public comment.
This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today’s agenda by having
submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. Comments relating to items on this evening’s agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:
An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR:  (Action Items) (A.1. - A.7.)
Note to Public: Refer to Public Participation for information on how to submit public comment.
Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion.
Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).
Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Minutes of the City Council.

Recommendation: That the City Council
1. Approve the Minutes of the October 13, 2021 City Council Meeting.

Item A.1. Report (click here)

A.2. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

Item A.2. Report (click here)


Recommendation: That the City Council
1. Receive the report listing changes made to the Fiscal Year 2021/2022 General Fund Adopted Budget.

Item A.3. Report (click here)
A.4. Local Emergency Teleconferencing. (File 0240-25)

Recommendation: That the City Council


Item A.4. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

A.5. This item was left blank.


Recommendation: That the City Council

1. Adopt Resolution 2021-132:
   a. Accepting $12,679 in federal funds from a 2020 State Homeland Security Program (SHSP) grant awarded to the City of Solana Beach for the purchase of a vortex rescue system kit and structural firefighting turnouts.
   b. Authorizing the City Manager, or his designee, to sign and submit the required California Governor’s Office of Emergency Services FY 2020 Standard Assurances for Cal OES Federal Non-Disaster Grant Programs.
   c. Approving an appropriation of $12,679 to the Federal Grant revenue account and the Minor Equipment expenditure account for the Fire Department both in the Public Safety Special Revenue fund.
   d. Authorizing the City Treasurer to amend the FY 2021/22 Adopted Budget accordingly.

Item A.6. Report (click here)

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A.7. Assistance for Firefighters Grant (AFG) Application Approval. (File 0390-32)

Recommendation: That the City Council

1. Adopt Resolution 2021-133:
   a. Authorizing the City of Solana Beach Fire Department to be included in the FY 2021 Assistance to Firefighters Grant regional application for SCBAs (Self-Contained Breathing Apparatus) submitted by the City of Vista.
   b. Authorizing the Fire Chief, or his designee, to sign a Memorandum of Understanding, in a form acceptable to the City Attorney, between the six agencies (City of Vista, City of Encinitas, City of Del Mar, City of Solana Beach, North County Fire Protection District, and Rancho Santa Fe Protection District) with respect to the regional application for SCBAs once all participating organizations are authorized to apply.

Item A.7. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.
B. PUBLIC HEARINGS: (B.1.)

Note to Public: Refer to Public Participation for information on how to submit public comment. Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each.

After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record.

B.1. Schedule of User Fees and Charges Update. (File 0390-23)

Recommendation: That the City Council


Item B.1. Report (click here)

C. STAFF REPORTS: (C.1. – C.6.)

Note to Public: Refer to Public Participation for information on how to submit public comment. Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

C.1. Solana 101 Final Landscape Plan. (File 0600-40)

Recommendation: That the City Council

1. Adopt Resolution 2021-138 approving the final landscape plan for the Solana 101 Project.

Item C.1. Report (click here)
C.2. Chamber of Commerce Visitor Center Agreement. (File 0130-90)

Recommendation: That the City Council

1. Adopt Resolution 2021-139, authorizing the City Manager to execute an Agreement between the City and the Solana Beach Chamber of Commerce in an amount up to $30,000 for operation of the Visitor Center and the development of visitor serving advertising/outreach.
2. If approved by Council, appropriate up to an additional $15,000 in the Coastal Area Business & Visitor Assistance Fund to the Contributions to Agencies account.
3. Authorize the City Treasurer to amend the FY 2021/22 Adopted Budget accordingly.

Item C.2. Report (click here)
Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

C.3. COVID Temporary Use Permit Policy for Outdoor Dining. (File 0230-20)

Recommendation: That the City Council


Item C.3. Report (click here)
Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

C.4. Adopt (2nd Reading) Ordinance 518 regarding Implementation of Solar Energy, Building Decarbonization and Electric Vehicle Infrastructure Requirements. (File 0600-05)

Recommendation: That the City Council


Item C.4. Report (click here)
Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Recommendation: That the City Council

1. Adopt Ordinance 521 (2nd Reading) adding Section 17.20.040(R) and Section 16.48 to the Solana Beach Municipal Code and amending Chapter 17.12 and Section 17.20.020 of the Solana Beach Municipal Code to allow two-unit residential developments and urban lot split subdivisions in single-family residential zones.

Item C.5. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

C.6. Annual Deputy Mayor Appointment. (File 0410-85)

Recommendation: That the City Council

1. Review and consider designation of the 2022 Deputy Mayor for a term of December 8, 2021 to December 14, 2022.

Item C.6. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

WORK PLAN COMMENTS:

Adopted June 23, 2021

COMPENSATION & REIMBURSEMENT DISCLOSURE:

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency “City” at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: Council Committees

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

a. City Selection Committee (meets twice a year) Primary-Heebner, Alternate-Edson
b. Clean Energy Alliance (CEA) JPA: Primary-Becker, Alternate-Zito
c. County Service Area 17: Primary-Harless, Alternate-Edson
d. Escondido Creek Watershed Authority: Becker /Staff (no alternate).
e. League of Ca. Cities' San Diego County Executive Committee: Primary-Becker, Alternate-Harless. Subcommittees determined by its members.
f. League of Ca. Cities’ Local Legislative Committee: Primary-Harless, Alternate-Becker
h. North County Dispatch JPA: Primary-Harless, Alternate-Becker
i. North County Transit District: Primary-Edson, Alternate-Harless
j. Regional Solid Waste Association (RSWA): Primary-Harless, Alternate-Zito
k. SANDAG: Primary-Heebner, 1st Alternate-Zito, 2nd Alternate-Edson. Subcommittees determined by its members.
l. SANDAG Shoreline Preservation Committee: Primary-Becker, Alternate-Zito
m. San Dieguito River Valley JPA: Primary-Harless, Alternate-Becker
n. San Elijo JPA: Primary-Zito, Primary-Becker, Alternate-City Manager
o. 22nd Agricultural District Association Community Relations Committee: Primary-Edson, Primary-Heebner

STANDING COMMITTEES: (All Primary Members)

b. Fire Dept. Management Governance & Organizational Evaluation – Harless, Edson
c. Highway 101 / Cedros Ave. Development Committee – Edson, Heebner
d. Parks and Recreation Committee – Zito, Harless
e. Public Arts Committee – Edson, Heebner
f. School Relations Committee – Becker, Harless
g. Solana Beach-Del Mar Relations Committee – Heebner, Edson

CITIZEN COMMISSION(S)

a. Climate Action Commission: Primary-Zito, Alternate-Becker

ADJOURN:

Special Meeting - December 15, 2021
Next Regularly Scheduled Meeting is January 12, 2022
Always refer the City’s website Event Calendar for Special Meetings or an updated schedule.
Or Contact City Hall 858-720-2400
www.cityofsolanabeach.org

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF SOLANA BEACH

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the December 8, 2021 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on December 1, 2021 at 5:00p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., December 8, 2021, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk * City of Solana Beach, CA

CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled, or Special Meetings that have been announced, are posted on each Citizen Commission’s Agenda webpage. See the Citizen Commission’s Agenda webpages or the City’s Events Calendar for updates.

- Budget & Finance Commission
- Climate Action Commission
- Parks & Recreation Commission
- Public Arts Commission
- View Assessment Commission
CALL TO ORDER AND ROLL CALL:
Mayo Heebner called the meeting to order at 4:34 p.m.

Present: Lesa Heebner, Kristi Becker, Kelly Harless, David A. Zito, Jewel Edson
Absent: None
Also: Gregory Wade, City Manager
Present: Johanna Canlas, City Attorney

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY):
Report to Council Chambers and submit speaker slips to the City Clerk before the meeting recesses to closed session.

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(d)(2)
Three (3) Potential

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(e)(3)
Worker’s Compensation Claim No. 201012465

3. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(4)
One (1) Potential case(s)

No reportable action.

ADJOURN:
Mayor Heebner adjourned the meeting at 6:05 p.m.

Angela Ivey, City Clerk

Council Approved: ____________

AGENDA ITEM # A.1.
AGENDA
Joint REGULAR Meeting
Wednesday, October 13, 2021 * 6:00 p.m.
Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California
This meeting will be conducted in accordance with Government Code sections 54953(e) and 54954.3 and other applicable law.

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.
➢ City Council meetings are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City’s website.
➢ Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a Records Request.

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Gregory Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk

SPEAKERS:
See Public Participation on the first page of the Agenda for publication participation options.

READING OF ORDINANCES AND RESOLUTIONS:
Pursuant to Solana Beach Municipal Code Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:
Mayor Heebner called the meeting to order at 6:11 p.m.

Present: Lesa Heebner, Kristi Becker, Kelly Harless, David A. Zito, Jewel Edson
Absent: None
Also: Greg Wade, City Manager
Present: Johanna Canlas, City Attorney
Angela Ivey, City Clerk
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Ryan Smith, Finance Dir.
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:
PROCLAMATIONS/CERTIFICATES: Ceremonial

- Honoring Hispanic and Latino Heritage Month
  Mayor Heebner presented the proclamation.

- Children’s Environmental Health Day
  Mayor Heebner presented the proclamation.

Dr. Nguyen, Assistant Chief of Pediatrics at Kaiser and co-chair of their Climate Change and Health Committee accepted the proclamation on behalf of a large coalition of pediatricians throughout San Diego and the American Academy of Pediatrics.

APPROVAL OF AGENDA:
Motion: Moved by Deputy Mayor Becker and second by Councilmember Edson to approve. Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

ORAL COMMUNICATIONS:
Note to Public: Refer to Public Participation for information on how to submit public comment. This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by having submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

Cindy Clemons spoke about Seaweeders Garden Club and a recent donation by EDCO of mulch and the assistance of Teen Volunteer Action Group members who spread the mulch along the slope behind the fire station.

John Bottorf, CleanEarth4Kids.org, spoke about the dangers of wood smoke and requested that Council stop wood-burning fireplaces and gas lines for new construction and divest from all fossil fuel companies.

Suzanne Hume, Educational Director, and founder of CleanEarth4Kids.org, spoke about air pollution, San Diego County has an F in ozone and a D in particulate matter, support for the building electrification ordinance, and banning wood burning fireplaces in new construction.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:
An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.7.)
Note to Public: Refer to Public Participation for information on how to submit public comment. Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the
virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190). Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. **Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the August 25, 2021 City Council meeting.

Approved Minutes [http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC](http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC)  

**Motion:** Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.2. **Register Of Demands.** (File 0300-30)

Recommendation: That the City Council


**Item A.2. Report (click here)**  
**Motion:** Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.3. **General Fund Budget Adjustments for Fiscal Year 2021/2022.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2021/2022 General Fund Adopted Budget.

**Item A.3. Report (click here)**  
**Motion:** Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.5. **Local Emergency Teleconferencing.** (File 0240-25)

Recommendation: That the City Council

1. Adopt **Resolution 2021-120** authorizing remote teleconference meetings of the legislative bodies of the City for the period of October 13, 2021 through November 12, 2021 pursuant to the new provisions of the Brown Act.

**Item A.5. Report (click here)**  
**Motion:** Moved by Councilmember Edson and second by Councilmember Harless to
A.6. **Americans with Disabilities Act (ADA) Pedestrian Ramps – Notice of Completion.** (File 0820-20)

Recommendation: That the City Council

1. **Adopt Resolution 2021-118:**
   a. Authorizing the City Council to accept, as complete, the ADA Pedestrian Ramps, Bid No. 2021-02, constructed by PAL General Engineering.
   b. Authorizing the City Clerk to file a Notice of Completion.

**Item A.6. Report**

*Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.*

**Motion:** Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.7. **Citywide Janitorial Services.** (File 0700-20)

Recommendation: That the City Council

1. **Adopt Resolution 2021-110** authorizing the City Manager to execute an amendment to the Professional Services Agreement with California Office Cleaning, Inc., in an amount not to exceed $132,772, for Citywide Janitorial Services.

**Item A.7. Report**

*Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.*

**Motion:** Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

B. **PUBLIC HEARINGS:** (B.1. – B.3.)

*Note to Public: Refer to Public Participation for information on how to submit public comment.*

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each.

After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record.

The proposed project could be found to be consistent with the General Plan and the underlying SBMC could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2021-116 conditionally approving a DRP and SDP to allow for the construction of a first- and second-story addition and remodel to an existing one-story, single-family residence with an attached garage at 432 Dell Court.

Item B.1. Report (click here)

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Alex Faulkner, Applicant’s Architect, spoke in general about the project.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Becker to close the public hearing. Approved 5/0: Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve. Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.


The proposed project could be found to be consistent with the General Plan and the underlying SBMC could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2021-117 conditionally approving a DRP and SDP to allow for the construction of a first-story remodel and new second-story addition to an existing one-story, single-family residence with an attached garage at 181 South Nardo Avenue, Solana Beach.

Item B.2. Report (click here)

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Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Craig Friehauf, Applicant’s Architect, said that they did not have a presentation and were present for any questions.

Motion: Moved by Deputy Mayor Becker and second by Councilmember Edson to close the public hearing. Approved 5/0: Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

Motion: Moved by Councilmember Harless and second by Councilmember Edson to approve. Approved 5/0: Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.


(File 0600-40)

The proposed project meets the minimum objective requirements under the LUP, SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:


2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2021-102 conditionally approving an addition and an interior remodel of an existing single-story residence on property at 529 Pacific Avenue.

Item B.3. Report (click here)
Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed that the GSL (geological setback line) is generated by the applicant’s geotechnical engineer and reviewed by our third-party consultant for conformity, the GSL does not change physically on the site, removing trees, one driveway would change to a parking area at a later date which will remove one of the trees in order to expand the parking area,

Jim Knowlton, Geopacifica, City’s 3rd party consultant, said that he reviewed the letter submitted by Surfrider with some excellent information, that he disagreed with the large erosion rate calculation they referred to since it had lessened due to sea caves having been filled in at those sites, that Geosoils evaluated the erosion rate scaling it up to accommodate for sea level rise, and their factoring in of the safety setback established the GSL at 64 ft., which was a reasonable rate.

Jim Sneed, Applicant’s Architect, said that the methodology set forth by the Coastal Commission and that the erosion rate was specific to each site, that the Surfrider letter was not analyzed since it was submitted today, the industry reputation of Dave Skelly, Geosoils, and Walt Crampton, TerraCosta, the review by the City’s consultant, Jim Knowlton, and that the 64 ft. set back from the bluff was a conservative approach.

Kristin Brinner, Beach Preservation Committee for the San Diego Chapter of Surfrider Foundation, said that she lives in the City and sees the beaches slowly being destroyed by the relentless redevelopment and armoring of the coastlines, that this geotechnical report underestimates the bluff retreat rate in places that GSL is too close to the bluff’s edge, that the Council should not make the finding that the proposed development would be safe, that the homeowner might perform their 49% remodel based on flawed and underestimated bluff retreat rate and later return to the city with a request for a seawall to protect the remaining 51% of existing home taking into account the actual erosion rates in the surrounding sea caves.

Mr. Sneed used his remaining time and said that not all bluffs were the same, that a reef in front of the area was taken into consideration, and that reputable professionals had evaluated the GSL.

Mr. Knowlton said that the sea caves were infilled to prevent collapse and that the Coastal Commission required that the sea cave infills have the same erosion rate as the existing bedrock.

Council and Staff discussed the remodel limitations, that they would not add any floor.
area because they were maxed out, the analysis is cumulative so no significant remodels would take place since it would be deemed as going beyond the remodel, and that the applicant would be required by the Coastal Commission to agree not to apply for protection in the future.

**Motion:** Moved by Councilmember Harless and second by Deputy Mayor Becker to close the public hearing. **Approved 5/0:** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

**Motion:** Moved by Mayor Heebner and second by Councilmember Harless to approve. **Approved 5/0:** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

**C. STAFF REPORTS:** (C.1.)

*Note to Public: Refer to Public Participation for information on how to submit public comment.* Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

**C.1. Permanent Art Acquisition & Installation: Pinion.** (File 0910-45)

Recommendation: That the City Council

1. Adopt **Resolution 2021-121** authorizing the purchase of the Pinion as a permanent art piece in the City’s art collection, including the necessary expenses required to remove the art piece for refurbishment and replace it back in the same location, as well as construct a new permanent base and aesthetic upgrades at the location for a not to exceed amount of $35,000.

2. Appropriate $35,000 to the Improvements expenditure account from the Public Arts Reserve in the TOT Coastal Visitors Fund.

**Item C.1. Report (click here)**

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Dan King, Assistant City Manager, presented a PowerPoint (on file).

Council and Staff discussed the maintenance that would be required for rusting to maintain the kinetic ability, sustaining the level position, the design of the base was still being completed, and adding landscaping around the base.

**Motion:** Moved by Councilmember Edson and second by Mayor Heebner to approve. **Approved 5/0:** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

**A.4. 2021/22 Street Maintenance and Repairs Project.** (File 0820-35)

Recommendation: That the City Council
1. Adopt Resolution 2021-119:
   a. Approving the list of streets scheduled for maintenance and repairs as part of the 2021/22 Street Maintenance and Repairs Project.
   b. Authorizing the City Engineer to advertise for construction bids for the 2021/22 Street Maintenance and Repairs Project.

Item A.4. Report (click here)  
Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.

Deputy Mayor Becker pulled this item from the Consent section for discussion.

Greg Wade, City Manager, introduced the item.

Deputy Mayor Becker said that the project was too small and that a portion of projected surplus in the general fund could be used to enhance the project’s budget, adding at least $200,000 more that could be reallocated at mid-year, some slurry sealing changing drainage patterns, and that damage to N. Rios from the San Elijo Lagoon restoration could be addressed.

Motion: Moved by Deputy Mayor Becker and second by Councilmember Zito to approve incorporating an additional $200,000 of work. Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

COMPENSATION & REIMBURSEMENT DISCLOSURE: None
GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency “City” at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: Council Committees
REGIONAL COMMITTEES: (outside agencies, appointed by this Council)
STANDING COMMITTEES: (All Primary Members) (Permanent Committees)
CITIZEN COMMISSION(S)

ADJOURN:
Mayor Heebner adjourned the meeting at 8:18 p.m.

Angela Ivey, City Clerk  
Council Approved ____________
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: December 8, 2021
ORIGINATING DEPT: Finance
SUBJECT: Register of Demands

BACKGROUND:

Section 3.04.020 of the Solana Beach Municipal Code requires that the City Council ratify a register of demands which represents all financial demands made upon the City for the applicable period.

Register of Demands- 10/23/21 through 11/05/21
Check Register-Disbursement Fund (Attachment 1) $ 582,220.20
Net Payroll October 29, 2021 200,103.03
Federal & State Taxes October 29, 2021 53,526.66
Retirement Payroll November 3, 2021 4,501.00

TOTAL $ 840,350.89

DISCUSSION:

Staff certifies that the register of demands has been reviewed for accuracy, that funds are available to pay the above demands, and that the demands comply with the adopted budget.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The register of demands for October 23, 2021 through November 5, 2021 reflects total expenditures of $840,350.89 from various City sources.

WORK PLAN:

N/A
OPTIONS:

- Ratify the register of demands.
- Do not ratify and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council ratify the above register of demands.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

Gregory Wade, City Manager

Attachments:

1. Check Register – Disbursement Fund
# City of Solana Beach
## Register of Demands

10/23/2021 - 11/5/2021

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<td><strong>$582,220.20</strong></td>
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TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: December 8, 2021
ORIGINATING DEPT: Finance
SUBJECT: Report on Changes Made to the General Fund Adopted Budget for Fiscal Year 2021/22

BACKGROUND:
Staff provides a report at each Council meeting that lists changes made to the current Fiscal Year (FY) General Fund Adopted Budget.

The information provided in this Staff Report lists the changes made through November 10, 2021.

DISCUSSION:
The following table reports the revenue, expenditures, and transfers for 1) the Adopted General Fund Budget approved by Council on June 23, 2021 (Resolution 2021-092) and 2) any resolutions passed by Council that amended the Adopted General Fund Budget.

### GENERAL FUND - ADOPTED BUDGET PLUS CHANGES
As of November 10, 2021

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<tr>
<th>Action Description</th>
<th>Revenues</th>
<th>Expenditures</th>
<th>Transfers from GF</th>
<th>Net Surplus</th>
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<td>(20,222,560)</td>
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(1) Transfers to:
- Debt Service for Public Facilities
  - 150,100
- City CIP Fund
  - 766,000

(2) Transfer to:
- City CIP Fund
  - 200,000

### General Fund Unreserved Balance

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<tr>
<th>Action Description</th>
<th>Revenues</th>
<th>Expenditures</th>
<th>Transfers from GF</th>
<th>Net</th>
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COUNCIL ACTION:
CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA

FISCAL IMPACT:

N/A

WORK PLAN:

N/A

OPTIONS:

- Receive the report.
- Do not accept the report

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive the report listing changes made to the FY 2021-2022 General Fund Adopted Budget.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation

__________________________________
Gregory Wade, City Manager
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: December 8, 2021
ORIGINATING DEPT: City Manager Department/City Attorney’s Office
SUBJECT: City Council Consideration and Potential Adoption of Resolution 2021-137 Authorizing Continued Remote Teleconference Meetings of the Legislative Bodies of the City for the Period of December 8, 2021 through January 7, 2022 Pursuant to the Brown Act and Continuing Emergency

BACKGROUND:

On March 11, 2020, the World Health Organization (WHO) declared COVID-19, the illness caused by the novel coronavirus, a pandemic, pointing at that time to over 118,000 cases of COVID-19 in over 110 countries and territories around the world and the sustained risk of further global spread. This was preceded by declarations of emergency by both the County of San Diego and State of California on February 14, 2020, and March 4, 2020, respectively, followed by a federal emergency declaration on March 13, 2020, as a result of the threat posed by COVID-19. On March 16, 2020, pursuant to Section 2.28.060(A)(1) of the Solana Beach Municipal Code (SBMC), the Director of Emergency Services/City Manager proclaimed a state of local emergency in the City of Solana Beach due to COVID-19, which was ratified by the City Council through adoption of Resolution 2020-036.

Since that time, there have been numerous Orders and Guidance by the California Department of Public Health (CDPH) and the Health Officer of the County of San Diego to curtail the spread of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order No. N-29-20 suspending the Ralph M. Brown Act’s requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation

COUNCIL ACTION:

______________________________________________________________________

AGENDA ITEM # A.4.
for individuals with disabilities, as specified. Pursuant to Executive Order No. N-29-20, the City Council and City Commissions have meet by remote teleconferencing following applicable requirements, preserving and nurturing public access and participation in meetings while preserving public health and safety.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21 to roll back certain provisions of his COVID-19-related Executive Orders and to clarify that other provisions remained necessary to help California respond to, recover from and mitigate the impacts of the COVID-19 pandemic. Paragraph 42 of Executive Order N-08-21 waived and set forth certain requirements related to public meetings of local legislative bodies and specified that it would be valid through September 30, 2021.

On September 16, 2021, Governor Newsom signed into law Assembly Bill 361 (AB 361), which pertains to the same subject matter as Paragraph 42 of Executive Order N-08-21, which took effect immediately pursuant to an urgency clause, and which amended the Brown Act, in Government Code section 54953(e)(1)(B), to allow local legislative bodies to continue meeting by teleconference during a gubernatorial proclaimed state of emergency if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

On October 13, 2021, the City Council adopted Resolution 2021-120 authorizing remote teleconference meetings of the legislative bodies of the City for the period of October 13, 2021 through November 12, 2021 pursuant to the new provisions of the Brown Act. If the state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to remote teleconference, Government Code section 54953(e)(3) requires that every thirty (30) days, the City Council make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

On November 10, 2021, the City Council adopted Resolution 2021-127 authorizing continued teleconference meetings of the legislative bodies of the City for the period of November 10, 2021 through December 10, 2021 pursuant to the new provisions of the Brown Act.
The item before the City Council is to consider and adopt Resolution 2021-137 (Attachment 1), reconsidering the circumstances of the state of local emergency and authorizing remote teleconference meetings of the legislative bodies of the City for the period of December 8, 2021 through January 7, 2022 pursuant to the new provisions of the Brown Act and in light of the continuing direct impact on the ability of the members to meet safely in person.

**DISCUSSION:**

The COVID-19 pandemic continues to spread rapidly throughout the State and County and is impacting the health and welfare of the City of Solana Beach. Updated as of August 13, 2021, the Center for Disease Control and Prevention still recommends staying at least six (6) feet from other people. The California Department of Industrial Relations, Division of Occupational Safety and Health's COVID-19 Prevention Emergency Temporary Standards were updated on June 17, 2021 and are still in effect. Those workplace standards place an ongoing requirement on employers to assess workplace hazards and implement controls to prevent transmission of disease, noting that there may be circumstances in which employers determine that physical distancing is necessary in their workplace.

A new strain of COVID-19, known as SARS-CoV-2 Delta Variant (Delta Variant), which is 70% more likely to be spread, has also been identified in the County of San Diego. This strain was originally identified in the United Kingdom. Since persons contracting this strain in the County have had no history of travel, this highly contagious strain is community based. The Delta Variant is highly transmissible in indoor settings, breakthrough cases are becoming more common and hospitalizations have increased throughout San Diego County. On July 28, 2021, the California Department of Public Health issued guidance for the use of face coverings stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, the Delta Variant accounts for over 80% of cases sequenced, and cases and hospitalizations of COVID-19 are rising throughout the state. In short, COVID-19 continues to threaten the health and lives of City residents.

The Delta Variant has caused, and will continue to cause, conditions of imminent peril to the health safety of persons within the City that are likely beyond the control of services, personnel, equipment and facilities of the City. The local emergency continues and as a result, meeting in person would present imminent risks to the health or safety of attendees.

All meetings of the City’s legislative bodies are open and public, as required by the Brown Act (California Government Code §§54950 – 54963), so that any member of the public may attend, participate and watch the City’s legislative bodies conduct their business. The recently amended Brown Act, Government Code section 54953(e)(1)(B), allows local legislative bodies to continue meeting by teleconference during a gubernatorial proclaimed state of emergency if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present
imminent risks to the health or safety of attendees and every thirty (30) days thereafter finds by a majority vote under Government Code section 54953(e)(3) that after reconsidering the circumstances of the state of emergency, it continues to directly impact the ability of the members to meet safely in person.

Resolution 2021-137 (Attachment 1) would make the necessary findings under Government Code section 54953(e)(3) and authorize the City’s legislative bodies to meet by remote teleconferencing within the requirements of applicable law. To continue to meet by remote teleconference, Council will be required to revisit the Resolution within thirty (30) days and find that the state of emergency continues to directly impact the ability of the members to meet safely in person pursuant to Government Code section 54953(e)(3).

**CEQA COMPLIANCE STATEMENT:**

The proposed City Council action is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because there is no possibility that the Resolution may have a significant adverse effect on the environment, the action is exempt from CEQA.

**FISCAL IMPACT:**

There are no direct fiscal impacts related to the adoption of the Resolution.

**WORKPLAN:**

N/A

**OPTIONS:**

- Approve Staff recommendation.
- Approve Staff recommendation with modifications consistent with the Brown Act.
- Do not approve Staff recommendations and resume in person meetings.
- Provide direction / feedback.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2021-137, authorizing remote teleconference meetings of the legislative bodies of the City for the period of December 10, 2021 through January 7, 2022 pursuant to the new provisions of the Brown Act.
CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

Gregory Wade, City Manager/Director of Emergency Services

1. Resolution 2021-137
RESOLUTION 2021-137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOLANA BEACH, CALIFORNIA, AUTHORIZING
CONTINUED REMOTE TELECONFERENCE MEETINGS
OF THE LEGISLATIVE BODIES OF THE CITY OF SOLANA
BEACH FOR THE PERIOD OF DECEMBER 8, 2021
THROUGH JANUARY 7, 2022 PURSUANT TO THE
BROWN ACT AND CONTINUING EMERGENCY

WHEREAS, the City of Solana Beach (“City”) is committed to preserving and
nurturing public access and participation in meetings of the City Council and the City’s
commissions; and

WHEREAS, all meetings of the City’s legislative bodies are open and public, as
required by the Ralph M. Brown Act (California Government Code §§54950 – 54963), so
that any member of the public may attend, participate and watch the City’s legislative
bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes
provisions for remote teleconferencing participation in meetings by members of a
legislative body, without compliance with the requirements of Government Code section
54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the recently amended Brown Act, Government Code section
54953(e)(1)(B), allows local legislative bodies to continue meeting by teleconference
during a gubernatorial proclaimed state of emergency if the local legislative body
determines, by majority vote, that as a result of the emergency, meeting in person would
present imminent risks to the health or safety of attendees; if the state of emergency
remains active; and if every thirty (30) days, the local legislative body finds by a majority
vote under Government Code section 54953(e)(3) that after reconsidering the
circumstances of the state of emergency, it continues to directly impact the ability of the
members to meet safely in person; and

WHEREAS, on March 4, 2020, Governor Newsom declared a state of emergency
due to the Coronavirus (“COVID-19”) pandemic, which remains in effect; and

WHEREAS, on March 16, 2020, the City Manager, acting as the Director of
Emergency Services, did proclaim the existence of a local state of emergency within the
City, pursuant to Section 2.28.060(A)(1) of the Solana Beach Municipal Code and Section
8625 of the California Emergency Services Act (California Government Code §§8550 et.
seq.), as a result of the Coronavirus (COVID-19) pandemic, which was ratified by the City
Council on March 19, 2020 through the adoption of Resolution 2020-036; and

WHEREAS, pursuant to Resolution 2020-036, the local emergency was deemed
to continue to exist until its termination is proclaimed by the City Council of the City of
Solana Beach and the local emergency does continue to exist; and

**WHEREAS,** COVID-19 continues to threaten the health and lives of City residents; and

**WHEREAS,** the SARS-CoV-2 Delta Variant (Delta Variant) is highly transmissible in indoor settings, breakthrough cases are becoming more common and hospitalizations have increased throughout San Diego County; and

**WHEREAS,** on July 28, 2021, the California Department of Public Health issued guidance for the use of face coverings stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, the Delta Variant accounts for over 80% of cases sequenced, and cases and hospitalizations of COVID-19 are rising throughout the state; and

**WHEREAS,** the Delta Variant has caused, and will continue to cause, conditions of imminent peril to the health safety of persons within the City that are likely beyond the control of services, personnel, equipment and facilities of the City; and

**WHEREAS,** updated as of August 13, 2021, the Center for Disease Control and Prevention recommends staying at least six (6) feet from other people; and

**WHEREAS,** the California Department of Industrial Relations, Division of Occupational Safety and Health’s COVID-19 Prevention Emergency Temporary Standards were updated on June 17, 2021, are still in effect and place an ongoing requirement on employers to assess workplace hazards and implement controls to prevent transmission of disease, which may include circumstances in which employers determine that physical distancing is necessary in their workplace; and

**WHEREAS,** on October 13, 2021, the City Council held a regular meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, made such a determination and adopted Resolution 2021-120 authorizing remote teleconference meetings of the legislative bodies of the City for the period of October 13, 2021 through November 12, 2021 pursuant to the new provisions of the Brown Act; and

**WHEREAS,** on November 10, 2021, the City Council reconsidered the circumstances of the state of emergency and adopted Resolution 2021-127 authorizing continued teleconference meetings of the legislative bodies of the City for the period of November 10, 2021 through December 10, 2021 pursuant to the new provisions of the Brown Act; and

**WHEREAS,** the state of emergency remains active.

**NOW, THEREFORE,** the City Council of the City of Solana Beach, California, does find and resolve as follows:
1. That the above recitations are true and correct and incorporated herein as findings.

2. That the City Council has reconsidered the circumstances of the state of emergency.

3. That the state of emergency continues to directly impact the ability of the members of the City’s legislative bodies and the public to meet safely in person.

4. That the meetings of the legislative bodies of the City of Solana Beach, including the City Council, standing committees and citizen commissions, shall continue to meet by remote teleconferencing in compliance with applicable law.

5. That the City Manager and Staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

6. That this Resolution shall take effect on December 8, 2021, and shall be effective until the earlier of (a) January 7, 2022 or (b) such time as the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City may continue to teleconference without compliance with Government Code section 54953(b)(3).

PASSED AND ADOPTED this 8th day of December, 2021, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

LESA HEEBNER, Mayor

APPROVED AS TO FORM: 

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: December 8, 2021
ORIGINATING DEPT: Fire Department
SUBJECT: City Council Consideration of Resolution 2021-132
        Accepting $12,679 in 2020 State Homeland Security
        Program Grant Funds for the Purchase of a Vortex Rescue
        System Kit and Structural Firefighting Turnouts

BACKGROUND:
Activities implemented under State Homeland Security Program (SHSP) grants must support terrorism preparedness by building or enhancing capabilities that relate to the prevention of, protection from, response to and recovery from terrorism in order to be considered eligible. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards and catastrophic incidents. The activities must also align with the national, state, and urban area strategic objectives.

The vortex rescue system kit is a highly versatile and portable artificial “high-point” device to be established when conducting elevated rope lines, confined space entries, or cliff rescue operations. This technology allows for a faster, safer, and a more streamlined rescue operation for the rescuers and victims.

Structural firefighting turnouts are a type of personal protective equipment used by firefighters as an outer layer of uniform worn during a fire emergency. These turnouts have high-flame-resistant properties with thicker protective layers, but are lightweight enough to allow for comfortable movement in a crisis.

This item is before the City Council to request approval of Resolution 2021-132 (Attachment 1) accepting $12,679 in 2020 State Homeland Security Program grant funds for the purchase of a vortex rescue system kit and structure firefighting turnouts.
DISCUSSION:

The City is directly receiving a total of $12,679 awarded through the County of San Diego under SHSP for Federal Fiscal Year 2020 (Attachment 2). The funding allocated to the City will enhance its preparedness, prevention, and response capabilities. SHSP grant funds can only be expended on equipment authorized for purchase by the Department of Homeland Security.

The City will apply $10,772 of the funds from the 2020 program to the cost of purchasing a vortex rescue system kit used to access and egress confined spaces and to negotiate complex edges, such as cliffs. The remaining $1,907 will be used to purchase a set of structural firefighting turnouts. The goal is to have all firefighters equipped with a second set of structural firefighting turnouts.

This Federal grant is a reimbursement grant and requires the City to expend funds prior to requesting reimbursement. Under SHSP, expenditures must be made by the grant recipient and the reimbursement requested from the County of San Diego Office of Emergency Services. Presently, the deadline to expend funds and request reimbursement is May 31, 2022.

The State of California administers the grant and requires all grant recipients to adhere to the FY 2020 State Grant Program Standard Assurances, which outlines policies and regulations pertaining to the use of federal grant funds (Attachment 3).

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

There is no negative fiscal impact associated with this action. The City is not required to provide a matching or cost share for grants under SHSP, nor is it required to fund the replacement of grant funded equipment in the future (at the end of its useful life). Staff does not anticipate incurring any significant increase in costs for maintaining the equipment during its lifespan.

An appropriation is needed in the Public Safety Special Revenue fund to record the expected grant revenue and related expenditure amount of $12,679.

WORK PLAN:

N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
• Deny Staff recommendation.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2021-132:

1. Accepting $12,679 in federal funds from a 2020 State Homeland Security Program (SHSP) grant awarded to the City of Solana Beach for the purchase of a vortex rescue system kit and structural firefighting turnouts.

2. Authorizing the City Manager, or his designee, to sign and submit the required California Governor's Office of Emergency Services Fiscal Year (FY) 2020 Standard Assurances for Cal OES Federal Non-Disaster Grant Programs (Attachment 3).

3. Approving an appropriation of $12,679 to the Federal Grant revenue account and the Minor Equipment expenditure account for the Fire Department both in the Public Safety Special Revenue fund.

4. Authorizing the City Treasurer to amend the FY 2021/22 Adopted Budget accordingly.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

________________________
Gregory Wade, City Manager

Attachments:

1. Resolution 2021-132
2. FY 2020 San Diego County Office of Emergency Services Award Letter to Jurisdictions, dated August 10, 2021
3. California Governor’s Office of Emergency Services Standard Assurances for Cal OES Federal Non-Disaster Grant Programs
4. FY 2020 State Homeland Security Program (SHSP) Grant Approved Allocation
RESOLUTION 2021-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE PURCHASE OF A VORTEX RESCUE SYSTEM KIT AND STRUCTURAL FIREFIGHTING TURNOUTS IN THE AMOUNT OF $12,679 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE SHSP STANDARD ASSURANCES FOR CAL OES FEDERAL NON-DISASTER GRANT PROGRAM DOCUMENT

WHEREAS, the Fire Department responds to various confined space and cliff rescue incidents throughout the year; and

WHEREAS, Fire Department personnel wear structural firefighting turnouts as personal protective equipment during fire emergencies; and

WHEREAS, the Solana Beach Fire Department received a grant through the State Homeland Security Grant Program (SHSP) in the amount of $12,679 for the purchase of a vortex rescue system kit and structural firefighting turnouts; and

WHEREAS, a Standard Assurances for Cal OES Federal Non-Disaster Grant Program document needs to be executed in order to receive these grant funds.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.

2. That the City Council accepts $12,679 in federal funds from a 2020 State Homeland Security Program grant awarded to the City of Solana Beach for the purchase of a vortex rescue system kit and structural firefighting turnouts.

3. That the City Council authorizes the City Manager, or his designee, to sign and submit the required California Governor’s Office of Emergency Services Fiscal Year 2020 Standard Assurances for Cal OES Federal Non-Disaster Grant Program document and any other documents necessary to receive the grant funds.

4. That the City Council authorizes the appropriation of $12,679 to the Federal Grant revenue account and Minor Equipment expenditure account for the Fire Department both in the Public Safety Special Revenue Fund.

5. That the City Council authorizes the City Treasurer to amend the FY 2021/22 Adopted Budget accordingly.
PASSED AND ADOPTED this 8th day of December, 2021 at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers -
NOES: Councilmembers -
ABSTAIN: Councilmembers -
ABSENT: Councilmembers -

______________________________
LESA HEEBNER, Mayor

APPROVED AS TO FORM: ATTEST:

JOHANNA N. CANLAS, City Attorney  ANGELA IVEY, City Clerk
August 10, 2021

City of Solana Beach
505 S Vulcan Avenue
Encinitas, CA 92024

SUBJECT: NOTIFICATION OF FEDERAL FUNDING AWARD
FY 2020 Homeland Security Grant Program (HSGP)
Subaward #2020-0095, Cal OES ID #073-00000

The purpose of this letter is to notify you that the County of San Diego Office of Emergency Services has approved your FY2020 SHSP award in the amount of $12,679 as listed below:

Subrecipient Name: City of Solana Beach
Subrecipient DUNS: 078751120
Federal Award ID (FAIN): EMW-2020-SS-00095-S01
Federal Award Date: 09/01/19 to 08/31/23
Subaward Period of Performance: 09/01/20 to 05/31/22
Subrecipient Award Amount: $12,679
Federal Award Project Description: Implementation of homeland security management grant to support state, local, tribal and territorial efforts to prevent terrorism and other catastrophic events

Federal Awarding Agency: US Department of Homeland Security
CFDA Number: 97.067/Homeland Security Grant Program
Research & Development Award (Y/N): No
Indirect Cost Rate: N/A
Match Requirement: N/A

This grant award is subject to all provisions of Uniform Guidance (2 CFR Part 200), which can be accessed at www.ecfr.gov. Non-federal entities that expend $750,000 or more annually in Federal Awards must have a single audit performed each year. Please forward a copy of your most current single audit report to the contact below.

Subrecipients are to comply with all applicable federal, state, and local Environmental Planning and Historic Preservation (EHP) requirements. Additionally, Aviation/Watercraft requests, Establish/Enhance Emergency Operations Center projects, projects requiring EHP review, and noncompetitive procurement requests require additional approvals. Subrecipients must obtain written approval for these activities prior to incurring any costs, in order to be reimbursed for any related costs under this Grant Subaward. Subrecipients are also required to obtain a performance bond prior to the purchase of any equipment item over $250,000, including any aviation or watercraft financed with homeland security dollars. Performance bonds must be submitted to the contract below no later than the time of reimbursement.

Please complete and return the attached OES Grant Management Assessment Questionnaire, 2020 Grant Assurances and Signature Authorization Form, current procurement policies and salvage guidelines. A hard copy of the Grant Assurances and Signature Authorization Forms must be mailed.

Unified San Diego County Emergency Services Organization

ATTACHMENT 2

For further assistance, please contact Kevin Preston at (858) 715-2214 or Kevin.Preston@sdcounty.ca.gov.

Sincerely,

Kurian, Martin

Martin Kurian, Principal Administrative Analyst
County of San Diego, Office of Emergency Services

cc:

Attachments: OES Grant Management Assessment Questionnaire
2020 Grant Assurances
SHSP 2020 Approved FMFW
As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application, within prescribed timelines.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

(a) Applicable Federal Regulations (see below);
(b) Federal Program Notice of Funding Opportunity (NOFO);
(c) Federal Preparedness Grants Manual;
(d) California Supplement to the NOFO; and
(e) Federal and State Grant Program Guidelines.

Federal Regulations
Government cost principles, uniform administrative requirements, and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the Office of Management and Budget (OMB) and can be found at http://www.whitehouse.gov/omb/.

State and federal grant award requirements are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority
   The Applicant will obtain proof of authority from the city council, governing board, or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

   (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required;
   (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board, or authorized body;
   (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board, or authorized body;
(d) Applicant is authorized by the city council, governing board, or authorized body to apply for federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-federal share of project cost, if any) to ensure proper planning, management, and completion of the project described in this application; and
(e) Official executing this agreement is authorized by the Applicant.

This Proof of Authority must be maintained on file and readily available upon request.

2. **Period of Performance**

The period of performance is specified in the Award. The Applicant is only authorized to perform allowable activities approved under the award, within the period of performance.

3. **Lobbying and Political Activities**

As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan, or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying”, in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and §§ 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor’s Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension
As required by Executive Orders 12549 and 12689, and 2 C.F.R. § 200.213 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principals, recipients, or subrecipients:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
(d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity
The Applicant will comply with all state and federal statutes relating to non-discrimination, including:
Standard Assurances
For Cal OES Federal Non-Disaster Grant Programs

(a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. § 2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;

(b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;

(c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794), which prohibits discrimination against those with disabilities or access and functional needs;

(d) Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§ 12101- 12213), which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;

(e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;

(f) Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd—2), relating to confidentiality of patient records regarding substance abuse treatment;

(g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)— be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);

(h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over $10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification or national origin;

(i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;

(j) California Public Contract Code § 10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;
(k) DHS policy to ensure the equal treatment of faith-based organizations, under which all applicants and recipients must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;

(l) The Applicant will comply with California's Fair Employment and Housing Act (FEHA) (California Government Code §§12940, 12945, 12945.2), as applicable. FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave, military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions;

(m) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and

(n) The requirements of any other nondiscrimination statute(s) that may apply to this application.

6. Drug-Free Workplace
As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

7. Environmental Standards
The Applicant will comply with state and federal environmental standards, including:

(a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-21177), to include coordination with the city or county planning agency;

(b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387);

(c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;

(d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
Standard Assurances  
For Cal OES Federal Non-Disaster Grant Programs

(e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
(f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
(g) Executive Order 11514 which sets forth national environmental standards;
(h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
(i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
(j) The Endangered Species Act of 1973, (P.L. 93-205);
(k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
(l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.);
(m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.
8. Audits
For subrecipients expending $750,000 or more in federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

9. Access to Records
In accordance with 2 C.F.R. § 200.336, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest
The Applicant will establish safeguards to prohibit the Applicant’s employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management
False Claims for Payment - The Applicant will comply with 31 U.S.C §§ 3729-3733 which sets forth that no subrecipient, recipient, or subrecipient shall submit a false claim for payment, reimbursement or advance.

12. Reporting - Accountability
The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), specifically (a) the reporting of subawards obligating $25,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements for executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 C.F.R. Part 170 Reporting Subaward and Executive Compensation Information.

13. Whistleblower Protections
14. Human Trafficking
The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect; (2) procuring a commercial sex act during the period of time that the award is in effect; (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards
The Applicant will comply with the following federal labor standards:

(a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts, and
(b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker’s Compensation
The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related
If applicable to the type of project funded by this federal award, the Applicant will:

(a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;
(b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more;
Standard Assurances
For Cal OES Federal Non-Disaster Grant Programs

(c) Assist the awarding agency in assuring compliance with Section 106 of the
Executive Order 11593 (identification and protection of historic properties), and
the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §469a-1 et
seq.); and
(e) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831
and 24 CFR Part 35) which prohibits the use of lead-based paint in construction
or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects
For all construction projects, the Applicant will:

(a) Not dispose of, modify the use of, or change the terms of the real property title
or other interest in the site and facilities without permission and instructions from
the awarding agency. Will record the federal awarding agency directives and
will include a covenant in the title of real property acquired in whole or in part
with federal assistance funds to assure nondiscrimination during the useful life of
the project;
(b) Comply with the requirements of the awarding agency with regard to the
drafting, review and approval of construction plans and specifications; and
(c) Provide and maintain competent and adequate engineering supervision at
the construction site to ensure that the complete work conforms with the
approved plans and specifications and will furnish progressive reports and such
other information as may be required by the assistance awarding agency or
State.

19. Use of Cellular Device While Driving is Prohibited
Applicants are required to comply with California Vehicle Code sections 23123 and
23123.5. These laws prohibit driving motor vehicle while using an electronic wireless
communications device to write, send, or read a text-based communication. Drivers
are also prohibited from the use of a wireless telephone without hands-free listening
and talking, unless to make an emergency call to 911, law enforcement, or similar
services.
The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity’s grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

HOMELAND SECURITY GRANT PROGRAM (HSGP) – PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Acknowledgment of Federal Funding from DHS
All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

22. Activities Conducted Abroad
All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

23. Best Practices for Collection and Use of Personally Identifiable Information (PII)
DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template a useful resource respectively.

24. Copyright
All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.
25. Duplication of Benefits
Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

27. Federal Debt Status
All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

29. Hotel and Motel Fire Safety Act of 1990
In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all Applicants must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.
30. Non-supplanting Requirement
All recipients who receive federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

31. Patents and Intellectual Property Rights
Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

32. SAFECOM
All recipients who receive federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

33. Terrorist Financing
All recipients must comply with Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

34. Reporting of Matters Related to Recipient Integrity and Performance
If the total value of the recipient’s currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds $10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.
35. USA Patriot Act of 2001
   All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

36. Use of DHS Seal, Logo, and Flags
   All recipients must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
IMPORTANT
The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. All recipients are bound by the Department of Homeland Security Standard Terms and Conditions 2020, Version 10.1, hereby incorporated by reference, which can be found at: https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the Applicant.

Subrecipient:__________________________________________________________

Signature of Authorized Agent: __________________________________________

Printed Name of Authorized Agent: ______________________________________

Title: ___________________________________________________________ Date: ______________________
## FY 2020 STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT ALLOCATION PROPOSAL

### JURISDICTION

<table>
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<th>JURISDICTION</th>
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<th>FY2020 - PROPOSAL</th>
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**Notes:**
*Personnel Cap: Each jurisdiction’s allocation has a personnel cap of 50%.
*San Diego Sheriff includes: Unincorporated San Diego County and the contracted cities of Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach and Vista.
STAFF REPORT
CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: December 8, 2021
ORIGINATING DEPT: Fire Department
SUBJECT: City Council Consideration of Resolution 2021-133 for Authorization to Apply for the FY 2021 Assistance for Firefighters Grant (AFG) for Self-Contained Breathing Apparatus (SCBA)

BACKGROUND:
The primary goal of the U.S. Department of Homeland Security’s Assistance to Firefighters Grant (AFG) Program is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations through direct financial assistance. Since 2001, AFG has helped firefighters and other first responders obtain critically needed equipment, protective gear, emergency vehicles, training and other resources needed to protect the public and emergency personnel from fires and other hazardous events, including those requiring medical aid.

Approximately $414 million in funding has been made available for the FY 2021 AFG program. The application period for 2021 opened November 8, 2021, and closes on December 17, 2021. Awards are expected to be made beginning April 30, 2022.

The application undergoes an electronic pre-scoring process based on established program priorities. If the application is determined to be in the competitive range after pre-scoring, it will proceed to a peer review process, performed by a panel of fire service professionals. Each eligible activity/project in an application is scored on its own merits.

DISCUSSION:
The AFG program identifies the funding of Self-Contained Breathing Apparatus (SCBAs) as a “high” program priority. A SCBA is a device worn by firefighters and other rescue workers to provide breathable air in toxic or hazardous environments that present an...
immediate danger to life and health (IDLH). SCBAs are critical and highly technical pieces of personal protective equipment (PPE) for firefighters that include a high-pressure air tank, pressure regulator and an inhalation connection (mouthpiece, mouth mask or face mask), connected and mounted to a carrying frame. SCBAs utilize lightweight, flame resistant materials that do not interfere with the ability to carry a rescued person over a firefighter’s shoulders or inhibit their movement when responding to fires. In addition, modern firefighting SCBAs incorporate a Personal Alert Safety System (PASS) device or an Automotive Distress Signal Unit into their design, which emit distinctive high pitched alarm tones to help locate firefighters in distress.

The AFG program identifies the funding of SCBA as a “high” program priority. The Solana Beach Fire Department currently uses SCBAs purchased in 2012. Applying for the SCBA replacements with a regional grant will allow these agencies better interoperability with local agencies due to purchasing the same SCBAs. The City of Vista will submit the collaborative grant application on behalf of six local agencies (City of Vista, City of Encinitas, City of Del Mar, City of Solana Beach, North County Fire Protection District, and Rancho Santa Fe Protection District).

As a result, Staff is requesting authorization to be part of a regional AFG application, which would include 17 new SCBAs to replace the Solana Beach Fire Department’s current equipment – one per seat on each of our apparatus.

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

There is no current fiscal impact associated with applying for the grant. It is estimated that replacing the City’s 17 SCBAs and related parts would cost approximately $282,295. AFG grants require applicants to contribute 10 percent of the cost of the project. Should the regional grant application be accepted, the City’s share is estimated to be approximately $28,230.

If awarded, Staff will return to Council for acceptance of the award and a budget appropriation for the City’s 10 percent contribution. A grant award provided by the AFG program can be declined without any penalty.

**WORK PLAN:**

N/A

**OPTIONS:**

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Deny Staff recommendation.
DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2021-133:

1. Authorizing the City of Solana Beach Fire Department to be included in the FY21 Assistance to Firefighters Grant regional application for SCBAs submitted by the City of Vista.

2. Authorizing the Fire Chief, or his designee, to sign a Memorandum of Understanding, in a form acceptable to the City Attorney, between the six agencies (City of Vista, City of Encinitas, City of Del Mar, City of Solana Beach, North County Fire Protection District, and Rancho Santa Fe Protection District) with respect to the regional application for SCBAs once all participating organizations are authorized to apply.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

_________________________
Gregory Wade, City Manager

Attachments:

1. Resolution 2021-133
2. The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program
RESOLUTION 2021-133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE FIRE DEPARTMENT TO APPLY FOR THE FY 2021 ASSISTANCE FOR FIREFIGHTERS GRANT (AFG) FOR SELF-CONTAINED BREATHING APPARATUS (SCBA)

WHEREAS, the United States Department of Homeland Security has announced the availability of funds for fire departments to enhance their abilities with respect to fire and fire related hazards; and

WHEREAS, the City Council of Solana Beach has identified firefighting services as a priority funding need area; and

WHEREAS, Fire Department personnel wear Self-Contained Breathing Apparatus (SCBAs) that provide breathable air in toxic or hazardous environments that present an immediate danger to life and health; and

WHEREAS, the City of Solana Beach wishes to obtain funding to replace the current SCBA supply; and

WHEREAS, a Memorandum of Understanding (MOU) needs to be executed between the six agencies in the regional application (City of Vista, City of Encinitas, City of Del Mar, City of Solana Beach, North County Fire Protection District, and Rancho Santa Fe Protection District) that will specify responsibilities of each agency with respect to the application and to enable the City of Vista to make the submission.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.

2. That the City of Solana Beach Fire Department is authorized to apply for the FY 2021 Assistance to Firefighters Grant through a regional application submitted by the City of Vista.

3. That the City Council authorizes the Fire Chief, or his designee, to sign an MOU, in a form acceptable to the City Attorney, to enable the regional application for SCBAs to be submitted once all participating organizations are authorized to apply.
PASSED AND ADOPTED this 8th day of December, 2021 at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers -
NOES: Councilmembers -
ABSTAIN: Councilmembers -
ABSENT: Councilmembers -

_______________________________  ________________________________  
LESA HEEBNER, Mayor  
APPROVED AS TO FORM:  ATTEST:

_______________________________  ________________________________  
JOHANNA N. CANLAS, City Attorney  ANGELA IVEY, City Clerk
The Department of Homeland Security (DHS)  
Notice of Funding Opportunity (NOFO)  
Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program  

NOTE: If you are going to apply for this funding opportunity and have not obtained an Employer Identification Number (EIN), a Data Universal Numbering System (DUNS) number, are not currently registered in the System for Award Management (SAM), or your SAM registration is not active, please take immediate action to obtain an EIN and DUNS Number, if applicable, and then register immediately in SAM or, if applicable, renew your SAM registration. It may take four weeks or more after you submit your SAM registration before your registration is active in SAM. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at: http://www.grants.gov/web/grants/register.html. Detailed information regarding DUNS, EIN, and SAM is also provided in Section D of this NOFO under the subsection titled “How to Register to Apply.” Detailed information regarding the time required for each registration is also provided in Section D of this NOFO under the subsection titled “Other Key Dates.”

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A. Program Description
1. Issued By
   U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD)

2. Assistance Listings Number
   97.044

3. Assistance Listings Title
   Assistance to Firefighters Grant (AFG)

4. Funding Opportunity Title
   Fiscal Year 2021 Assistance to Firefighters Grant

5. Funding Opportunity Number
   DHS-21-GPD-044-00-98

6. Authorizing Authority for Program

7. Appropriation Authority for Program

8. Announcement Type
   Initial

9. Program Category
   Preparedness: Fire and Life Safety

10. Program Overview, Objectives, and Priorities
    a. Overview
       The Fiscal Year (FY) 2021 Assistance to Firefighters Grant (AFG) Program is one of three grant programs that constitute the Department of Homeland Security (DHS), Federal Emergency Management Agency’s (FEMA’s) focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The AFG Program provides financial assistance directly to eligible fire departments, nonaffiliated emergency medical service (EMS) organizations, and State Fire Training Academies (SFTAs) for critical training and equipment. The AFG Program has awarded approximately $7.7 billion in grant funding to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience. Information about success stories for this program can be found at Assistance to Firefighters Grants Program | FEMA.gov.

       The AFG Program represents part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the five basic homeland security missions noted
in the **DHS Strategic Plan**, the AFG Program supports the goal to Strengthen Preparedness and Resilience. In awarding grants, the FEMA Administrator is required to consider:

- The findings and recommendations of the Technical Evaluation Panel (TEP);
- The degree to which an award will reduce deaths, injuries and property damage by reducing the risks associated with fire related and other hazards;
- The extent of an applicant’s need for an AFG Program grant and the need to protect the United States as a whole; and
- The number of calls requesting or requiring a firefighting or emergency medical response received by an applicant.

The **2018-2022 FEMA Strategic Plan** creates a shared vision for the field of emergency management and sets an ambitious, yet achievable, path forward to unify and further professionalize emergency management across the country. The AFG Program supports the goal of Readying the Nation for Catastrophic Disasters. We invite all of our stakeholders and partners to also adopt these priorities and join us in building a stronger Agency and a more prepared and resilient nation.

b. **Objectives**

The objectives of the AFG Program are to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience.

c. **Priorities**

Information on program priorities and objectives for the FY 2021 AFG Program can be found in **Appendix B – Programmatic Information and Priorities**.

11. **Performance Measures**

The grant recipient is required to collect data to allow FEMA to measure performance of the awarded grant in supporting AFG Program metrics, which are tied to the programmatic objectives and priorities. To measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient must submit sufficient information to demonstrate it has met the performance goal as stated in its award. FEMA will measure the recipient’s performance of the grant by comparing the number of items, supplies, projects and activities needed and requested in its application with the number acquired and delivered by the end of the period of performance using the following programmatic metrics:

- Percentage of AFG Program personal protective equipment (PPE) recipients who equipped 100% of on-duty active members with PPE in compliance with applicable National Fire Protection Association (NFPA) and Occupational Safety and Health Administration (OSHA) standards.
- Percentage of AFG Program equipment recipients who reported that the grant award brought them into compliance with either state, local, NFPA or OSHA standards.
- Percentage of AFG Program grant recipients who reported having successfully replaced their fire vehicles in accordance with industry standards.
- Percentage of AFG Program training recipients who reported that the grant award allows their members to achieve firefighter training level I and firefighter training level II within one year of coming into service.
• Percentage of AFG Program wellness and fitness recipients who reported that the grant award allows their members to achieve minimum physical and/or mental operational readiness requirements through tailored health-related fitness programs.
• Percentage of AFG Program award recipients for modifications to facilities projects who reported that the grant award brought them into compliance with either state, local, NFPA, or OSHA standards on housing and readiness posture.

B. **Federal Award Information**

1. Available Funding for the NOFO: $414 million\(^1\)

2. Projected Number of Awards: 2,500

3. Period of Performance: 24 months

   Extensions to the period of performance are allowed. For additional information on period of performance extensions, refer to Section H.

FEMA awards only include one budget period, so it will be same as the period of performance. *See 2 C.F.R. § 200.1* for definitions of “budget period” and “period of performance.”

4. Projected Period of Performance Start Date(s): May 1, 2022 (will vary based on award date)

5. Projected Period of Performance End Date(s): April 30, 2024 (will vary based on award date)

6. Funding Instrument Type: Grant

C. **Eligibility Information**

1. Eligible Applicants

   • **Fire Departments:** Fire departments operating in any of the 50 states, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico,\(^2\) or any federally recognized Indian tribe or tribal organization. A fire department is an agency or organization having a formally recognized arrangement with a state, local, tribal or territorial authority (city, county, parish, fire district, township, town or other

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\(^1\)Note that this figure differs from the total amount appropriated under the *Department of Homeland Security Appropriations Act, 2021*, Pub. L. No. 116-260. In this FY 2021 AFG Program NOFO, percentages of “available grant funds” refers to the total amount appropriated—$360,000,000—by Pub. L. No. 116-260 to meet the statutory requirements of § 33 of the *Federal Fire Prevention and Control Act of 1974*, as amended (codified at 15 U.S.C. § 2229). A portion of these “available grant funds” will be allocated to the Fire Prevention and Safety (FP&S) Program, which will have a separate NOFO and application period. $36,000,000 will be allocated to the FP&S Program for FY 2021. Additionally, the total available funding amount includes an additional $90,000,000 appropriated through the *American Rescue Plan Act of 2021*, Pub. L. No. 117-2.

governing body) to provide fire suppression to a population within a geographically fixed primary first due response area.

- **Nonaffiliated EMS organizations:** Nonaffiliated EMS organizations operating in any of the 50 states, as well as the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or any federally recognized Indian tribe or tribal organization. A nonaffiliated EMS organization is an agency or organization that is a public or private nonprofit emergency medical service entity providing medical transport that is not affiliated with a hospital and does not serve a geographic area in which emergency medical services are adequately provided by a fire department. FEMA considers the following as hospitals under the AFG Program:
  - Clinics;
  - Medical centers;
  - Medical college or university;
  - Infirmary;
  - Surgery centers; and
  - Any other institution, association, or foundation providing medical, surgical or psychiatric care and/or treatment for the sick or injured.

- **State Fire Training Academies:** An SFTA operates in any of the 50 states, as well as the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico. Applicants must be designated either by legislation or by a Governor’s declaration as the sole fire service training agency within a state, territory, or the District of Columbia. The designated SFTA shall be the only agency, bureau, division or entity within that state, territory or the District of Columbia, to be an eligible SFTA applicant under the AFG Program.

An application submitted by an otherwise eligible non-federal entity (i.e., the applicant) may be deemed ineligible when the person that submitted the application is not: 1) a current employee, personnel, official, staff or leadership of the non-federal entity; and 2) duly authorized to apply for an award on behalf of the non-federal entity at the time of application.

Further, the Authorized Organization Representative (AOR) must be a duly authorized current employee, personnel, official, staff or leadership of the recipient and provide an email address unique to the recipient at the time of application and upon any change in assignment during the period of performance. Consultants or contractors of the recipient are not permitted to be the AOR of the recipient.

2. **Eligible Activities**
The FY 2021 AFG Program has three activities:
- Operations and Safety;
- Vehicle Acquisition; and
- Regional Projects.

Each activity has its own eligibility requirements. These requirements are outlined in...
3. Other Eligibility Criteria
   
a. National Fire Incident Reporting System (NFIRS)
   Although NFIRS reporting is not a requirement to apply for any AFG Program, fire departments that receive funding under this program must agree to provide information to the NFIRS for the period of performance covered by the assistance. If a recipient does not currently participate in the incident reporting system and does not have the capacity to report at the time of the award, that recipient must agree to provide information to the system for a 12-month period commencing as soon as possible after they develop the capacity to report. Capacity to report to NFIRS must be established prior to the end of the 24-month performance period. The recipient may be asked by FEMA to provide proof of compliance in reporting to NFIRS. Any recipient that stops reporting to NFIRS during their grant’s period of performance may be subject to the remedies for noncompliance at 2 C.F.R. § 200.339, unless it has yet to develop the capacity to report to NFIRS, as described above. There is no NFIRS reporting requirement for nonaffiliated EMS organizations or SFTAs.

   Note: Although data collection is an important tool for understanding and justifying assistance, participation in other data sources, (e.g., National Fire Operations Reporting System [NFORS]) does not satisfy the requirement for reporting to NFIRS.

b. National Incident Management System (NIMS) Implementation
   AFG Program applicants are not required to comply with NIMS to apply for AFG Program funding or to receive an AFG Program award. However, any applicant who receives an FY 2021 AFG Program award must achieve the level of NIMS compliance required by the Authority Having Jurisdiction (AHJ) over the applicant’s emergency service operations (e.g., a local government) prior to the end of the grant’s period of performance.

4. Maintenance of Effort (MOE)
   Pursuant to 15 U.S.C. § 2229(k)(3), an applicant seeking an AFG Program grant shall agree to maintain, during the term of the grant, the applicant’s aggregate expenditures relating to activities allowable under this NOFO, at not less than 80 percent of the average amount of such expenditures in the two fiscal years prior to the fiscal year an AFG Program grant is awarded.

   In other words, an applicant agrees that if it receives a grant award, the applicant will keep its overall expenditures during the award’s period of performance (including those funded with non-federal funding) for activities that could be allowable costs under this NOFO at a level that is at least 80% or more of the average of what the applicant spent on such costs for those activities in fiscal years 2019 and 2020.

5. Cost Share or Match
   Recipient cost sharing is generally required as described below and pursuant to 15 U.S.C.§ 2229(k)(1). In general, eligible applicants shall agree to make available non-federal funds to carry out an AFG Program award in an amount equal to not less than 15 percent of the grant awarded. Exceptions to this general requirement apply to entities serving smaller communities as follows:
   - When serving a jurisdiction of 20,000 residents or fewer, the applicant shall agree to
make available non-federal funds in an amount equal to not less than 5% of the grant awarded;

- When serving a jurisdiction of more than 20,000 residents but not more than 1 million residents, the applicant shall agree to make available non-federal funds in an amount equal to not less than 10% of the grant awarded;
- When serving a jurisdiction of more than 1 million residents, the applicant shall agree to make available non-federal funds in an amount equal to not less than 15% of the grant awarded.

The cost share for SFTAs will apply the requirements above based on the total population of the state. The cost share for a Regional application will apply the requirements above based on the aggregate population of the primary first due response areas of the host and participating partner organizations that execute a Memorandum of Understanding (MOU) as described in Appendix B: Regional Applications.

FEMA has developed a cost share calculator tool in order to assist applicants with determining their cost share. The cost share tool is available at: https://www.fema.gov/grants/preparedness/firefighters/assistance-grants.

**Types of Cost Share**

i. **Cash (Hard Match):** Cost share of non-federal cash is the only allowable recipient contribution for AFG Program activity (Vehicle Acquisition, Operations and Safety, and Regional).

ii. **Trade-In Allowance/Credit:** On a case-by-case basis, FEMA may allow recipients already owning assets acquired with non-federal cash to use the trade-in allowance/credit value of those assets as cash for the purpose of meeting their cost share obligation. For FEMA to consider a trade-in allowance/credit value as cash, the allowance amount must be reasonable, and the allowance amount must be a separate entry clearly identified in the acquisition documents.

iii. **In-kind (Soft Match):** In-kind cost share is not allowable for the AFG Program.

The award budget will not account for any voluntary committed cost sharing or overmatch. The use of an overmatch is not given additional consideration when scoring applications.

**Economic Hardship Waivers**

The FEMA Administrator may waive or reduce recipient cost share or MOE requirements in cases of demonstrated economic hardship. Please see Appendix C – Award Administration Information for additional information.

**D. Application and Submission Information**

1. **Key Dates and Times**

   a. **Application Start Date:** Nov. 8, 2021

   b. **Application Submission Deadline:** Dec. 17, 2021 at 5 p.m. ET

   All applications must be received by the established deadline.
FEMA’s Grants Outcomes System (FEMA GO) automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled “Timely Receipt Requirements and Proof of Timely Submission” in Section D of this NOFO.

**FEMA will not review applications that are received after the deadline or consider these late applications for funding.** FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant’s control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

**Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline.** Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. “Timely notification” of FEMA means the following: prior to the application deadline and within 48 hours after the applicant became aware of the issue.

A list of FEMA contacts can be found in Section G of this NOFO, “DHS Awarding Agency Contact Information.” For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at femago@fema.dhs.gov or (877) 611-4700, Monday through Friday, 8:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Program Analyst or Grants Management Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the AFG Helpdesk at 866-274-0960 or by e-mail at FireGrants@fema.dhs.gov. The AFG Helpdesk is open Monday through Friday, 8 a.m.AM – 4:30 p.m. ET.

c. **Anticipated Funding Selection Date:**  *No later than April 30, 2022*

d. **Anticipated Award Date:**  Beginning on approximately April 30, 2022 and continuing thereafter until all FY 2021 AFG Program grant awards are issued (but no later than September 30, 2022)

e. **Other Key Dates**

<table>
<thead>
<tr>
<th>Event</th>
<th>Suggested Deadline for Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obtaining DUNS Number</td>
<td>Four weeks before actual submission deadline</td>
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<tr>
<td>Obtaining a valid EIN</td>
<td>Four weeks before actual submission deadline</td>
</tr>
<tr>
<td>Creating an account with login.gov</td>
<td>Four weeks before actual submission deadline</td>
</tr>
<tr>
<td>Registering in SAM or Updating SAM registration</td>
<td>Four weeks before actual submission deadline</td>
</tr>
<tr>
<td>Registering Organization in FEMA GO</td>
<td>Prior to beginning application</td>
</tr>
<tr>
<td>Submitting complete application in FEMA GO</td>
<td>One week before actual submission deadline</td>
</tr>
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</table>

**FY 2021 AFG NOFO**
2. **Agreeing to Terms and Conditions of the Award**
   By submitting an application, applicants agree to comply with the requirements of this NOFO and the terms and conditions of the award, should they receive an award.

3. **Address to Request Application Package**
   Applications are processed through the FEMA GO system. To access the system, go to https://go.fema.gov/.

   **Note:** Hard copies of the application are not available. However, the Telephone Device for the Deaf (TDD) and/or Federal Information Relay Service (FIRS) number available for this Notice is (800) 462-7585.

4. **Steps Required to Obtain a Unique Entity Identifier, Register in the System for Award Management (SAM), and Submit an Application**
   Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

   Please review the table above for estimated deadlines to complete each of the steps listed. Failure of an applicant to comply with any of the required steps before the deadline for submitting an application may disqualify that application from funding.

   To apply for an award under this program, all applicants must:
   a. Apply for, update, or verify their Data Universal Numbering System (DUNS) number from Dun & Bradstreet and Employer Identification Number (EIN) from the Internal Revenue Service;
   b. In the application, provide a valid DUNS number, which is currently the unique entity identifier;
   c. Have an account with login.gov;
   d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
   e. Register in FEMA GO, add the organization to the system, and establish the Authorized Organizational Representative (AOR). The organization’s electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see https://www.fema.gov/media-library/assets/documents/181607;
   f. Submit the complete application in FEMA GO; and
   g. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant’s immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

   Applicants are advised that FEMA may not make a federal award until the applicant has complied with all applicable DUNS and SAM requirements. Therefore, an applicant’s SAM registration must be active not only at the time of application, but also during the application
review period and when FEMA is ready to make a federal award. Further, as noted above, an applicant’s or recipient’s SAM registration must remain active for the duration of an active federal award. If an applicant’s SAM registration is expired at the time of application, expires during application review, or expires any other time before award, FEMA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

Per 2 C.F.R. § 25.110(c)(2)(ii), if an applicant is experiencing exigent circumstances that prevents it from receiving a DUNS number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible by contacting askcsid@fema.dhs.gov and providing the details of the circumstances that prevent completion of these requirements. If FEMA determines that there are exigent circumstances and FEMA has decided to make an award, the applicant will be required to obtain a DUNS number and complete SAM registration within 30 days of the federal award date.

5. Electronic Delivery
DHS is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. DHS encourages or requires applicants to submit their applications online through Grants.gov, depending on the funding opportunity. For this funding opportunity, FEMA requires applicants to submit applications through FEMA GO.

6. How to Register to Apply
a. General Instructions:
Registering and applying for an award under this program is a multi-step process and requires time to complete. Read the instructions below about registering to apply for FEMA funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to four weeks to complete. To ensure an application meets the deadline, applicants are advised to start the required steps well in advance of their submission.

Organizations must have a Data Universal Numbering System (DUNS) Number, Employer Identification Number (EIN), and an active System for Award Management (SAM) registration.

b. Obtain a DUNS Number:
All entities applying for funding, including renewal funding, must have a DUNS number from Dun & Bradstreet (D&B). Applicants must enter the DUNS number in the data entry field labeled "Organizational DUNS" on the SF-424 form.

For more detailed instructions for obtaining a DUNS number, refer to https://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html
Note: At some point, the DUNS Number will be replaced by a “new, non-proprietary identifier” requested in, and assigned by, SAM.gov. This new identifier is being called the Unique Entity Identifier (UEI), or the Entity ID. Grants.gov has begun preparing for this transition by educating users about the upcoming changes and updating field labels and references to the DUNS Number (the current identifier) within the Grants.gov system. Users should continue using the DUNS Number in UEI fields until further notice. To learn more about SAM’s rollout of the UEI, please visit https://gsa.gov/entityid.

c. **Obtain Employer Identification Number**
   In addition to having a DUNS number, all entities applying for funding must provide an Employer Identification Number (EIN). The EIN can be obtained from the IRS by visiting: https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online.

d. **Create a login.gov account:**
   Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account here: https://secure.login.gov/sign_up/enter_email?request_id=34f19fa8-14a2-438c-8323-a62b99571fd3.

   Applicants only have to create a login.gov account once. For applicants that are existing SAM users, use the same email address for the login.gov account as with SAM.gov so that the two accounts can be linked.

   For more information on the login.gov requirements for SAM registration, refer to https://www.sam.gov/SAM/pages/public/loginFAQ.jsf.

e. **Register with SAM:**
   In addition to having a DUNS number, all organizations applying online through Grants.gov must register with SAM. Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually.


   Note: As a new requirement per 2 C.F.R. § 25.200, applicants must also provide the applicant’s immediate and highest-level owner, subsidiaries, and predecessors that have been awarded federal contracts or federal financial assistance within the past three years, if applicable.

I. **ADDITIONAL SAM REMINDERS**
   Existing SAM.gov account holders should check their account to make sure it is “ACTIVE.” SAM registration should be completed at the very beginning of the application period and should be renewed annually to avoid being “INACTIVE.” **Please allow plenty of time before the grant application submission deadline to obtain a DUNS number and then to register in SAM.** It may be four weeks or more after an applicant submits the SAM registration before the registration is active in SAM, and then it may be an additional 24 hours before FEMA’s system recognizes the information.
It is imperative that the information applicants provide is correct and current. Please ensure that your organization’s name, address, DUNS number, and Employer Identification Number, or EIN, are up to date in SAM and that the DUNS number used in SAM is the same one used to apply for all other FEMA awards. Payment under any FEMA award is contingent on the recipient’s having a current SAM registration.

II. HELP WITH SAM
The SAM quick start guide for new recipient registration and SAM video tutorial for new applicants are tools created by the General Services Administration (GSA) to assist those registering with SAM. If applicants have questions or concerns about a SAM registration, please contact the Federal Support Desk at https://www.fsd.gov/fsd-gov/home.do or call toll free (866) 606-822, Monday - Friday 8 a.m. to 8 p.m. ET.

f. Register in FEMA GO, Add the Organization to the System, and Establish the AOR:
Applicants must register in FEMA GO and add their organization to the system. The organization’s electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see https://www.fema.gov/media-library/assets/documents/181607.

Note: FEMA GO will support only the most recent major release of the following browsers:
- Google Chrome
- Internet Explorer
- Mozilla Firefox
- Apple Safari
- Microsoft Edge

Users who attempt to use tablet type devices or other browsers may encounter issues with using FEMA GO.

Applicants will be prompted to submit the standard application information and any program-specific information required as described in Section D.10 of this NOFO, “Content and Form of Application Submission.” The Standard Forms (SF) may be accessed in the Forms tab under the SF-424 family on Grants.gov. Applicants should review these forms before applying to ensure they have all the information required.

After submitting the final application, FEMA GO will provide either an error message or a successfully received transmission in the form of an email sent to the AOR that submitted the application. Applicants using slow internet connections, such as dial-up connections, should be aware that transmission can take some time before FEMA GO receives your application.

For additional application submission requirements, including program-specific requirements, please refer to the subsection titled “Content and Form of Application Submission” under Section D of this NOFO.

7. Timely Receipt Requirements and Proof of Timely Submission
All applications must be completed in FEMA GO by the application deadline. FEMA GO automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with
the AOR role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission on the date and time that FEMA GO received the application.

**Applicants who experience system-related issues will be addressed until 3p.m. ET on the date applications are due.** No new system-related issues will be addressed after this deadline. Applications not received by the application submission deadline will not be accepted.

Applicants using unreliable internet connections, such as dial-up connections, should be aware that submission can take some time before FEMA GO receives your application. FEMA GO will display red validation errors if areas that need additional information in order to submit the application. Once your application is successfully submitted your application status will change from “pending submission” to “submitted to FEMA”. The FEMA GO Support Center reports that some applicants end the submission because they think that nothing is occurring during the submission process. Do **not** do this as it may cause your application to fail to be submitted and consequently not be considered for funding. Please give the system time to process the application.

8. **Content and Form of Application Submission**
   a. **Standard Required Application Forms and Information**
      The following forms or information are required to be submitted via FEMA GO. The Standard Forms (SF) are also available at [https://www.grants.gov/web/grants/forms/sf-424-family.html](https://www.grants.gov/web/grants/forms/sf-424-family.html).
      - SF-424, Application for Federal Assistance
      - Grants.gov Lobbying Form, Certification Regarding Lobbying
      - SF-424A, Budget Information (Non-Construction)
      - SF-424B, Standard Assurances (Non-Construction)
      - SF-LLL, Disclosure of Lobbying Activities
      - **Indirect Cost Agreement or Proposal** if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see Section D.13 of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

   b. **Program-Specific Required Forms and Information**
      For program-specific required and optional forms and information, please see the Appendices to this NOFO.

9. **Funding Restrictions and Allowable Costs**
   All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200, unless otherwise indicated in the NOFO, or the terms and conditions of the award. This includes, among other requirements, that costs must be incurred, and products and services must be delivered, within the period of performance of the award. *See 2 C.F.R. § 200.403(h)*
(referring to budget periods, which for FEMA awards is the same as the period of performance).

In general, the Cost Principles establish standards for the allowability of costs, provide detailed guidance on the cost accounting treatment of costs as direct or administrative costs, and set forth allowability principles for selected items of cost. More specifically, except as otherwise stated in this NOFO, the terms and condition of an award, or other program materials, costs charged to awards covered by this NOFO must be consistent with the Cost Principles for Federal Awards located at 2 C.F.R. Part 200, Subpart E. In order to be allowable, all costs charged to a FEMA award or applied to the cost share must be reasonable in nature and amount and allocable to the particular FEMA award.

Additionally, all costs charged to awards must comply with the grant program’s applicable statutes, policies, requirements in this NOFO as well as with the terms and conditions of the award. If FEMA staff identify costs that are inconsistent with any of these requirements, these costs may be disallowed, and FEMA may recover funds as appropriate, consistent with applicable laws, regulations and policies.

As part of those requirements, grant recipients and subrecipients may only use federal funds or funds applied to a cost share for the purposes set forth in this NOFO and the terms and conditions of the award, and those costs must be consistent with the statutory authority for the award.

Grant funds may not be used for matching funds for other federal grants/cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the federal government or any other government entity.

Additionally, federal employees are prohibited from serving in any capacity (paid or unpaid) on the development of any proposal submitted under this program.

a. Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services


Additional guidance is available at Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services (Interim) FEMA Policy #405-143-1.

Effective August 13, 2020, FEMA recipients and subrecipients may not use any FEMA funds under open or new awards to:
(1) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;

(2) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or

(3) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

I. REPLACEMENT EQUIPMENT AND SERVICES
FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of the NOFO.

II. DEFINITIONS
Per section 889(f)(2)-(3) of the FY 2019 NDAA and 2 C.F.R. § 200.216, covered telecommunications equipment or services means:

i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);

ii. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytéra Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);

iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or

iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People’s Republic of China.

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by the entities listed in the definition of “covered telecommunications equipment or services.” See 2 C.F.R. § 200.471.

b. Pre-Award Costs
Generally, grant funds cannot be used to pay for products and services contracted for or obligated prior to the effective date of the award. Fees for grant writers are considered an exception and may be included as a pre-award expenditure, see Appendix C for details. Further, other costs incurred after the application deadline, but prior to an offer of award, may be eligible for reimbursement only if the following conditions are met:

- The recipient must request approval from FEMA to incur such pre-award costs. Requests must be sent via email to FireGrants@fema.dhs.gov and include the
application number and justification narrative. Please note, the recipient must seek approval at the time of acquisition and before the award is announced.

- The recipient must receive written confirmation from FEMA that the expenses have been reviewed and that FEMA has determined the costs to be justified, unavoidable, and consistent with the grant’s scope of work.
- The pre-award cost must meet the requirements of 2 C.F.R. § 200.458, which provides that the costs must be necessary for efficient and timely performance of the grant’s scope of work. The costs must also be incurred after the date of the Federal award and only with the written approval of the Federal awarding agency.

**Note:** FEMA reserves the right to re-evaluate and disallow pre-award costs at time of award monitoring if it is later determined that the services were not properly procured or do not satisfy the requirements of 2 C.F.R. § 200.458.

See Appendix C for further information regarding grant writer fees and the “Additional Information” section of this NOFO for general procurement under grants requirements.

c. **Management and Administration (M&A) Costs**
   M&A activities are those directly related to the management and administration of the AFG award funds, such as financial management and monitoring. M&A expenses should be based only on actual expenses or known contractual costs. Requests that are simple percentages of the award, without supporting justification or adequate documentation, will not be allowed or considered for reimbursement. No more than 3% of the federal share of AFG Program funds awarded may be expended by the recipient for M&A for purposes associated with the AFG Program award.

d. **Indirect Facilities & Administrative (F&A) Costs**
   Indirect costs are allowable under this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to FireGrants@fema.dhs.gov for further instructions. Applicants who wish to use a cost allocation plan in lieu of an indirect cost rate must also reach out to FireGrants@fema.dhs.gov for further instructions. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above or based upon the de minimis rate or cost allocation plan, as applicable.

e. **Other Direct Costs**
   - **Construction:** Construction costs are not eligible under the AFG Program. Construction includes major alterations to a building that changes the profile or footprint of the structure. Modifications to facilities activities described in Appendix A Funding Priorities, are not considered construction costs for purposes of general award cost.
categorization and may be eligible. However, modifications to facilities activities might be considered “construction” for purposes of applicable procurement under grants requirements or environmental protection and historic preservation purposes.

- **Fire Departments and Nonaffiliated EMS organizations:** The total amount of funding a fire department or nonaffiliated EMS organization recipient may receive under an AFG Program award is limited to the maximum amounts set by § 33(c)(2) of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. § 2229(c)(2)). These award limits are based on two factors: (1) population served and (2) a 1% aggregate amount of available grant funds.

The population of the jurisdiction served by the recipient will determine the maximum amount of AFG Program funding a recipient is eligible to receive but no recipient may receive an award that exceeds 1% of available grant funds in FY 2021, or $4.6 million. FEMA may waive this aggregate cap in individual cases where FEMA determines that a recipient has an extraordinary need for a grant that exceeds the aggregate cap. FEMA may not waive the statutory funding caps based on population.

The following table explains the maximum funding that a recipient may receive in FY 2021:

<table>
<thead>
<tr>
<th>Population of the jurisdiction served by the recipient</th>
<th>Maximum award in FY 2021</th>
<th>Statutory waiver available subject to extraordinary need?</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000 or fewer people</td>
<td>No more than $1 million</td>
<td>None available</td>
</tr>
<tr>
<td>100,001 – 500,000 people</td>
<td>No more than $2 million</td>
<td>None available</td>
</tr>
<tr>
<td>500,001 – 1,000,000 people</td>
<td>No more than $3 million</td>
<td>None available</td>
</tr>
<tr>
<td>1,000,001 – 2,500,000 people</td>
<td>No more than $4.6 million</td>
<td>Yes, but no more than $6 million</td>
</tr>
<tr>
<td>More than 2,500,000 people</td>
<td>No more than $4.6 million</td>
<td>Yes, but no more than $9 million</td>
</tr>
</tbody>
</table>

Regional applicants will be subject to the funding limitations based on the total population served by the host and participating partners. Additionally, Regional grants awarded are included in the host organization’s funding limitations. For example, if a recipient serves a population of 100,000 or fewer and is the recipient of a Regional award for $1 million, they have met their cap and are no longer eligible for additional funds through the Operations and Safety or Vehicle activities.

- **Allocations and Restrictions of Available Grant Funds by Organization Type**
  - **Fire Departments:** Not less than 25% of available grant funds shall be awarded to career, combination, or volunteer department types (total of 75 percent).
  - **Nonaffiliated EMS Organizations:** Not more than 2% of available grant funds shall be collectively awarded to all nonaffiliated EMS organization recipients.
  - **Emergency Medical Services Providers:** Not less than 3.5% of available grant funds shall fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.
  - **State Fire Training Academy:** Not more than 3% of available grant funds shall be collectively awarded to all SFTA recipients. Further, not more than $500,000 of available federal grant funds may be awarded per SFTA applicant.
Vehicles: Not more than 25% of available grant funds may be used by recipients for the purchase of vehicles. Of that amount, based on stakeholder recommendations, FEMA intends to allocate 10% of the total vehicle funds for ambulances.

Micro Grants: The selection of the voluntary Micro Grant option (cumulative federal funding of $50,000) for eligible Operations and Safety activities does not impact an applicant’s request or participation under the Vehicle Acquisition or Regional projects. Applicants who select Micro Grants under Operations and Safety as a funding opportunity choice may still apply for a Vehicle Acquisition or Regional project. Of the 25% allocated to each of the career, combination, and volunteer departments, FEMA will aim to fund no less than 25% of the allocation for Micro Grants.

E. Application Review Information

1. Application Evaluation Criteria

a. Programmatic Criteria

Funding priorities and programmatic criteria for evaluating AFG Program applications are established by FEMA based on the recommendations from the Criteria Development Panel (CDP). Each year, FEMA convenes a panel of fire service professionals to develop funding priorities for the AFG Program. The panel makes recommendations about funding priorities as well as developing criteria for awarding grants.

The nine major fire service organizations represented on the panel are:
- International Association of Fire Chiefs
- International Association of Fire Fighters
- National Volunteer Fire Council
- National Fire Protection Association
- National Association of State Fire Marshals
- International Association of Arson Investigators
- International Society of Fire Service Instructors
- North American Fire Training Directors
- Congressional Fire Service Institute

The CDP is charged with making recommendations to FEMA regarding the creation or modification of previously established funding priorities as well as developing criteria for awarding grants. The content of this NOFO reflects implementation of the CDP’s recommendations with respect to the priorities, direction, and criteria for awards.

FEMA will rank all complete and submitted applications based on how well they match the program priorities for the type of jurisdiction(s) served. Answers to the application’s activity specific questions provide information used to determine each application’s ranking relative to the stated program priorities.

b. Financial Integrity Criteria

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as amended by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 (2020); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any Office of Management and Budget (OMB)-designated repositories of governmentwide eligibility qualification or
financial integrity information, including whether the applicant is suspended or debarred. FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

i. Financial stability.
ii. Quality of management systems and ability to meet management standards.
iii. History of performance in managing federal award.
iv. Reports and findings from audits.
v. Ability to effectively implement statutory, regulatory or other requirements.

c. Supplemental Financial Integrity Criteria and Review
Prior to making a federal award where the anticipated total federal share will be greater than the simplified acquisition threshold, currently $250,000:

i. FEMA is required to review and consider any information about the applicant, including information on the applicant’s immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the Federal Awardee Performance and Integrity Information System (FAPIIS).

ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.

iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant’s integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

2. Review and Selection Process
AFG Program applications are reviewed through a multi-phase process. All applications are electronically pre-scored and ranked based on how well they align with the funding priorities outlined in this funding notice.

Applications with the highest pre-score rankings are then scored competitively by no less than three members of a Peer Review Panel. Applications will also be evaluated through a series of internal FEMA review processes for completeness, adherence to programmatic guidelines, technical feasibility, and anticipated effectiveness of the proposed project(s). Below is the process by which applications will be reviewed:

i. Pre-Scoring Process
The application undergoes an electronic pre-scoring process based on established program priorities listed in Appendix B and answers to activity specific questions within the online application. Application Narratives are not reviewed during pre-score process. “Request Details” and “Budget” information should comply with program guidance and statutory funding limitations. The pre-score is 50% of the total application score.
ii. Peer Review Panel Process
Applications with the highest rankings from the pre-scoring process will undergo a Peer Review Panel process. A panel of peer reviewers is composed of fire service representatives recommended by the national organizations from the CDP. Peer reviewers will assess each application’s merits based on the narrative statement on the requested activity. The evaluation elements listed in the “Narrative Evaluation Criteria” below will be used to calculate the narrative’s score for each activity requested. Panelists will independently score each requested activity within the application, discuss the merits and/or shortcomings of the application with his or her peers, and document the findings. A consensus is not required. The panel score is 50% of the total application score.

iii. Technical Evaluation Process (TEP)
The highest ranked applications will be considered within the fundable range. Applications that are in the fundable range will undergo both a Technical Review by a Subject-Matter Expert (SME) as well as a FEMA Program Office review prior to being recommended for award. The FEMA Program Office will assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending any application for award.

Once the TEP is complete, each application’s cumulative score will be determined, and a final ranking of applications will be created. FEMA will award grants based on this final ranking and the ability to meet statutorily required funding limitations outlined in Appendix B: Restrictions on Use of Award Funds.

3. Narrative Evaluation Criteria
The Narrative Statements must provide specific details about the activity for which the applicants seek funding. Applicants must explain how the proposed activity(ies) relate to the Operations and Safety Activity or the Vehicle Acquisition Activity. FEMA conducts reviews of a random sampling of applications to compare them for duplication including the narrative statements and statistical data. Therefore, all elements of the narrative statements must be specific and unique to the applying entity, and all statistical data must be accurate. Applications with narrative statements that have substantial duplication of statements, sentences or paragraphs to other submitted applications, and/or inaccurate data that may mislead reviewers, may be disqualified. Discovery of falsification, fabrication or plagiarism of other grant proposals will disqualify the application(s).

Note: FEMA evaluates each application on its merit, veracity, and accuracy to ascertain how the narrative statement(s) outlined within the application depicts the applicant’s and their community’s uniqueness, their particular risks, and how selecting them over a similarly situated applicant advances the objectives of the AFG program to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience. At any time during application review process, including the technical review stage, FEMA may request additional documentation from applicants, including but not limited to:

- Copies of official or certified documents demonstrating the claimed financial need;
• Copies of the applicant’s needs assessment report, survey, or any documented other efforts undertaken to identify the applicant’s unique project objectives;
• Copies of the risk analysis conducted to ascertain how said project will address the applicant’s unique needs in alignment with their mission and AFG grant purpose;
• Additional information or evidence detailing the applicant’s particular risks; and
• Any other information deemed necessary to adequately weigh the applicant’s assistance request for funding under this discretionary-competitive grant program. No applicant is guaranteed funding.

The narrative statement blocks do not allow for formatting. Do not type the narrative statements using only capital letters. Additionally, do not include tables, special characters, or fonts (e.g., quotation marks, bullets), or graphs. Space for the narrative statements is limited. While each element must have a minimum of 200 characters, the maximum number of characters varies based on the questions being asked.

Peer Review Panelists will evaluate and score each activity based on the following narrative elements within each activity.

a. Financial Need (25%)
Applicants should describe their unique financial need and how consistent it is with the intent of the AFG Program. The financial need statement should include details describing the applicant’s financial distress such as summarizing budget constraints, unsuccessful attempts to secure other funding, and proving the financial distress is out of their control.

b. Project Description and Budget (25%)
The Project Description and Budget statement should clearly explain the applicant’s unique project objective(s) and its relationship to the applicant’s budget and risk analysis. The applicant should describe various activities, including program priorities or facility modifications, ensuring consistency with project objectives, the applicant’s mission, and national, state and/or local requirements. Applicants should link the proposed expenses to operations and safety, as well as to the completion of the project’s goals.

c. Cost Benefit (25%)
Applicants should describe how they plan to address the unique operations and personal safety needs of their organization, including cost effectiveness and asset sharing. The Operations and Safety/Cost Benefit statement should also include details about gaining the maximum benefits from grant funding by citing reasonable or required costs, such as specific overhead and administrative costs. The applicant’s request should also be consistent with their mission and identify how funding will benefit their organization and affected personnel.

d. Statement of Effect on Operations (25%)
The Statement of Effect on Operations should explain how the funding request will enhance an organization’s unique overall effectiveness. It should address how an award will improve daily operations and reduce an organization’s particular risk(s). Applicants should include how frequently the requested item(s) will be used and in what capacity. Applicants should also indicate how the requested item(s) will help the community and
increase an organization’s ability to save additional lives and property. Jurisdictions that demonstrate their commitment and proactive posture to reducing fire risk by explaining their code enforcement (to include Wildland Urban Interface code enforcement) and mitigation strategies (including whether or not the jurisdiction has a FEMA-approved mitigation strategy) may receive stronger consideration under this criterion.

F. Federal Award Administration Information
In addition to the language below, please see Appendix C to this NOFO for additional award administration information.

1. Notice of Award
Before accepting the award, the AOR and recipient should carefully read the award package for instructions on administering the grant award and the terms and conditions associated with responsibilities under Federal Awards. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. **Recipients must accept all conditions in this funding notice as well as any specific terms and conditions in the Notice of Award to receive an award under this program.**

FEMA will provide the federal award package to the applicant electronically via FEMA GO. Award packages include an Award Letter, Summary Award Memo, Agreement Articles, and Obligating Document. An email notification of the award package will be sent through FEMA’s grant application system to the AOR that submitted the application.

Recipients must accept their awards no later than 30 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award through the FEMA GO system.

Funds will remain on hold until the recipient accepts the award through the FEMA GO system and all other conditions of the award have been satisfied or until the award is otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds. Recipients may request additional time to accept the award if needed.

2. Difference between Application Request and Award
During the review process for an AFG Program award, FEMA may modify the application request(s). These modifications will be identified in the award package provided upon the offer of an award. If the awarded activities, scope of work, or requested dollar amount(s) do not match the application as submitted, the recipient shall only be responsible for completing the activities actually funded by FEMA. The recipient is under no obligation to start, modify, or complete any activities requested but not funded by the award. The award package will identify any such differences under the Approved Scope of Work section.

3. Turndown Notifications
FEMA GO will provide all applicants who do not receive an FY 2021 AFG Program award with a turndown notification.
4. **Administrative and National Policy Requirements**

   In addition to the requirements in this section and in this NOFO, FEMA may place specific terms and conditions on individual awards in accordance with 2 C.F.R. Part 200.

   a. **DHS Standard Terms and Conditions**

      All successful applicants for DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at: [DHS Standard Terms and Conditions](https://www.dhs.gov/hhs-standard-terms-and-conditions).

      The applicable DHS Standard Terms and Conditions will be those in effect at the time the award was made. What terms and conditions will apply for the award will be clearly stated in the award package at the time of award.

   b. **Ensuring the Protection of Civil Rights**

      As the Nation works towards achieving the National Preparedness Goal, it is important to continue to protect the civil rights of individuals. Recipients and subrecipients must carry out their programs and activities, including those related to the building, sustainment, and delivery of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations.

      Federal civil rights statutes, such as Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, along with DHS and FEMA regulations, prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, limited English proficiency, or economic status in connection with programs and activities receiving federal financial assistance from FEMA.

      The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. These terms and conditions can be found in the [DHS Standard Terms and Conditions](https://www.dhs.gov/hhs-standard-terms-and-conditions). Additional information on civil rights provisions is available at [https://www.fema.gov/about/offices/equal-rights](https://www.fema.gov/about/offices/equal-rights).

      Monitoring and oversight requirements in connection with recipient compliance with federal civil rights laws are also authorized pursuant to 44 C.F.R. Part 7.

   c. **Environmental Planning and Historic Preservation (EHP) Compliance**

      As a federal agency, FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by FEMA, including grant-funded projects, comply with federal EHP laws, Executive Orders, regulations, and policies, as applicable.

      Recipients and subrecipients proposing projects that have the potential to impact the environment, including, but not limited to, the construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.
In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations and policies.

DHS and FEMA EHP policy is found in directives and instructions available on the FEMA.gov EHP page, the FEMA website page that includes documents regarding EHP responsibilities and program requirements, including implementation of the National Environmental Policy Act and other EHP regulations and Executive Orders.

The GPD EHP screening form is located at https://www.fema.gov/media-library/assets/documents/90195. Additionally, all recipients under this funding opportunity are required to comply with the FEMA GPD EHP Policy Guidance, FEMA Policy #108-023-1, available at https://www.fema.gov/media-library/assets/documents/85376.

All modifications to facility activities, and any renovation to facilities that would qualify as a modification to a facility supporting activities under Training, Equipment, PPE, or Wellness and Fitness, will require an EHP review. Some Equipment activities will require an EHP review as well. Such activities include but are not limited to the installation of:

- Air compressor/fill station/cascade system (fixed) for filling Self-Contained Breathing Apparatus (SCBA)
- Air quality systems
- Fire/smoke/carbon monoxide alarm systems for the facility (life safety)
- Generators (fixed)
- Sprinklers
- Vehicle exhaust systems (fixed)
- Washer/dryer/extractor
- Fixed communication antennas onto a building
- Building renovations such as removal of walls or installation of electrical or water lines
- Training/exercises in natural settings such as rope or swift water
- LED signs
- Any scope of work that involves ground disturbances

The following activities would not require the submission of the FEMA EHP Screening Form:

- Planning and development of policies or processes
- Management, administrative, or personnel actions
- Classroom-based training
- Acquisition of mobile and portable equipment (not involving installation) on or in a building, and does not require a storage area to be constructed
- Purchase of PPE and/or SCBA

d. Federal Flood Risk Management Standard

All non-critical new construction or substantial improvement of structures in a Special Flood Hazard Area must, at a minimum, apply the flood elevations of the Federal Flood Risk
Management Standard’s Freeboard Value Approach unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements. All other types of projects may choose to apply the flood elevations of the Federal Flood Risk Management Standard’s Freeboard Value Approach.

5. Reporting

Recipients are required to submit various financial and programmatic reports as a condition of award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent. Recipients should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of purchasing documentation along with copies of cancelled checks or other proof of payment documentation for verification.

a. Financial Reporting Requirements

I. Federal Financial Report (FFR)

Recipients must report obligations and expenditures through the FFR form (SF-425) to FEMA.

Recipients may review the Federal Financial Reporting Form (FFR) (SF-425) at https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortby=1

Recipients must file the FFR electronically using FEMA GO.

II. FFR Reporting Periods and Due Dates

Recipients are required to submit a Federal Financial Report (FFR or SF-425) on a semi-annual basis. The FFR must be submitted through FEMA GO based on the calendar year beginning with the period after the award is made. Grant recipients are required to submit an FFR throughout the entire period of performance of the grant and for closeout. Reports are due:

- No later than July 30 (for the period January 1 – June 30)
- No later than January 30 (for the period July 1 – December 31)
- Within 120 days after the end of the Period of Performance

Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate lack of progress, or are insufficient in detail.

b. Programmatic Performance Reporting Requirements

I. Programmatic Performance Report (PPR)

The recipient is responsible for completing and submitting a PPR using FEMA GO. The PPR is due every six months after the grant’s award date, and every six months thereafter until the period of performance ends.

The PPR should include:

- A brief narrative of overall project(s) status;
- A summary of project expenditures; and
- A description of any potential issues that may affect project completion.
c. **Closeout Reporting Requirements**

I. **CLOSEOUT REPORTING**

   Within 120 calendar days after the end of the period of performance for the prime award or after an amendment has been issued to close out an award before the original POP ends, recipients must liquidate all financial obligations and must submit:
   
   i. The final request for payment, if applicable.
   
   ii. The final FFR (SF-425).
   
   iii. The final progress report detailing all accomplishments, including a narrative summary of the impact of those accomplishments throughout the period of performance.
   
   iv. Other documents required by this NOFO, terms and conditions of the award, or other FEMA guidance.

   In addition, pass-through entities are responsible for closing out their subawards as described in 2 C.F.R. § 200.344; subrecipients are still required to submit closeout materials within 90 calendar days of the period of performance end date. When a subrecipient completes all closeout requirements, pass-through entities must promptly complete all closeout actions for subawards in time for the recipient to submit all necessary documentation and information to FEMA during the closeout of the prime award.

   After the prime award closeout reports have been reviewed and approved by FEMA, a closeout notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for at least three years from the date of the final FFR. The record retention period may be longer, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in 2 C.F.R. § 200.334.

   The recipient is responsible for refunding to FEMA any balances of unobligated cash that FEMA paid that are not authorized to be retained per 2 C.F.R. § 200.344(d).

II. **ADMINISTRATIVE CLOSEOUT**

   Administrative closeout is a mechanism for FEMA to unilaterally move forward with closeout of an award using available award information in lieu of final reports from the recipient per 2 C.F.R. § 200.344(h)-(i). It is a last resort available to FEMA, and if FEMA needs to administratively close an award, this may negatively impact a recipient’s ability to obtain future funding. This mechanism can also require FEMA to make cash or cost adjustments and ineligible cost determinations based on the information it has, which may result in identifying a debt owed to FEMA by the recipient.

   When a recipient is not responsive to FEMA’s reasonable efforts to collect required reports needed to complete the standard closeout process, FEMA is required under 2 C.F.R. § 200.344(h) to start the administrative closeout process within the regulatory timeframe. FEMA will make at least three written attempts to collect required reports before initiating administrative closeout. If the recipient does not submit all required reports in accordance with 2 C.F.R. § 200.344, this NOFO, and the terms and conditions of the award, FEMA must proceed to administratively close the award with the information available within one year of the period of performance end date. Additionally, if the recipient does not submit all required
reports within one year of the period of performance end date, per 2 C.F.R. § 200.344(i), FEMA must report in FAPIIS the recipient’s material failure to comply with the terms and conditions of the award.

If FEMA administratively closes an award where no final FFR has been submitted, FEMA uses that administrative closeout date in lieu of the final FFR submission date as the start of the record retention period under 2 C.F.R. § 200.334.

In addition, if an award is administratively closed, FEMA may decide to impose remedies for noncompliance per 2 C.F.R. § 200.339, consider this information in reviewing future award applications, or apply special conditions to existing or future awards.

d. Additional Reporting Requirements

I. Disclosing Information per 2 C.F.R. § 180.335

This reporting requirement pertains to disclosing information related to government-wide suspension and debarment requirements. Before a recipient enters into a grant award with FEMA, the recipient must notify FEMA if it knows if it or any of the recipient’s principals under the award fall under one or more of the four criteria listed at 2 C.F.R. § 180.335:

i. Are presently excluded or disqualified;

ii. Have been convicted within the preceding three years of any of the offenses listed in 2 C.F.R. § 180.800(a) or had a civil judgment rendered against it or any of the recipient’s principals for one of those offenses within that time period;

iii. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses listed in 2 C.F.R. § 180.800(a); or

iv. Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

At any time after accepting the award, if the recipient learns that it or any of its principals falls under one or more of the criteria listed at 2 C.F.R. § 180.335, the recipient must provide immediate written notice to FEMA in accordance with 2 C.F.R. § 180.350.

II. Reporting of Matters Related to Recipient Integrity and Performance

Per 2 C.F.R. Part 200, Appendix I § F.3, the additional post-award reporting requirements in 2 C.F.R. Part 200, Appendix XII may apply to applicants who, if upon becoming recipients, have a total value of currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies that exceeds $10 million for any period of time during the period of performance of an award under this funding opportunity.

Recipients that meet these criteria must maintain current information reported in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII at the reporting frequency described in paragraph 4 of Appendix XII.

III. Single Audit Report

For audits of fiscal years beginning on or after December 26, 2014, recipients that expend $750,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report, also known as the single audit report.

6. Monitoring and Oversight
Per 2 C.F.R. § 200.337, FEMA, through its authorized representatives, has the right, at all reasonable times, to make site visits or conduct desk reviews to review project accomplishments and management control systems to review award progress and to provide any required technical assistance. During site visits or desk reviews, FEMA will review recipients’ files related to the award. As part of any monitoring and program evaluation activities, recipients must permit FEMA, upon reasonable notice, to review grant-related records and to interview the organization’s staff and contractors regarding the program. Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award.

Effective monitoring and oversight help FEMA ensure that recipients use grant funds for their intended purpose(s); verify that projects undertaken are consistent with approved plans; and ensure that recipients make adequate progress toward stated goals and objectives. Additionally, monitoring serves as the primary mechanism to ensure that recipients comply with applicable laws, rules, regulations, program guidance and requirements. FEMA regularly monitors all grant programs both financially and programmatically in accordance with federal laws, regulations (including 2 C.F.R. Part 200), program guidance, and the terms and conditions of the award. All monitoring efforts ultimately serve to evaluate progress towards grant goals and proactively target and address issues that may threaten grant success during the period of performance.

FEMA staff will periodically monitor recipients to ensure that administrative processes, policies and procedures, budgets, and other related award criteria are meeting Federal Government-wide and FEMA regulations. Aside from reviewing quarterly financial and programmatic reports, FEMA may also conduct enhanced monitoring through either desk-based reviews, onsite monitoring visits, or both. Enhanced monitoring will involve the review and analysis of the financial compliance and administrative processes, policies, activities, and other attributes of each federal assistance award, and it will identify areas where the recipient may need technical assistance, corrective actions, or other support.

Financial and programmatic monitoring are complementary processes within FEMA’s overarching monitoring strategy that function together to ensure effective grants management, accountability, and transparency; validate progress against grant and program goals; and safeguard federal funds against fraud, waste and abuse. Financial monitoring primarily focuses on statutory and regulatory compliance with administrative grant requirements, while programmatic monitoring seeks to validate and assist in grant progress, targeting issues that may be hindering achievement of project goals and ensuring compliance with the purpose of the grant and grant program. Both monitoring processes are similar in that they feature initial reviews of all open awards, and additional, in-depth monitoring of grants requiring additional attention.
Recipients and subrecipients who are pass-through entities are responsible for monitoring their subrecipients in a manner consistent with the terms of the federal award at 2 C.F.R. Part 200, including 2 C.F.R. § 200.332. This includes the pass-through entity’s responsibility to monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations and the terms and conditions of the subaward; and that subaward performance goals are achieved.

In terms of overall award management, recipient and subrecipient responsibilities include, but are not limited to: accounting of receipts and expenditures, cash management, maintaining adequate financial records, reporting and refunding expenditures disallowed by audits, monitoring if acting as a pass-through entity, or other assessments and reviews, and ensuring overall compliance with the terms and conditions of the award or subaward, as applicable, including the terms of 2 C.F.R. Part 200.

G. DHS Awarding Agency Contact Information

1. Contact and Resource Information
   a. *AFG Program Help Desk*
      The AFG Program Help Desk provides technical assistance to applicants for the online completion and submission of applications into FEMA GO, answers questions concerning applicant eligibility and recipient responsibilities, and helps in the programmatic administration of awards. The AFG Program Help Desk can be contacted at (866) 274-0960 or by email at FireGrants@fema.dhs.gov. Normal hours of operation are from 8 a.m. to 4:30 p.m. ET, Monday through Friday.

   b. *Centralized Scheduling and Information Desk (CSID)*
      CSID is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns. CSID can be reached by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9 a.m. – 5 p.m. ET.

   c. *Grant Programs Directorate (GPD) Award Administration Division*
      GPD’s Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. Additional guidance and information can be obtained by contacting the AAD’s Help Desk via e-mail at ASK-GMD@fema.dhs.gov.

   d. *FEMA Regional Offices*
      Each FEMA region has Fire Program Specialists who can assist applicants with application information, award administration, and technical assistance. FEMA Regional Office contact information is available at https://www.fema.gov/grants/preparedness/firefighters/regional-contacts.

   e. *Equal Rights*
      The FEMA Office of Equal Rights (OER) is responsible for compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA and recipients of FEMA financial assistance. All inquiries and
communications about federal civil rights compliance for FEMA grants under this NOFO should be sent to FEMA-CivilRightsOffice@fema.dhs.gov.

f. **Environmental Planning and Historic Preservation**
GPD’s EHP Team provides guidance and information about the EHP review process to recipients and subrecipients. All inquiries and communications about GPD projects under this NOFO or the EHP review process, including the submittal of EHP review materials, should be sent to gpdehpinfo@fema.dhs.gov.

2. **Systems Information**
a. **FEMA GO**
For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at femago@fema.dhs.gov or (877) 611-4700, Monday through Friday, 8 a.m. – 6 p.m. ET.

H. **Additional Information**
1. **Termination Provisions**
   FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2 C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards.

   a. **Noncompliance**
      If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. If the noncompliance can be corrected, FEMA may first attempt to direct the recipient to correct the noncompliance. This may take the form of a Compliance Notification. If the noncompliance cannot be corrected or the recipient is non-responsive, FEMA may proceed with a Remedy Notification, which could impose a remedy for noncompliance per 2 C.F.R. § 200.339, including termination. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342 as well as the requirement of 2 C.F.R. § 200.340(c) to report in FAPIIS the recipient’s material failure to comply with the award terms and conditions. See also the section on Actions to Address Noncompliance in this NOFO.

   b. **With the Consent of the Recipient**
      FEMA may also terminate an award in whole or in part with the consent of the recipient, in which case the parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

   c. **Notification by the Recipient**
      The recipient may terminate the award, in whole or in part, by sending written notification to FEMA setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. In the case of partial termination, FEMA may determine that a partially terminated award will not accomplish the purpose of the federal award, so FEMA may terminate the award in its entirety. If that occurs, FEMA will follow the requirements of 2 C.F.R. §§ 200.341-200.342 in deciding to fully terminate the award.
2. **Period of Performance Extensions**

Extensions to the period of performance (POP) for this program are allowed. Extensions to the POP identified in the award will only be considered through formal, written requests via FEMA GO and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with the FEMA Fire Program Specialist or Program Analyst as needed when preparing an extension request. Recipients should request extensions sparingly and only under exceptional circumstances. **Approval is not guaranteed.**

All extension requests must address the following:

a. The grant program, fiscal year, and award number;
b. Reason for the delay—including details of the legal, policy, or operational challenges that prevent the final outlay of awarded funds by the deadline;
c. Current status of the activity(ies);
d. Approved POP termination date and new project completion date;
e. Amount of funds drawn down to date;
f. Remaining available funds, both federal and, if applicable, non-federal;
g. Budget outlining how remaining federal and, if applicable, non-federal funds will be expended;
h. Plan for completion, including milestones and timeframes for achieving each milestone and the position or person responsible for implementing the plan for completion; and
i. Certification that the activity(ies) will be completed within the extended POP without any modification to the original statement of work as approved by FEMA.

Extension requests will be granted only due to compelling legal, policy, or operational challenges. Extension requests will only be considered for the following reasons:

- Contractual commitments by the recipient or subrecipient with vendors prevent completion of the project, including delivery of equipment or services, within the existing POP;
- The project must undergo a complex environmental review that cannot be completed within the existing POP;
- Projects are long-term by design, and therefore acceleration would compromise core programmatic goals; or
- Where other special or extenuating circumstances exist.

Recipients should submit all proposed extension requests to FEMA for review and approval at least 60 days prior to the end of the POP to allow sufficient processing time. Extensions are typically granted for no more than a six-month period.

**Example:** Recipients may request an extension when an equipment order was placed during the POP but factors beyond the recipient’s control have resulted in a delay in the expected delivery and receipt of the equipment outside of the existing POP; or where a specific statute or regulation mandates an environmental review that cannot be completed within this timeframe or where other extenuating circumstances warrant a brief extension.
3. Disability Integration

Pursuant to Section 504 of the Rehabilitation Act of 1973, recipients of FEMA financial assistance must ensure that their programs and activities do not discriminate against other qualified individuals with disabilities.

Grant recipients should engage with the whole community to advance individual and community preparedness and to work as a nation to build and sustain resilience. In doing so, recipients are encouraged to consider the needs of individuals with disabilities into the activities and projects funded by the grant.

FEMA expects that the integration of the needs of people with disabilities will occur at all levels, including planning; alerting, notification, and public outreach; training; purchasing of equipment and supplies; protective action implementation; and exercises/drills.

The following are examples that demonstrate the integration of the needs of people with disabilities in carrying out FEMA awards:

- Include representatives of organizations that work with/for people with disabilities on planning committees, work groups and other bodies engaged in development and implementation of the grant programs and activities.
- Hold all activities related to the grant in locations that are accessible to persons with physical disabilities to the extent practicable.
- Acquire language translation services, including American Sign Language, that provide public information across the community and in shelters.
- Ensure shelter-specific grant funds are in alignment with FEMA’s Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters.
- If making alterations to an existing building to a primary function area utilizing federal funds, complying with the most recent codes and standards, and making path of travel to the primary function area accessible to the greatest extent possible.
- Implement specific procedures used by public transportation agencies that include evacuation and passenger communication plans and measures for individuals with disabilities.
- Identify, create, and deliver training to address any training gaps specifically aimed toward whole-community preparedness. Include and interact with individuals with disabilities, aligning with the designated program capability.
- Establish best practices in inclusive planning and preparedness that consider physical access, language access, and information access. Examples of effective communication access include providing auxiliary aids and services such as sign language interpreters, Computer Aided Real-time Translation (CART), and materials in Braille or alternate formats.

FEMA grant recipients can fund projects towards the resiliency of the whole community, including people with disabilities, such as training, outreach, and safety campaigns, provided that the project aligns with this NOFO and the terms and conditions of the award.

4. Conflicts of Interest in the Administration of Federal Awards or Subawards

For conflicts of interest under grant-funded procurements and contracts, refer to the section on Procurement Integrity in this NOFO and 2 C.F.R. §§ 200.317 – 200.327.

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To eliminate and reduce the impact of conflicts of interest in the subaward process, recipients and pass-through entities must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Recipients and pass-through entities are also required to follow any applicable federal and state, local, tribal or territorial (SLTT) statutes or regulations governing conflicts of interest in the making of subawards.

The recipient or pass-through entity must disclose to the respective Program Analyst or Program Manager, in writing, any real or potential conflict of interest that may arise during the administration of the federal award, as defined by the federal or SLTT statutes or regulations or their own existing policies, within five calendar days of learning of the conflict of interest. Similarly, subrecipients, whether acting as subrecipients or as pass-through entities, must disclose any real or potential conflict of interest to the recipient or next-level pass-through entity as required by the recipient or pass-through entity’s conflict of interest policies, or any applicable federal or SLTT statutes or regulations.

Conflicts of interest may arise during the process of FEMA making a federal award in situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, subapplicant, recipient, subrecipient or FEMA employee(s).

5. Procurement Integrity

Through audits conducted by the DHS Office of Inspector General (OIG) and FEMA grant monitoring, findings have shown that some FEMA recipients have not fully adhered to the proper procurement requirements when spending grant funds. Anything less than full compliance with federal procurement requirements jeopardizes the integrity of the grant as well as the grant program. To assist with determining whether an action is a procurement or instead a subaward, please consult 2 C.F.R. § 200.331.

The below highlights the federal procurement requirements for FEMA recipients when procuring goods and services with federal grant funds. FEMA will include a review of recipients’ procurement practices as part of the normal monitoring activities. All procurement activity must be conducted in accordance with federal procurement standards at 2 C.F.R. §§ 200.317 – 200.327. Select requirements under these standards are listed below. The recipient and any of its subrecipients must comply with all requirements, even if they are not listed below.

Under 2 C.F.R. § 200.317, when procuring property and services under a federal award, states (including territories) must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states must now follow 2 C.F.R. § 200.321 regarding socioeconomic steps, 200.322 regarding domestic preferences for procurements, 200.323 regarding procurement of recovered materials, and 2 C.F.R. § 200.327 regarding required contract provisions.

All other non-federal entities, such as tribes (collectively, non-state entities), must have and use their own documented procurement procedures that reflect applicable SLTT laws and regulations, provided that the procurements conform to applicable federal law and the
standards identified in 2 C.F.R. Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319 and § 200.320.

a. **Important Changes to Procurement Standards in 2 C.F.R. Part 200**

OMB recently updated various parts of Title 2 of the Code of Federal Regulations, among them, the procurement standards. States are now required to follow the socioeconomic steps in soliciting small and minority businesses, women’s business enterprises, and labor surplus area firms per 2 C.F.R. § 200.321. All non-federal entities should also, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States per 2 C.F.R. § 200.322.

The recognized procurement methods in 2 C.F.R. § 200.320 have been reorganized into informal procurement methods, which include micro-purchases and small purchases; formal procurement methods, which include sealed bidding and competitive proposals; and noncompetitive procurements. The federal micro-purchase threshold is currently $10,000, and non-state entities may use a lower threshold when using micro-purchase procedures under a FEMA award. If a non-state entity wants to use a micro-purchase threshold higher than the federal threshold, it must follow the requirements of 2 C.F.R. § 200.320(a)(1)(iii)-(iv). The federal simplified acquisition threshold is currently $250,000, and a non-state entity may use a lower threshold but may not exceed the federal threshold when using small purchase procedures under a FEMA award.

See 2 C.F.R. §§ 200.216, 200.471, and Appendix II as well as Section D.10.a: Prohibitions on Expending FEMA Award Funds for Covered Telecommunications of the NOFO regarding prohibitions on covered telecommunications equipment or services.

b. **Competition and Conflicts of Interest**

Among the requirements of 2 C.F.R. § 200.319(b) applicable to all non-federal entities other than states, in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a non-federal entity develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the non-federal entity.

Under this prohibition, unless the non-federal entity solicits for and awards a contract covering both development and execution of specifications (or similar elements as described above), and this contract was procured in compliance with 2 C.F.R. §§ 200.317 – 200.327, federal funds cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of those specifications. This rule applies to all contracts funded with federal grant funds, including pre-award costs, such as grant writer fees, as well as post-award costs, such as grant management fees.
Additionally, some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

Per 2 C.F.R. § 200.319(c), non-federal entities other than states must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed SLTT geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Under 2 C.F.R. § 200.318(c)(1), non-federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.** Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity. If the recipient or subrecipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local, tribal, or territorial government, the non-federal entity must also maintain written standards of conduct covering organizational conflicts of interest. In this context, organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The non-federal entity must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.
c. **Supply Schedules and Purchasing Programs**

Generally, a non-federal entity may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement.

### I. GENERAL SERVICES ADMINISTRATION SCHEDULES

States, tribes, and local governments, and any instrumentality thereof (such as local education agencies or institutions of higher education) may procure goods and services from a General Services Administration (GSA) schedule. GSA offers multiple efficient and effective procurement programs for state, tribal, and local governments, and instrumentalities thereof, to purchase products and services directly from pre-vetted contractors. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term government-wide contracts with commercial firms that provide access to millions of commercial products and services at volume discount pricing.


For tribes, local governments, and their instrumentalities that purchase off of a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, tribes, local governments, and their instrumentalities will still need to follow the other rules under 2 C.F.R. §§ 200.317 – 200.327, such as solicitation of minority businesses, women’s business enterprises, small businesses, or labor surplus area firms (§ 200.321), domestic preferences (§ 200.322), contract cost and price (§ 200.324), and required contract provisions (§ 200.327 and Appendix II).

### II. OTHER SUPPLY SCHEDULES AND PROGRAMS

For non-federal entities other than states, such as tribes, local governments, and nonprofits, that want to procure goods or services from a state supply schedule, cooperative purchasing program, or other similar program, in order for such procurements to be permissible under federal requirements, the following must be true:

- The procurement of the original contract or purchasing schedule and its use by the non-federal entity complies with state and local law, regulations, and written procurement procedures;
- The state or other entity that originally procured the original contract or purchasing schedule entered into the contract or schedule with the express purpose of making it available to the non-federal entity and other similar types of entities;
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-federal entity falls within the scope of work under the contract as to type, amount, and geography;
- The procurement of the original contract or purchasing schedule complied with all the procurement standards applicable to a non-federal entity other than states under at 2 C.F.R. §§ 200.317 – 200.327; and
- With respect to the use of a purchasing schedule, the non-federal entity must follow ordering procedures that adhere to applicable state, tribal, and local laws and
regulations and the minimum requirements of full and open competition under 2

If a non-federal entity other than a state seeks to use a state supply schedule, cooperative
purchasing program, or other similar type of arrangement, FEMA recommends the recipient
discuss the procurement plans with its FEMA Fire Program Specialist or Program Analyst.

d. **Procurement Documentation**

Per 2 C.F.R. § 200.318(i), non-federal entities other than states and territories are required to
maintain and retain records sufficient to detail the history of procurement covering at least
the rationale for the procurement method, contract type, contractor selection or rejection, and
the basis for the contract price. States and territories are encouraged to maintain and retain
this information as well and are reminded that in order for any cost to be allowable, it must
be adequately documented per 2 C.F.R. § 200.403(g).

Examples of the types of documents that would cover this information include but are not
limited to:

- Solicitation documentation, such as requests for quotes, invitations for bids, or
  requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on
  file for review by federal personnel, if applicable;
- Contract documents and amendments, including required contract provisions; and
- Other documents required by federal regulations applicable at the time a grant is
  awarded to a recipient.

6. **Record Retention**

a. **Record Retention Period**

Financial records, supporting documents, statistical records, and all other non-federal entity
records pertinent to a federal award generally must be maintained for at least three years
from the date the final FFR is submitted. See 2 C.F.R. § 200.334. Further, if the recipient
does not submit a final FFR and the award is administratively closed, FEMA uses the date of
administrative closeout as the start of the general record retention period.

The record retention period **may be longer than three years or have a different start date**
in certain cases. These include:

- Records for real property and equipment acquired with federal funds must be retained
  for three years after final disposition of the property. See 2 C.F.R. § 200.334(c).
- If any litigation, claim, or audit is started before the expiration of the three-year
  period, the records **must be retained until** all litigation, claims, or audit findings
  involving the records **have been resolved and final action taken**. See 2 C.F.R. §
  200.334(a).
- **The record retention period will be extended if the recipient is notified in writing**
  of the extension by FEMA, the cognizant or oversight agency for audit, or the
  cognizant agency for indirect costs. See 2 C.F.R. § 200.334(b).
- Where FEMA requires recipients to report program income after the period of
  performance ends, the **program income record retention period begins at the end**
of the recipient’s fiscal year in which program income is earned. See 2 C.F.R. § 200.334(e).

- For indirect cost rate proposals, cost allocation plans, or other rate computations records, the start of the record retention period depends on whether the indirect cost rate documents were submitted for negotiation. If the indirect cost rate documents were submitted for negotiation, the record retention period begins from the date those documents were submitted for negotiation. If indirect cost rate documents were not submitted for negotiation, the record retention period begins at the end of the recipient’s fiscal year or other accounting period covered by that indirect cost rate. See 2 C.F.R. § 200.334(f).

b. Types of Records to Retain
FEMA requires that non-federal entities maintain the following documentation for federally funded purchases:

- Specifications
- Solicitations
- Competitive quotes or proposals
- Basis for selection decisions
- Purchase orders
- Contracts
- Invoices
- Canceled checks

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of any relevant documentation and records, including purchasing documentation along with copies of cancelled checks for verification. See, e.g., 2 C.F.R. §§ 200.318(i), 200.334, 200.337.

In order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g). Non-federal entities who fail to fully document all purchases may find their expenditures questioned and subsequently disallowed.

7. Actions to Address Noncompliance
Non-federal entities receiving financial assistance funding from FEMA are required to comply with requirements in the terms and conditions of their awards or subawards, including the terms set forth in applicable federal statutes, regulations, NOFOs, and policies. Throughout the award lifecycle or even after an award has been closed, FEMA or the pass-through entity may discover potential or actual noncompliance on the part of a recipient or subrecipient. This potential or actual noncompliance may be discovered through routine monitoring, audits, closeout, or reporting from various sources.

In the case of any potential or actual noncompliance, FEMA may place special conditions on an award per 2 C.F.R. §§ 200.208 and 200.339, FEMA may place a hold on funds until the matter is corrected, or additional information is provided per 2 C.F.R. § 200.339, or it may do both. Similar remedies for noncompliance with certain federal civil rights laws are authorized pursuant to 44 C.F.R. Parts 7 and 19.
In the event the noncompliance is not able to be corrected by imposing additional conditions or the recipient or subrecipient refuses to correct the matter, FEMA might take other remedies allowed under 2 C.F.R. § 200.339. These remedies include actions to disallow costs, recover funds, wholly or partly suspend, or terminate the award, initiate suspension, and debarment proceedings, withhold further federal awards, or take other remedies that may be legally available. For further information on termination due to noncompliance, see the section on Termination Provisions in the NOFO.

FEMA may discover and take action on noncompliance even after an award has been closed. The closeout of an award does not affect FEMA’s right to disallow costs and recover funds as long the action to disallow costs takes place during the record retention period. See 2 C.F.R. §§ 200.334, 200.345(a). Closeout also does not affect the obligation of the non-federal entity to return any funds due as a result of later refunds, corrections, or other transactions. 2 C.F.R. § 200.345(a)(2).

The types of funds FEMA might attempt to recover include, but are not limited to, improper payments, cost share reimbursements, program income, interest earned on advance payments, or equipment disposition amounts.

FEMA may seek to recover disallowed costs through a Notice of Potential Debt Letter, a Remedy Notification, or other letter. The document will describe the potential amount owed, the reason why FEMA is recovering the funds, the recipient’s appeal rights, how the amount can be paid, and the consequences for not appealing or paying the amount by the deadline.

If the recipient neither appeals nor pays the amount by the deadline, the amount owed will become final. Potential consequences if the debt is not paid in full or otherwise resolved by the deadline include the assessment of interest, administrative fees, and penalty charges; administratively offsetting the debt against other payable federal funds; and transferring the debt to the U.S. Department of the Treasury for collection.

FEMA notes the following common areas of noncompliance for FEMA’s grant programs:

- Insufficient documentation and lack of record retention.
- Failure to follow the procurement under grants requirements.
- Failure to submit closeout documents in a timely manner.
- Failure to follow EHP requirements.
- Failure to comply with the POP deadline.

8. Audits
FEMA grant recipients are subject to audit oversight from multiple entities including the DHS OIG, the GAO, the pass-through entity, or independent auditing firms for single audits, and may cover activities and costs incurred under the award. Auditing agencies such as the DHS OIG, the GAO, and the pass-through entity (if applicable), and FEMA in its oversight capacity, must have access to records pertaining to the FEMA award. Recipients and subrecipients must retain award documents for at least three years from the date the final FFR is submitted, and even longer in many cases subject to the requirements of 2 C.F.R. § 200.334. In the case of administrative closeout, documents must be retained for at least three years from the date of closeout, or longer subject to the requirements of 2 C.F.R. § 200.334. If documents are retained longer than the required retention period, the DHS OIG, the GAO,
and the pass-through entity, as well as FEMA in its oversight capacity, have the right to access these records as well. See 2 C.F.R. §§ 200.334, 200.337.

Additionally, non-federal entities must comply with the single audit requirements at 2 C.F.R. Part 200, Subpart F. Specifically, non-federal entities, other than for-profit subrecipients, that expend $750,000 or more in federal awards during their fiscal year must have a single or program-specific audit conducted for that year in accordance with Subpart F. 2 C.F.R. § 200.501. A single audit covers all federal funds expended during a fiscal year, not just FEMA funds. The cost of audit services may be allowable per 2 C.F.R. § 200.425, but non-federal entities must select auditors in accordance with 2 C.F.R. § 200.509, including following the proper procurement procedures. For additional information on single audit reporting requirements, see section F of this NOFO under the header “Single Audit Report” within the subsection “Additional Reporting Requirements.”

The objectives of single audits are to:

- Determine if financial statements conform to generally accepted accounting principles (GAAP);
- Determine whether the schedule of expenditures of federal awards is presented fairly;
- Understand, assess, and test the adequacy of internal controls for compliance with major programs; and
- Determine if the entity complied with applicable laws, regulations, and contracts or grants.

For single audits, the auditee is required to prepare financial statements reflecting its financial position, a schedule of federal award expenditures, and a summary of the status of prior audit findings and questioned costs. The auditee also is required to follow up and take appropriate corrective actions on new and previously issued but not yet addressed audit findings. The auditee must prepare a corrective action plan to address the new audit findings. 2 C.F.R. §§ 200.508, 200.510, 200.511.

Non-federal entities must have an audit conducted, either single or program-specific, of their financial statements and federal expenditures annually or biennially pursuant to 2 C.F.R. § 200.504. Non-federal entities must also follow the information submission requirements of 2 C.F.R. § 200.512, including submitting the audit information to the Federal Audit Clearinghouse within the earlier of 30 calendar days after receipt of the auditor’s report(s) or nine months after the end of the audit period. The audit information to be submitted include the data collection form described at 2 C.F.R. § 200.512(c) and Appendix X to 2 C.F.R. Part 200 as well as the reporting package described at 2 C.F.R. § 200.512(b).

The non-federal entity must retain one copy of the data collection form and one copy of the reporting package for three years from the date of submission to the Federal Audit Clearinghouse. 2 C.F.R. § 200.512; see also 2 C.F.R. § 200.517 (setting requirements for retention of documents by the auditor and access to audit records in the auditor’s possession).

FEMA, the DHS OIG, the GAO, and the pass-through entity (if applicable), as part of monitoring or as part of an audit, may review a non-federal entity’s compliance with the single audit requirements. In cases of continued inability or unwillingness to have an audit conducted in compliance with 2 C.F.R. Part 200, Subpart F, FEMA, and the pass-through...
entity, if applicable, are required to take appropriate remedial action under 2 C.F.R. § 200.339 for noncompliance, pursuant to 2 C.F.R. § 200.505.

9. Payment Information
FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. Payment requests are submitted through FEMA GO.

10. Whole Community Preparedness
Preparedness is a shared responsibility that calls for the involvement of everyone—not just the government—in preparedness efforts. By working together, everyone can help keep the nation safe from harm and help keep it resilient when struck by hazards, such as natural disasters, acts of terrorism, and pandemics.

Whole Community includes:
- Individuals and families, including those with access and functional needs
- Businesses
- Faith-based and community organizations
- Nonprofit groups
- Schools and academia
- Media outlets
- All levels of government, including state, local, tribal, territorial, and federal partners

The phrase “Whole Community” often appears in preparedness materials, as it is one of the guiding principles. It means two things:
1. Involving people in the development of national preparedness documents.
2. Ensuring their roles and responsibilities are reflected in the content of the materials.
11. Appendix A – FY 2021 AFG Program Updates
Appendix A contains a brief list of changes between Fiscal Year 2020 and Fiscal Year 2021 to the AFG Program. The FY 2021 AFG Program funding notice contains some changes to definitions, descriptions and priority categories. Changes include:

- Under the Personal Protective Equipment Activity:
  Inclusion of pre-scoring emphasis for this Activity to ensure replacing out of service and non-compliant PPE is of high priority.

  The following PPE priorities and definitions have been updated:
  - Increase supply for new hire/existing firefighters that do not have one set of turnout gear (PPE) or allocated seated position (SCBA). This includes replacing out of service PPE and SCBA as High Priority
  - Replace in-service/in-use/damaged/unsafe/unrepairable PPE or SCBA to meet current standard as High Priority
  - Replace in-service/in-use/expired/noncompliant PPE or SCBA to current standard as High Priority
  - Upgrade technology to current standard as Low Priority

  Additional considerations for PPE and SCBA:
  - The applicant’s call volume has a lesser impact on scoring and therefore the final funding decision.

- Under the Equipment Activity:
  The following equipment priorities and definitions have been updated:
  - Obtain equipment to achieve minimum operational and deployment standards for existing missions as High Priority
  - Replace non-compliant equipment to current standard as High Priority
  - Obtain equipment for new mission as Medium Priority
  - Upgrade technology to current standard as Low Priority

- Under Supporting Definitions:
  - Paid on-call/stipend departments are added to the definition of Combination Fire Department
  - Firefighting personnel definition is added

- Under Modifications to Facility Activity:
  - New first-time installation of exhaust, sprinkler, carbon monoxide and/or smoke/fire detection systems are now listed as High Priority, while replacement or update/upgrade to existing systems is considered a low priority

- Under Equipment Activity List:
  - Respirator decontamination system is added as Medium Priority item

- Under Additions to the Application:
  - Question about frequency of live fire training is added for statistical purposes only
  - Question about self-inflicted fatalities within the department is added for statistical purposes only
• Question regarding quantity of equipped ALS Response vehicles (transport and non-transport) is added for statistical purposes only

• Under Allocations and Restrictions of Available Grant Funds by Organization Type:
  o Outline the funding available for Micro Grants applications

• Under Application Tips:
  o Recommendation to consider non-Per- and polyfluoroalkyl substances (PFAS) gear purchase
12. Appendix B – Programmatic Information and Priorities

Appendix B contains details on AFG Program information and priorities. Reviewing this information may help applicants make their application(s) more competitive.

a. Ineligible Applications and/or Organizations

FEMA considers two or more separate fire departments or nonaffiliated EMS organizations with different funding streams, personnel rosters, and EINs but sharing the same facilities as being separate organizations for the purposes of AFG Program eligibility. If two or more organizations share facilities and each submits an application in the same program area (i.e., Equipment, Modify Facilities, PPE, Training, or Wellness and Fitness Programs), FEMA reserves the right to review all of those program area applications for eligibility. This determination is designed to avoid the duplication of benefits.

Examples of ineligible applications and/or organizations include:

- Nonaffiliated EMS organization requests for any activity that is specific or unique to structural/proximity/wildlands firefighting gear.
- Fire departments that are a Federal Government entity, or contracted by the Federal Government, and are solely responsible under a formally recognized agreement for suppression of fires on federal installations or land.
- Fire departments or nonaffiliated EMS organizations that are not independent entities but are part of, controlled by, or under the day-to-day operational command and control of a larger department, agency or AHJ.
  - However, if a fire department is considered to be the same legal entity as a municipality or other governmental organization, and otherwise meets the eligibility criteria, that municipality or other governmental organization may apply on behalf of that fire department as long as the application clearly states that the fire department is considered part of the same legal entity.
- Fire-based EMS organization applying as a nonaffiliated EMS organization.
- Auxiliaries, hospitals, or fire service associations or interest organizations that are not the AHJ over the applicant.
- Dive teams, search and rescue squads, or similar organizations that do not provide medical transport.
- Fire departments, regional, or nonaffiliated EMS organizations that are for profit.
- State or local agencies, or subsets of any governmental entity, or any authority that do not meet the requirements as defined by 15 U.S.C. §2229(a), (c).
- If an applicant submits two or more applications for the same equipment or other eligible activity (for example, if an applicant submits two or more applications, one under the Regional activity, and one under the Operations and Safety activity for SCBA), both applications may be disqualified. If an applicant submits two separate applications for the same activity (i.e., two separate vehicle applications for exactly the same type of vehicle) during the same application period, both applications may be disqualified.
  - This is different from when an entity is applying on behalf of other organizations that are agencies or instrumentalities of the applicant (e.g., multiple fire departments under the same county, city, borough, parish, or other municipality). In that situation, the applicant may request similar or the same equipment as long as the application clearly states which equipment (including quantities) is for which agency/instrumentality. This is permissible even if that entity submits multiple applications across regional versus direct
applications.

- Eligible applicants may submit only one application for each activity (Operations and Safety or Regional) but may submit for multiple projects within each activity. Under the Vehicle Activity, applicants may submit one application for vehicles for their department and one separate application for a Regional vehicle (the same vehicle may not be requested for both purposes). All duplicate application submissions may be disqualified.

b. **Supporting Definitions for this NOFO**

**Authority Having Jurisdiction (AHJ)** is that person or office charged with enforcing the NFPA codes (Per NFPA101-2015 Edition: Life Safety Code).

**Automatic Aid** is a plan developed between two or more fire departments for immediate joint response on first alarms (Per NFPA 1710 – 2016 edition and NFPA 1720 – 2020).

**Career Fire Department**, as defined in 15 U.S.C. § 2229, means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

**Combination Fire Department**, as defined in 15 U.S.C. § 2229, means a fire department that has paid firefighting personnel and volunteer firefighting personnel. FEMA considers a fire department with firefighting personnel paid a stipend on a per event basis, or paid on-call, to be a combination fire department.

**Firefighting Personnel**, as defined in 15 U.S.C. § 2229, means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

**Mutual Aid** is a written intergovernmental agreement between agencies and/or jurisdictions stating that they will assist one another on request by furnishing personnel, equipment, and/or expertise in a specified manner (NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2016 and 2020 edition; and NFPA 1720 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments, 2020 Edition).

**Metro Department** is a metropolitan fire department that has a minimum staffing of 350 career firefighters as defined by the International Association of Fire Chiefs (IAFC). DHS/FEMA collects information on metro departments for statistical purposes only. Status as a metro department is not a factor in scoring or funding.

**Primary First Due** is a geographic area surrounding a fire station in which a company from that station is projected to be first to arrive on the scene of an incident.
Volunteer Fire Department, as defined in 15 U.S.C. § 2229, means a fire department that has an all-volunteer force of firefighting personnel that do not receive any compensation (does not include length of service award programs).

c. Community Classifications
The information the applicant organization supplies in Applicant Characteristics and Community Description of the AFG Program application determines whether the jurisdiction is identified by FEMA as urban, suburban, or rural. The community classification will determine the funding priority.

The US Census Bureau’s urban/suburban/rural classifications are fundamentally a delineation of geographical areas. For more information, please visit: https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html.

FY 2021 demographics for determining urban, suburban, or rural include:

<table>
<thead>
<tr>
<th>Community</th>
<th>Urban</th>
<th>Suburban</th>
<th>Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population of primary first due response area</td>
<td>&gt;3,000 sq. mi. or 50,000+ population</td>
<td>1,000-2,999/sq. mi. or 25,000-50,000 population</td>
<td>0-999/sq. mi. or &lt;25,000 population</td>
</tr>
<tr>
<td>Water Supply (percentage of primary first due response area covered by hydrant service)</td>
<td>75-100% hydrants (municipal water)</td>
<td>50-74% hydrants</td>
<td>&lt;50% hydrants</td>
</tr>
<tr>
<td>Land Use within primary first due response area</td>
<td>&lt;25% for agriculture (based on zoning) &gt;50% industrial and commercial combined</td>
<td>25-49% used for agriculture (based on zoning) 25%-49% industrial and commercial combined</td>
<td>&gt;50% used for agriculture (based on zoning) &lt;25% industrial and commercial combined</td>
</tr>
<tr>
<td>Square miles within primary first due response area per station</td>
<td>&lt;3 sq. mi. per station</td>
<td>3-9 sq. mi. per station</td>
<td>&gt;10 sq. mi. per station</td>
</tr>
</tbody>
</table>

d. Application Tips
The following information may be useful when preparing a competitive application:

- NFPA “FREE ACCESS”: As part of its commitment to enhancing public safety and supporting the emergency responder, the NFPA makes its codes and standards available online for free. Please visit: http://www.nfpa.org/freeaccess.
- Regional Applicants are only eligible to apply for Training, Equipment, PPE, and/or Wellness and Fitness within Operations and Safety, and Vehicle Acquisition.
- SFTA Applicants are only eligible to apply for Equipment and/or PPE within Operations and Safety, and Vehicle Acquisition.
- Successful Regional applicants will be subject to the funding limitations based on the total population served by the host and participating partners. Any Regional award made will impact or be included in the host organization’s funding limitations.
- Applications differ based on the applicant type. For example, the SFTA application
for a vehicle will be different from the fire department application for a vehicle. Be sure to select the appropriate applicant type when applying.

- Fire Departments or nonaffiliated EMS organizations that are part of a larger organization with a broader scope should apply through the larger organization to avoid limiting eligible activities. For example, a rescue squad that periodically participates in structural firefighting and that belongs to a county fire and rescue agency should apply through the county for structural PPE; in other words, the county should apply on behalf of the rescue squad.

- FEMA recognizes the number of seated riding positions in front line apparatus as a reasonable measurement of the quantity of PPE or relevant equipment (radios, etc.) to be funded. Exceptions to the front-line seated riding position count may be considered by FEMA if compelling need to include seated riding positions in reserve apparatus can be demonstrated and justified. Applicants that seek to include reserve apparatus seated riding positions in the total seated riding position count must submit a justification narrative.

- There is evidence that exposure to Per-and polyfluoroalkyl substances (PFAS chemicals) may be associated with adverse human health effects. Some firefighting PPE may have been manufactured using PFAS chemicals. While there currently no manufacturers that produce PPE (i.e. pants, coats) that are fully PFAS free, most manufacturers have replaced the outer shell of the protective equipment to remove PFAS from fabrics. However, this does not impact the purchase of PFAS-free gloves, hoods, boots, etc. as these items have matured in development to include readily available PFAS-free items. FEMA encourages applicants to ask potential vendors about their current level of compliance with using PFAS-free materials.

e. **Restrictions on Uses of Award Funds**

No AFG Program funds may be used to support hiring (part-time or full-time), salaries, benefits, or fringe benefits (including but not limited to contributions for social security, insurance, workers’ compensation, pension, or retirement plans) for any personnel.

- Documented back fill and/or overtime/lost wages costs to support awarded training activities are allowable personnel expenses.

- Instructor’s rates/base rates should be provided as part of the application narrative, as well as the market-researched competitive rate for delivering the requested training.

- If the instruction provided for an awarded training activity is delivered by an existing member(s) of the recipient’s organization, only the established base rate of compensation, without benefits or overtime, may be eligible for reimbursement.

- Recipients are encouraged to allow other organizations to benefit from an awarded activity; e.g., filling another organization’s SCBA cylinders using a grant funded compressor, cleaning another organization’s turnout gear, or offering excess capacity training opportunities. If recipients choose to include costs associated with shared benefit (e.g., backfill, overtime, tuition) for members outside of their department, they must apply as a Regional applicant.

- Items requested under additional funding may only be from that same Activity area. Furthermore, improper additional funding requests may be disqualified. For example: requesting PPE gear/SCBAs under the Training activity; requesting training under the Equipment activity that is not related to the equipment being requested, with the exception of:
  - Rapid Intervention Team (RIT) packs supporting a SCBA request under the...
PPE activity. RIT packs must be requested under the Equipment activity if not supporting an SCBA request.
  o PPE gear bags under the PPE activity (gear bags are only eligible as additional funds in association with a PPE gear request).
  o Fit tester supporting an SCBA request under the PPE activity. Fit tester must be requested under the Equipment activity if not supporting an SCBA request.

f. **Funding Priorities**

I. **OPERATIONS AND SAFETY – TRAINING OVERVIEW**

FEMA has determined that hands-on, instructor-led training that meets a national, state, or DHS adopted standard and results in a national or state certification provides the greatest training benefit.

All of the following are considerations in pre-scoring and peer review determinations: HIGH (H), MEDIUM (M), LOW (L)

<table>
<thead>
<tr>
<th>Fire Department, Regional, and SFTA Training Priorities by Purpose</th>
</tr>
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<tbody>
<tr>
<td><strong>H</strong> • Training evaluated using national or state standards</td>
</tr>
<tr>
<td><strong>H</strong> • Training that brings a department into compliance with recommended NFPA or other national standards</td>
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<tr>
<td><strong>H</strong> • Instructor-led training that requires student testing to demonstrate academic competence or practical proficiency</td>
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<tr>
<td><strong>H</strong> • Training that benefits the highest percentage of applicable personnel, such as the hazardous materials training within a fire department or training that will be open to other eligible organizations</td>
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<tr>
<td><strong>M</strong> • Training that does not result in certification</td>
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<tr>
<td><strong>M</strong> • Training that is self-directed/validated</td>
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<tr>
<td><strong>L</strong> • Training that will address an identified risk but not associated with compliance to any standards</td>
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</table>

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<thead>
<tr>
<th>Fire Department and Regional Training Priorities by Course Type</th>
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</thead>
<tbody>
<tr>
<td>Training</td>
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<tr>
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<tr>
<td>NFPA 1001 (firefighter I, II)</td>
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<tr>
<td>NFPA 1041 (instructor)</td>
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<tr>
<td>NFPA 472 (Hazmat operations)</td>
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<tr>
<td>NFPA 1581(infection control)</td>
</tr>
<tr>
<td>Confined space (awareness)</td>
</tr>
<tr>
<td>Wildland firefighting (basic)</td>
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<tr>
<td>Wildland firefighting certification (red card)</td>
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<tr>
<td>Wildland Fire Officer</td>
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<tr>
<td>Rapid intervention training</td>
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<tr>
<td>NFPA 1021 (Standard for Fire officer)</td>
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<tr>
<td>Emergency Medical Responder</td>
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<tr>
<td>Firefighter safety and survival</td>
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<tr>
<td>Training</td>
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<td>----------</td>
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<tr>
<td>Safety officer</td>
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<tr>
<td>Fire Apparatus Driver/Operator</td>
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<td>Fire prevention</td>
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<td>Fire inspector</td>
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<tr>
<td>Fire investigator</td>
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<tr>
<td>Fire educator</td>
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<tr>
<td>NIMS/Incident Management System (IMS)</td>
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<tr>
<td>Emergency scene rehab</td>
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<tr>
<td>Critical Incident debriefing/Crisis Intervention</td>
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<tr>
<td>Any training to a National/State or NFPA standards</td>
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<tr>
<td>Compliance with federal/state-mandated program</td>
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<tr>
<td>Rescue Technician</td>
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<tr>
<td>Emergency Medical Technician</td>
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<tr>
<td>Advanced Emergency Medical to Paramedic</td>
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<tr>
<td>Paramedic to Community Paramedic</td>
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<tr>
<td>Vehicle rescue</td>
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<tr>
<td>Another officer</td>
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<tr>
<td>NFPA [Aircraft Rescue Firefighting (ARFF)]</td>
</tr>
<tr>
<td>Weapons of Mass Destruction (WMD)</td>
</tr>
<tr>
<td>Mass casualty</td>
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<tr>
<td>HazMat (technician)</td>
</tr>
<tr>
<td>Training to address a local risk not elevated to a national or state</td>
</tr>
<tr>
<td>Specialized Training</td>
</tr>
<tr>
<td>Maritime Firefighting</td>
</tr>
<tr>
<td>Instructor-led training that does not lead to certification</td>
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<tr>
<td>Self-taught courses</td>
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<tr>
<td>Training not elevated to a national or state standard</td>
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</table>

**Funding Priorities for Fire Departments and Nonaffiliated EMS Organizations Training**

The AFG Program provides training grants to meet the educational and performance requirements of fire departments and nonaffiliated EMS personnel. Training should align with the U.S. National Highway Traffic Safety Administration (NHTSA), which designs and

**FY 2021 AFG NOFO**
specifies a National Standard Curriculum for Emergency Medical Technician (EMT) training and the National Registry of Emergency Medical Technicians (NREMT), a private, central certifying entity whose primary purpose is to maintain a national standard (NREMT also provides certification information for paramedics who relocate to another state).

**A higher priority is assigned to the following due to time and cost of upgrading an organization’s response level:**

- Organizations seeking to elevate the response level from Emergency Medical Responder (EMR) to EMT.
- Organizations seeking to elevate the response level from Advanced EMT (AEMT) to Paramedic.
- Organizations seeking to train Community Paramedics: Organizations seeking to train a high percentage of the active EMRs will receive additional consideration when applying under the Training activity.

<table>
<thead>
<tr>
<th>Eligible Training Activities for Fire Departments and Regional Applications include but are not limited to:</th>
</tr>
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<tbody>
<tr>
<td>- Train-the-trainer courses</td>
</tr>
<tr>
<td>- Alternative fuel firefighting</td>
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<tr>
<td>- Response to natural disasters</td>
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<tr>
<td>- Minor interior alterations, requested under Additional Funding and limited to $10,000 total expenditure to support the awarded Training activities (e.g., removal/construction of a non-weight bearing wall)</td>
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<tr>
<td>- Overtime expenses paid to career firefighters to attend training or to backfill positions for colleagues who are in training</td>
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<tr>
<td>- Rental of facilities to conduct training</td>
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<tr>
<td>- Rental of Audio/Visual equipment</td>
</tr>
<tr>
<td>- Travel expenses associated with attendance at a formal training course or conference (mileage, hotel, and lodging expenses)</td>
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<tr>
<td>- Compensation to volunteers (Fire and nonaffiliated EMS) for wages lost to attend training; there is no overtime or backfill for volunteers</td>
</tr>
<tr>
<td>- Tuition, exam/course fees, and certifications/certification expenses</td>
</tr>
<tr>
<td>- Purchase of training curricula and training services (instructors)</td>
</tr>
<tr>
<td>- Chemical Biological Radiological Nuclear and Explosive (CBRNE) awareness, performance, planning, and management</td>
</tr>
<tr>
<td>- Travel expenses associated with Type 3 Incident Management Teams (IMT) attending position development/mentoring assignment with national Type 2 or Type 1 IMTs</td>
</tr>
<tr>
<td>- Supplies or expendables for one-time use items essential for an award’s scope of work, such as foam, breaching materials (e.g., wood or sheetrock) for ventilation or rescue props, or the amount of fuel required to sustain an awarded live fire training activity, or per NFPA 1403 Standard on Live Fire Training Evolutions, reasonable safety mitigations to a structure acquired for training</td>
</tr>
<tr>
<td>- Props (single-use or permanent) for training programs cannot exceed $50,000 for Operation and Safety requests; this does not apply to SFTA requests</td>
</tr>
</tbody>
</table>
Ineligible Training Activities for Fire Departments and Regional Applications include but are not limited to:

- Construction of facilities (buildings, towers, sheds, etc.)
- Firefighting equipment or PPE, such as SCBA, used exclusively for training
- Remodeling not directly related to grant activities
- Any costs associated with planning and/or participating in formal or planned special event exercises to identify user needs, evaluate an organization’s performance capabilities, validate existing capabilities, or to facilitate coordination and asset sharing
- Firefighting equipment and PPE rental, as well as training facility personnel costs (such as facility maintenance, cleaning, safety officer services, etc.)
- Site preparation to accommodate or modify any training activity, facility, or prop that is a permanent or semi-permanent improvement, including but not limited to: landscaping, cutting or grading an access road, trenching, paving a training area, exterior stairs or sidewalks, or the installation of utilities
- Purchase or lease of real estate (this does not preclude departments from securing necessary training facilities such as classrooms, use of towers, training props, etc.)
- Purchase of Unmanned Aerial Vehicles (UAVs) and Drones
- Food and beverages

Eligible Training Activities for Nonaffiliated EMS include but are not limited to:

- EMR
- EMT
- Advanced EMT (AEMT)
- AEMT to Paramedic
- Paramedic (applicant must clearly demonstrate plan to accomplish paramedic training within the period of performance)
- Community Paramedics (paramedics with Primary Care certification)
- Travel expenses associated with attendance at a formal training course or conference: air/rail transportation, mileage, hotel/lodging expenses, etc. (Note: Food and beverages are ineligible travel expenses)
- Attendance at formal training forums or conferences providing continuing education credits
- Overtime expenses paid to career nonaffiliated EMS responders to attend training or to backfill positions for colleagues who are in training
- Compensation to volunteers for wages lost to attend training (there is no overtime or backfill for volunteers)
- Supplies or expendables or one-time use items essential to complete the training activity of a nonaffiliated EMS award’s scope of work; examples include bandages, splints, expendable respiratory supplies, etc.

II. OPERATIONS AND SAFETY - EQUIPMENT OVERVIEW

AFG Program grants fund equipment for effective response, firefighting, rescue and emergency medical operations to enhance the public safety.

Reminder: When requesting training for any items in this section, enter the request under “Other” within “Additional Funding” in the “Grant Application Request Details” section of the application. Make sure to identify the type and scope of training, time frame, etc. in the Additional Funding explanation section. Training must be specific to the use of the equipment (i.e., vendor training) and
not duplicative of courses listed under the Training activity.

Also note:

- Accountability systems are located under the Equipment activity.
- All simulators, tow vehicles, and all mobile or fixed fire/evolution props (e.g., burn trailers, forcible entry, or rescue/smoke mazes) are located under the Equipment activity.
- Request for monitors/defibrillators should be based on the number of transport and non-transport ALS response vehicles in the fleet (medic engine, medic chase vehicle, ALS ambulance, etc.).
- Requests for portable radios should be based on the number of seated riding positions.
- Requests for mobile radios should be based on the number of vehicles in the fleet.
- Requests to replace obsolete or damaged equipment should enable the applicant to meet applicable industry, local, state, and national standards.
- Equipment product lifecycles are assigned an age category of Short (5-7 years), Intermediate (8-14 years), or Long (15-20 years). These age categories are used to compare like types of equipment of a similar age category. Under this system, an item that should have a useful life of 10 years is only compared to other items that have a similar lifecycle. An application does not score higher or lower based on the product lifecycle of an item. It only serves to ensure a more even scoring of equipment based on type.

All of the following are considerations in pre-scoring and peer review determinations:

<table>
<thead>
<tr>
<th>Priority</th>
<th>Age Category</th>
<th>Fire and Fire Regional</th>
<th>SFTA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>H</strong></td>
<td>Intermediate</td>
<td>Air Compressor/Fill Station/Cascade System (Fixed or Mobile) for filling SCBA</td>
<td>Air Compressor/Fill Station/Cascade System (Fixed or Mobile) for filling SCBA</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Long</td>
<td>Appliance(s)/Nozzle(s)/Foam Eductors</td>
<td>Appliance(s)/Nozzle(s)/Foam Eductors</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Long</td>
<td>Basic Hand Tools (Structural/Wildland)</td>
<td>Basic Hand Tools (Structural/Wildland)</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Intermediate</td>
<td>Electric/Gas Powered Saws/Tools</td>
<td>Electric/Gas Powered Saws/Tools</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Short</td>
<td>Fit Tester</td>
<td>Fit Tester</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Intermediate</td>
<td>Hose (Attack/Supply)</td>
<td>Hose (Attack/Supply)</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Short</td>
<td>Immediately Dangerous to Life or Health (IDLH) Monitoring Equipment</td>
<td>IDLH Monitoring Equipment</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Immediate</td>
<td>IDLH Protection for Investigators (This is single-use respiratory protection)</td>
<td></td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Long</td>
<td>Ladders</td>
<td>Ladders</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Short</td>
<td>Personal Accountability Systems</td>
<td>Personal Accountability Systems</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Intermediate</td>
<td>PPE Washer/Extractor/Dryer (Turnout)</td>
<td>PPE Washer/Extractor/Dryer (Turnout)</td>
</tr>
<tr>
<td><strong>M</strong></td>
<td>Intermediate</td>
<td>Respirator Decontamination System (SCBA)</td>
<td>Respirator Decontamination System (SCBA)</td>
</tr>
<tr>
<td><strong>H M</strong></td>
<td>Intermediate</td>
<td>Props: For Fire Department applicants: M For Regional Applicants: H</td>
<td>Props: For Fire Department applicants: M For Regional Applicants: H</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Intermediate</td>
<td>RIT Pack/Cylinder</td>
<td>RIT Pack/Cylinder</td>
</tr>
<tr>
<td><strong>M</strong></td>
<td>Intermediate</td>
<td>Generator – Portable</td>
<td>Generator – Portable</td>
</tr>
<tr>
<td><strong>H</strong></td>
<td>Intermediate</td>
<td>Tech Rescue (Ropes, Harnesses,</td>
<td>Tech Rescue (Ropes, Harnesses,</td>
</tr>
<tr>
<td>Priority</td>
<td>Age Category</td>
<td>Fire and Fire Regional</td>
<td>SFTA</td>
</tr>
<tr>
<td>----------</td>
<td>--------------</td>
<td>------------------------</td>
<td>------</td>
</tr>
<tr>
<td>M</td>
<td>Short</td>
<td>Carabiners, Pulleys, etc.)</td>
<td>Carabiners, Pulleys, etc.)</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Simulators - M</td>
<td>Simulators - H</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Thermal Imaging Camera (Must be NFPA 1801 compliant)</td>
<td>Thermal Imaging Camera (Must be NFPA 1801 compliant)</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Software and Learning Management System (LMS) to support training</td>
<td>Software and LMS to support training</td>
</tr>
<tr>
<td>M</td>
<td>Short</td>
<td>Computers used in support of training</td>
<td>Computers used in support of training</td>
</tr>
<tr>
<td>M</td>
<td>Short</td>
<td>Vehicle Mounted Exhaust Systems</td>
<td>Vehicle Mounted Exhaust Systems</td>
</tr>
<tr>
<td>M</td>
<td>Short</td>
<td>Mobile computing devices intended to be used on scene (Tablets)</td>
<td>Mobile computing devices intended to be used on scene (Tablets)</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>COMMUNICATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Base Station (must be P-25 Compliant)</td>
<td>Base Station (must be P-25 Compliant)</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Headsets</td>
<td>Headsets</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Mobile Radios (must be P-25 Compliant)</td>
<td>Mobile Radios (must be P-25 Compliant)</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Mobile Repeaters (must be P-25 Compliant)</td>
<td>Mobile Repeaters (must be P-25 Compliant)</td>
</tr>
<tr>
<td>H</td>
<td>Rural</td>
<td>Pagers (limited to number of active members)</td>
<td>Pagers (limited to number of active members)</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Portable Radios (must be P-25 Compliant, limited to number of AFG Program-approved seated positions)</td>
<td>Portable Radios (must be P-25 Compliant, limited to number of AFG Program-approved seated positions)</td>
</tr>
<tr>
<td>M</td>
<td>Intermediate</td>
<td>Mobile Data Terminal (MDT)</td>
<td>MDT</td>
</tr>
<tr>
<td>M</td>
<td>Intermediate</td>
<td>Pagers (limited to number of active members)</td>
<td>Pagers (limited to number of active members)</td>
</tr>
<tr>
<td>M</td>
<td>Short</td>
<td>Cell phones/carrier plans/software specifically to enable RoIP</td>
<td>Cell phones/carrier plans/software specifically to enable RoIP</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>EMS EQUIPMENT</strong></td>
<td></td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Airway Equipment (Non-Disposable)</td>
<td>Airway Equipment (Non-Disposable)</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Automated External Defibrillators (AEDs) BLS Level</td>
<td>AEDs BLS Level</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Automatic Chest Compression Device (CPR)</td>
<td>Automatic CPR</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>EMS Training Aids</td>
<td>EMS Training Aids</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Monitor/Defibrillator</td>
<td>Monitor/Defibrillator</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Power Lift Cot</td>
<td>Power Lift Cot</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Power Lift System</td>
<td>Power Lift System</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Pulse Oximeters</td>
<td>Pulse Oximeters</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Responder Rehab Equipment</td>
<td>Responder Rehab Equipment</td>
</tr>
<tr>
<td>L</td>
<td>Short</td>
<td>Portable Lift System (i.e., devices, hydraulic or electrical, used to assist with the lifting of patients that are not associated with cots)</td>
<td>Portable Lift System (i.e., devices, hydraulic or electrical, used to assist with the lifting of patients that are not associated with cots)</td>
</tr>
</tbody>
</table>

**EXTRICATION**
<table>
<thead>
<tr>
<th>Priority</th>
<th>Age Category</th>
<th>Fire and Fire Regional</th>
<th>SFTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Cutter/Spreader</td>
<td>Cutter/Spreader</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Vehicle Extrication Equipment</td>
<td>Vehicle Extrication Equipment</td>
</tr>
<tr>
<td>Priority</td>
<td>Age Category</td>
<td>Fire and Fire Regional</td>
<td>SFTA</td>
</tr>
<tr>
<td>----------</td>
<td>--------------</td>
<td>------------------------</td>
<td>------</td>
</tr>
<tr>
<td>M</td>
<td>Intermediate</td>
<td>Basic HazMat Response Equipment</td>
<td>Basic HazMat Response Equipment</td>
</tr>
<tr>
<td>M</td>
<td>Intermediate</td>
<td>Decon, Clean-Up, Containment and Packaging Equipment</td>
<td>Decon, Clean-Up, Containment and Packaging Equipment</td>
</tr>
<tr>
<td>M</td>
<td>Short</td>
<td>Sampling Devices (HazMat)</td>
<td>Sampling Devices (HazMat)</td>
</tr>
</tbody>
</table>

**SPECIALIZED**

<table>
<thead>
<tr>
<th>Priority</th>
<th>Age Category</th>
<th>Equipment Description</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Skid Unit</td>
<td>Skid Unit</td>
</tr>
<tr>
<td>M</td>
<td>Intermediate</td>
<td>Air Quality Device</td>
<td>Air Quality Device</td>
</tr>
<tr>
<td>M</td>
<td>Intermediate</td>
<td>Boats</td>
<td>Boats</td>
</tr>
<tr>
<td>M</td>
<td>Intermediate</td>
<td>Mobile Generator</td>
<td>Mobile Generator</td>
</tr>
<tr>
<td>M</td>
<td>Intermediate</td>
<td>Portable Pump</td>
<td>Portable Pump</td>
</tr>
<tr>
<td>L</td>
<td>Short</td>
<td>Specialized Equipment (Other)</td>
<td>Specialized Equipment (Other)</td>
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</tbody>
</table>

**CBRNE EQUIPMENT**

<table>
<thead>
<tr>
<th>Priority</th>
<th>Age Category</th>
<th>Equipment Description</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>L</td>
<td>Short</td>
<td>CBRNE-related Equipment</td>
<td>CBRNE-related Equipment</td>
</tr>
<tr>
<td>L</td>
<td>Short</td>
<td>Non-Disposable Biological Detection</td>
<td>Non-Disposable Biological Detection</td>
</tr>
</tbody>
</table>

**Tow Vehicles**

<table>
<thead>
<tr>
<th>Priority</th>
<th>Age Category</th>
<th>Applicant Type</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>H</td>
<td>Long</td>
<td>Tow Vehicle</td>
<td>SFTA</td>
</tr>
<tr>
<td>H</td>
<td>Long</td>
<td>Tow Vehicle</td>
<td>Regional</td>
</tr>
<tr>
<td>L</td>
<td>Long</td>
<td>Tow Vehicle</td>
<td>Fire Department</td>
</tr>
</tbody>
</table>

**Note:** Tow vehicles may be applied for under different application types with differing priority levels. Please reference the chart below when applying for tow vehicles.

**Priority**

<table>
<thead>
<tr>
<th>Priority</th>
<th>Age Category</th>
<th>Applicant Type</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Base Station (must be P-25 Compliant)</td>
<td>Base Station (must be P-25 Compliant)</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Mobile Radios (must be P-25 Compliant)</td>
<td>Mobile Radios (must be P-25 Compliant)</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Mobile Repeaters (must be P-25 Compliant)</td>
<td>Mobile Repeaters (must be P-25 Compliant)</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Pagers (limited to number of active members)</td>
<td>Pagers (limited to number of active members)</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Portable Radios (must be P-25 Compliant, limited to number of AFG Program-approved seated positions)</td>
<td>Portable Radios (must be P-25 Compliant, limited to number of AFG Program-approved seated positions)</td>
</tr>
<tr>
<td>M</td>
<td>Intermediate</td>
<td>MDT</td>
<td>MDT</td>
</tr>
<tr>
<td>M</td>
<td>Intermediate</td>
<td>Headsets</td>
<td>Headsets</td>
</tr>
<tr>
<td>M</td>
<td>Short</td>
<td>Cell phones/carrier plans/software specifically to enable RoIP</td>
<td>Cell phones/carrier plans/software specifically to enable RoIP</td>
</tr>
<tr>
<td>Priority</td>
<td>Age Category</td>
<td>EMS EQUIPMENT</td>
<td>NAEMS Regional</td>
</tr>
<tr>
<td>----------</td>
<td>--------------</td>
<td>---------------</td>
<td>----------------</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>ALS/BLS Equipment</td>
<td>ALS/BLS Equipment</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Airway Equipment (Non- Disposable)</td>
<td>Airway Equipment (Non- Disposable)</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>AEDs BLS Level</td>
<td>AEDs BLS Level</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Automatic CPR</td>
<td>Automatic CPR</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>EMS Training Aids</td>
<td>EMS Training Aids</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Monitor/Defibrillator - 15 leads</td>
<td>Monitor/Defibrillator - 15 leads</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Power Lift Cot</td>
<td>Power Lift Cot</td>
</tr>
<tr>
<td>H</td>
<td>Intermediate</td>
<td>Power Lift System</td>
<td>Power Lift System</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Responder Rehab Equipment</td>
<td>Responder Rehab Equipment</td>
</tr>
<tr>
<td>H</td>
<td>Short</td>
<td>Suction unit</td>
<td>Suction unit</td>
</tr>
<tr>
<td>M</td>
<td>Short</td>
<td>Computers used in support of training</td>
<td>Computers used in support of training</td>
</tr>
<tr>
<td>M</td>
<td>Short</td>
<td>Mobile computing devices intended to be used on scene (tablets)</td>
<td>Mobile computing devices intended to be used on scene (tablets)</td>
</tr>
<tr>
<td>L</td>
<td>Short</td>
<td>Portable Lift System (i.e., devices, hydraulic or electrical, used to assist with the lifting of patients that are not associated with cots)</td>
<td>Portable Lift System (i.e., devices, hydraulic or electrical, used to assist with the lifting of patients that are not associated with cots)</td>
</tr>
</tbody>
</table>

| M        | Intermediate | Basic HazMat Response Equipment | Basic HazMat Response Equipment |
| M        | Intermediate | Decon, Clean-Up, Containment and Packaging Equipment | Decon, Clean-Up, Containment and Packaging Equipment |
| M        | Short        | Sampling Devices (HazMat) | Sampling Devices (HazMat) |

Fire Department, Nonaffiliated EMS, Regional, and SFTA Equipment Priorities

<table>
<thead>
<tr>
<th>Priority</th>
<th>Activity</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>Obtain equipment to achieve minimum operational and deployment standards for existing missions</td>
<td>Applies to requests for equipment needed, and not currently owned, to achieve minimum operational and deployment standards for a department’s existing mission requirements. This includes equipment that is no longer usable because it is broken and/or damaged beyond repair. The AFG Program will only fund basic equipment not listed in NFPA 1901/1906 chapters 1 to 28.</td>
</tr>
<tr>
<td>H</td>
<td>Replace noncompliant equipment to current standard</td>
<td>Applies to equipment that is deemed obsolete and/or is out of compliance with current standards for that type of equipment. Equipment requested under this reason for purchase has not been deemed inoperable, and while it may not be compliant with current standards it is not broken, damaged, or otherwise unusable.</td>
</tr>
<tr>
<td>M</td>
<td>Obtain equipment for new mission</td>
<td>Applies to requests for equipment, supplies, or inventories that are intended to fulfill minimum service requirements associated with new missions that a department is taking on and building the capability for but has not been previously fulfilled. For example, this may include, but is not limited to, establishing a new HazMat capability or Swift Water</td>
</tr>
</tbody>
</table>

FY 2021 AFG NOFO
**2021 AFG NOFO**

**Priorities**

- Equipment that operationally benefits other jurisdictions
- Age of equipment considered for replacement
- Equipment that has a direct effect on firefighters’ health and safety

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**Eligible Equipment Activities for Fire Department, Nonaffiliated EMS, Regional, and SFTA Equipment**

<table>
<thead>
<tr>
<th>Priority</th>
<th>Activity</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Rescue capability.</td>
<td>Applies to requests for equipment that may or may not be standard technology.</td>
</tr>
<tr>
<td>2.</td>
<td>Upgrade technology to current.</td>
<td>Applies to requests for equipment that may or may not be standard technology.</td>
</tr>
</tbody>
</table>

---

**Ineligible Equipment Activities**

- Construction of facilities, such as buildings, towers, or sheds to house communications systems and equipment, must meet applicable SAFECOM guidance.
- Personal Safety/Rescue Bailout System (PPE)
- Computer assisted dispatch (CAD) systems and software, geographic information systems (GIS), dispatch consoles, workstations, and office furniture
- Nonaffiliated EMS expendable supplies (including but not limited to medications)
- Utility Vehicles and All-terrain Vehicles (UTV/ATV)
- UAVs and Drones (UAV/AV)
- Lifeguard Vehicles and All-Terrain Vehicles (UTV/ATV)
- Subscriptions, memberships, charitable donations, or other support.
- National Incident Management System (NIMS) information technology.
- Equipment for response to incidents involving CBRNE/WMD (e.g., CBRNE/WMD Incident Management System, CBRNE/WMD Information Management System, CBRNE/WMD Training Evolutionary Sequence, etc.).
- Equipment for response to incidents involving CBRNE/WMD (e.g., CBRNE/WMD Incident Management System, CBRNE/WMD Information Management System, CBRNE/WMD Training Evolutionary Sequence, etc.).
• Equipment that brings the department into compliance with a national recommended standard, (e.g., NFPA or statutory compliance like OSHA)

**IMPORTANT:** The only eligible AFG Program activity for interoperable communications equipment is the acquisition of P-25 compliant equipment.

- P-25 compliant interoperable communications equipment has a digital platform that is programmable, scalable, and can communicate in analog mode with legacy radios, and in both analog and digital mode with other P-25 equipment. P-25 compliance enhances interoperability, allowing first responders to communicate with each other to coordinate their response to and mitigate all hazards.
- The procurement of interoperable communications equipment that does not meet P-25 compliance is unallowable; there are no waivers for P-25 compliance.
- It is the recipient’s responsibility to obtain documented evidence that the equipment to be acquired has been tested and has passed all the applicable P-25 compliance requirements and the recipient shall be able to produce such documentation to FEMA upon request.
- AFG Program applicants are not required to identify a specific P-25-compliant product in their application narrative, but they must affirm that the interoperable communications equipment requested or acquired will be P-25 compliant.

**Note:** Recipients using FY 2021 AFG Program funds to support emergency communications activities should review and comply with SAFECOM | CISA, including provisions on technical standards that ensure and enhance interoperable communications. Communication equipment (e.g., portable radios) would be included in this standard. Recipients investing in emergency communications must ensure their projects support the Statewide Communications Interoperability Plan (SCIP) for their state.

**III. OPERATIONS AND SAFETY - PERSONAL PROTECTIVE EQUIPMENT (PPE) OVERVIEW**

AFG Program funds used to acquire PPE may only be used to acquire compliant PPE for firefighting and nonaffiliated EMS personnel. Only the acquisition of PPE compliant with the most current edition of NFPA 1971, 1976, 1977, 1981 and/or 1999 are eligible activities. The acquisition of used, refurbished, or updated PPE will be ineligible for reimbursement. PPE requested should have the goal of increasing firefighter safety. When requesting to replace PPE (e.g., Turnout Gear and/or SCBA) applicants will be asked to provide the age of the items being replaced. All PPE items in the current inventory must be accurately described and accounted for in the application narrative.

Based in part on NFPA 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, in order for PPE (to include SCBA) to be considered noncompliant, the items must be a minimum of 2 NFPA
cycles and 10 years of age or older from the date they were manufactured.

- Acquiring or replacing an individual SCBA face piece for each operational member of an organization is High Priority. To the extent a request for additional face pieces exceeds any face pieces requested as part of an SCBA unit, that request should be entered as a separate request line item and will not be considered a request “to increase supplies” (e.g., if the applicant has the need for 35 Face Pieces, and requests 25 SCBA Units, the applicant should also separately request 10 additional Face Pieces).

- FEMA considers a complete set of Structural/Proximity PPE Turnout Gear to be comprised of these NFPA 1971 or 1976 compliant components: one pair of pants, one coat, one helmet, two hoods, one pair of boots, two pairs of gloves, one pair of suspenders, and one pair of goggles. In the AHJ where additional PPE such as a Personal Safety/Rescue Bailout System is statutorily required, FEMA will consider all statutorily required items to be part of a complete PPE set.

- FEMA considers a complete set of EMS PPE Turnout Gear to be comprised of these NFPA 1999 compliant components: one pair of pants, one coat, one helmet, one pair of boots, one pair of gloves, one pair of suspenders, and one pair of goggles.

- FEMA considers a complete set of Wildland PPE Turnout Gear to be comprised of these NFPA 1977 compliant components: one pair of pants, one coat, one jumpsuit, one helmet, one pair of boots, one pair of gloves, one pair of suspenders, one pair of goggles, one fire shelter, web gear, backpack, and canteen/hydration system.

- Funding is limited to one set of PPE Turnout Gear per person.

- FEMA considers PPE gear bags, RIT packs, and/or Fit Tester as eligible items that can be requested under Additional Funding and available as part of excess fund for the PPE activity in support of requests for PPE or SCBA items.

- FEMA considers a complete SCBA unit to be comprised of a harness/backpack, one face piece, and two cylinders.

Training for requested PPE:

- Applicants must certify that all grant-funded PPE will only be used by sufficiently trained personnel (failure to meet this requirement will result in the request for funding deemed ineligible).

- If applicants are requesting training to support a PPE activity, it must be entered in the “Additional Funding” section within the “Grant Request Details” section of the application.

The following are considerations in pre-scoring and peer review determinations:

<table>
<thead>
<tr>
<th>Priority</th>
<th>Activity</th>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>Increase supply for new hires and/or existing firefighters that do not have one set of turnout gear (PPE) or allocated seated positions (SCBA). This includes replacing out of service PPE-Turnout Gear and SCBA.</td>
<td>Applies to PPE-Turnout Gear for new firefighters (i.e., new hires or volunteer recruits) and/or existing firefighters that do not currently have one set of PPE-Turnout Gear, and to add SCBA to fill seated riding positions that do not currently have SCBA.</td>
</tr>
<tr>
<td>H</td>
<td>Replace in-service or in-use damaged/</td>
<td>Applies to PPE-Turnout Gear and SCBA that is</td>
</tr>
</tbody>
</table>

FY 2021 AFG NOFO
Fire Department, Nonaffiliated EMS, Joint/Regional, and SFTA PPE Priorities

<table>
<thead>
<tr>
<th>Priority</th>
<th>Activity</th>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>unsafe/unrepairable PPE/SCBA to meet current standard</td>
<td>deemed damaged unsafe and unrepairable yet still in use at the time of application.</td>
</tr>
<tr>
<td>H</td>
<td>Replace in-service/in-use/expired/noncompliant PPE/SCBA to current standard</td>
<td>Applies to PPE-Turnout Gear or SCBA that is deemed obsolete and/or is out of compliance with current standards. PPE-Turnout Gear or SCBA to be replaced is not compliant with current standards; it is not broken, damaged or otherwise unusable.</td>
</tr>
<tr>
<td>L</td>
<td>Replace PPE/SCBA to upgrade technology to current standard</td>
<td>Applies to PPE-Turnout Gear or SCBA that is less than 10 years old for PPE-Turnout Gear or compliant within two NFPA cycles for SCBA.</td>
</tr>
</tbody>
</table>

Additional Considerations for Fire Department, Nonaffiliated EMS, Joint/Regional, and SFTA for PPE or SCBA Priorities

- Higher priority is given to the age of requested PPE, reason for purchase/replacement, priority. Applicant’s call volume is a lesser factor. Applicants will be required to provide the age of the PPE being replaced.
- Applicants with the oldest PPE and/or trying to bring the department into 100 percent NFPA compliance or the number of active members who will have compliant gear.

PPE List

**Structural/Proximity - H**

- American National Standards Institute (ANSI) Traffic Vests
- Boots
- Coats
- Complete Set of Turnout Gear
- Gloves
- Goggles
- Helmets
- Hoods
- Pants
- Pass Devices
- Personal Safety/Rescue Bailout System
- Suspenders
| PPE List |
|------------------|------------------|
| **Respiratory** - | **Wildland** - |
| • Air-Line Unit   | • Jumpsuits/Coveralls |
| • Face Pieces     | • Boots |
| • Respirators     | • Coats |
| • SCBA Spare Cylinders | • Pants |
| • SCBA (SCBA Unit includes: Harness/Backpack, Face Piece, and 2 cylinders) | • Suspenders |
| **Specialized PPE** - | **Specialized PPE** - |
| • Ballistic Protective Equipment (BPE), which includes one vest, one helmet, one triage bag, one pair of goggles | • Extrication Clothing/Rescue Clothing |
| • Chemical/Biological Suites (must conform to NFPA 2016 edition) | • Proximity Suits |
| **Eligible PPE Activities for Fire Department, Nonaffiliated EMS, Joint/Regional and SFTA include but are not limited to:** | **Eligible PPE Activities for Fire Department, Nonaffiliated EMS, Joint/Regional and SFTA include but are not limited to:** |
| • ANSI approved retro-reflective highway apparel | • Customized helmet shields |
| • Training for requested PPE | • Level C suits |
| • Turnout gear bags | • Personal Safety/Rescue Bailout System |
| **Ineligible PPE Activities for Fire Department, Nonaffiliated EMS, Joint/Regional and SFTA include but are not limited to:** | **Ineligible PPE Activities for Fire Department, Nonaffiliated EMS, Joint/Regional and SFTA include but are not limited to:** |
| • Three-quarter length rubberboots | • Bomb disposal suits |
| • Uniforms (formal/parade or station/duty) and uniform items (hats, badges, etc.) | • Any communications equipment (e.g., radios and pagers) in the PPE section |
| • PPE gear bags (ineligible unless requested as additional funds in association with a PPE request) | • Structural, proximity, wildland firefighting gear, or rescue and extrication gear for nonaffiliated EMS organizations |
| • RIT packs (ineligible unless requested as additional funds in association with SCBA request) | • Any decals, embroidery, engraving, flags, graphics, logos, vehicles, and PPE Turnout lettering that customizes awarded items beyond the normal expectation (except customized helmet shields) |
| • Fit tester (ineligible unless requested as additional funds in association with SCBA request) | • Funding is limited to one set of PPE-Turnout Gear per person |
| • Personal Safety/Rescue Bailout System for nonaffiliated EMS organizations | • Equipment rental or lease to purchase |
| • Food and beverages | **Note:** Where bailout system is statutorily required, FEMA will consider all statutorily required items to be part of a complete PPE set |
| • Integrated thermal imaging cameras (TIC) with heads-up display | |
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IV. OPERATIONS AND SAFETY - WELLNESS AND FITNESS OVERVIEW

Wellness and Fitness activities are intended to strengthen emergency responders so that their mental, physical, and emotional capabilities are resilient enough to withstand the demands of all hazardous operations. In order to be eligible for funding, applicants must offer, or plan to offer, all five of the following Priority 1 activities as discussed in the table below.

<table>
<thead>
<tr>
<th>Fire Department and Nonaffiliated EMS Wellness and Fitness Priorities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Priority 1</strong> - Below are the five activities required for a complete Wellness and Fitness program:</td>
</tr>
<tr>
<td>- Initial medical exams</td>
</tr>
<tr>
<td>- Job-related immunization</td>
</tr>
<tr>
<td>- Annual medical and fitness evaluation</td>
</tr>
<tr>
<td>- Behavioral health</td>
</tr>
<tr>
<td>- Cancer Screening Program to meet NFPA 1582</td>
</tr>
</tbody>
</table>

NOTE: Applicants are encouraged to review NFPA 1583 for guidance on the minimum requirements for the development, implementation, and management of a health-related fitness program.

**Priority 2** - Applicants may only apply for Priority 2 Items (listed below) if the applicant offers or is requesting a combination of the five activities required under Priority 1 (listed above):

- Candidate physical ability evaluation
- Injury/illness rehab
- Formal fitness, injury prevention
- International Association of Fire Fighters (IAFF) or IAFC peer fitness trainer program, including transportation, travel, overtime/backfill, and reasonable expenses associated with member participation in Train-the-Trainer for IAFF/IAFC and implementation of a peer fitness trainer programs. Core components included in a firefighter fitness assessment include:
  - Aerobic Capacity,
  - Body Composition,
  - Muscular Strength,
  - Muscular Endurance, and
  - Flexibility.

Departments that have some of the Priority 1 programs in place must apply for funds to implement the missing Priority 1 programs before applying for funds for any additional program or equipment within Priority 2. In addition, all grant-funded physicals (except those for explorers) must meet NFPA 1582 standards (Chapter 6, Medical Evaluations of Candidates 6.1; and Chapter 9, Essential Job Tasks — Specific Evaluation of Medical Conditions in Members). The cost of physicals should be based on local physician or health center prices. Detailed information on implementing NFPA 1582 physicals can be found at https://www.fstaresearch.org.

NOTE: Simultaneous requests for Priority 1 and Priority 2 activities will receive a lower funding consideration than requests that complete the bundle of the five Priority 1 activities. Applicants should review Health Related Fitness Programs as outlined in NFPA 1583, which is summarized below.
Fire Department and Nonaffiliated EMS Wellness and Fitness Priorities

NFPA 1583 Standards on Health-Related Fitness Programs for Fire Department Members

Scope.
This standard establishes the minimum requirements for the development, implementation, and management of a health-related fitness program for members of the fire department involved in emergency operations.

Purpose.
The purpose of this standard is to provide the minimum requirements for a health-related fitness program for fire department members that enhances the members’ ability to perform occupational activities efficiently and safely and reduces the risk of injury, disease, and premature death.

This document is intended to help fire departments develop a health-related fitness program for fire department members that requires mandatory participation but is not punitive.

This document is not intended to establish physical performance criteria.

Eligible Wellness and Fitness Activities for Fire Department and Nonaffiliated EMS include but are not limited to:

- The five Priority 1 items: initial medical exams, job-related immunization, annual medical and fitness evaluation, behavioral health, and cancer screening
- Behavioral health programs to include, but not limited to: Critical Incident Stress Management Programs, Employee Assistance Programs
- Transportation expenses related to a member’s participation in offered Wellness and Fitness activities
- Contractual costs (non-hiring) for personnel (such as nutritional counseling), physical fitness equipment (including shipping charges and sales tax, as applicable), and supplies directly related to physical fitness activities
- Minor interior alterations (requested under Additional Funding and limited to $10,000 total expenditure) to support the awarded Wellness and Fitness activities (e.g., removal/construction of a non-weight bearing wall); note that these will require EHP review

Ineligible Wellness and Fitness Activities for Fire Department and Nonaffiliated EMS include but are not limited to:

- Fitness club memberships for participants or their families
- Non-cash incentives (e.g., t-shirts or hats of nominal value, vouchers to local businesses, or time-off)
- Purchase of real estate
- Cash incentives
- Food and beverages
- Subscriptions and memberships
- Purchase of medical equipment that is not used as part of the Wellness and Fitness program
- Contractual services with anyone other than medical professionals (e.g., health care consultants, trainers, and nutritionists) for programs such as smoking cessation
- Purchase of equipment or personal protective equipment that is otherwise eligible under the Equipment activity or the PPE activity
V. OPERATIONS AND SAFETY - MODIFICATIONS TO FACILITIES OVERVIEW

AFG Program funds may be used to modify fire stations and other facilities. New fire station construction is not eligible.

Eligible activities include source capturing exhaust, sprinkler, carbon monoxide alarms or smoke/fire detection systems, only for these types of systems and not multi-purpose systems that encompass ineligible features as described below.

All changes to facilities including major or minor modifications and equipment installations require EHP review.

The benchmark for eligibility does not apply to minor interior alterations (requested under Additional Funding and limited to $10,000 total expenditure) to support Training, or Wellness and Fitness activities (e.g., removal/construction of a non-weight bearing wall). In recognition of the risks posed by exposure to diesel fumes, Source Capture Exhaust Extraction Systems (SCES) are a High Priority item for vehicle exhaust mitigation under Modifications to Facilities.

An SCES is a system where exhaust gases from a vehicle are captured directly via a conduit that attaches to/over the end of the vehicle’s exhaust system at the tailpipe. The captured exhaust gases are expelled through the attached conduit via mechanical/pneumatic means to the exterior of the building.

No modification may change the structure’s footprint or profile. If requesting multiple items, such as a sprinkler system and exhaust system, the funding for any projects or activities cannot cumulatively exceed $100,000 (total project cost[s]) for any individual station.

Eligible projects under this activity must have a direct effect on the health and safety of firefighters.

Note: Vehicle Mounted Exhaust Systems are now listed as a “medium” priority in the equipment activity.

Facility Considerations:
Priority is given to facilities staffed full-time and facilities with sleeping quarters. Facilities without sleeping quarters or with part-time occupancy will receive subsequent consideration. Training facilities, marine fire facilities, and intermittently occupied facilities will be considered next.

All of the following are considerations in pre-scoring and peer review determinations:

<table>
<thead>
<tr>
<th>Eligible Modifications to Facilities Priorities for Fire Department and Nonaffiliated EMS include but are not limited to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>✅ New source capture exhaust systems, sprinkler systems, carbon monoxide, or smoke/fire detection systems – only for these types of systems and not multi-purpose systems that encompass ineligible features as described below.</td>
</tr>
<tr>
<td>• Replacement or updates to existing source capture exhaust systems, sprinkler systems, carbon monoxide, or smoke/fire detection systems are considered</td>
</tr>
</tbody>
</table>

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### Eligible Modifications to Facilities Priorities for Fire Department and Nonaffiliated EMS include but are not limited to:

<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>lower priority over requests submitted for new systems.</td>
<td></td>
</tr>
<tr>
<td>• Emergency generators, Air Quality Systems (AQSs)</td>
<td>Note: AQSs are fixed equipment that are air purifying, scrubbing, and/or air exchange systems</td>
</tr>
</tbody>
</table>

#### g. Regional Applications

A Regional application is an opportunity for a fire department or a nonaffiliated EMS (NAEMS) organization to act as a host and apply for funding on behalf of itself and any number of other participating AFG Program eligible organizations. A NAEMS organization that serves as a host regional applicant can only host other NAEMS organizations. A fire department that serves as a host regional applicant can apply on behalf of other eligible fire departments and NAEMS organizations within the same application. SFTAs are not eligible to apply under the Regional activity. Eligible Regional activities are Vehicle Acquisition, and Operations and Safety but only for Training, Equipment, Wellness and Fitness, and PPE activities. Regional activities should achieve cost effectiveness, support regional efficiency and resilience, and benefit more than one local jurisdiction (county, parish, town, township, city or village) directly from the activities implemented with the grant funds. To align with the stated program objective of fostering interoperability, departments and agencies party to regional applications must use the same vendor.

Regional applicants will be subject to the funding limitations based on the total population served by the host and participating partners. Additionally, Regional grants awarded are included in the host organization’s funding limitations. For example, if a recipient serves a population of 100,000 or fewer and is the recipient of a Regional award for $1 million, they have met their cap and are no longer eligible for additional funds through the Operations and Safety or Vehicle activities.

The community identification characteristic (e.g., Rural, Urban, or Suburban) and the organizational status of the host applicant (e.g., Career, Combination, or Volunteer) will be entered and used for the Regional application, regardless of the composition of the participating partners.

Regional populations served are the aggregate of the geographically fixed primary first due response areas of the host and participating partner organizations. Exceptions can be made to this requirement in situations where the host is also the parent organization and is responsible for their smaller and independent stations.

Neither the Regional host nor any participating partner is prevented from also applying on behalf of their own organization for any AFG Program activity (Vehicle Acquisition, or Operations and Safety); however, it cannot be for the same item. For example, a department cannot apply for PPE under its own organization and participate in a regional PPE application.
In the application narrative, a Regional host must include a list of all the AFG Program eligible participating organizations benefitting from a proposed Regional project, including validated points of contact, each organization’s EIN, and clear and detailed information on the regional activities requested.

Host organizations should provide specific details, fully explaining the distribution of any grant-funded acquisitions or grant-funded contracted services, as well as the responsibilities between the host and the partner organizations.

In order to apply for a Regional project, the host organization must agree, if awarded, to be responsible for all aspects of the grant. This includes, but is not limited to, cost share, accountability for the assets, and all reporting requirements in the Regional application.

The host will be required to enter information that captures the macro demographics (e.g., total square miles) and master listings of information (e.g., combined SCBA inventories) of the partners that serve the region.

All participants of a Regional applicant must be compliant with AFG Program requirements, including being current with past grants, closeouts, and other reporting requirements. Upon notification by the AFG Program Office, the host agency shall not distribute grant-funded assets or provide grant-funded contractual services to non-compliant partner organizations. The host and the delinquent partners will be notified by the AFG Program Office of their specific deficiency.

Regional host applicants and participating partner agencies must execute a Memorandum Of Understanding (MOU) or equivalent document signed by the host and all participating organizations. The agreement should specify the individual and mutual responsibilities of the participating partners, the participant’s level of involvement in the project(s), and the proposed distribution of all grant-funded assets and/or contracted services. Copies of the MOU will be requested during the technical evaluation of the application.

The MOU must specify the individual and mutual responsibilities of the host and participating partners, the host’s, and participants’ level of involvement in the project(s), the participating partners’ EIN numbers, and the proposed distribution of all grant-funded assets or contracted services. Any entity named in the application as benefiting from the award must be an eligible AFG Program organization and must be a party to the MOU or equivalent document.

h. Vehicle Acquisition

Vehicles purchased with AFG Program funds must be compliant with NFPA 1901 (Standard for Automotive Fire Apparatus), NFPA 1906 (Standard for Wildland Fire Apparatus), or NFPA 1917 or equivalent (Standard for Automotive Ambulances). Leases, loan payments, or installment plans to obtain a vehicle are not eligible acquisition activities under the AFG Program and will not be reimbursed.

Community Paramedic vehicles are non-transport vehicles and are not intended to have a dual role (e.g., as utility or support vehicles). There is nothing inherent in the delivery of community paramedic services that requires any emergency response packages (e.g., lights,
sirens) or operational equipment (e.g., rescue tools, structural/wildland firefighting equipment). Consequently, such activities are ineligible.

Applicants may apply for more than one vehicle. Requests cannot exceed the financial cap based on population listed in the application. If a department submits multiple types of applications, and more than one of those requests are approved, the department will be held to the same financial cap based on the population listed in the application.

When requesting more than one vehicle, applicants will be asked to fill out a separate line item and answer all the questions including a separate narrative for each vehicle. For example, if an applicant is requesting to replace three ambulances, the applicant must fill out the age and vehicle identification number (VIN) of each vehicle being replaced. Applicants cannot use the same VIN in each line item.

In the case(s) when an applicant is not replacing a vehicle but only changing the service status of a vehicle(s), such as from first due to reserve, a VIN is still required for the narrative and for the vehicle being reassigned.

Applicants requesting fire vehicles that do not have drivers or operators trained to NFPA 1002 or equivalent and are not planning to have a training program in place by the time the awarded vehicle(s) is delivered will not receive a vehicle award.

Applicants requesting nonaffiliated EMS vehicles that do not have drivers or operators trained to the National Standard Emergency Vehicle Operator Curriculum (EVOC) developed by the United States Department of Transportation (DOT), or equivalent, and are not planning to have a training program in place by the time the awarded vehicle(s) is delivered, will not receive a vehicle award.

All applicants may request funding for a driver training program within the “Vehicle Acquisition” section but must add the request in the “Additional Funding” area in the “Grant Request Details” section of the Vehicle Application.

All driver training program(s) must be in place prior to the delivery of the awarded vehicle(s) or the recipient will be considered in violation of the grant agreement. The pre-score evaluation criteria consider the department’s need for the vehicle based on the age/condition of current vehicles and/or the demands on the organization.
### Eligible Vehicle Activities for Fire Department, and SFTA include but are not limited to:

<table>
<thead>
<tr>
<th>Priority</th>
<th>Urban Communities</th>
<th>Suburban Communities</th>
<th>Rural Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Aerial • Ambulance • Pumper • Rescue Vehicle Light, Medium, or Heavy • Non-Transport EMS (Community Paramedic/Healthcare) • Quint • Brush Type III or larger</td>
<td>• Aerial • Ambulance • Pumper • Tanker/Tender • Rescue Vehicle Light, Medium or Heavy • Non-Transport EMS (Community Paramedic/Healthcare) • Quint • Brush</td>
<td>• Aerial • Ambulance • Brush/Attack • Pumper • Tanker/Tender • Non-Transport EMS (Community Paramedic/Healthcare) • Quint</td>
</tr>
<tr>
<td></td>
<td>• Command/Mobile Communications Vehicle • HazMat Unit • Air/Light Unit • Rehab Unit</td>
<td>• Command/Mobile Communications Vehicle • HazMat Unit • Air/Light Unit • Rehab Unit</td>
<td>• Command/Mobile Communications Vehicle • Hazardous Materials Unit • Air/Light Unit • Rescue Vehicle Light, Medium or Heavy</td>
</tr>
<tr>
<td></td>
<td>• ARFF • Foam Truck • Fire Rescue/Boat • Highway Safety Unit • Hybrid (i.e., Transport Engine) • Tanker/Tender</td>
<td>• ARFF • Foam Truck • Highway Safety Unit • Hybrid (i.e., Transport Engine) • Fire Rescue/Boat</td>
<td>• ARFF • Foam Truck • Highway Safety Unit • Hybrid (i.e., Transport Engine) • Fire Rescue/Boat • Rehab Unit</td>
</tr>
</tbody>
</table>

### Eligible Regional Vehicle Activities for Fire Departments (ALL Community Types)

<table>
<thead>
<tr>
<th>Priority</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Aerial • Air/Light Unit • Bariatric Ambulance • Command/Mobile Communications Vehicle • Non-Transport EMS (Community Paramedic/Healthcare) • Rehab Unit • Rescue Vehicle Light, Medium or Heavy • Tow Vehicle (Applied for under equipment)</td>
</tr>
<tr>
<td></td>
<td>• Highway Safety Unit</td>
</tr>
<tr>
<td></td>
<td>• Hazardous Materials Unit • Foam Truck</td>
</tr>
</tbody>
</table>

### Eligible Nonaffiliated EMS and Nonaffiliated Regional Vehicle Activities

<table>
<thead>
<tr>
<th>Priority</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Ambulances • Bariatric Ambulance • Non-Transport EMS (Community Paramedic/Healthcare)</td>
</tr>
</tbody>
</table>
Additional Considerations (to include, but not limited to)

- Age and mileage of the vehicle being replaced; older equipment receives higher consideration
- Age of the newest vehicle in the department’s fleet that is like the vehicle to be replaced
- Average age of the fleet; older equipment within the same class
- Call volume of primary first due response area or region
- Converted vehicles (with an emphasis on tanker/brush trucks) not designed or intended for use in the fire service departments that have automatic aid agreements, mutual aid agreements, or both; a converted vehicle is any vehicle that is not engineered to an NFPA standard, or not being used for its original design, or over its gross vehicle weight
- Vehicles on loan to the organization in the application narrative but not in the organization’s inventory
- Damaged vehicles and out of service vehicles in the organization’s inventory
- Replacement of open cab/jump seat configurations

IMPORTANT

Applicants requesting a vehicle(s) may be required to provide additional fleet information after the submission of the application. Vehicle inventory in the application must reflect currently owned vehicles as well as vehicles that are leased or on long-term loan and vehicles that have been ordered or otherwise currently under contract for purchase or lease by the organization but not yet in possession.

Vehicle award recipients must submit a copy of their vehicle purchase contract to the designated Regional FPS or Program Analyst. To locate Regional FPSs, please visit https://www.fema.gov/fire-grant-contact-information.

Recipients will be asked to scan the document(s) into a PDF format and email it to the Regional FPS or Program Analyst for inclusion in the grant file. Submitting a vehicle purchase contract will assist in the programmatic monitoring of an award and help ensure programmatic compliance with the Improper Payments Eliminations and Recovery Act of 2012 (Pub. L. No. 112-248). If recipients do not submit a vehicle purchase contract, they will be unable to:

- Submit for an advance of federal funds for partial vehicle payment or chassis payment.
- Submit an amendment requesting a Period of Performance extension for the project.

Compliance with Standards

- Applicants must certify that unsafe vehicles will be permanently removed from service if awarded a grant; acceptable uses of unsafe vehicles include farm, nursery, scrap metal, salvage, construction, or donation to a foreign entity
- Applicants should consider adopting the principles of Traffic Incident Management Systems; the USFA report on TIMS can be found at: https://www.usfa.fema.gov/downloads/pdf/publications/fa_330.pdf
- New fire apparatus must be compliant with NFPA 1901 or 1906 for the year ordered/manufactured
Performance Bond Strongly Recommended: Performance bonds are strongly recommended but not required by the AFG Program. This is for any organization that is going to advance its own funds to their vendor prior to receipt of the vehicle. The bond may be obtained through the vendor or bank. The concept behind this is to ensure the applicant’s funds are not lost in the event of a vendor’s failure to perform, e.g., not finishing or delivering the vehicle, or going out of business.

Prepayment Bond Required: AFG Program vehicle recipients are required to obtain a prepayment bond if the recipient plans to advance federal funds to their vendor for a down payment. This is to safeguard the federal funds against loss if the vendor goes out of business or fails to deliver the vehicle. Prepayment bonds may be obtained through the vendor or bank. The cost of a Prepayment Bond is a reimbursable activity under a vehicle acquisition award.

Penalty Clause Required: All contracts for any AFG Program-funded vehicle must contain a penalty clause. Non-delivery by the contract’s specified date, or other vendor nonperformance, will require a penalty that is no less than $100 per day until such time that the vehicle, compliant with the terms of the contract, has been accepted by the recipient.

Down Payment: A down payment for the purchase of a vehicle is allowable if required in the vehicle purchase contract, but FEMA will only allow up to 25% of the federal share to be drawn for this purpose. Any costs over-and-above the 25% limit, such as the cost of a chassis or any other fees or services, must be borne by the recipient or deferred until final payment is drawn.

Federal funds may not be requested for any other payments to include but not limited to periodic or progress vehicle payments, loan payments, or the acquisition of NFPA 1901 compliant equipment for the awarded vehicle if they are being supplied under the vehicle contract. Purchases outside of the vehicle contract can be requested for payment, i.e., driver/operator training, physical exams for driver/operator, and NFPA 1901/1906 compliant equipment specific to the type of apparatus awarded.

Final Payment: To expedite the acquisition process, and prior to the vehicle being received, inspected, and accepted, the recipient may request the final vehicle payment as an advance payment request. However, the recipient shall not disburse or satisfy the vehicle obligation until after the vehicle is received, inspected and accepted by the recipient.

Vehicle Loans: Pursuant to 2 C.F.R. § 200.313(a)(2), recipients may not encumber AFG Program-funded equipment unless approved by FEMA. For example, recipients may not use a vehicle funded with AFG Program funds as collateral for any type of financial loan unless approved by FEMA.
Eligible Vehicle Activities for Fire Department, Nonaffiliated EMS Organizations, Joint/Regional, and SFTA include but are not limited to:

- Cost of vehicle
- Physicals to meet current NFPA 1582/US DOT 649 F
- Cost of associated equipment that is eligible under current NFPA 1901/1906
- Driver/operator training programs that meet applicable standards, current NFPA 1002 or EVOC, or equivalent
- Travel expenses (air/rail transportation, mileage, hotel/lodging) to inspect a requested vehicle during production (if justified in the Vehicles narrative)
  **Note:** Food and beverages are ineligible travel expenses

Ineligible Vehicle Activities for Fire Department, Nonaffiliated EMS Organizations, Joint/Regional, and SFTA include but are not limited to:

- Leasing, rental, or installment purchase of any grant funded vehicle
- Aircraft, bulldozers or construction-related equipment
- Using the vehicle being awarded as collateral for any financial loan
- UTVs and ATVs
- UAVs and drones
- Used or refurbished apparatus
- Converted vehicles not originally designed for firefighting
- Food and beverages

Examples of vehicle types

- Pumper (an apparatus that carries a minimum of 300 gallons of water and has a pump with the capacity to pump a minimum of 750 gallons per minute [GPM])
- Urban interface vehicles (Type I) pumper (300 gallons of water and 750 GPM)
- Ambulance (vehicle used for transporting patients)
- Tanker/Tender (an apparatus that has water capacity in excess of 1,000 gallons of water)
- Quint Aerial (an aerial ladder, elevating platform, or water tower that is designed to position personnel, handle materials, provide continuous egress, or discharge water)
- Quint (fire apparatus with a permanently mounted fire pump, a water tank, a hose storage area, an aerial ladder or elevating platform with a permanently mounted waterway, and a complement of ground ladders)
- Aerial Ladder (elevating platform, or water tower that is designed to position personnel, handle materials, provide continuous egress, or discharge water)

Unsafe Vehicles

If applicants specify the vehicle(s) to be replaced are unsafe, they must certify that if awarded, the unsafe vehicle to be replaced will be permanently removed from emergency service response. Permanently removed from emergency service response means the recipient cannot use the vehicle being replaced for any emergency service response, nor can the recipient sell or otherwise transfer title to any individual or emergency service response organization that will use the unsafe vehicle for emergency service response.

*A recipient who certifies it will remove an unsafe vehicle from service but then sells/transfers the unsafe vehicle to another emergency service response organization, or otherwise does not remove the unsafe vehicle from emergency service response, is considered to be in violation of the grant agreement.*
Acceptable dispositions (donation or sale) of unsafe vehicles include but are not limited to a training facility (NO emergency response off the training grounds), farm use, construction or nursery use, sale to a non-emergency service response entity for refurbishment, scrap metal, salvage or foreign donation.
13. Appendix C – Award Administration Information

Appendix C contains detailed information on AFG Program Award Administration. Reviewing this information may help recipients in the programmatic and financial administration of their award(s).

Help FEMA Prevent Fraud, Waste, and Abuse

If applicants or recipients have information about instances of fraud, waste, abuse, or mismanagement involving FEMA programs or operations, they should contact the DHS Office of Inspector General (OIG) Hotline at (800) 323-8603, by fax at (202) 254-4297, or email HOTLINE@oig.dhs.gov.

I. Economic Hardship Waivers of Cost Share and Maintenance of Effort (MOE)

In cases of demonstrated economic hardship, and upon the request of the recipient, the FEMA Administrator may waive or reduce an AFG Program cost share or MOE requirement for certain recipients (15 U.S.C. § 2229(k)(4)(A)). As required by statute, the FEMA Administrator established guidelines for determining what constitutes economic hardship and published these guidelines in Information Bulletin No. 427.

The applicant is required to submit documentation supporting their request for an Economic Hardship Waiver at the time of the application by attaching the supporting document to the grant application.

To receive an Economic Hardship Waiver the applicant must address the specific conditions as well as format the waiver request submission as specified in Section III – Guidance, Part D: Eligibility – Demonstrating Economic Hardship of Information Bulletin No. 427.

Failure to provide documentation at the time of application or address the conditions or following the prescribed format in Information Bulletin No. 427 will result in a denial of the waiver.

II. Grant Writer/Preparation Fees

Fees for grant writers may be included as a pre-award expenditure. For grant writer fees to be eligible as a pre-award expenditure, the services must be competitively sourced, specifically identified, and listed within the “Grant Request Details” section of the application and must satisfy the requirements under 2 C.F.R. § 200.458. FEMA will only consider reimbursements for application preparation, not administration, up to $1,500 per annum. The allowability of grant writer fees as a pre-award expenditure must be paid between the publication date of the NOFO and up to 30 calendar days after the application period closes. In order for Grant writer fees held either on retainer or subscription basis to be an eligible pre-award cost, the claimed retainer or subscription must have been competitively secured, and the costs are limited to the start of the appropriation period for the underlying award and meet the requirements under 2 C.F.R. § 200.458. Fees payable on a contingency basis are not an eligible expense.

Pursuant to 2 C.F.R. Part 180, recipients may not use federal grant funds to reimburse any entity, including a grant writer or preparer, if that entity is presently suspended or debarred by the Federal Government from receiving funding under federally-funded grants or contracts. Recipients must verify that the contractor is not suspended or debarred from
participating in specified federal procurement or non-procurement transactions pursuant to 2 C.F.R. § 180.300.

Prior to submission of the application, please review all work produced by grant writers or other third parties for accuracy. By submitting the application, applicants are certifying all of the information contained therein is true and an accurate reflection of the organization, and that regardless of the applicant’s intent, the submission of information that is false or misleading may result in actions by FEMA. These actions include but are not limited to the submitted application not being considered for award, temporary withholding of funding under the existing award pending investigation, or referral to the DHS OIG.

The following documentation shall be provided to FEMA upon request:

i. A copy of the grant writer’s contract for services;
ii. A copy of the invoice or purchase order;
iii. A copy of the canceled check (front and back); and
iv. Evidence that the services were competitively procured.

Failure to provide the requested documentation may result in the grant writer fee being deemed ineligible and the grant reduced accordingly.

NOTE: FEMA requires that all applicants identify the following as “Application Participants” in the “Contact Information” section of the application:
Any individual or organization that assisted with the development, preparation, or review of the application to include drafting or writing the narrative and budget, whether that person, entity, or agent is compensated or not and whether the assistance took place prior to submitting the application.

III. Maintenance and Sustainment for AFG Programs
The use of FEMA preparedness grant funds for the costs of repairs or replacement, as well as maintenance contracts, warranties, and user fees may be allowable.

The intent of eligible Maintenance and Sustainment activities is to provide direct support to the critical capabilities developed using FEMA and other DHS grants and support activities. Routine upkeep and the supplies, expendables, or one-time use items that support routine upkeep (e.g., gasoline, tire replacement, routine oil changes, monthly inspections or grounds and facility maintenance) are the responsibility of the recipient and may not be funded with AFG Program funding.

Generally, when purchasing a maintenance agreement, service contract, or extended warranty for systems or equipment, the period of coverage provided under such a plan may not extend beyond the period of performance of the grant with which the agreement, warranty, or contract is purchased.

The duration of an extended warranty purchased incidental to the original purchase of the equipment may exceed the period of performance as long as the coverage purchased is consistent with that which is typically provided for, or available through, these types of agreements, warranties, or contracts. When purchasing a stand-alone warranty or extending
an existing maintenance contract on an already-owned piece of equipment or system, coverage purchased may not exceed the period of performance of the award used to purchase the maintenance agreement or warranty. As with warranties and maintenance agreements, this policy extends to licenses and user fees as well.

Even if purchased incidental to the original purchase of the equipment, the duration of an extended maintenance agreement or warranty must also be reasonable for the type of equipment or system being purchased. For example, if a vendor offers a 10-year extended warranty incidental to the purchase of a piece of equipment, but the useful life of that equipment being purchased is five years, the purchase of a 10-year extended warranty would not be a reasonable cost and may not be charged to the grant.

IV. Taxes, Fees, Levies, and Assessments

Taxes, fees, levies, or assessments that the recipient is legally required to pay and are directly related to any eligible AFG Program acquisition activity may be charged to an AFG Program award pursuant to 2 C.F.R. § 200.470. These charges shall be identified and enumerated in the AFG Program application narrative, as well as the “Grant Request Details” section of the acquisition activity.

Any avoidable and unreasonable costs that result from the action or inaction of a recipient (or recipient’s agent) or that prevent that recipient from enjoying any lawful exemption, waiver, or reduction of any tax, fee, levy, or assessment directly related to any eligible AFG Program acquisition activity, are not chargeable to any AFG Program award.

Example: Governmental entities and Public Safety Agencies are exempt from some Federal Communications Commission (FCC) fees*, but only if the eligible organization submits an exemption or waiver request to the FCC.

*Government entities are not required to pay FCC regulatory fees. Nonprofit entities (exempt under Section 501 of the Internal Revenue Code) may also be exempt. The FCC requires that any entity claiming exempt status submit, or have on file with the FCC, a valid Internal Revenue Service Determination Letter documenting its nonprofit status or certification from a governmental authority attesting to its exempt status. For more information, please visit http://www.fcc.gov.

V. Excess Funds

After completing the initial project’s purpose in the recipient's application, some recipients may have unexpended funds remaining in their budget. These excess funds may result from any combination of under-budget acquisition activities or competitive procurement processes.

These cost-shared excess funds may be utilized to address an organization’s local needs or to mitigate identified capability gaps. FEMA expects excess funds to be obligated concurrent with an award’s period of performance to address a known or critical need.
Excess Funds Restrictions
In general, excess funds are limited to no more than $10,000 for any award. If you have any questions, contact the AFG Help Desk at 866-274-0960 or email FireGrants@fema.dhs.gov. The AFG Helpdesk is open Monday through Friday, 8 a.m. AM – 4:30 p.m. ET.

The $10,000 maximum is cumulative for any grant, regardless of the number of activities within the award, and will require no amendment except when the use of excess funds is for any eligible activity that would normally require an EHP review.

- Excess funds cannot be used to support Fire Prevention and Safety activities.
- Consistent with the funding priorities set by the panel of fire service professionals and stakeholders, excess funds are limited to the purchase of High Priority items only.
- The opportunity for excess funds is limited when the original uncompleted Scope of Work is changed via an amendment.
- Example: An award for the acquisition of 10 SCBA units is reduced via Amendment to 8 SCBA units. The federal participation and the recipient cost obligation are both reduced and any remaining unliquidated federal funds resulting from the reduction in quantity of awarded items are not allowable as excess funds. FEMA may allow reduction in the quantity of awarded items but not total project cost if compelling justification of need is provided.
- Excess funds cannot be used for grant writer/preparer fees.
- Excess funds may only be used for allowable activities identified in the program guidance for that fiscal year’s grant cycle.

Exceptions to the $10,000 use may be considered by FEMA if urgent and compelling need that can be directly related to a demonstrated event impacting the health and safety of the firefighters within the department can be identified. This request must be submitted in writing via an amendment.

VI. Payments and Amendments
FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. AFG Program payment/drawdown requests are generated using FEMA GO. AFG Program payment/drawdown requests from state or local government entities will be governed by applicable federal regulations in effect at the time a grant is awarded to the recipient and may be either advances or reimbursements. Recipients should not expend funds until all special conditions listed on the grant award document have been met, including completion of EHP review, and the request for payment in FEMA GO has been approved. Recipients should draw down funds based upon immediate disbursement requirements; however, FEMA strongly encourages recipients to draw down funds as close to disbursement or expenditure as possible to avoid accruing interest.

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of any relevant documentation and records, including purchasing documentation along with copies of canceled checks for verification. See, e.g., 2 C.F.R. §§ 200.318(i), 200.334, 200.337.

ADVANCES
Recipients shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of
funds and its disbursement by the recipient (not to exceed 30 days), and the financial management systems that meet the standards for fund control and accountability as established in 2 C.F.R. Part 200. The recipient shall include invoice(s) and/or purchase orders for advance AFG Program payment/drawdown requests. EHP review requirement must be met prior to advanced payments.

Although advance drawdown requests are permissible, recipients remain subject to applicable federal laws in effect at the time a grant is awarded to the recipient. Governing interest requirements include the Uniform Administrative Requirements Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. Part 200 and the Cash Management Improvement Act (CMIA) and its implementing regulations at 31 C.F.R. Part 205. Interest under CMIA will accrue from the time federal funds are credited to a recipient’s account until the time the recipient pays out the funds for program purposes. For the rate to use in calculating interest, please visit Treasury Current Value rate at https://www.fiscal.treasury.gov/fsreports/rpt/cvfr/cvfr_home.htm.

**REIMBURSEMENT**
Payment by reimbursement is the preferred method when the requirements to be paid in advance, pursuant to 2 C.F.R. § 200.305, cannot be met. In accordance with U.S. Department of Treasury regulations at 31 C.F.R. Part 205, if applicable, the recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds. As a prerequisite of AFG Program approval for reimbursement requests, recipients shall include proof of purchase, in the form of a canceled check or credit card transaction, and a final invoice(s) in each reimbursement AFG Program payment/drawdown request.

**REBATES**
Recipients shall disburse program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments, in accordance with 2 C.F.R. § 200.305. The reduction of federal financial participation via rebates/refunds may generate excess funds for the recipient if the recipient previously obligated their Cost Share match based upon the original award figures. If the recipient previously obligated their original Cost Share prior to the rebate, then the recipient may have minimum excess funds equal to the difference between the original Cost Share less the rebate adjusted Cost Share.

**PAYMENT REQUESTS DURING CLOSEOUT**
A recipient may only submit reimbursement payment requests up to 120 calendar days after the expiration of the period of performance, during an award’s closeout reconciliation. Reimbursement payments are the only eligible type of requests to be submitted after a grant’s period of performance has expired. The expenditure must have been obligated and received during the period of performance of the award. The recipient’s request should contain clear and specific information certifying that the liquidation of federal funds is reimbursement for an obligation properly incurred during the active period of performance; FEMA may request documentation supporting the reimbursement for review at any time.
AMENDMENTS
FEMA may approve AFG Program award amendments on a case-by-case basis, for the following reasons:
• Extension of the period of performance in order to complete the scope of work;
• Changes to the activity, mission, retroactive approval (pre-award), closeout issues, and some excess funds requests; or
• Budget changes (adding funds to award/non-closeout deobligation of funds).

FEMA will only consider amendments submitted via FEMA GO. These requests must contain specific and compelling justifications for the requested change. Amendments or changes to the scope of work may require additional EHP review. FEMA strongly encourages recipients to expend grant funds in a timely manner, to be consistent with AFG Program goals and objectives.

NOTE: A recipient may deobligate (i.e., return) unused funds (i.e., those remaining funds previously drawn down via payment request and/or remaining award funding that was never requested) to DHS/FEMA prior to the end of an award’s period of performance. To exercise this option, a recipient must submit an amendment via FEMA GO and state in the amendment that the unliquidated funds (i.e., the funds to be returned) are not necessary for the fulfillment or success of the grant’s obligations or mission. The recipient must also indicate in the amendment that it understands that the returned funds will be deobligated and unavailable for any future award expenses. Deobligation of funds will decrease the federal portion of the grant and the amount of the recipient’s Cost Share obligation.
FEMA will confirm deobligation amendments with all points of contact; after confirmation of the recipient’s intent to deobligate, FEMA will hold the approved deobligation request for 14 calendar days as a period for recipient reconsideration before FEMA processes the deobligation request. The deobligation of funds cannot be reversed.

VII. Disposition of Grant Funded Equipment
A recipient must use, manage, and dispose of AFG Program-funded equipment in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200.313. With the exception of state governments, when original or replacement equipment acquired under an AFG Program award is no longer needed for the original project, program, or other activities currently or previously supported by a federal awarding agency, the recipient must request disposition instructions from FEMA. FEMA strongly recommends contacting a Regional FPS or the AFG Program Help Desk prior to the disposition of AFG Program-funded equipment, to include vehicles.
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: December 8, 2021
ORIGINATING DEPT: Finance
SUBJECT: City Council Consideration of Resolution 2021-136
Updating the City’s User Fees and Charges Schedule

BACKGROUND:

A Comprehensive Fee Study and Cost Allocation Plan (Fee Study) was initiated by the City of Solana Beach (City) in January 2017. The Fee Study was presented to the City Council on July 11, 2018 for consideration and discussion. The Fee Study was also presented to the Budget and Finance Commission on August 6, 2018 for their review and input.

On November 28, 2018, the City Council adopted Resolution 2018-148 approving the update of the City’s Schedule of Fees for FY 2018/19. As part of Resolution 2018-148, a provision was included that the schedule of fees be adjusted annually effective July 1st of each fiscal year based on the Consumer Price Index (All Urban Consumers – San Diego Region) for the prior calendar year period January through December. Since the Fee Study and fees adopted by Council by Resolution 2018-148 were based on the Fiscal Year (FY) 2017/18 Adopted Budget, the first adjustment of the Schedule of Fees was to be effective July 1, 2019.

The City implemented TRAKiT, a new permitting and land management software, during the summer of 2019. As part of the implementation process, Staff learned that it would be impractical for TRAKiT to accommodate a fee schedule change based on the City’s fiscal year that runs July to June. On November 13, 2019, the City Council approved Resolution 2019-149 approving the update of the City’s Schedule of Fees for Calendar Year 2020. As part of Resolution 2019-149, a provision was included that the schedule of fees be adjusted by inflation annually effective January 1st of each calendar year via a new fee resolution based on the San Diego-Carlsbad CPI, All Items, for All Urban Consumers (CPI-U) Index, not to exceed 2.5% annually, for the prior twelve-month period June through May.

COUNCIL ACTION:

_________________________________________________________

_________________________________________________________

AGENDA ITEM # B.1.
On April 22, 2020, as part of the City Council’s actions to provide economic relief to the community due to COVID-19 pandemic, the City Council directed Staff to waive the Calendar Year 2020 Business Certificate Renewal Fees and to charge the Calendar Year 2020 Short Term Vacation Rental Permit Renewal Fee at the FY 2018 rate of $17.

On November 18, 2020, City Council approved Resolution 2020-141, waiving the annual CPI increase and Business Certificate renewal fees for 2021.

This item is before the City Council to consider adoption of Resolution 2021-136 (Attachment 1) approving the increase of the City’s Schedule of Fees by 2.5% effective January 1, 2022.

DISCUSSION:

User fees and charges are collected to recover some or all costs incurred in providing a specific service from which one or more individuals (i.e. permit applicants) obtain a benefit. It is a best practice for cities to perform a comprehensive update of their cost allocation plans every 5 years and to review their schedule of user fees and charges annually.

One of the Council’s Work Plan goals is to enhance the City’s long-term fiscal sustainability. Adopting a fee methodology and resulting fee adjustments that realigns user fees to more efficiently utilize general revenues (taxes) for services and programs such as public safety, infrastructure maintenance, and economic development can help the City achieve this Work Plan goal.

The California Constitution (Propositions 13, 218 and 26) and various state laws have placed both substantive and procedural limits on cities’ ability to impose fees and charges. Proposition 26 contains a more general articulation of the cost of service principle and includes a requirement that the local government bear the burden of proof that 1) “a levy, charge, or other exaction is not a tax; 2) that the amount is no more than necessary to recover the reasonable costs of the government activity; and 3) that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor’s burden on, or benefits received from, the governmental activity.” (Cal. Const. art. XIII C, § (e).). It is important to note that rental charges for rooms or facilities, fines, penalties and late charges are not technically user fees and are not required to be based on actual costs. Instead, these types of charges are more typically governed by market rates, reasonableness and other policy driven factors and can legally exceed the cost.

In January 2017, the City released a RFP solicitation for an independent consultant with expertise in municipal finance to update the City’s cost allocation plan and conduct a review of its user fee schedule. Revenue & Cost Specialists, LLC (RCS) was selected to provide the requested services.

The Fee Study was carried out in two phases. The first phase was to prepare an updated
cost allocation plan, which spreads the cost of general government and support services across the direct services provided to the public. This phase was completed in February 2018. The second phase, a User Fee Analysis, included a thorough analysis of the total cost of providing services, including all applicable direct, indirect and overhead costs associated with specific services. This was a coordinated effort among all City departments and included many meetings between RCS and City Staff to review updates and provide feedback.

The Fee Study was presented to the City Council on July 11, 2018 for consideration and discussion. The Fee Study was also presented to the Budget and Finance Commission on August 6, 2018 for their review and input. On November 28, 2018, the City Council adopted Resolution 2018-148 approving the update of the City’s Schedule of Fees for FY 2018/19.

Annual Fee Adjustment

A provision was included in Resolution 2018-148 that the schedule of fees be adjusted annually effective July 1st of each fiscal year based on the Consumer Price Index (All Urban Consumers – San Diego Region) for the prior calendar year period January through December. Since the Fee Study and fees were based on the FY 2017/18 Adopted Budget, the first adjustment of the Schedule of Fees was to be effective July 1, 2019.

In July 2019, the City implemented its new permitting and land management software, TRAKiT, and continued using the calendar year in the numbering system for plans and permits as was done in the City’s old system. Using the calendar year as part of the numbering system allows Staff to better track plans and permits. Subsequent to the software implementation, Staff learned that TRAKiT is only able to accommodate a fee schedule change based on the calendar year with the City’s numbering system.

On November 13, 2019, the City Council approved Resolution 2019-149 approving the update of the City’s Schedule of Fees for Calendar Year 2020. As part of Resolution 2019-149, a provision was included that the schedule of fees be adjusted by inflation annually effective January 1 of each calendar year via a new fee resolution and shall be based on the San Diego-Carlsbad CPI, All Items, for All Urban Consumers (CPI-U) Index, not to exceed 2.5% annually, for the prior twelve-month period June through May.

The San Diego-Carlsbad CPI-U Index for the prior twelve-month period June 2020 to May 2021 was 5.3%, therefore, the adjustment being recommended in the fee update effective January 1, 2022 is 2.5%.

The recommended adjustment of 2.5% has been applied to all fees on the Schedule of Fees effective January 1, 2022 (Schedule of Fees – Attachment 2) except for the following fees:

- View Assessment fee (S-040) for Claimant and Applicant remains at $600 per application.
• Fees set by ordinance or State law – SMIP fee (S-290), State Building Standards Fee (S-291), SB1186 Fee (S-628), False Alarm fees (S-470), and certain City Clerk fees (S-711, S-720, S-721 and S-760).
• Development Impact and Developer Pass-Thru fees (S-305 through S-315 and S-322 through S-355)
• Junior Lifeguard (S-490) and Day Camp (S-522) program fees. These fees were set by Council Resolution 2020-023.
• Golf Cart Permit fee (S-660) remains at $10 per permit.

The fees listed above that are not adjusted by 2.5% are highlighted in brown on the Schedule of Fees shown in Attachment 2.

The following rounding factor has been applied to the adjusted fees so that the new fees are in whole dollars:

• Any fee in the amount of $0.01 to $0.99 round up to $1.00 (unless it is as part of a multiplier charge. i.e. x.xx per each additional x).
• Any fee more than $1.00 with cents totaling from $0.01 to $0.49 round down to the nearest whole dollar.
• Any fee more than $1.00 with cents totaling from $0.50 to $0.99 round up to the nearest whole dollar.

All fees that have been adjusted by 2.5% are highlighted in green on the Schedule of Fees in Attachment 2.

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

An adjustment to the City’s Fee Schedule based on cost-of-living changes helps to maintain user fees at a level sufficient to more adequately and efficiently utilize general revenues (taxes) for costs incurred to provide essential City services, programs and projects such as public safety services, infrastructure maintenance, and a variety of public works projects.

**WORK PLAN:**

Fiscal Sustainability
OPTIONS:

• Adopt the proposed fee resolution recommendations as presented in Resolution 2021-136.
• Deny the fee resolution and keep all Fees and Charges unchanged for Calendar Year 2022.
• Provide alternative direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:


CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

_________________________
Gregory Wade, City Manager

Attachments:

1. Resolution 2021-136 - 2022 Schedule of Fees Update
2. Proposed Schedule of Fees effective January 1, 2022
RESOLUTION 2021-136

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOLANA BEACH, CALIFORNIA, AMENDING THE
SCHEDULE OF FEES EFFECTIVE JANUARY 1, 2022

WHEREAS, the City of Solana Beach has conducted an extensive and exhaustive analysis of its services, the costs reasonably borne of providing those services, the beneficiaries of those services, and the revenues produced by those paying fees and charges for special services; and the City desires to provide a review process for landscape plans and site inspections for landscaping of development projects; and

WHEREAS, it is the intention of the City Council to conduct such analysis at least every five years to ensure fees are set appropriately to recover costs reasonably borne for providing services; and

WHEREAS, the City established a policy for recovering the full costs reasonably borne for providing special services of a voluntary and limited nature, such that general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such special services; and

WHEREAS, pursuant to Government Code Section 66016 the specific fees to be charged for services must be adopted by the City Council by Resolution, after providing notice and holding a public hearing; and

WHEREAS, notice of public hearing has been provided per California Government Code Section 6062, oral and written presentations made and received, and the required public hearing held; and

WHEREAS, a schedule of fees and charges to be paid by those requesting such special services need be adopted so that the City might carry into effect its policies; and

WHEREAS, it is the intention of the City Council to update the schedule of fees annually effective January 1 of each calendar year based on the San Diego-Carlsbad CPI, All Items, for All Urban Consumers (CPI-U) Index, not to exceed 2.5% annually, for the prior twelve month period June through May; and

WHEREAS, the City Council recognizes that special circumstances may support the waiving of fees depending upon the nature of the situation; and

WHEREAS, pursuant to California Government Code Section 6062, a general explanation of the hereinafter contained schedule of fees and charges has been published as required; and

WHEREAS, all requirements of California Government Code Section 66016 are hereby found to have been complied with.
NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.

2. **Fee Schedule Adoption**. The attached schedule of fees and charges (Exhibit A) are hereby directed to be computed by and applied by the various City departments, and to be collected by the City Finance Department for the herein listed special services when provided by the City or its designated contractors.

3. **Separate Fee for Each Process**. All fees set forth by this resolution are for each identified process; additional fees shall be required for each additional process or service that is requested or required. Where fees are indicated on a per unit of measurement basis, the fee is for each identified unit or portion thereof within the indicated ranges of such units.

4. **Added Fees and Refunds**. Where additional fees need to be charged and collected for completed staff work, or where a refund of excess deposited monies is due, and where such charge or refund is ten dollars ($10.00) or less, a charge or refund need not be made, consistent with California Government Code Section 29375.1 and amendments thereto.

5. **Listing of Fees and Phase In**. The attached list of fees shall be charged and collected for the enumerated services as scheduled.

6. **Interpretations**. This Resolution may be interpreted by the several City department heads in consultation with the City Manager and, should there be a conflict between two fees, then the lower in dollar amount of the two shall be applied.

7. **Adjustments to Fees**. It is the intention of the City Council to conduct an extensive analysis of its services periodically and review the fees and charges as determined and set out herein based on the City’s Annual Budget and all the City’s costs reasonably borne as established at that time and, if warranted, to revise such fees. Inflation adjustments made between such periodic review shall be done annually effective January 1 of each calendar year via a new fee resolution and shall be based on the San Diego-Carlsbad CPI, All Items, for All Urban Consumers (CPI-U) Index, not to exceed 2.5% annually, for the prior twelve-month period June through May.

8. **Adjustment to Fees effective January 1, 2022**: The San Diego-Carlsbad CPI, All Items, for All Urban Consumers (CPI-U) Index, for the twelve-month period June 2020 through May 2021 is 5.3%, therefore, the adjustment in fees effective January 1, 2022 will be an adjustment
of 2.5%.

9. **Rounding of Fees**: The following rounding factor has been applied to the adjustment of fees so that the adjusted fees are in whole dollars:

   a. Any fee in the amount of $0.01 to $0.99 round up to $1.00.
   b. Any fee more than $1.00 with cents totaling from $0.01 to $0.49 round down to the nearest whole dollar.
   c. Any fee more than $1.00 with cents totaling from $0.50 to $0.99 round up to the nearest whole dollar.

10. **Waiver of Fees**: The City Manager shall have the authority to waive fees for non-profit organizations located within the City and for City sponsored events. All other fee waiver requests shall be reviewed by the City Council.

11. **Constitutionality**: If any portion of this Resolution is declared invalid or unconstitutional then it is the intention of the City Council to have passed the entire Resolution and all its component parts, and all other sections of this Resolution shall remain in full force and effect.

**PASSED AND ADOPTED** this 8th day of December 2021, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

   AYES:   Councilmembers –
   NOES:   Councilmembers –
   ABSENT: Councilmembers –
   ABSTAIN: Councilmembers –

______________________________  
LESA HEEBNER, Mayor

APPROVED AS TO FORM:          ATTEST:

________________________________  _______________________________
JOHANNA N. CANLAS, City Attorney  ANGELA IVEY, City Clerk
# Proposed Schedule of Fees

**Effective January 1, 2022**

Per Resolution 2021-136

<table>
<thead>
<tr>
<th>Service Code</th>
<th>Dept</th>
<th>Description of Service</th>
<th>Fee for Service Effective 01/01/22</th>
<th>Fee Instructions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-001</td>
<td>Community Dev</td>
<td>Conditional Use Permit - Processing</td>
<td>$9099.00</td>
<td>Per application. Bluff retention device CUPs will include deposit based on estimated costs for third-party geotechnical review, consultant review, and legal services. Optional: expediting fee and CEQA document preparation fee, upon request.</td>
</tr>
<tr>
<td>S-001A</td>
<td>Community Dev</td>
<td>Bluff Retention Device CUPs &amp; Wireless Communication Facility - Processing</td>
<td></td>
<td>Requires additional deposit for various third-party reviews at Cost + 15% (see Service Code S-350)</td>
</tr>
<tr>
<td>S-002</td>
<td>Community Dev</td>
<td>Conditional Use Permit - Revise/Modify</td>
<td>$3,199</td>
<td>Per application</td>
</tr>
<tr>
<td>S-003</td>
<td>Community Dev</td>
<td>Conditional Use Permit - Time Extension</td>
<td>$2,385</td>
<td>Per application</td>
</tr>
<tr>
<td>S-004</td>
<td>Community Dev</td>
<td>Community Development Directors Use Permit - Processing</td>
<td>$2,732</td>
<td>Per application (Wireless)</td>
</tr>
<tr>
<td>S-005</td>
<td>Community Dev</td>
<td>Community Development Dir. Use Permit - Revision</td>
<td>$1,508</td>
<td>Per application</td>
</tr>
<tr>
<td>S-006</td>
<td>Community Dev</td>
<td>Community Development Dir. Use Permit - Time Extension</td>
<td>$1,276</td>
<td>Per application</td>
</tr>
<tr>
<td>S-007</td>
<td>Community Dev</td>
<td>Minor Exception - Review Process</td>
<td>$1,219</td>
<td>Per application</td>
</tr>
<tr>
<td>S-008</td>
<td>Community Dev</td>
<td>Temporary Use Permit - Processing</td>
<td>$1,560</td>
<td>Per application</td>
</tr>
<tr>
<td>S-010</td>
<td>Community Dev</td>
<td>Temporary Use Permit - Time Extension</td>
<td>$762</td>
<td>Per application</td>
</tr>
<tr>
<td>S-011</td>
<td>Community Dev</td>
<td>Zoning Letter</td>
<td>$163</td>
<td>Per letter</td>
</tr>
<tr>
<td>S-012</td>
<td>Community Dev</td>
<td>Variance - Processing</td>
<td>$6,687</td>
<td>Per application</td>
</tr>
<tr>
<td>S-013</td>
<td>Community Dev</td>
<td>Pre-application review</td>
<td>$2,905</td>
<td>Per application. 50% of the fee to be credited against future fees if the project actually goes forward.</td>
</tr>
<tr>
<td>S-014</td>
<td>Community Dev</td>
<td>Appeal to the City Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S-015</td>
<td>Community Dev</td>
<td>General Plan Amendment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S-016</td>
<td>Community Dev</td>
<td>Rezoning Review/Specific Plan Amendment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S-017</td>
<td>Community Dev</td>
<td>Zoning Text Amendment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S-018</td>
<td>Community Dev</td>
<td>Development Review Permit - Processing</td>
<td></td>
<td>Level I: Resident $5,359, Non-Resident $10,732, Level II: $17,882 per application. A deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs as determined by Service Code S-350. City staff will track time related to the project so that 100% of costs are recovered.</td>
</tr>
<tr>
<td>S-019</td>
<td>Community Dev</td>
<td>Development Review Permit - Time Extension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S-020</td>
<td>Community Dev</td>
<td>Major Subdivision - Tentative Map</td>
<td>$14,709</td>
<td>Per application</td>
</tr>
<tr>
<td>S-021</td>
<td>Community Dev</td>
<td>Major Subdivision - Final Map</td>
<td>$5,100</td>
<td>Per application</td>
</tr>
<tr>
<td>S-022</td>
<td>Community Dev</td>
<td>Major Subdivision - Amend. Of Condition</td>
<td>$4,297</td>
<td>Per application</td>
</tr>
<tr>
<td>S-023</td>
<td>Community Dev</td>
<td>Major Subdivision - Time Extension</td>
<td>$3,972</td>
<td>Per application</td>
</tr>
</tbody>
</table>

**Community Development Services**

<table>
<thead>
<tr>
<th>Service Code</th>
<th>Dept</th>
<th>Description of Service</th>
<th>Fee for Service Effective 01/01/22</th>
<th>Fee Instructions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-021A</td>
<td>Community Dev</td>
<td>Development Review Permit - Processing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**2021 Fee**

- **Community Dev**
  - S-001: $8,877
  - S-002: $3,121
  - S-003: $2,327
  - S-004: $2,691
  - S-004A: $2,665
  - S-005: $1,471
  - S-006: $1,245
  - S-007: $1,189
  - S-008: $1,522
  - S-009: $743
  - S-010: $159
  - S-011: $6,719
  - S-012: $2,834
  - S-013: $1,676
  - S-014: $4,192
  - S-015: $5,228
  - S-016: $10,470
  - S-017: $17,543
  - S-018: $3,249
  - S-019: $2,122
  - S-020: $14,350
  - S-021: $4,976
  - S-022: $4,192
  - S-023: $3,875

**ATTACHMENT 2**
<table>
<thead>
<tr>
<th>Service Code</th>
<th>Dept</th>
<th>Service Description of Fee for Service</th>
<th>2021 Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-028</td>
<td>Community Dev</td>
<td>Minor Subdivision - Tentative Map</td>
<td>$10,963</td>
</tr>
<tr>
<td>S-029</td>
<td>Community Dev</td>
<td>Minor Subdivision - Parcel Map</td>
<td>$4,033</td>
</tr>
<tr>
<td>S-030</td>
<td>Community Dev</td>
<td>Minor Subdivision - Amend. Of Condition</td>
<td>$3,301</td>
</tr>
<tr>
<td>S-031</td>
<td>Community Dev</td>
<td>Minor Subdivision - Time Extension</td>
<td>$3,193</td>
</tr>
<tr>
<td>S-032</td>
<td>Community Dev</td>
<td>Environmental Documentation</td>
<td>$11,268</td>
</tr>
<tr>
<td>S-033</td>
<td>Community Dev</td>
<td>Environmental Impact Report</td>
<td>$4,134</td>
</tr>
<tr>
<td>S-034</td>
<td>Community Dev</td>
<td>Deposit for third-party review at Cost</td>
<td>$3,384</td>
</tr>
<tr>
<td>S-035</td>
<td>Community Dev</td>
<td>+ 15% Admin Fee (see Service Code S-350)</td>
<td>$3,273</td>
</tr>
<tr>
<td>S-036</td>
<td>Community Dev</td>
<td>Structure Develop. Permit - Processing</td>
<td>$3,772</td>
</tr>
<tr>
<td>S-036A</td>
<td>Community Dev</td>
<td>Structure Develop. Permit - Processing (with S-021)</td>
<td>$1,104</td>
</tr>
<tr>
<td>S-036D</td>
<td>Community Dev</td>
<td>Structure Develop. Permit - Processing (with multiple entitlements)</td>
<td>$3,128</td>
</tr>
<tr>
<td>S-037</td>
<td>Community Dev</td>
<td>Deposit for third-party review at Cost</td>
<td>$578</td>
</tr>
<tr>
<td>S-037A</td>
<td>Community Dev</td>
<td>Structure Develop. Permit Waiver/Time Extension</td>
<td>$0</td>
</tr>
<tr>
<td>S-038</td>
<td>Community Dev</td>
<td>View Assessment - Claimant</td>
<td>$800</td>
</tr>
<tr>
<td>S-039</td>
<td>Community Dev</td>
<td>View Assessment - Applicant</td>
<td>$600</td>
</tr>
<tr>
<td>S-040</td>
<td>Community Dev</td>
<td>View Assessment - Claimant</td>
<td>$600</td>
</tr>
<tr>
<td>S-041</td>
<td>Community Dev</td>
<td>View Assessment Committee (VAC) - Appeal to City Council</td>
<td>$1,844</td>
</tr>
<tr>
<td>S-042</td>
<td>Community Dev</td>
<td>View Assessment - Community Development Director Appeal to City Council</td>
<td>$964</td>
</tr>
<tr>
<td>S-043</td>
<td>Community Dev</td>
<td>Comprehensive Sign Plan - Review Process</td>
<td>$988</td>
</tr>
<tr>
<td>S-044</td>
<td>Community Dev</td>
<td>Comprehensive Sign Plan - Amendment</td>
<td>$520</td>
</tr>
<tr>
<td>S-045</td>
<td>Community Dev</td>
<td>Temporary Sign/Banner</td>
<td>$116</td>
</tr>
<tr>
<td>S-046</td>
<td>Community Dev</td>
<td>Landscape Plan Review/Inspection</td>
<td>$257</td>
</tr>
<tr>
<td>S-047</td>
<td>Community Dev</td>
<td>Street Address Change</td>
<td>$562</td>
</tr>
<tr>
<td>S-048</td>
<td>Community Dev</td>
<td>Planning Public Noticing</td>
<td>$548</td>
</tr>
<tr>
<td>S-049</td>
<td>Community Dev</td>
<td>Multi-permit discount of 15%</td>
<td></td>
</tr>
</tbody>
</table>
## ENGINEERING SERVICES

<table>
<thead>
<tr>
<th>Service Code #</th>
<th>Department</th>
<th>Description of Service</th>
<th>Fee for Service</th>
<th>Service Effective 01/01/22</th>
<th>Fee Instructions/Notes</th>
<th>2021 Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-100</td>
<td>Engineering</td>
<td>Lot Adj./Cert. Of Compliance - Review</td>
<td>$1928 per application</td>
<td>or a deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs as determined by S-350.</td>
<td>Per application</td>
<td>$1,881</td>
</tr>
<tr>
<td>S-100A</td>
<td>Engineering</td>
<td>Grading Plan Check</td>
<td>Construction Valuation *: ($1,050 minimum fee)</td>
<td>$0-$20,000: $1,050 + $10.50 for each additional $100 or fraction thereof of the construction value over $10,000</td>
<td>$1,025 Min</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$20,001-$80,000: $1,050+ $15.76 for each additional $1,000 or fraction thereof of the construction value over $20,000</td>
<td>$2,050 +</td>
<td>$10.25</td>
<td></td>
</tr>
<tr>
<td>S-110</td>
<td>Engineering</td>
<td>Grading Permit/Inspection</td>
<td>Construction Valuation *: ($1,050 minimum fee)</td>
<td>$0-$20,000: $1,050 + $10.50 for each additional $100 or fraction thereof of the construction value over $10,000</td>
<td>$1,025 +</td>
<td>$10.25</td>
</tr>
<tr>
<td>S-111</td>
<td>Engineering</td>
<td>Grading Deposits</td>
<td>Based on an Engineer's Estimate of the work performed under the permit. Per Resolution 2001-85, the City of San Diego Cost Estimate Unit Price List is used for determining security amount</td>
<td>Per permit/inspection</td>
<td>$1,025 Min</td>
<td></td>
</tr>
<tr>
<td>S-112</td>
<td>Engineering</td>
<td>Public Improvement Plan Check</td>
<td>Construction Valuation *: ($1,050 minimum fee)</td>
<td>$0-$10,000: $1,050 + $10.50 for each additional $100 or fraction thereof of the construction value over $10,000</td>
<td>$1,025 +</td>
<td>$10.25</td>
</tr>
<tr>
<td>S-115</td>
<td>Engineering</td>
<td>Engineering Public Improvement Plan Check</td>
<td>Based on an Engineer's Estimate of the work performed under the permit. Per Resolution 2001-85, the City of San Diego Cost Estimate Unit Price List is used for determining security amount</td>
<td>Per application</td>
<td>$1,025 Min</td>
<td></td>
</tr>
</tbody>
</table>

* Per Resolution 2001-85, the City of San Diego Cost Estimate Unit Price List is used for determining valuation.
<table>
<thead>
<tr>
<th>Code #</th>
<th>Dept</th>
<th>Description of Service</th>
<th>Fee for Service Effective 01/01/22</th>
<th>Fee Instructions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-115A</td>
<td>Engineering</td>
<td>or a deposit determined by staff with charges at the fully allocated hourly rate for all personnel involved plus any outside costs as determined by S-350.</td>
<td>$1,025 Min</td>
<td></td>
</tr>
<tr>
<td>S-115B</td>
<td>Engineering</td>
<td>Bluff Projects: Deposit determined by staff with charges at the fully allocated hourly rate for all personnel involved plus any outside costs as determined by S-350.</td>
<td>$1,025 + $15.38</td>
<td></td>
</tr>
<tr>
<td>S-116</td>
<td>Engineering</td>
<td>Construction Valuation *: ($1,050 minimum fee)</td>
<td>$1,025 + $15.38</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0-$20,000: $1,050</td>
<td>$20,001-$80,000: $1,050 + $15.76 for each additional $1,000 or fraction thereof of the construction value over $20,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$80,001-$200,000: $1,996 + $10.50 for each additional $1,000 or fraction thereof of the construction value over $80,000</td>
<td>$200,001+: $3,256 + $10.25 for each $1000 or fraction thereof of the construction value over $200,000</td>
<td></td>
</tr>
<tr>
<td>S-116A</td>
<td>Engineering</td>
<td>or a deposit determined by staff with charges at the fully allocated hourly rate for all personnel involved plus any outside costs as determined by S-350.</td>
<td>$3,898 + $10</td>
<td></td>
</tr>
<tr>
<td>S-116B</td>
<td>Engineering</td>
<td>Bluff Projects: Deposit determined by staff with charges at the fully allocated hourly rate for all personnel involved plus any outside costs as determined by S-350.</td>
<td>$3,898 + $10</td>
<td></td>
</tr>
<tr>
<td>S-117</td>
<td>Engineering</td>
<td>Public Improvement Deposits Based on an Engineer’s Estimate of the work performed under the permit. Per Resolution 2001-85, the City of San Diego Cost Estimate Unit Price List is used for determining security amount</td>
<td>Per permit/inspection</td>
<td></td>
</tr>
<tr>
<td>S-120</td>
<td>Engineering</td>
<td>Geotechnical Plan Review/Inspection Deposit for third-party review at Cost + 15% Admin Fee</td>
<td>Per application</td>
<td></td>
</tr>
<tr>
<td>S-115</td>
<td>Engineering</td>
<td>Encroachment Permit Street Cut - $793 Standard - $557</td>
<td>$774</td>
<td>$543</td>
</tr>
<tr>
<td>S-116</td>
<td>Engineering</td>
<td>Encroachment Permit Deposit SBMC 11.20.230 - twice the estimated cost of removing the encroachment, but in no case less than $50.00</td>
<td>$226</td>
<td>Per permit</td>
</tr>
<tr>
<td>S-120</td>
<td>Engineering</td>
<td>Miscellaneous Engineering Permit/Inspection $232</td>
<td>Per permit/inspection</td>
<td></td>
</tr>
<tr>
<td>S-125</td>
<td>Engineering</td>
<td>$1,802</td>
<td>$1,758</td>
<td>Per permit</td>
</tr>
<tr>
<td>S-125A</td>
<td>Engineering</td>
<td>Easement Abandon/Street Vacation or a deposit determined by staff with charges at the fully allocated hourly rate for all personnel involved plus any outside costs as determined by S-350.</td>
<td>$487</td>
<td>Per application</td>
</tr>
<tr>
<td>S-130</td>
<td>Engineering</td>
<td>Subdivision Monuments security deposit is based on an estimate provided by the surveyor to set the monuments.</td>
<td>Per application</td>
<td></td>
</tr>
<tr>
<td>S-135</td>
<td>Engineering</td>
<td>Subdivision Monuments Future Capacity = 50%</td>
<td>Per total of $4,500 per 1.0 EDU</td>
<td></td>
</tr>
<tr>
<td>S-135A</td>
<td>Engineering</td>
<td>Sewer Connection Fees Ocean Outfall = 27%</td>
<td>Per total of $4,500 per 1.0 EDU</td>
<td></td>
</tr>
<tr>
<td>S-135B</td>
<td>Engineering</td>
<td>Existing Facility = 23%</td>
<td>Per total of $4,500 per 1.0 EDU</td>
<td></td>
</tr>
<tr>
<td>S-140</td>
<td>Engineering</td>
<td>Marine Safety Permit Deposit collected for: Ramp Fee - $6 per round trip Trip Fee - $3 per ton plus $29 per day for days 1-30 and $55 per day for 31 and subsequent days plus actual staffing costs (4 hour min)</td>
<td>Per Permit</td>
<td></td>
</tr>
</tbody>
</table>
## CITY OF SOLANA BEACH
### Proposed Schedule of Fees
**Effective January 1, 2022**
**Per Resolution 2021-136**

<table>
<thead>
<tr>
<th>Service Code</th>
<th>Dept</th>
<th>Description of Service</th>
<th>Fee for Service</th>
<th>Fee Instructions/Notes</th>
<th>2021 Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-210 TO 265</td>
<td>S-210</td>
<td>TO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Dev</td>
<td>Building Plan - Plan Check &amp; Permit/Inspection</td>
<td>See attached valuation tables Attachments A &amp; B</td>
<td>Per application &amp; permit/inspection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S-270</td>
<td>Community Dev</td>
<td>CalGreen Building Plan Check</td>
<td>0.50% SF - 3% of Building Permit Plan Check</td>
<td>Per plan check</td>
<td>$365 $443</td>
</tr>
<tr>
<td>S-272</td>
<td>Community Dev</td>
<td>CalGreen Building Permit/Inspection</td>
<td>0.50% SF - 3% of Building Inspection Fee</td>
<td>Per permit/inspection</td>
<td>$365 $443</td>
</tr>
<tr>
<td>S-275</td>
<td>Community Dev</td>
<td>Commercial Photovoltaic Plan Check</td>
<td>Based on the Project Valuation</td>
<td>Per plan check</td>
<td>$365 $443</td>
</tr>
<tr>
<td>S-277</td>
<td>Community Dev</td>
<td>Commercial Photovoltaic Permit/Inspection</td>
<td>Based on the Project Valuation</td>
<td>Per permit/inspection</td>
<td>$365 $443</td>
</tr>
<tr>
<td>S-278</td>
<td>001-4715</td>
<td>Single Family Residential Solar Plan Check</td>
<td>$36 (25% of Single Trade Electrical Permit Fee-Attachment B)</td>
<td>Per plan check</td>
<td>$35</td>
</tr>
<tr>
<td>S-279</td>
<td>001-4320</td>
<td>Single Family Residential Solar Permit/Inspection</td>
<td>$194 (Single Trade Electrical Permit Fee-Attachment B)</td>
<td>Per permit/inspection</td>
<td>$189</td>
</tr>
<tr>
<td>S-280</td>
<td>Community Dev</td>
<td>Building Permit Extension Review</td>
<td>$242</td>
<td>Per application</td>
<td>$236</td>
</tr>
<tr>
<td>S-285</td>
<td>Community Dev</td>
<td>Violation of Building Permit</td>
<td>equal to total of building permit fee that was required (in addition to building permit fee)</td>
<td>Per violation</td>
<td>$236</td>
</tr>
<tr>
<td>S-290</td>
<td>Community Dev</td>
<td>SMIP Fee</td>
<td>per Section 2705 of the Public Resources Code</td>
<td>Per violation</td>
<td>$236</td>
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<tr>
<td>S-291</td>
<td>Community Dev</td>
<td>State Building Standards Fee</td>
<td>per HSC Section 18931.6</td>
<td></td>
<td>$236</td>
</tr>
<tr>
<td>Service Code #</td>
<td>Dept</td>
<td>Description of Service</td>
<td>Fee for Service</td>
<td>Fee Instructions/Notes</td>
<td>2021 Fee</td>
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<tr>
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<tr>
<td>S-305</td>
<td>Community Dev</td>
<td>Regional Transportation Congestion Program RTCIP Fee</td>
<td>Single family $3,623 per dwelling unit; Multi-family $2,899 per dwelling unit</td>
<td>Per application, fee set by SANDAG and adjusted annually, no less than 2% per year</td>
<td></td>
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<tr>
<td>S-310</td>
<td>Community Dev</td>
<td>Public Facilities Fee</td>
<td>1% of project valuation</td>
<td>Per application; commercial projects with valuation of $500,000 or more with 5 or more dwelling units; deposit</td>
<td></td>
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<tr>
<td>S-315</td>
<td>Community Dev</td>
<td>Master Art Policy Fee</td>
<td>0.5% of project valuation</td>
<td>Per application; commercial projects with valuation of $500,000 or more with 5 or more dwelling units; deposit</td>
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<tr>
<td>S-320</td>
<td>Community Dev</td>
<td>Affordable Housing Impact Fee</td>
<td>$25.91 per SF</td>
<td>Per application; commercial projects with valuation of $500,000 or more with 5 or more dwelling units; deposit</td>
<td>$25.28</td>
</tr>
<tr>
<td>S-322</td>
<td>Engineering</td>
<td>Transportation Impact Fee (TIF)</td>
<td>See Attachment C</td>
<td>Per application; commercial projects with valuation of $500,000 or more with 5 or more dwelling units; deposit</td>
<td></td>
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<tr>
<td>S-330</td>
<td>Fire</td>
<td>Fire Mitigation Impact Fee (FMIF)</td>
<td>See Attachment C</td>
<td>Per application; commercial projects with valuation of $500,000 or more with 5 or more dwelling units; deposit</td>
<td></td>
</tr>
<tr>
<td>S-332</td>
<td>Community Dev</td>
<td>Park Development Impact Fee (PDIF)</td>
<td>See Attachment C</td>
<td>Per application; commercial projects with valuation of $500,000 or more with 5 or more dwelling units; deposit</td>
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<tr>
<td>S-334</td>
<td>Community Dev</td>
<td>Public Use Facilities Impact Fee (PUFIF)</td>
<td>See Attachment C</td>
<td>Per application; commercial projects with valuation of $500,000 or more with 5 or more dwelling units; deposit</td>
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<tr>
<td>S-350A</td>
<td></td>
<td>Landscape Review</td>
<td></td>
<td>+ 15% of Third Party Review Cost (S-355)</td>
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<td>S-350B</td>
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<td>Wireless Review</td>
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<td>S-350C</td>
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<td>Geotechnical Review</td>
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<tr>
<td>S-350D</td>
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<td>Biological Review</td>
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<tr>
<td>S-350E</td>
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<td>Special Counsel Review</td>
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<tr>
<td>S-350F</td>
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<td>Stormwater Review</td>
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<tr>
<td>S-350G</td>
<td></td>
<td>Traffic Review</td>
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<tr>
<td>S-350H</td>
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<td>Environmental Review</td>
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<tr>
<td>S-350I</td>
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<td>Shoreline Development Review</td>
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<td>S-350J</td>
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<td>Noise Review</td>
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<td>S-350K</td>
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<td>Cultural Resources Review</td>
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<td>S-350L</td>
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<td>Bluff Retention</td>
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<tr>
<td>S-355</td>
<td>Various</td>
<td>Third Party Review Admin</td>
<td>Third Party Review Admin Fee</td>
<td>15% of Third Part Review Cost (S-350)</td>
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<tr>
<td>Service Code #</td>
<td>Dept</td>
<td>Description of Service</td>
<td>Fee for Service Effective 01/01/22</td>
<td>Fee Instructions/Notes</td>
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<tr>
<td>S-410</td>
<td>Fire</td>
<td>Fire Building Plan Check &amp; Permit/Inspection</td>
<td>$210 per plan</td>
<td>Per plan check &amp; permit/inspection</td>
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<tr>
<td>S-411</td>
<td>Fire</td>
<td>Permit/Inspection - Residential: Commercial $114 per inspection</td>
<td>$114 per inspection</td>
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<tr>
<td>S-412</td>
<td>Fire</td>
<td>Plan Check - $141 per plan</td>
<td>$141 per plan</td>
<td>$141 per plan</td>
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<tr>
<td>S-413</td>
<td>Fire</td>
<td>Permit/Inspection - Reinspection (3rd Inspection) $106 per reinspeccion</td>
<td>$106 per reinspeccion</td>
<td>$106 per reinspeccion</td>
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<tr>
<td>S-420</td>
<td>Fire</td>
<td>Fire Sprinkler Plan Check &amp; Permit/Inspection (Commercial)</td>
<td>$69</td>
<td>Per plan check</td>
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<tr>
<td>S-421</td>
<td>Fire</td>
<td>Permit/Inspection - Tenant Improvement $141 New - $551</td>
<td>$141</td>
<td>Per permit/inspection</td>
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<tr>
<td>S-422</td>
<td>Fire</td>
<td>Fire Sprinkler Plan Check &amp; Inspection (Residential)</td>
<td>$106</td>
<td>Per plan check</td>
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<tr>
<td>S-423</td>
<td>Fire</td>
<td>Permit/Inspection - Tenant Improvement $141 New - $551</td>
<td>$141</td>
<td>Per permit/inspection</td>
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<tr>
<td>S-424</td>
<td>Fire</td>
<td>Fire Alarm System - Plan Check &amp; Inspection</td>
<td>$141</td>
<td>Per plan check</td>
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<tr>
<td>S-425</td>
<td>Fire</td>
<td>Permit/Inspection - $452</td>
<td>$452</td>
<td>Per permit/inspection</td>
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<tr>
<td>S-426</td>
<td>Fire</td>
<td>Fire Specialty Protection System Plan Check &amp; Permit/Inspection</td>
<td>$136</td>
<td>Per plan check</td>
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<tr>
<td>S-427</td>
<td>Fire</td>
<td>Permit/Inspection - $74</td>
<td>$74</td>
<td>Per permit/inspection</td>
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<tr>
<td>S-430</td>
<td>Fire</td>
<td>Fire Solar System Plan Check &amp; Permit/Inspection</td>
<td>N/A</td>
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<tr>
<td>S-431</td>
<td>Fire</td>
<td>Multi-Family, Commercial, or Industrial: Plan Check $139</td>
<td>$139</td>
<td>Per plan check</td>
<td></td>
</tr>
<tr>
<td>S-432</td>
<td>Fire</td>
<td>Permit/Inspection - $139</td>
<td>$139</td>
<td>Per permit/inspection</td>
<td></td>
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<tr>
<td>S-440</td>
<td>Fire</td>
<td>Fire Alt. Materials &amp; Methods Rev</td>
<td>$279 per application plus actual costs at the fully allocated hourly rates for all time after two hours</td>
<td>Per application</td>
<td></td>
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<tr>
<td>S-442</td>
<td>Fire</td>
<td>Underground Tank Installation - Removal P.C. Inspection $420</td>
<td>$420</td>
<td>Per permit</td>
<td></td>
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<tr>
<td>S-444</td>
<td>Fire</td>
<td>New Development Flow Test This service is provided by the Water District.</td>
<td>$141/hour</td>
<td>Per inspection</td>
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<tr>
<td>S-446</td>
<td>Fire</td>
<td>Miscellaneous Fire Inspection</td>
<td>$141/hour</td>
<td>Per inspection</td>
<td></td>
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<tr>
<td>S-447</td>
<td>Fire</td>
<td>After Hour Inspection Actual cost using fully allocated hourly rates ($279 minimum)</td>
<td>$272</td>
<td>Per inspection</td>
<td></td>
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<tr>
<td>S-448</td>
<td>Fire</td>
<td>Standby Charge Actual cost using fully allocated hourly rates ($630 minimum)</td>
<td>$615</td>
<td>Per request</td>
<td></td>
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<tr>
<td>S-460</td>
<td>Fire</td>
<td>Business Fire Safety Inspection B, R2, R2.1 Occupancies: 0-1,000 SF - $106 1,001-3,000 SF - $210 3,001-10,000 SF - $279 10,001 SF - $335 All Other Occupancies: 0-1,000 SF - $114 1,001-3,000 SF - $210 3,001-10,000 SF - $279 10,001 SF - $335 Per in-City business certificate application (S-620) &amp; renewal (S-626)</td>
<td>$103</td>
<td>$205</td>
<td>$272</td>
</tr>
<tr>
<td>Service Code</td>
<td>Dept</td>
<td>Service Description</td>
<td>Fee for Service Effective 01/01/22</td>
<td></td>
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</tr>
<tr>
<td>S-470</td>
<td>Community Dev (Codes)</td>
<td>False Alarm</td>
<td>1. $50 for the first excessive false alarm; 2. $100 for the second excessive false alarm; 3. $150 for the third and each successive excessive false alarm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S-490</td>
<td>Marine Safety</td>
<td>Marine Safety Junior Lifeguard</td>
<td>Track 1: age 9-16 (wk 1-4 &amp; 5-8) Resident - $375; Non-Resident - $425; Track 2: age 9-16 (wk 9-10) Resident &amp; Non-Resident - $300; Track 3: age 7-8 (wk 1-2, 3-4, 5-6, 7-8, 9-10) Resident &amp; Non-Resident - $300; Track 4: age 14-16 (wk 1-5 &amp; 6-10) - $275; Track 5: age 9-16 (bi-weekly) - $300;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2021 Fee

SBMC 4.36
<table>
<thead>
<tr>
<th>Service Code</th>
<th>Dept</th>
<th>Service Description of Fee for Service</th>
<th>Fee for Service Effective 01/01/22</th>
<th>Fee Instructions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-510</td>
<td>Community Serv</td>
<td>Special Event Permit</td>
<td>$50 Resident/Non-profit</td>
<td>Per permit; Block Parties are exempt from street closure rate</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$263 Non-resident</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$506 for street closure</td>
<td></td>
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<tr>
<td>S-515</td>
<td>Community Serv</td>
<td>Sound Permit</td>
<td>$10</td>
<td>Per application</td>
</tr>
<tr>
<td>S-519</td>
<td>Finance</td>
<td>Liability Insurance</td>
<td>set by City’s Insurance Broker</td>
<td>Per event or rental</td>
</tr>
<tr>
<td>S-520</td>
<td>Community Serv</td>
<td>Contract Enrichment Classes</td>
<td>100% cost recovery</td>
<td></td>
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<tr>
<td>S-522</td>
<td>Community Serv</td>
<td>Day Camp Program</td>
<td>Day Camp: age 5-11 Resident - $144, Non-Resident - $175</td>
<td>Per camp</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Day Camp After Care: age 5-11 Resident - $43, Non-Resident - $68</td>
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<td></td>
<td></td>
<td></td>
<td>Leader in Training: age 13-17 - $36</td>
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<tr>
<td>S-524</td>
<td>Community Serv</td>
<td>Sports Field Admin</td>
<td>Residents $0</td>
<td>Per hour</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Non-residents $22</td>
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</tr>
<tr>
<td>S-526</td>
<td>Community Serv</td>
<td>Facility Rental (Community Center)</td>
<td>$54 Resident</td>
<td>Per hour</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>$68 Non-resident</td>
<td></td>
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<tr>
<td>S-540</td>
<td>Community Serv</td>
<td>Public Art Consignment Fee</td>
<td>$106 + 25% of sale price if sold</td>
<td>Per application for requests from artists to display their art in the public right of way per the MAP guidelines.</td>
</tr>
</tbody>
</table>
## CITY OF SOLANA BEACH
### Proposed Schedule of Fees
#### Effective January 1, 2022
Per Resolution 2021-136

### Service Description of Fee for Service

<table>
<thead>
<tr>
<th>Service Code#</th>
<th>Dept</th>
<th>Service Description of Fee for Service</th>
<th>Fee for Service 01/01/22</th>
<th>Instructions/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-610</td>
<td>Finance</td>
<td>Short Term Vacation Rental Permit</td>
<td>$106 per permit</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>New: $106 per permit</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Late Fee: $106 plus the cost of the Permit</td>
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<tr>
<td></td>
<td></td>
<td>Renewal: $57 per permit</td>
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<tr>
<td></td>
<td></td>
<td>Late Fees: $106 plus renewal fee</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>91+ days late - Per SBMC 4.02.230</td>
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</tr>
<tr>
<td>S-620</td>
<td>Finance</td>
<td>New/Changed Business Certificate</td>
<td>$106 per application</td>
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<tr>
<td></td>
<td></td>
<td>Business located within the City: $237 per application</td>
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<tr>
<td></td>
<td></td>
<td>Late Fee: $106 plus the cost of the Certificate</td>
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<tr>
<td></td>
<td></td>
<td>91+ days late - Per SBMC 4.02.230</td>
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<tr>
<td>S-626</td>
<td>Finance</td>
<td>Business Certificate Renewal</td>
<td>$49 per renewal</td>
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<td></td>
<td></td>
<td>Plus 100% late fee if received 31 to 90 days late</td>
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<tr>
<td></td>
<td></td>
<td>Thereafter Administrative Citation Process</td>
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<tr>
<td>S-628</td>
<td>Finance</td>
<td>SB 1186</td>
<td>$4.00 SB 1186 Fee to be paid by all business certificate, regulatory, and STVR applicants</td>
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<tr>
<td>S-629</td>
<td>Finance</td>
<td>Business Certificate Duplicate</td>
<td>$22</td>
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<td>S-630</td>
<td>Community Dev (Codes)</td>
<td>Amusement Permit</td>
<td>$246</td>
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<tr>
<td></td>
<td></td>
<td>New: $252 per permit, plus $63 per Device, plus DOJ and other State fees</td>
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<tr>
<td></td>
<td></td>
<td>Renewal: $141 per permit plus DOJ and other State fees</td>
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<tr>
<td>S-631</td>
<td>Community Dev (Codes)</td>
<td>Dance Permit</td>
<td>$246</td>
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<tr>
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<td></td>
<td>New: $252 per permit plus DOJ and other State fees</td>
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<tr>
<td></td>
<td></td>
<td>Renewal: $141 per permit plus DOJ and other State fees</td>
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<tr>
<td>S-632</td>
<td>Community Dev (Codes)</td>
<td>Entertainment Permit</td>
<td>$246</td>
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<td>New: $252 per permit plus DOJ and other State fees</td>
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<tr>
<td></td>
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<td>Renewal: $141 per permit plus DOJ and other State fees</td>
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<tr>
<td>S-633</td>
<td>Community Dev (Codes)</td>
<td>Firearms Permit</td>
<td>$246</td>
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<tr>
<td></td>
<td></td>
<td>New: $252 per permit plus DOJ and other State fees</td>
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<tr>
<td></td>
<td></td>
<td>Renewal: $141 per permit plus DOJ and other State fees</td>
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<tr>
<td>S-634</td>
<td>Community Dev (Codes)</td>
<td>Massge Establishment Permit</td>
<td>$246</td>
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<tr>
<td></td>
<td></td>
<td>New: $252 per permit plus DOJ and other State fees</td>
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<tr>
<td></td>
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<td>Renewal: $141 per permit plus DOJ and other State fees</td>
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<tr>
<td>S-635</td>
<td>Community Dev (Codes)</td>
<td>Secondhand Dealer Permit</td>
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<tr>
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<td>New: $252 per permit plus DOJ and other State fees</td>
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<tr>
<td></td>
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<td>Renewal: $141 per permit plus DOJ and other State fees</td>
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<tr>
<td>S-636</td>
<td>Community Dev (Codes)</td>
<td>Solicitors Permit</td>
<td>$246</td>
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<tr>
<td></td>
<td></td>
<td>New: $252 per permit plus DOJ and other State fees</td>
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<tr>
<td></td>
<td></td>
<td>Renewal: $141 per permit plus DOJ and other State fees</td>
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<tr>
<td>S-637</td>
<td>Community Dev (Codes)</td>
<td>Taxi Business Permit</td>
<td>$21</td>
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<tr>
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<td>New: $363 per permit plus $22 for each cab plus DOJ and other State fees</td>
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<tr>
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<td></td>
<td>Renewal: $195 per permit plus $22 for each cab plus DOJ and other State fees</td>
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<td>S-638</td>
<td>Community Dev (Codes)</td>
<td>Tobacco Sales Permit</td>
<td>$138</td>
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<td>Renewal: $141 per permit plus DOJ and other State fees</td>
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<tr>
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<td>Late Fee - Renewal fee + 10%</td>
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<tr>
<td>S-660</td>
<td>Engineering</td>
<td>Golf Cart Permit</td>
<td>$10</td>
<td>Per permit</td>
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</tbody>
</table>
## CITY OF SOLANA BEACH
### Proposed Schedule of Fees
**Effective January 1, 2022**
*Per Resolution 2021-136*

<table>
<thead>
<tr>
<th>Service Code</th>
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<th>Fee for Service</th>
<th>Fee Instructions/Notes</th>
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<td>S-711</td>
<td>City Clerk Notary Public Service</td>
<td>$15 per Signature</td>
<td>Per signature; limited to $15 by State law.</td>
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<tr>
<td>S-712</td>
<td>City Clerk Document Certification</td>
<td>$41</td>
<td>Per item</td>
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<td>S-715</td>
<td>City Clerk Audio/Video Tape Reproduction</td>
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<td>Per item</td>
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<tr>
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<td>City Clerk Annual Agenda Mailing Subscription</td>
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<td>S-717</td>
<td>City Clerk Annual Agenda Packet Mailing Subscription</td>
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<td>Staff costs plus $630 copying/mailing costs = $1,633 per subscriber per year.</td>
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<td>S-718</td>
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<td>City Clerk Document Print/Copy</td>
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<td>Maps/Blueprints - Actual Costs</td>
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<td>City Clerk Candidate Processing</td>
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<td>City Clerk Verification of Residency</td>
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<td>S-740</td>
<td>Finance NSF Check</td>
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<td>S-750</td>
<td>Finance Credit Card Convenience Fee</td>
<td>set by City's Third-Party Credit Card Processor</td>
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<td>Various Technology Surcharge</td>
<td>Charge 1.025% of all Plan Check and Permit fees and Entitlements (except Impact Fees)</td>
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## ATTACHMENT "A"  
### VALUATIONS TABLE

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<th>2008-2009</th>
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**NOTE:**
- Add 0.5 percent to the total cost for each story over three
- Deduct 11 percent for mini-warehouse
- For subdivisions with 10 or more single family dwellings which have plan check and building permit issuances in groups of 10 or more, the valuation or the plan check and building permit fees may be increased by 10 percent.

### MISCELLANEOUS

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</tr>
<tr>
<td></td>
<td>Antennas Radio over 30 ft. high</td>
<td>4,185.81</td>
</tr>
<tr>
<td></td>
<td>Antennas Dish, 10 ft. dia.w/decoder</td>
<td>5,089.27</td>
</tr>
<tr>
<td></td>
<td>Awning or Canopy Aluminum</td>
<td>24.70</td>
</tr>
<tr>
<td></td>
<td>Awning or Canopy Canvas</td>
<td>10.40</td>
</tr>
<tr>
<td></td>
<td>Balcony</td>
<td>16.90</td>
</tr>
<tr>
<td></td>
<td>Decks (wood)</td>
<td>16.90</td>
</tr>
<tr>
<td></td>
<td>Demolition of Building</td>
<td>5.20</td>
</tr>
<tr>
<td></td>
<td>Fence or Freestanding Wall Wood or Chain Link</td>
<td>2.60</td>
</tr>
<tr>
<td></td>
<td>Fence or Freestanding Wall Wood Frame with Stucco</td>
<td>6.50</td>
</tr>
<tr>
<td></td>
<td>Fence or Freestanding Wall Wire</td>
<td>2.60</td>
</tr>
<tr>
<td></td>
<td>Fence or Freestanding Wall Masonry</td>
<td>10.40</td>
</tr>
<tr>
<td></td>
<td>Fence or Freestanding Wall Wrought Iron</td>
<td>6.50</td>
</tr>
<tr>
<td></td>
<td>Foundation Only (25% of value of whole building). Remainder of building will be valued at 75% of the building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Greenhouse</td>
<td>6.50</td>
</tr>
<tr>
<td></td>
<td>Manufactured Housing (25% of value of &quot;site built&quot; house)</td>
<td>28.60</td>
</tr>
<tr>
<td></td>
<td>Mobile Home</td>
<td>28.60</td>
</tr>
<tr>
<td></td>
<td>Patio Wood Frame with Cover</td>
<td>10.40</td>
</tr>
<tr>
<td></td>
<td>Patio Metal Frame with Cover</td>
<td>13.00</td>
</tr>
<tr>
<td></td>
<td>Patio Wood Frame Cover &amp; Walls</td>
<td>14.30</td>
</tr>
<tr>
<td></td>
<td>Patio Metal Frame Cover &amp; Walls</td>
<td>16.90</td>
</tr>
<tr>
<td></td>
<td>Patio Screen or Plastic Walls</td>
<td>3.90</td>
</tr>
<tr>
<td></td>
<td>Plastering Inside</td>
<td>3.90</td>
</tr>
<tr>
<td></td>
<td>Plastering Outside</td>
<td>3.90</td>
</tr>
<tr>
<td></td>
<td>Retaining Wall Concrete or Masonry</td>
<td>20.80</td>
</tr>
<tr>
<td></td>
<td>Reroofing (1 square = 100 square feet) Built-up</td>
<td>158.59</td>
</tr>
<tr>
<td></td>
<td>Reroofing (1 square = 100 square feet) Composition Shingles</td>
<td>148.19</td>
</tr>
<tr>
<td></td>
<td>Reroofing (1 square = 100 square feet) Fiberglass Shingles</td>
<td>148.19</td>
</tr>
<tr>
<td></td>
<td>Reroofing (1 square = 100 square feet) Asbestos Cement Shingles</td>
<td>352.28</td>
</tr>
<tr>
<td></td>
<td>Reroofing (1 square = 100 square feet) Wood Shingles (Class C min)</td>
<td>352.28</td>
</tr>
<tr>
<td></td>
<td>Reroofing (1 square = 100 square feet) Wood Shakes (Class C min)</td>
<td>352.28</td>
</tr>
<tr>
<td></td>
<td>Reroofing (1 square = 100 square feet) Aluminum Shingles</td>
<td>531.68</td>
</tr>
<tr>
<td></td>
<td>Reroofing (1 square = 100 square feet) Clay Tile</td>
<td>445.88</td>
</tr>
<tr>
<td></td>
<td>Reroofing (1 square = 100 square feet) Concrete Tile</td>
<td>376.98</td>
</tr>
<tr>
<td></td>
<td>Roof Structure Replacement</td>
<td>16.90</td>
</tr>
<tr>
<td></td>
<td>Saunas (Steam)</td>
<td>10,447.63</td>
</tr>
<tr>
<td></td>
<td>Spa or Hot Tub (&quot;Jacuzzi®&quot;)</td>
<td>8,571.81</td>
</tr>
<tr>
<td></td>
<td>Stairs</td>
<td>16.90</td>
</tr>
</tbody>
</table>
### ATTACHMENT "A"

#### VALUATIONS TABLE

<table>
<thead>
<tr>
<th>Occ</th>
<th>Use</th>
<th>Type of Construction</th>
<th>2008-2009</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Stone and Brick Veneer</td>
<td></td>
<td>10.40</td>
</tr>
<tr>
<td></td>
<td>Storage Racks</td>
<td>per CF</td>
<td>1.30</td>
</tr>
<tr>
<td></td>
<td>Swimming Pool (per sf surface area)</td>
<td>Vinyl-lined</td>
<td>40.30</td>
</tr>
<tr>
<td></td>
<td>Swimming Pool (per sf surface area)</td>
<td>Gunite</td>
<td>44.20</td>
</tr>
<tr>
<td></td>
<td>Swimming Pool (per sf surface area)</td>
<td>Fiberglass</td>
<td>48.10</td>
</tr>
<tr>
<td></td>
<td>Tenant Improvements</td>
<td>Medical offices, restaurants, hazardous &quot;h&quot; occupancies</td>
<td>54.60</td>
</tr>
<tr>
<td></td>
<td>Tenant Improvements</td>
<td>Other such as stores &amp; offices</td>
<td>40.30</td>
</tr>
</tbody>
</table>

#### General Additions and Modifiers

<table>
<thead>
<tr>
<th>Use</th>
<th>Type of Construction</th>
<th>2008-2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Sprinkler System</td>
<td></td>
<td>3.38</td>
</tr>
<tr>
<td>Air Conditioning-Commercial</td>
<td></td>
<td>5.46</td>
</tr>
<tr>
<td>Air Conditioning-Residential</td>
<td></td>
<td>4.55</td>
</tr>
<tr>
<td>Fireplace-Concrete or masonry</td>
<td></td>
<td>4,185.81</td>
</tr>
<tr>
<td>Fireplace-prefabricated metal</td>
<td></td>
<td>2,845.57</td>
</tr>
<tr>
<td>Pile Foundations</td>
<td>Cast-in-place concrete piles</td>
<td>27.30</td>
</tr>
<tr>
<td>Pile Foundations</td>
<td>Steel piles</td>
<td>67.60</td>
</tr>
</tbody>
</table>

#### Alterations to Existing Structures

*(with no additional Floor Area or Roof Cover)*

<table>
<thead>
<tr>
<th>Use</th>
<th>Type of Construction</th>
<th>2008-2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior Partition</td>
<td></td>
<td>62.40</td>
</tr>
<tr>
<td>Install Windows or Sliding Glass Doors</td>
<td></td>
<td>19.50</td>
</tr>
<tr>
<td>Close Exterior Wall Opening</td>
<td></td>
<td>18.20</td>
</tr>
</tbody>
</table>

#### Shell Buildings

<table>
<thead>
<tr>
<th>Use</th>
<th>Type of Construction</th>
<th>2008-2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>B Banks</td>
<td>*Type I or II-F.R.</td>
<td>153.91</td>
</tr>
<tr>
<td>Banks</td>
<td>Type II 1-Hour</td>
<td>113.35</td>
</tr>
<tr>
<td>Banks</td>
<td>Type II-N</td>
<td>110.24</td>
</tr>
<tr>
<td>Banks</td>
<td>Type III 1-Hour</td>
<td>124.79</td>
</tr>
<tr>
<td>Banks</td>
<td>Type III-N</td>
<td>120.63</td>
</tr>
<tr>
<td>Banks</td>
<td>Type V 1-Hour</td>
<td>113.35</td>
</tr>
<tr>
<td>Banks</td>
<td>Type V-N</td>
<td>109.20</td>
</tr>
<tr>
<td>B Medical Offices</td>
<td>*Type I or II-F.R.</td>
<td>124.79</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>Type II 1-Hour</td>
<td>95.68</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>Type II-N</td>
<td>91.52</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>Type III 1-Hour</td>
<td>104.00</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>Type III-N</td>
<td>96.72</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>Type V 1-Hour</td>
<td>93.60</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>Type V-N</td>
<td>90.48</td>
</tr>
<tr>
<td>B Offices</td>
<td>*Type I or II-F.R.</td>
<td>111.27</td>
</tr>
<tr>
<td>Offices</td>
<td>Type II 1-Hour</td>
<td>74.88</td>
</tr>
<tr>
<td>Offices</td>
<td>Type II-N</td>
<td>70.72</td>
</tr>
<tr>
<td>Offices</td>
<td>Type III 1-Hour</td>
<td>80.08</td>
</tr>
<tr>
<td>Offices</td>
<td>Type III-N</td>
<td>76.96</td>
</tr>
<tr>
<td>Offices</td>
<td>Type V 1-Hour</td>
<td>74.88</td>
</tr>
<tr>
<td>Offices</td>
<td>Type V-N</td>
<td>70.72</td>
</tr>
<tr>
<td>A-2 Restaurants</td>
<td>Type III 1-Hour</td>
<td>101.92</td>
</tr>
<tr>
<td>Restaurants</td>
<td>Type III-N</td>
<td>97.76</td>
</tr>
<tr>
<td>Restaurants</td>
<td>Type V 1-Hour</td>
<td>92.56</td>
</tr>
<tr>
<td>Restaurants</td>
<td>Type V-N</td>
<td>89.44</td>
</tr>
<tr>
<td>M Stores</td>
<td>*Type I or II-F.R.</td>
<td>85.28</td>
</tr>
<tr>
<td>Stores</td>
<td>Type II 1-Hour</td>
<td>52.00</td>
</tr>
<tr>
<td>Stores</td>
<td>Type II-N</td>
<td>50.96</td>
</tr>
<tr>
<td>Stores</td>
<td>Type III 1-Hour</td>
<td>63.44</td>
</tr>
<tr>
<td>Stores</td>
<td>Type III-N</td>
<td>60.32</td>
</tr>
<tr>
<td>Stores</td>
<td>Type V 1-Hour</td>
<td>54.08</td>
</tr>
<tr>
<td>Stores</td>
<td>Type V-N</td>
<td>49.92</td>
</tr>
</tbody>
</table>
## ATTACHMENT "B"
### BUILDING PERMIT FEE SCHEDULE

<table>
<thead>
<tr>
<th>Service Code #</th>
<th>TOTAL VALUATION *</th>
<th>BASE BUILDING PERMIT FEE *</th>
<th>2021 Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-210</td>
<td>$1.00 to $500.00</td>
<td>$28.00</td>
<td>$28.00</td>
</tr>
<tr>
<td></td>
<td>$500.01 to $2,000.00</td>
<td>$28.00 for the first $500.00 plus $3.68 for each additional $100, or fraction thereof, to and including $2,000.00</td>
<td>$28.00 + $3.68</td>
</tr>
<tr>
<td></td>
<td>$2,000.01 to $25,000.00</td>
<td>$83.20 for the first $2,000.00 plus $16.91 for each additional $1,000.00, or fraction thereof, to and including $25,000.00</td>
<td>$83.20 + $16.91</td>
</tr>
<tr>
<td></td>
<td>$25,000.01 to $50,000.00</td>
<td>$472.13 for the first $25,000.00 plus $12.21 for each additional $1,000.00, or fraction thereof, to and including $50,000.00</td>
<td>$461.35 + $11.91</td>
</tr>
<tr>
<td></td>
<td>$50,000.01 to $100,000.00</td>
<td>$777.38 for the first $50,000.00 plus $8.46 for each additional $1,000.00, or fraction thereof, to and including $100,000.00</td>
<td>$759.10 + $8.25</td>
</tr>
<tr>
<td></td>
<td>$100,001 to $500,000.00</td>
<td>$1,200.89 for the first $100,000.00 plus $6.77 for each additional $1,000.00, or fraction thereof, to and including $500,000.00</td>
<td>$1,171.60 + $6.60</td>
</tr>
<tr>
<td></td>
<td>$500,001 to $1,000,000.00</td>
<td>$3,908.38 for the first $500,000.00 plus $5.74 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00</td>
<td>$3,811.60 + $5.60</td>
</tr>
<tr>
<td></td>
<td>$1,000,001+</td>
<td>$6,778.38 for the first $1,000,000.00 plus $3.80 for each additional $1,000.00, or fraction thereof</td>
<td>$6,611 + $3.71</td>
</tr>
</tbody>
</table>

### ASSOCIATED FEES

<table>
<thead>
<tr>
<th>Service Code</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-212</td>
<td>Permit Issuance Fee $48.00</td>
</tr>
<tr>
<td>S-220</td>
<td>Individual Plumbing Permit $145.00</td>
</tr>
<tr>
<td>S-230</td>
<td>Individual Electrical Permit $145.00</td>
</tr>
<tr>
<td>S-240</td>
<td>Individual Mechanical Permit $145.00</td>
</tr>
<tr>
<td>S-233</td>
<td>Water Heater Permit $73.00</td>
</tr>
</tbody>
</table>

### In Combination with Building Permit

<table>
<thead>
<tr>
<th>Service Code</th>
<th>Fee Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-222</td>
<td>Plumbing Permit 7% of Base Permit Fee</td>
</tr>
<tr>
<td>S-232</td>
<td>Electrical Permit 7% of Base Permit Fee</td>
</tr>
<tr>
<td>S-242</td>
<td>Mechanical Permit 7% of Base Permit Fee</td>
</tr>
<tr>
<td>S-250</td>
<td>Energy Surcharge Fee 15% of Base Permit Fee</td>
</tr>
<tr>
<td>S-252</td>
<td>Disabled Access Surcharge Fee 10% of Base Permit Fee</td>
</tr>
<tr>
<td>S-255</td>
<td>Plan Check Fee 85% of Building Permit Fee</td>
</tr>
</tbody>
</table>

### NOTES:

- A Building Permit shall include only a single issuance fee if the permit has a combination of activities (i.e.: Building/Plumbing/Electrical/Mechanical.)
- Projects requiring plan revisions or having a new scope of work shall be charged a fee determined by using the current preferred hourly rate as established by EsGil Corporation.
- Expedited processing is only available for unusual circumstances as deemed appropriate by City Staff. Charges for expedited services shall be determined by using an hourly rate of two times the current preferred hourly rate as established by EsGil Corporation.
- Projects requiring special inspections or additional re-inspections shall be charged a fee determined by using the current preferred hourly rate as established by EsGil Corporation.
- Upon initial submittal to the City, permit fees based on valuations will be calculated using the valuations listed in Attachment A of the Fee Schedule. This will be the minimum fee charged for the permit. If upon a subsequent submittal, the valuation decreases, no refund based on the decreased valuation will be provided to the applicant. If the valuation increases, additional permit fees will be calculated based on the difference between the valuation used to calculate the minimum fee and the increased valuation.

### ASSOCIATED FEES

<table>
<thead>
<tr>
<th>Service Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-260</td>
<td>Projects requiring plan revisions or having a new scope of work shall be charged a fee determined by using the current preferred hourly rate as established by EsGil Corporation.</td>
</tr>
<tr>
<td>S-262</td>
<td>Expedited processing is only available for unusual circumstances as deemed appropriate by City Staff. Charges for expedited services shall be determined by using an hourly rate of two times the current preferred hourly rate as established by EsGil Corporation.</td>
</tr>
<tr>
<td>S-265</td>
<td>Projects requiring special inspections or additional re-inspections shall be charged a fee determined by using the current preferred hourly rate as established by EsGil Corporation.</td>
</tr>
</tbody>
</table>

* Residential sub-division or tract development projects may have production units that are duplicates of the model units reduced to 30% of the permit fee.

(Disabled Access fee applies to Commercial, Industrial, Assembly, Educational and Multi-Family type projects as required by State Building Code)
# ATTACHMENT "C"
## IMPACT FEE SCHEDULE

### S-322 Transportation Impact Fee: Ordinance 479

<table>
<thead>
<tr>
<th>Fee Rate Category</th>
<th>Fee Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential: Single Family</td>
<td>$15,714.00 Per unit</td>
</tr>
<tr>
<td>Residential: Condo &amp; Multi-Family</td>
<td>$11,206.00 Per unit</td>
</tr>
<tr>
<td>Residential: ADU</td>
<td>$3,929.00 Per unit</td>
</tr>
<tr>
<td>Retail, Commercial &amp; Shopping</td>
<td>$17,073.00 Per 1,000 SF</td>
</tr>
<tr>
<td>Office &amp; Employment Center</td>
<td>$10,514.00 Per 1,000 SF</td>
</tr>
<tr>
<td>Industrial</td>
<td>$3,087.00 Per 1,000 SF</td>
</tr>
<tr>
<td>Lodging &amp; Resort</td>
<td>$10,969.00 Per 1,000 SF</td>
</tr>
<tr>
<td>Educational &amp; Institutional</td>
<td>$9,243.00 Per 1,000 SF</td>
</tr>
<tr>
<td>Other</td>
<td>$132.76 Per TDU</td>
</tr>
</tbody>
</table>

Sub-Total TIF Due: $ -

Residential: Single Family $15,714.00 Per unit $ -
Residential: Condo & Multi-Family $11,206.00 Per unit $ -
Residential: ADU $3,929.00 Per unit $ -
Retail, Commercial & Shopping $17,073.00 Per 1,000 SF $ -
Office & Employment Center $10,514.00 Per 1,000 SF $ -
Industrial $3,087.00 Per 1,000 SF $ -
Lodging & Resort $10,969.00 Per 1,000 SF $ -
Educational & Institutional $9,243.00 Per 1,000 SF $ -
Other $132.76 Per TDU $ -

Sub-Total TIF Reduction: $ -

**TOTAL TIF DUE:** $ -

### S-330 Fire Mitigation Impact Fee (FMIF): Ordinance 492/Resolution 2018-147

- Detached Dwelling (units) $1,759.00 $ -
- Attached Dwelling (units) $248.00 $ -
- Hotels/Motels (keyed rooms) $832.00 $ -
- Commercial/Service (sq.ft.) $0.13 $ -
- Office/Professional (sq.ft.) $0.14 $ -
- Light Industrial (sq.ft.) $0.10 $ -
- Public/Institutional Uses (sq.ft.) $0.05 $ -
- Residential Remodel (sq.ft.) $0.67 $ -

**Total FMIF Due:** $ -

### S-332 Park Development Impact Fee (PDFIF): Ordinance 493/Resolution 2018-147

- Detached Dwelling (units) $6,913.00 $ -
- Attached Dwelling (units) $5,002.00 $ -
- Residential Remodel (Bedroom sq.ft.)
  - New Bedroom SF $18.54 $ -
  - Bedroom Demo SF $18.54 $ -

**Total PDIF Due:** $ -

### S-334 Public Use Facilities Impact Fee (PUFIF): Ordinance 496/Resolution 2018-147

- Detached Dwelling (units) $640.00 $ -
- Attached Dwelling (units) $463.00 $ -
- Residential Remodel (Bedroom sq.ft.)
  - New Bedroom SF $1.72 $ -
  - Bedroom Demo SF $1.72 $ -

**Total PUFIF Due:** $ -
STAFF REPORT
CITY OF SOLANA BEACH

TO:                     Honorable Mayor and City Councilmembers
FROM:                   Gregory Wade, City Manager
MEETING DATE:           December 8, 2021
ORIGINATING DEPT:       Engineering Department
SUBJECT:                City Council Consideration of Resolution No. 2021-138 – Approving Solana 101 Final Landscape Plan

BACKGROUND:

At the July 10, 2018 City Council Meeting, the City Council conditionally approved a tentative map for a condominium ownership of a maximum of 26 commercial units and one undivided multifamily residential unit for 25 rental apartments located at the north west corner of Highway 101 and Dahlia Drive (Solana 101 Project).

This item is presented to City Council to review and consider Resolution 2021-138 (Attachment 1) approving of the final landscape plan as conditioned by Resolutions 2018-098 and 2018-099.

DISCUSSION:

As outlined in Resolution 2018-099, the City Council approved the conceptual landscape plan and required submittal of the final landscape plan to City Council for review and approval. The Applicant has submitted the final landscape plans which are included as Attachment 2. The final landscape plans contain information related to the landscape buffer, mix of trees and landscape vegetation as conditioned in Resolution 2018-099. The City’s landscape architect, Pamela Elliott, has reviewed the final landscape plans and determined that the plans conform to the City’s water efficient landscape requirements. While the proposed landscape trees are different from the conceptual landscape plan previously reviewed by City Council, the Applicant has worked with the community to provide a variety of trees that are consistent with the existing tree species that currently exist along the Highway 101 and Sierra Avenue corridor.

If the City Council determines that the final landscape plan is consistent with the conditions of approval in Resolution 2018-099, adoption of Resolution 2021-138 would allow the Applicant to proceed with issuance of building permits for the approved project.

CITY COUNCIL ACTION:

________________________________________________________________________
________________________________________________________________________

AGENDA ITEM # C.1.
CEQA COMPLIANCE STATEMENT:

At the July 10, 2018 City Council Meeting, the City Council adopted and certified the Final Environmental Impact Report (FEIR) and the Mitigation Monitoring and Reporting Program prepared for the project in compliance with CEQA. The final landscape plan is consistent with the project approvals and environmental analysis conducted as part of the FEIR, therefore, no further environmental analysis is required.

FISCAL IMPACT:

There is no fiscal impact as a result of the action recommended in this Staff Report.

WORK PLAN:

N/A

OPTIONS:

• Adopt Staff recommendation approving the final landscape plan by adopting Resolution 2021-138.

• Adopt Staff recommendation subject to additional specific conditions.

• Provide direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2021-138 approving the final landscape plan for the Solana 101 Project.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

________________________
Gregory Wade, City Manager

Attachments:

1. Resolution 2021-138
2. Final Landscape Plan
RESOLUTION 2021-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOLANA BEACH, CALIFORNIA, APPROVING THE
SOLANA 101 FINAL LANDSCAPE PLAN

WHEREAS, at the July 10, 2018 City Council Meeting, the City Council conditionally
approved a tentative map for condominium ownership of a maximum of 26 commercial
units and one undivided multifamily residential unit for 25 rental apartments located at the
northwest corner of Highway 101 and Dahlia Drive (Solana 101 Project); and

WHEREAS, the final landscape plan was prepared in conformance with the
Resolution No 2018-099; and

WHEREAS, a condition of Resolution No. 2018-099 required that the City Council
shall review and approve the final landscape plan.

NOW, THEREFORE, the City Council of the City of Solana Beach does resolve as
follows:

1. That the foregoing recitations are true and correct.

2. That the proposed final landscape plan is consistent with the conditions of
Resolution 2018-099.

3. That the City Council approves the Solana 101 Project final landscape plan.

PASSED AND ADOPTED this 8th day of December, 2021, at a regularly
scheduled meeting of the City Council of the City of Solana Beach, California by the
following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

______________________________  _______________________________
LESA HEEBNER, Mayor  ANGELA IVEY, City Clerk

APPROVED AS TO FORM: ATTEST:

_____________________________
JOHANNA N. CANLAS, City Attorney  ANGELA IVEY, City Clerk
LANDSCAPE IRRIGATION
IRRIGATION SPECIFICATIONS

It is the intent of the specifications and drawings that the finished system is

1.04

is the type of irrigation and the manufacturer's
during execution of this portion of the work and shall be thoroughly

1.66

manufacturer of articles used in this contract furnish direct
methods of installation and shall direct all work performed

2.13

versa. It shall be deemed to be as shown

3.02

responsibility for any rejection necessary

3.40

or discrepancies in area

3.46

manufacturer's warranties shall not relieve the contractor of his

3.74

installed as part

4.02

landscape architect or owner's authorized representative.

4.30

these specifications shall not be construed

4.58

required notices

5.02

shall only

5.30

these

5.58

shall be shown data on drawings shall

6.02

satisfaction of the owner prior to final inspection or

6.30

to landscape architect or owner's authorized representative,

6.58

projects regarding

6.86

use & laws necessary

7.02

shall be turned over

7.30

project site during construction contractor shall repair, at

7.58

item to be complete by the contractor at the time

8.02

fire check

8.30

permit

8.58

city submission 1

8.86

materials

9.02

for sprinkler irrigation system

9.30

system be discovered through the guarantee period, it shall be corrected by the

9.58

necessary repairs to correct

9.86

address

10.02

for

10.30

plumber's

10.58

(Base)

10.86

check

11.02

by

11.30

90

11.58

specialized piping shall be as indicated on the drawing

11.86

wall thickness

12.02

all special utilities shall be

12.30

you inspection and

12.58

the

12.86

inch

13.02

the

13.30

the

13.58

the

13.86

paragraph

14.02

by

14.30

after

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permit

14.86

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15.02


to

15.30

not

15.58

installs

15.86

permit

16.02

by

16.30

permit

16.58

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16.86

by

17.02

by

17.30

by

17.58

permit

17.86

permit

18.02

by

18.30

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permit

18.86

permit

19.02

by

19.30

permit

19.58

by

19.86

permit

20.02

by

20.30

permit

20.58

permit

20.86

permit

21.02

by

21.30

permit

21.58

permit

21.86

permit
IRRIGATION SPECIFICATIONS

PART II - MATERIALS (CONT.)

202. BACKFLOW PREVENTER VALVES

4. Backflow preventer valves shall be of the manufacturer's size, type and specification indicated on the drawings.
5. Backflow preventer valves shall be installed in accordance with the manufacturer's instructions and as shown on the drawings.
6. All backflow preventer valves shall be installed in accordance with the manufacturer's instructions and as shown on the drawings.

203. WELDS

2. All welds shall be covered with the weld reinforcement.
3. All welds shall be made by a qualified person.
4. All welds shall be made by a qualified person.

204. VALVES

2. No valves shall be installed on the irrigation system.
3. All valves shall be installed on the irrigation system.
4. All valves shall be installed on the irrigation system.

IRRIGATION SPECIFICATIONS

POP-UP HEADS AND REMOTE CONTROL VALVES SHALL BE O-RING SEAL WITH A TWO-PART EPDM SEAL. THE GROUND VALVES SHALL BE GREEN IN COLOR, AND IN NO CASE SMALLER THAN 6 GAUGE ON THE MAINLINE AND AN ADDITIONAL TWO WELD ON EACH SUFF IN THE MAINLINE AND ORAVINGS, AND IN NO CASE SMALLER THAN 14 GAUGE.

TRACER VALVES SHALL BE RUN ALONG THE ENTIRE LENGTH OF THE MAINLINE.

CONNECTIONS SHALL BE 81HER EPOXY-SLANTED PACKET TYPE OR PENN-TITE CONNECTORS. SPLICES OF DIFFERENT MAKE SHALL NOT BE ACCEPTED.

DRAUGHTS THE ENCLOSURE SHALL ALSO ENCIRCLE THE CONTROLLER ELECTRICAL METER. THE CONTROLLER SHALL BE OF THE MANUFACTURER, SIZE AND TYPE AS INDICATED ON THE DRAWINGS.

BALL VALVE, GATE VALVE, AND QUICK COUPLER VALVE BOXES SHALL BE CIRCULAR IN SIZE. VALVE SIZE SHOULD BE RELATIVE.

THE VALVE BOX COVER SHALL BE GREEN IN COLOR AND SECURED WITH BOLTS.

VALVE BOX EXTENSIONS SHALL BE BY THE SAME MANUFACTURER AS THE VALVE BOX.

ANTIDRAIN VALVES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S REQUIREMENTS.

THE DESIGN AREA IS ESSENTIALLY THOUGHT TO BE COVERED. THE Exact LOCATION OF THE CONTROLLER SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT OR OTHER TRADES.

THE ORAVINGS ARE ESSENTIALLY DIAGRAMMATIC. THE SIZE AND LOCATION OF FEATURES ARE TO BE CONFORMED TO THE CONTRACTOR.

THE ORAVINGS ARE ESSENTIALLY DIAGRAMMATIC THE SIZE AS INDICATED ON THE DRAWINGS.

CONNECTIONS SHALL BE OF AN APPROVED TYPE WITH A FACE-TO-MOUTH OR BOLTLESS CONNECTION.

NAMEPLATES SHALL BE INSTALLED IN THE ENCLOSURE.

STATISTICAL INFORMATION CONCERNING THE INSTALLATION OF THE WATER SUPPLY CONNECTIONS TO, OR THE INSTALLATION OF, THE WATER SUPPLY SYSTEMS SHALL OCCUR IN A VALVE BOX PROVIDE AN ACCESS PORT TO ALLOW FOR REPAIR OR SERVICE.
PLANT SCHEDULE

TREES

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<th>CODE</th>
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NOTE: All trees and shrubs to be ordered from the same supplier. soils mix on structure shall be used. soil mix provided by Agriservice. Contact Mary@Agriservice 3720 Oceanic Way, Suite 204 Oceanside, CA 92056. Phone: 760-243-4282.
PLANT SCHEDULE

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<tr>
<th>PLANT</th>
<th>QUANTITY</th>
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<td>Aloe arborescens</td>
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NOTE: All plants and materials must be planted per plans and specifications. All plants must be dug in the field and must be approved by the landscape contractor. All materials must be delivered to the site and must be approved by the landscape contractor. All work must be completed by the specified date. All materials must be approved by the landscape contractor. All work must be completed by the specified date. All materials must be approved by the landscape contractor. All work must be completed by the specified date. All materials must be approved by the landscape contractor. All work must be completed by the specified date.
PLANTING AND SOIL SPECIFICATIONS

1. NO IMPROVEMENTS CONSTRUCTED AT PLANT LOCATIONS ARE APPROPRIATE. PLANT SPACE SHALL HAVE PREVIOUSLY CLEARED SOIL, SOME PREVIOUS PLANTING REMAINS.

2. CONTRACTOR SHALL NOTIFY DANIELS ARCHITECTURE OF ALL PLANT LOCATIONS AND HANG-DOWN PERIODS.

3. CONTRACTOR SHALL NOTIFY DANIELS ARCHITECTURE AND CITY OF ANY PROPOSED INSTALLATION OF SPRINKLER SYSTEMS. CITY TO APPROVE SPRINKLER SYSTEM INSTALLATION PRIOR TO INSTALLATION. CONTRACTOR SHALL NOTIFY DANIELS ARCHITECTURE OF ALL SPRINKLER HEADS AND WALLS PRIOR TO INSTALLATION. CONTRACTOR SHALL NOTIFY DANIELS ARCHITECTURE OF ALL SPRINKLER HEADS AND WALLS PRIOR TO INSTALLATION.

4. ALL PLANTS TO BE PLANTED SHALL HAVE A CLEAR VIEW OF LEAVE SHEET WITHIN 12 INCHES OF SPRINKLER HEADS.

5. SHRUBS SHOWN IN PLANT AREAS SHALL BE PLANTED WITH GROUND COVER SHOWN BY ADJACENT SYMBOL. TO INSURE AN EASIER MAINTENANCE OF THE GROUND COVER, THE GROUND COVER SHALL BE PLANTED WITH THE SHRUBS. THE shrub spacing shall be maintained with the ground cover. THE SHRUBS SHOWN IN PLANT AREAS SHALL BE PLANTED WITH GROUND COVER SHOWN BY ADJACENT SYMBOL TO INSURE AN EASIER MAINTENANCE OF THE GROUND COVER, THE GROUND COVER SHALL BE PLANTED WITH THE SHRUBS. THE shrub spacing shall be maintained with the ground cover.

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7. PLANT BACK FILL SHALL BE 50% SITE SOIL, AND 50% ORGANIC AMENDMENTS BY VOLUME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SELECTING THE ORGANIC AMENDMENT.

8. PLANTS SHOWN IN PLANT AREAS SHALL NOT BE PLANTED WITHIN 12 INCHES OF SPRINKLER HEADS.

9. SHRUBS SHOWN IN PLANT AREAS SHALL BE PLANTED WITH GROUND COVER SHOWN BY ADJACENT SYMBOL. TO INSURE AN EASIER MAINTENANCE OF THE GROUND COVER, THE GROUND COVER SHALL BE PLANTED WITH THE SHRUBS. THE shrub spacing shall be maintained with the ground cover. THE SHRUBS SHOWN IN PLANT AREAS SHALL BE PLANTED WITH GROUND COVER SHOWN BY ADJACENT SYMBOL TO INSURE AN EASIER MAINTENANCE OF THE GROUND COVER, THE GROUND COVER SHALL BE PLANTED WITH THE SHRUBS. THE shrub spacing shall be maintained with the ground cover.

10. PLANT MATERIAL SHALL NOT BE ROOT-BOUND. FIVE GALLON PLANTS AND LARGER SHALL BE PlANTED WITHIN 12 INCHES OF MAIN PLANT STEM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SELECTING THE ORGANIC AMENDMENT.

11. THE SOIL ANALYSIS REPORT DATED 6/28/16 PREPARED BY FALLBROOK LABORATORY, INC., SHALL BE FOLLOWED AND PRECEDENCE GIVEN OVER PLANT QUANTITIES SPECIFIED.

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14. REMOVE NURSERY STAKES AND TIES FROM ALL CONTAINER STOCK. MAINTAIN SIDE GROWTH ON ALL TREES.

15. IMMEDIATELY FOLLOWING PLANTING, IRRIGATION SYSTEM SHALL BE FULLY OPERATIONAL AND PLANTING AREAS SHALL BE WATERED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SELECTING THE ORGANIC AMENDMENT.

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19. THE LANDSCAPE CONTRACTOR SHALL LEAVE SITE IN A CLEAN CONDITION, REMOVING ALL UNUSED MATERIAL, TRASH, TOOLS.

20. LANDSCAPE CONTRACTOR SHALL MAINTAIN AND GUARANTEE ALL PLANTINGS FOR A PERIOD OF SIXTY (60) DAYS AFTER THE COMPLETION OF MAINTENANCE PERIOD AND FINAL ACCEPTANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SELECTING THE ORGANIC AMENDMENT.

21. IMMEDIATELY FOLLOWING PLANTING, IRRIGATION SYSTEM SHALL BE FULLY OPERATIONAL AND PLANTING AREAS SHALL BE WATERED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SELECTING THE ORGANIC AMENDMENT.

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**LIGHTING LEGEND**

- (L4) BOLLARD LIGHT - MEGA LIGHTING, MODEL #44-H#2 BLACK FINISH
- (L5) PATH LIGHT LUMIREE 351 LED 120V T2 BRONZE FINISH
- (LS) WALL/PLANTER FLUSH MOUNT - SPJ MSLD-12 MATTE BRONZE 120V
- (LS) PEDESTRIAN AREA TREE LIGHT HEVI LITE HL36828 BRONZE 8 LED EMF LA1
- (LS) DECORATIVE TREE PENDANT AURORALIGHT HDL-11-HL 12V
- (LS) ALLOY LED TAPE LIGHT
- (LS) PATH LIGHT LUMIERE 303 81 LED 120V T4 BRONZE FINISH
- (LS) ALLOY LED TAPE LIGHT

**NOTE:**

1. EXTERIOR LIGHT POLLUTION MUST COMPLY WITH CGC SEC. 5.106.8.
2. CONCEPTUAL PLAN ONLY. PHOTOMETRIC STUDY SHALL BE PERFORMED BY ARCHITECT. CONTACT TAZZ LIGHTING FOR SPEC BOOK, TRANSFORMER AND CONTROLLER INFORMATION.
3. ALL FIXTURES SHALL BE PROVIDED AT COLOR TEMPERATURE 2700K. WIRING DESIGN & TRANSFORMER SPECIFICATIONS BY OTHERS. CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING THE CORRECT TRANSFORMER FOR THE LIGHTING DEVICES AND CONNECTING THE TRANSFORMER WITHIN THE LANDSCAPE OR IN A MECHANICAL ROOM(S) IN COORDINATION WITH THE DESIGN TEAM. LOW VOLTAGE FIXTURES SHALL INCLUDE TRANSFORMER(S) IN STAINLESS STEEL ENCLOSURES. WIRING RUNS & TRANSFORMERS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS. LINE VOLTAGE FIXTURES SHALL BE CONCEALED IN THE LANDSCAPE OR IN MECHANICAL ROOM(S) IN COORDINATION WITH THE DESIGN TEAM. LOW VOLTAGE FIXTURES SHALL INCLUDE TRANSFORMER(S) IN STAINLESS STEEL ENCLOSURES. WIRING RUNS & TRANSFORMERS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS.
4. ALL LIGHTING SHALL BE DOWN-SHIELDED TO THE MAXIMUM EXTENT FEASIBLE. OF LOW-INTENSITY, AND OBSCURED SO THAT NO DIRECT VIEW OF THE LIGHTING SOURCE IS POSSIBLE FROM ADJACENT PROPERTIES, RESIDENTIAL WINDOWS OR PUBLIC RIGHTS-OF-WAY.
5. ALL LIGHTS TO BE DIRECTED AT THE INTENDED SUBJECT OF ILLUMINATION SUCH AS SPECIMEN PLANT MATERIAL OR TREES, PATHWAYS OR LANDSCAPE FEATURE. NO UNSHIELDED UP LIGHTING SHALL BE PROVIDED.
6. REFER TO ARCHITECT'S PLANS FOR EXTERIOR ARCHITECTURAL LIGHTING.
LIGHTING LEGEND:

- (L4) BOLLARD LIGHT· BEGA LIGHTING, MODEL# 84 602 BLACK FINISH
- (L5A) PATH LIGHT LUMIERE 303 B1 LED 120V T2 BRONZE FINISH
- (L5B) PATH LIGHT LUMIERE 303 B1 LED 120V T4 BRONZE FINISH
- (L6) WALL/PLANTER FLUSH MOUNT· SPJ MSL2-12 MATTE BRONZE 120V
- (L7) ALLOY LED TAPE LIGHT
- (L8) PEDESTRIAN AREA TREE LIGHT HEVI LITE HL3682B BRONZE 8 LED EMF LA1 WITH TREE MOUNT SM-2-2X-2B B2
- (L9) DECORATIVE TREE PENDANT AURORALIGHT HDL-11-HL 12V

NOTE:

1. EXTERIOR LIGHT POLLUTION MUST COMPLY WITH CGC SEC. 5.106.8.
2. CONCEPTUAL PLAN ONLY· PHOTOMETRIC STUDY SHALL BE PERFORMED BY ARCHITECT. CONTACT TAZZ LIGHTING FOR SPEC BOOK, TRANSFORMER AND CONTROLLER INFORMATION.
3. ALL FIXTURES SHALL BE PROVIDED AT COLOR TEMPERATURE 2700K, WIRING DESIGN & TRANSFORMER SPECIFICATIONS BY OTHERS. CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING THE CORRECT TRANSFORMER FOR THE LIGHTING DESIGN AND CONCEALING TRANSFORMERS WITHIN THE LANDSCAPE OR IN A MECHANICAL ROOM IN COORDINATION WITH THE DESIGN TEAM. LOW VOLTAGE FIXTURES SHALL INCLUDE TRANSFORMERS IN STAINLESS STEEL ENCLOSURES TO PROVIDE PROTECTION AND ENSURE LONG LIFE. ALL LOW VOLTAGE FIXTURES SHALL BE COORDINATED WITH M.E.P. CONSULTANT AND MANUFACTURER RECOMMENDATIONS. LINE VOLTAGE FIXTURES SHALL BE COORDINATED WITH M.E.P. CONSULTANT.
4. ALL LIGHTING SHALL BE DOWN-SHIELDED TO THE MAXIMUM EXTENT FEASIBLE, OF LOW-INTENSITY, AND DESIGNED SO THAT NO DIRECT VIEW OF THE LIGHTING SOURCE IS POSSIBLE FROM ADJACENT PROPERTIES, RESIDENTIAL WINDOWS OR PUBLIC RIGHTS-OF-WAY.
5. ALL LIGHTS TO BE DIRECTED AT THE INTENDED SUBJECT OF ILLUMINATION SUCH AS SPECIMEN PLANT MATERIAL, TREES, PATHWAYS OR LANDSCAPE FEATURE. NO UNSHIELDED UP LIGHTING SHALL BE PROVIDED.
6. REFER TO ARCHITECT'S PLANS FOR EXTERIOR ARCHITECTURAL LIGHTING.
LIGHTING LEGEND

1. (L4) DOLLSOLLITE LIGHT - BEGA LIGHTING, MODEL# 84 602 BLACK FINISH
2. (L5A) PATH LIGHT LUMIERE 303 B1 LED 120V T2 BRONZE FINISH
3. (L5B) PATH LIGHT LUMIERE 303 B1 LED 120V T4 BRONZE FINISH
4. (L6) WALL/PLANTER FLUSH MOUNT - SPJ MSL2-12 MATTE BRONZE 120V
5. (LB) PEDESTRIAN AREA TREE LIGHT HEVI LITE HL3682B BRONZE 8 LED E MF LA 1
6. DECORATIVE TREE PENDANT AURORALIGHT HDL-11-HL 12V

NOTE:
1. EXTERIOR LIGHT POLLUTION MUST COMPLY WITH CGC SEC. 5.106.8.
2. CONCEPTUAL PLAN ONLY - PHOTOMETRIC STUDY SHALL BE PERFORMED BY
ARCHITECT. CONTACT TAZZ LIGHTING FOR SPEC BOOK, TRANSFORMER AND
CONTROLLER INFORMATION.
3. ALL FIXTURES SHALL BE PROVIDED AT COLOR TEMPERATURE 2700. WIRING DESIGN
& TRANSFORMER SPECIFICATIONS BY OTHERS. CONTRACTOR SHALL BE
RESPONSIBLE FOR INSTALLING THE CORRECT TRANSFORMER FOR THE LIGHTING
DEMAND AND CONCEAL TRANSFORMERS WITHIN THE LANDSCAPE OR IN A
MECHANICAL ROOM(S) IN COORDINATION WITH THE DESIGN TEAM. LOW VOLTAGE
FIXTURES SHALL INCLUDE TRANSFORMER(S) IN STAINLESS STEEL ENCLOSURE(S),
WIRING RUNS & TRANSFORMERS SHALL BE INSTALLED IN ACCORDANCE W/
MANUFACTURER RECOMMENDATIONS. LINE VOLTAGE FIXTURES SHALL BE
COORDINATED W/HIP CONSULTANT.
4. ALL LIGHTING SHALL BE DOWN-SHIELDED TO THE MAXIMUM EXTENT FEASIBLE, OF
LOW-INTENSITY, AND OBSCURED SO THAT NO DIRECT VIEW OF THE LIGHTING
SOURCE IS POSSIBLE FROM ADJACENT PROPERTIES, RESIDENTIAL WINDOWS OR
PUBLIC RIGHTS-OF-WAY.
5. ALL LIGHTS TO BE DIRECTED AT THE INTENDED SUBJECT OF ILLUMINATION SUCH
AS SPECIMEN PLANT MATERIAL OR TREES, PATHWAYS OR LANDSCAPE FEATURE. NO
UNSHIELDED UP LIGHTING SHALL BE PROVIDED.
6. REFER TO ARCHITECT’S PLANS FOR EXTERIOR ARCHITECTURAL LIGHTING.
LIGHTING LEGEND

(L4) BOLLARD LIGHT· BEGA LIGHTING, MODEL# 84602 BLACK FINISH
(L5A) PATH LIGHT LUMIERE 303 81 LED 120V T2 BRONZE FINISH
(L5B) PATH LIGHT LUMIERE 303 81 LED 120V T4 BRONZE FINISH
(L6) WALL/PLANTER FLUSH MOUNT· SPJ MSL2-12 MATTE BRONZE 120V
(L7) ALLOY LED TAPE LIGHT
(L8) PEDESTRIAN AREA TREE LIGHT HEVI LITE HL3682B BRONZE 8 LED E MF LA3 W/ TREE MOUNT SM-2-2X-2B
DECORATIVE TREE PENDANT AURORALIGHT HDL-11-HL 12V

NOTE:
1. EXTERIOR LIGHT POLLUTION MUST COMPLY WITH CGC SEC. 5.106.8.
2. CONCEPTUAL PLAN ONLY· PHOTOMETRIC STUDY SHALL BE PERFORMED BY ARCHITECT. CONTACT TAZZ LIGHTING FOR SPEC BOOK, TRANSFORMER AND CONTROLLER INFORMATION.
3. ALL FixTURES SHALL BE PROVIDED AT COLOR TEMPERATURE 2700. WIRING DESIGN & TRANSFORMER SPECIFICATIONS BY OTHERS. CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING THE CORRECT TRANSFORMER FOR THE LIGHTING DEMAND AND CONCEALING TRANSFORMERS WITHIN THE LANDSCAPE OR IN A MECHANICAL ROOM IN COORDINATION WITH THE DESIGN TEAM. LOW VOLTAGE FIXTURES SHALL BE INSTALLED IN STAINLESS STEEL ENCLOSURES, WIRING RUNS & TRANSFORMERS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS. LINE VOLTAGE FIXTURES SHALL BE COORDINATED WITH MEP CONSULTANT.
4. ALL LIGHTING SHALL BE DOWN-SHIELDED TO THE MAXIMUM EXTENT FEASIBLE, OF LOW-INTENSITY, AND OBSCURED SO THAT NO DIRECT VIEW OF THE LIGHTING SOURCE IS POSSIBLE FROM ADJACENT PROPERTIES, RESIDENTIAL WINDOWS OR PUBLIC RIGHTS-OF-WAY.
5. ALL LIGHTS TO BE DIRECTED AT THE INTENDED SUBJECT OF ILLUMINATION SUCH AS SPECIMEN PLANT MATERIAL OR TREES, PATHWAYS OR LANDSCAPE FEATURE. NO UNSHIELDED UP LIGHTING SHALL BE PROVIDED.
6. REFER TO ARCHITECT'S PLANS FOR EXTERIOR ARCHITECTURAL LIGHTING.
SIERRA AVENUE FRONTAGE

DAHLIA DRIVE FRONTAGE

HIGHWAY 101 FRONTAGE

NOTES:
1. CONTRACTOR TO LOCATE AND CONFIRM ALL UTILITIES PRIOR TO CONSTRUCTION - NOTIFY LANDSCAPE ARCHITECT OF ANY DESIGN CONFLICTS.
2. ALL DRAINAGE SHALL BE INSTALLED PER CIVIL PLANS.

SCALE: 1" = 20' - CI

AS-BUILT

CITY OF SOLANA BEACH
ENGINEERING DEPARTMENT
DRAWING NO. CG-3180

THE BENCHMARK FOR THIS SURVEY IS G.P.S. STATION NO. 29 DATUM: M.S.L.
1. All threaded connections to have Teflon tape or paste.
2. All BRASS or COPPER below grade shall have AWWA C209 approved pipe tape.
3. Installation must conform to local codes.
4. Pressure regulator, see legend for specs.
5. PVC mainline to master valve, pipe per specs.
6. Backflow preventers as required. See legend for specs.
7. PVC union, (4) needed.
8. Ball valve, 3/4" rock, 2 cubic ft.
9. In rigid conduit. Low voltage wire in rigid PVC conduit.
10. Mount controller.
11. V.J.T. strongbox, quick connector valve on swing frame.
12. Ball type isolation valve, if specified.
15. Rectangular valve box (top) - rigid electrical conduit.
17. PVC header to tubing connection.
4. MANUFACTURER'S WARRANTIES SHALL NOT RELIEVE THE CONTRACTOR OF HIS LIABILITY

A. PROVIDE AT LEAST ONE ENGLISH SPEAKING PERSON WHO WILL BE PRESENT AT ALL TIMES

1.03 QUALITY ASSURANCE

B. ALL WORK CALLED FOR ON THE DRAWINGS BY NOTES OR DETAILS SHALL BE FURNISHED

1.02 CONSTRUCTION DRAWINGS

WHERE THE MANUFACTURER OF ARTICLES USED IN THIS CONTRACT FURNISH DIRECTIONS FOR INSTALLATION AND WHERE另有 DISCREPANCIES IN AREA DIMENSIONS EXIST THAT MIGHT NOT HAVE BEEN CONSIDERED IN THE PREPARATION OF THE DRAWINGS.

IRRIGATION SPECIFICATIONS

F. ONE 5-FOOT TEE WRENCH FOR OPERATING GATE VALVES 3 INCHES OR LARGER (IF USED)

A. THE CONTRACTOR SHALL PERMIT THE LANDSCAPE ARCHITECT, OWNER'S AUTHORIZED REPRESENTATIVE, OR DISCREPANCIES IN AREA DIMENSIONS EXIST THAT MIGHT NOT HAVE BEEN CONSIDERED IN THE PREPARATION OF THE DRAWINGS.

B. THREE 30-INCH SPRINKLER KEYS FOR MANUAL OPERATION OF CONTROL VALVES

C. TWO KEYS FOR EACH AUTOMATIC CONTROLLER.

C. SPARE PARTS LISTS AND RELATED MANUFACTURER INFORMATION FOR ALL EQUIPMENT.

A TWO (2) WRENCHES FOR DISASSEMBLY AND ADJUSTMENT OF EACH TYPE OF SPRINKLER HEAD USED IN THE IRRIGATION SYSTEM

THE ABOVE EQUIPMENT SHALL BE TURNED OVER TO OWNER'S AUTHORIZED REPRESENTATIVE AT THE FINAL ACCEPTANCE.

1. RECORD DRAGNINGS MUST BE APPROVED BY LANDSCAPE ARCHITECT AND/OR OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO BEGINNING CONSTRUCTION.

2. USE ONLY NEW MATERIALS OF THE MANUFACTURER, SIZE AND TYPE SHOWN ON THE DRAWINGS AND SPECIFICATIONS. MATERIALS OR EQUIPMENT INSTALLED OR FURNISHED THAT DO NOT MEET THIS REQUIREMENT SHALL BE REPLACED IMMEDIATELY AT NO ADDITIONAL COST TO THE OWNER.

3. THE WORK, OR ANY MATERIALS, SHALL NOT BE USED IN ANY MANNER WITHOUT THE ISSUANCE OF WRITTEN APPROVAL BY THE CONTRACTOR.

4. THE CONTRACTOR SHALL COORDINATE WITH THE GENERAL CONTRACTOR FOR THE INSTALLATION OF ALL EQUIPMENT AND MATERIALS.

5. PROVIDE IN WRITING THE DIFFERENCE IN INSTALLED PRICE IF THE ITEM IS ACCEPTED.

FOLLOW THE FILING OF THE NOTICE OF COMPLETION. SHOULD ANY PROBLEM WITH THE IRRIGATION SYSTEM WE HAVE FURNISHED AND INSTALLED BE FREE FROM DEFECTS IN MATERIALS AND WORKMANSHIP, THE CONTRACTOR SHALL BOUND TO FIRST PROVIDE A LIST OF ITEMS TO BE COMPLETED BY THE CONTRACTOR AT THE TIME OF FINAL ACCEPTANCE.

1. THE CONTRACTOR SHALL PERMIT THE LANDSCAPE ARCHITECT OR OWNER'S AUTHORIZED REPRESENTATIVE TO VISIT THE WORK AT ANY TIME DURING CONSTRUCTION OR AT THE TIME OF FINAL ACCEPTANCE TO MAKE SUCH REPAIRS OR REPLACEMENTS WITHIN THE TIME SPECIFIED AFTER RECEIPT OF WRITTEN NOTICE FROM OWNER WHEN THE NATURE OF THE REPAIRS AS DETERMINED BY THE LANDSCAPE ARCHITECT, OWNER'S AUTHORIZED REPRESENTATIVE OR THE OWNER IS SATISFACTORY.

1.05 INSPECTIONS

E. THE IRRIGATION CONTRACTOR SHALL COORDINATE WITH THE GENERAL CONTRACTOR FOR THE INSTALLATION OF ALL EQUIPMENT AND MATERIALS.

A COMPLETE SET OF OPERATING AND MAINTENANCE INSTRUCTIONS

E. THE IRRIGATION CONTRACTOR SHALL COORDINATE WITH THE GENERAL CONTRACTOR FOR THE INSTALLATION OF ALL EQUIPMENT AND MATERIALS.

B. ROUTING OF SPRINKLER PRESSURE LINES (DIMENSIONS SHOWN AT A MAXIMUM OF 100 FEET ALONG ROUTING)

C. GATE VALVES

2.03 METAL PIPE AND FITTINGS

A PIPE SHALL BE MARKED CONTINUOUSLY WITH MANUFACTURER'S NAME, NOMINAL PIPE SIZE, COMMERICAL STANDARDS DESIGNATION, AND DATE OF EXTRUSION COMMERICAL STANDARDS DESIGNATION, AND DATE OF EXTRUSION OF AN IMPROVED VIRGIN PVC FITTING COMPOUND SLIP PVC FITTINGS SHALL BE THE "DEEP ELL" DESIGN.

5. MAINTAIN RECORD DRAWINGS ON SITE AT ALL TIMES UPON COMPLETION OF WORK, TRANSFER ALL POINTS OF CONNECTION PROVIDED AS THE SOURCE OF WATER, ELECTRICAL SUPPLY, AND ANY ADDITIONAL INFORMATION.

2.02 PLASTIC PIPE AND FITTINGS

A PIPE SHALL BE MARKED CONTINUOUSLY WITH MANUFACTURER'S NAME, NOMINAL PIPE SIZE, COMMERICAL STANDARDS DESIGNATION, AND DATE OF EXTRUSION.

A. PIPE SHALL BE MARKED CONTINUOUSLY WITH MANUFACTURER'S NAME, NOMINAL PIPE SIZE, COMMERICAL STANDARDS DESIGNATION, AND DATE OF EXTRUSION.

B. ROUTING OF SPRINKLER PRESSURE LINES (DIMENSIONS SHOWN AT A MAXIMUM OF 100 FEET ALONG ROUTING)

C. GATE VALVES

2.03 METAL PIPE AND FITTINGS
IRRIGATION SPECIFICATIONS

PART II - MATERIALS (CONT.)

3.6 OTHER MATERIALS

3.6.1 Pipe

3.6.1.1 PVC Schedule 40 and 80 shall be used for all pressure mains. Schedule 40 shall be used for high density polyethylene (HDPE) and all other pressure lines.

3.6.1.2 Valve boxes shall be of the manufacturer, size, and type indicated on the drawings.

3.6.1.3 Valve boxes shall be made of cast iron, or other equivalent material, and shall conform to the following:

   a. Valve boxes shall be designed and sized to accommodate the anticipated loads and pressures.

   b. Valve boxes shall be manufactured to the standards of the American Society of Mechanical Engineers (ASME).

   c. Valve boxes shall be tested and certified by an independent testing laboratory.

3.6.1.4 Manholes shall be of the manufacturer, size, and type indicated on the drawings.

3.6.1.5 Manholes shall be made of cast iron, or other equivalent material, and shall conform to the following:

   a. Manholes shall be designed and sized to accommodate the anticipated loads and pressures.

   b. Manholes shall be manufactured to the standards of the American Society of Mechanical Engineers (ASME).

   c. Manholes shall be tested and certified by an independent testing laboratory.

3.6.2 Fittings

3.6.2.1 Fittings shall be of the manufacturer, size, and type indicated on the drawings.

3.6.2.2 Fittings shall be made of cast iron, or other equivalent material, and shall conform to the following:

   a. Fittings shall be designed and sized to accommodate the anticipated loads and pressures.

   b. Fittings shall be manufactured to the standards of the American Society of Mechanical Engineers (ASME).

   c. Fittings shall be tested and certified by an independent testing laboratory.

3.6.3 Accessories

3.6.3.1 Accessories shall be of the manufacturer, size, and type indicated on the drawings.

3.6.3.2 Accessories shall be made of cast iron, or other equivalent material, and shall conform to the following:

   a. Accessories shall be designed and sized to accommodate the anticipated loads and pressures.

   b. Accessories shall be manufactured to the standards of the American Society of Mechanical Engineers (ASME).

   c. Accessories shall be tested and certified by an independent testing laboratory.

3.6.4 Backflow Preventers

3.6.4.1 Backflow preventers shall be of the manufacturer, size, and type indicated on the drawings.

3.6.4.2 Backflow preventers shall be made of cast iron, or other equivalent material, and shall conform to the following:

   a. Backflow preventers shall be designed and sized to accommodate the anticipated loads and pressures.

   b. Backflow preventers shall be manufactured to the standards of the American Society of Mechanical Engineers (ASME).

   c. Backflow preventers shall be tested and certified by an independent testing laboratory.

3.6.5 In-Line Filters

3.6.5.1 In-line filters shall be of the manufacturer, size, and type indicated on the drawings.

3.6.5.2 In-line filters shall be made of cast iron, or other equivalent material, and shall conform to the following:

   a. In-line filters shall be designed and sized to accommodate the anticipated loads and pressures.

   b. In-line filters shall be manufactured to the standards of the American Society of Mechanical Engineers (ASME).

   c. In-line filters shall be tested and certified by an independent testing laboratory.

3.6.6 Electrical Equipment

3.6.6.1 Electrical equipment shall be of the manufacturer, size, and type indicated on the drawings.

3.6.6.2 Electrical equipment shall be manufactured to the standards of the Underwriters Laboratories (UL).

3.6.6.3 Electrical equipment shall be tested and certified by an independent testing laboratory.

3.6.7 Water Quality

3.6.7.1 Water quality shall be in accordance with all applicable codes and regulations.

3.6.7.2 Water quality shall be tested and certified by an independent testing laboratory.

3.6.8 Operating Procedures

3.6.8.1 Operating procedures shall be in accordance with the manufacturer's instructions.

3.6.8.2 Operating procedures shall be tested and certified by an independent testing laboratory.

3.6.9 Inspection

3.6.9.1 Inspection shall be in accordance with the manufacturer's instructions.

3.6.9.2 Inspection shall be tested and certified by an independent testing laboratory.

3.6.10 Other

3.6.10.1 Other materials shall be of the manufacturer, size, and type indicated on the drawings.

3.6.10.2 Other materials shall be tested and certified by an independent testing laboratory.

3.6.11 Certification

3.6.11.1 Certification shall be in accordance with the manufacturer's instructions.

3.6.11.2 Certification shall be tested and certified by an independent testing laboratory.

3.6.12 Warranty

3.6.12.1 Warranty shall be in accordance with the manufacturer's instructions.

3.6.12.2 Warranty shall be tested and certified by an independent testing laboratory.

3.6.13 Compliance

3.6.13.1 Compliance shall be in accordance with all applicable codes and regulations.

3.6.13.2 Compliance shall be tested and certified by an independent testing laboratory.

3.7 PROPERTIES

3.7.1 Property data shall be in accordance with the manufacturer's instructions.

3.7.2 Property data shall be tested and certified by an independent testing laboratory.

3.8 Record Keeping

3.8.1 Record keeping shall be in accordance with the manufacturer's instructions.

3.8.2 Record keeping shall be tested and certified by an independent testing laboratory.

3.9 Maintenance

3.9.1 Maintenance shall be in accordance with the manufacturer's instructions.

3.9.2 Maintenance shall be tested and certified by an independent testing laboratory.

3.10 Replacement

3.10.1 Replacement shall be in accordance with the manufacturer's instructions.

3.10.2 Replacement shall be tested and certified by an independent testing laboratory.

3.11 Disposal

3.11.1 Disposal shall be in accordance with the manufacturer's instructions.

3.11.2 Disposal shall be tested and certified by an independent testing laboratory.

3.12 Additional Information

3.12.1 Additional information shall be in accordance with the manufacturer's instructions.

3.12.2 Additional information shall be tested and certified by an independent testing laboratory.

3.13 Legal Requirements

3.13.1 Legal requirements shall be in accordance with all applicable codes and regulations.

3.13.2 Legal requirements shall be tested and certified by an independent testing laboratory.

3.14 Inspections

3.14.1 Inspections shall be in accordance with the manufacturer's instructions.

3.14.2 Inspections shall be tested and certified by an independent testing laboratory.

3.15 Contractual Requirements

3.15.1 Contractual requirements shall be in accordance with the manufacturer's instructions.

3.15.2 Contractual requirements shall be tested and certified by an independent testing laboratory.

3.16 Warranty

3.16.1 Warranty shall be in accordance with the manufacturer's instructions.

3.16.2 Warranty shall be tested and certified by an independent testing laboratory.

3.17 Records

3.17.1 Records shall be in accordance with the manufacturer's instructions.

3.17.2 Records shall be tested and certified by an independent testing laboratory.

3.18 Approval

3.18.1 Approval shall be in accordance with the manufacturer's instructions.

3.18.2 Approval shall be tested and certified by an independent testing laboratory.
PLANT SCHEDULE

<table>
<thead>
<tr>
<th>PLANT</th>
<th>COMMON NAME</th>
<th>CONTAINER</th>
<th>HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acacia stenophylla</td>
<td>Shoestring</td>
<td>48&quot; box</td>
<td>LOW</td>
</tr>
<tr>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>36&quot; box</td>
<td>HIGH</td>
</tr>
<tr>
<td>Platanus racarcsa</td>
<td>California Sycamore</td>
<td>48&quot; box</td>
<td>MEDIUM</td>
</tr>
<tr>
<td>Tipuana tipu</td>
<td>T. T. P.</td>
<td>48&quot; box</td>
<td>LOW</td>
</tr>
</tbody>
</table>

NOTE:

The typical maximum height species has been observed to grow to 50' height in rare conditions.

SIERRA AVENUE FRONTAGE

MATCHLINE SEE BELOW

DAHLIA DRIVE FRONTAGE

MATCHLINE SEE ABOVE

HIGHWAY 101 FRONTAGE

MATCHLINE SEE ABOVE

NOTE:

Typical maximum height species has been observed to grow to a 50' height in rare conditions.
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: December 8, 2021
ORIGINATING DEPT: City Manager’s Office
SUBJECT: City Council Consideration of Resolution 2021-139 Approving the Chamber of Commerce Visitor Center Agreement and Consideration of the Chamber of Commerce’s Request for an Additional $15,000 to the FY 2021/22 Coastal Business/Visitors’ Budget

BACKGROUND:

The Chamber of Commerce (Chamber) and the City of Solana Beach (City) have a mutual interest in the promotion and marketing of the City to the general public and have partnered in this endeavor since 1999. Accordingly, the City has contracted with the Chamber to provide information and assistance to visitors, and the City includes an amount in its annual budget that subsidizes a portion of the operations of the Visitor Center (Center) as well as other visitor serving advertising/outreach which directly benefits the City by providing information and assistance to visitors. The Center is the Chamber office located at 210 Plaza Street, however, a visitor information kiosk at the Train Station is still maintained by the Chamber but does not have staffing.

This item is before the Council to consider approval of Resolution 2021-139 (Attachment 1) approving the Fiscal Year 2021/22 Agreement (Agreement).

DISCUSSION:

The City has been contractually providing funding of $15,000 annually to the Chamber of Commerce to operate the Center since 1999. The past agreements state that the Chamber shall utilize City funding to partially offset the cost of operating the Visitor Center, shall manage the Center, and furnish marketing for Solana Beach attractions, lodging, and hospitalities by providing information and assistance to visitors and tourists with the goal of increasing travel and tourism to the City.

COUNCIL ACTION:

________________________________________
________________________________________

AGENDA ITEM # C.2.
Chamber staff has recently approached City Staff to discuss possible modifications to the Agreement for this fiscal year. The Chamber has identified some key modifications that they suggest will improve the services that they are offering to the community and visitors and would be of great benefit to the business community. These increased services could also help the business community recover from the unprecedented COVID-19 pandemic. The suggested modifications include a request for additional fiscal support from the City in the amount of $15,000, for a total contract amount of $30,000. The following is a brief summary of tasks that the Chamber has proposed to include in a new Agreement along with their associated costs:

<table>
<thead>
<tr>
<th>Task</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintaining/updating the Visit Solana Beach website (<a href="http://www.VisitSolanaBeach.com">www.VisitSolanaBeach.com</a>) &amp; map</td>
<td>$2,000</td>
</tr>
<tr>
<td>Printing, distribution and ongoing management of map and QR code distributed throughout all of Solana Beach</td>
<td>$5,000</td>
</tr>
<tr>
<td>Costs associated with developing and executing quarterly marketing campaigns</td>
<td>$10,000 ($2,500 per campaign)</td>
</tr>
<tr>
<td>Staffing &amp; operational funds to help support and oversee visitor information and interaction</td>
<td>$13,000</td>
</tr>
</tbody>
</table>

If approved, the Chamber has committed to providing detailed data on the effectiveness of the new requests, specifically the website hits/interactions and QR code visits.

The Chamber will continue to offer a variety of local area and regional guides, travel brochures, maps, etc. at the kiosk at the Train Station and the Chamber Office, and act as the ambassador of the community. The Chamber will also continue to respond to email, mail, and phone inquiries regarding Solana Beach and provide the financial report outlining how the City’s financial assistance was spent, including a tally of the number of visits to the Visitor Center at the Chamber Office on Plaza Street. Due to the COVID-19 pandemic, the kiosk at the Train Station was closed and the Visitor’s Center at the Chamber Office had severely limited hours, so last year’s data was skewed. However, Chamber staff indicated that on average, there were 40 visits per month to the Center during the past fiscal year. Moving forward, the Chamber will now also provide the number of website visitors to the upgraded www.VisitSolanaBeach.com website.
CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

City financial assistance to the Chamber of Commerce of $15,000 is budgeted in the FY 2021/22 Coastal Business/Visitors’ adopted budget. However, should Council approve the increased contract request, an additional allocation of up to $15,000 would be required.

WORKPLAN: N/A

OPTIONS:

∙ Approve Staff recommendation
∙ Approve Staff recommendation with alternative amendments / modifications
∙ Deny Staff recommendation

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution No. 2021-139 (Attachment 1), authorizing the City Manager to execute an Agreement between the City and the Solana Beach Chamber of Commerce in an amount up to $30,000 for operation of the Visitor Center and the development of visitor serving advertising/outreach.

2. If approved by Council, appropriate up to an additional $15,000 in the Coastal Area Business & Visitor Assistance Fund to the Contributions to Agencies account.

3. Authorize the City Treasurer to amend the FY 2021/22 Adopted Budget accordingly.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

_________________________
Gregory Wade, City Manager

Attachments:

1. Resolution 2021-139
RESOLUTION 2021-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING AN AGREEMENT WITH THE SOLANA BEACH CHAMBER OF COMMERCE FOR THE OPERATION OF THE VISITOR CENTER FOR FISCAL YEAR 2021/22 AND APPROPRIATING UP TO AN ADDITIONAL $15,000 TO THE FY 2021/22 COASTAL BUSINESS/VISITORS’ BUDGET

WHEREAS, the City of Solana Beach and the Chamber of Commerce have a mutually beneficial interest in the promotion and marketing of the City to the general public; and

WHEREAS, the City of Solana Beach has maintained a contract with the Chamber of Commerce to provide funding assistance for the Visitor Center to partially offset the cost of operating the Visitor Center, to manage the Center, and to furnish marketing for Solana Beach attractions, lodging, and hospitality by providing information and assistance to visitors and tourists with the goal of increasing travel and tourism to the City; and

WHEREAS, it is an important service for the City to provide public information and assistance to visitors; and

WHEREAS, increasing travel and tourism to the City is a benefit to the businesses in the City and to the public generally.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the above recitations are true and correct.

2. That the City Council approves an agreement with the Solana Beach Chamber of Commerce for the partial funding of the Visitor Center in the amount of up to $30,000 and in exchange for the Chamber of Commerce performing certain services for the City.

3. That the City Manager is authorized to negotiate and execute an agreement, in a form acceptable to the City Attorney, with the Solana Beach Chamber of Commerce on behalf of the City of Solana Beach.

4. That the City Council appropriates $15,000 in the Coastal Area Business & Visitor Assistance Fund to the Contributions to Agencies account.

5. That the City Council authorizes the City Treasurer to amend the FY 2021/22 Adopted Budget accordingly.
PASSED AND ADOPTED this 8th day of December, 2021, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

______________________________
LESA HEEBNER, Mayor

APPROVED AS TO FORM: ATTEST:

_____________________________
JOHANNA N. CANLAS, City Attorney
_____________________________
ANGELA IVEY, City Clerk
COUNCIL ACTION:

______________________________________________________________________
______________________________________________________________________

AGENDA ITEM # C.3.

STAFF REPORT
CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: December 8, 2021
ORIGINATING DEPT: City Manager’s Department/City Attorney’s Office
SUBJECT: City Council Consideration and Potential Adoption of Resolution 2021-135 Extending COVID-19 Temporary Use Permits (TUPs) For Outdoor Dining Through March 30, 2022, and to Discuss and Provide Guidance on Permanent Outdoor Dining Provisions

BACKGROUND:

On March 16, 2020, pursuant to Section 2.28.060(A)(1) of the Solana Beach Municipal Code (SBMC), the Director of Emergency Services/City Manager proclaimed a state of local emergency in the City of Solana Beach due to COVID-19, which was ratified by the City Council through adoption of Resolution 2020-036. Since that time, there have been numerous Orders and Guidance by the California Department of Public Health (CDPH) and the Health Officer of the County of San Diego to curtail the spread of COVID-19. In June 2020, the City Council adopted Resolution 2020-087 which established a COVID-19 Temporary Use Permit process and requirements for temporary outdoor dining. In April 2021, the City Council adopted Resolution 2021-049 extending the COVID-19 TUP Policy through January 1, 2022.

The item before the City Council is to consider the adoption of Resolution 2021-135 (Attachment 1) to further extend COVID-19 Temporary Use Permits for outdoor dining through March 30, 2022, and to discuss and provide guidance on provisions within the SBMC that may allow for permanent outdoor dining.

DISCUSSION:

Since the City Council’s approval of the COVID-19 TUP Policy, the City of Solana Beach (City) has conditionally approved 33 COVID-19 TUP applications, 24 of which are for businesses with outdoor dining services. Of the 24 businesses with outdoor
dining, 19 of those are utilizing parking areas, two of which (Pillbox Tavern & Saddle Bar) are utilizing public parking spaces. The other five businesses with outdoor dining are utilizing public and/or private sidewalk areas for the outdoor dining. No new TUP applications have been filed since the April 2021 extension. Temporary outdoor dining activities continue to be utilized by most of the businesses. Other uses that were permitted to conduct outdoor activities due to COVID-19 requirements such as nail salons and hair salons have since eliminated their outdoor activities.

There continues to be a desire by the businesses, business districts, Chamber of Commerce and the public to allow for permanent outdoor dining activities. Consequently, Council included in the Fiscal Year (FY) 2021-22 Work Plan the evaluation of maintaining this outdoor dining City-wide in a manner that minimizes conflict with parking. If the City Council wishes to maintain this outdoor dining/business expansion on a more permanent basis, therefore, several items should be considered. These items include, but are not limited to, the use of public parking areas, the use of private property including parking spaces and walkways, the use of public sidewalks, what, if any, parking requirements would apply, and the type of permit that would be required for such use.

The SBMC allows certain sidewalk cafes and outdoor eating areas with approval of a Director’s Use Permit or Conditional Use Permit pursuant to SBMC Section 17.60.130 (see Attachment 2). While the purpose and intent of these regulations is to encourage outdoor eating areas and sidewalk cafes as visual amenities that intensify pedestrian activity and make street life more attractive in commercial areas, Staff is unaware of any applications for such a use permit being considered since the inception of these provisions in 1993. While there may be many reasons for the lack of such applications, one contributing factor may be the requirement to comply with current parking requirements for such outdoor eating areas. Pursuant to SBMC Section 17.52.040, parking for outdoor seating/eating areas requires 1 space per 100 square feet of gross floor. Since most commercial properties within which cafes and restaurants are located were developed prior to incorporation and, therefore, have little if any available onsite parking, providing additional parking onsite or even shared parking can be problematic.

On October 25, 2006, the City Council adopted Ordinance No. 350 that amended SBMC Section 17.52.040 to provide a limited exemption for outdoor dining by allowing up to two incidental tables and eight chairs for outdoor dining without having to provide additional parking. However, this SBMC Amendment specifically prohibited this parking exemption for tables and chairs located within the public right-of-way or for dining areas facing an adjacent residential area unless specifically permitted by the City Council as part of a discretionary permit.

If the City Council feels modification of the sidewalk café and outdoor eating area provisions is appropriate, Staff would seek additional direction on regulations and conditions that might allow such uses to gain approval. Some specific questions to help guide a draft ordinance are as follows:

- Shall outdoor dining be allowed in public parking spaces?
- Shall outdoor dining be allowed in private parking spaces?
- Shall outdoor dining on public sidewalks be subject to additional requirements?
Shall outdoor dining be allowed on private sidewalks and open areas?
What, if any, parking standards shall apply to outdoor dining areas?
Shall the outdoor dining areas be limited in size?
   o Establish a maximum square footage or a proportion of the existing businesses floor area or existing seating?
Shall there be use limitations of outdoor eating areas when adjacent to residential uses to address noise?

It should be noted that Staff has not received any complaints about the use of public sidewalks, nor about the use of private parking and private walkways for outdoor eating areas for businesses that have received approval of a COVID-19 TUP. However, there have been concerns and complaints raised about public parking being utilized for outdoor dining on a permanent basis, particularly at the public parking lot on the south side of Plaza Street. Additionally, based on discussions that other jurisdictions have had with the California Coastal Commission, use of public parking spaces for outdoor eating on a permanent basis will likely be discouraged, if not prohibited.

It should also be noted that Assembly Bill (AB) 61, approved by Governor Newsom on October 8, 2021, impacts certain outdoor dining from January 1, 2022 until January 1, 2024. Per AB 61, under Government Code section 65907(a), to the extent that outdoor expansion mitigates COVID-19 pandemic restrictions on indoor dining, required parking spaces must be reduced by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area.

Given the variety of issues to consider in preparing more permanent outdoor dining regulations, Staff is seeking Council direction on an extension of the provisions of Resolution 2021-049 until a specified date or until the emergency order limiting indoor dining and social distancing requirements is lifted. As the City Council has expressed a desire to encourage and/or allow these outdoor eating areas, Staff is requesting discussion of SBMC modifications and conditions that would allow these uses to be maintained or created. At City Council’s direction, Staff would then bring forward draft ordinance language at a future Council meeting that would further encourage and allow for outdoor eating areas.

CEQA COMPLIANCE STATEMENT:

The proposed City Council action is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Because there is no possibility that the Resolution may have a significant adverse effect on the environment, the action is exempt from CEQA.

FISCAL IMPACT:

There are no direct fiscal impacts related to the adoption of the Resolution.
WORKPLAN:

Evaluation of maintaining outdoor dining (City-wide) that minimizes conflict with parking is identified as a key task in the FY 2021-22 Work Plan under the Community Character Priorities for the Highway 101 Specific Plan.

OPTIONS:

• Approve Staff recommendation adopting Resolution 2021-135 and provide direction / feedback on outdoor eating area provisions.
• Approve Staff recommendation with modifications.
• Do not approve Staff recommendations.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2021-135.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

Gregory Wade, City Manager/Director of Emergency Services

1. Resolution 2021-135
2. SBMC Sidewalk Café and Outdoor Eating Area Regulations
RESOLUTION 2021-135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOLANA BEACH, CALIFORNIA, EXTENDING COVID-19
TEMPORARY USE PERMIT POLICY

WHEREAS, on June 10, 2020, the City Council adopted Resolution 2020-087
approving, among other actions, a COVID-19 Temporary Use Permit Policy to allow
specified uses to operate outdoors; and

WHEREAS, on November 18, 2020, the City Council adopted Resolution 2020-
148 extending the COVID-19 Temporary Use Permit Policy to allow specified uses to
operate outdoors; and

WHEREAS, on April 28, 2021, the City Council adopted Resolution 2021-049
extending the COVID-19 Temporary Use Permit Policy to allow specified uses to
operate outdoors through January 1, 2022; and

WHEREAS, the City Council wishes to support and encourage economic growth
and the business community in the City while being responsive to the COVID-19
pandemic and County Public Health Orders.

NOW, THEREFORE, the City Council of the City of Solana Beach, California,
does resolve as follows:

1. That the above recitations are true and correct.

2. That Council authorizes an extension of the COVID Temporary Use
Permit Policy until March 30, 2022.

PASSED AND ADOPTED this 8th day of December, 2021, at a regular meeting
of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

______________________________
LESA HEEBNER, Mayor

APPROVED AS TO FORM: ATTEST:

_____________________________
JOHANNA N. CANLAS, City Attorney ANGELA IVEY, City Clerk
Chapter 17.60
SPECIAL REGULATIONS

17.60.130 Sidewalk cafes and outdoor eating areas.
A. Purpose and Intent. The purpose and intent of these regulations is to encourage outdoor eating areas and sidewalk cafes as visual amenities which intensify pedestrian activity and make street life more attractive in commercial areas, to promote and protect public health, safety, and general welfare, to preserve and enhance the character of neighborhoods, and to ensure adequate space for pedestrians.

B. Definitions.

1. An “outdoor eating area” is a portion of a restaurant, located between the front setback of a building and the street, which is used exclusively for dining, drinking and circulation therein. Outdoor eating areas include sidewalk cafes.

2. A “sidewalk cafe” is a portion of a restaurant, located within the sidewalk area of the public right-of-way, which is used exclusively for dining, drinking and circulation therein. A sidewalk cafe may provide waiter or waitress service or self-service.

C. Conditional Use Permit Required. A sidewalk cafe shall only be permitted by conditional use permit issued by the director of community development or city council in accordance with SBMC 17.68.010. Specific conditions providing for the development, operation, and design of such a use shall be imposed by the director of community development or the city council.

Outdoor eating areas which do not include a sidewalk cafe do not require a conditional use permit but shall comply with all applicable regulations below.

D. Regulations. All outdoor eating areas, including sidewalk cafes, shall comply with the following regulations as applicable:

1. Clear Path.

   a. For sidewalk cafes, there shall be a minimum clear distance, which is free of all obstructions, of 50 percent of the sidewalk width or four feet, whichever is greater. The minimum distance may be measured from any point within the sidewalk width; provided the clear path is maintained in a continuous line conforming to the curvature of the sidewalk. Portions of the sidewalk cafe may be located on either side of the clear path thereby creating two distinct perimeters. In no event may recesses in the sidewalk cafe frontage be used to satisfy this unobstructed width requirement except that corners of the sidewalk cafe may be rounded or mitered. For the purposes of the minimum clear path, parking meters, traffic signs, and trees which have gratings flush to grade, without fence or guards, shall not count as obstructions. Within a sidewalk cafe perimeter located on the street side of a clear path, tables and chairs may be located between sidewalk obstructions such as trees, light standards, planters, news racks, mailboxes, benches and similar fixtures; provided such public facilities remain accessible.

   b. At the intersection of streets a minimum clearance, free of all obstructions, measured from the outer edge of the sidewalk cafe to the curb side or nearest obstruction, shall be required as determined by the city engineer. The corner of the sidewalk cafe wall may be rounded or mitered.

2. Cafe Boundary. No portion of a sidewalk cafe, such as gates or any objects placed within a sidewalk cafe, shall swing or project beyond the designated exterior perimeter of the sidewalk cafe. However, fire exit doors, which are used exclusively as emergency exit doors, shall be exempt from this provision.
3. Location. No portion of an outdoor eating area shall be located within eight feet of the entrance to a ground floor commercial use other than an entrance to an outdoor eating area. An exception to the minimum distance between outdoor eating areas and adjacent business entrances may be granted up to zero feet after review of existing conditions in that commercial area on that particular street by the director of community development and all other appropriate departments, and upon the affected adjacent property and first floor tenant(s) having given notarized written permission for an encroachment. The review will take into consideration the effect that the exception may have on adjoining businesses in terms of visibility and access.

4. Access For Persons with Physical Disabilities. An outdoor eating area and its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the outdoor eating area shall be accessible to persons with disabilities from the interior of the restaurant. In order to ensure access for persons with physical disabilities:

   a. At least one door leading into the outdoor eating area or restaurant from the adjoining sidewalk shall be not less than three feet wide.

   b. A ramp with nonskid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than one inch in height for every 12 inches of horizontal distance shall be provided. Such ramp may be of portable type for cafes which are six feet wide or less, except if the cafe is 180 square feet in area or greater.

5. General Design Considerations.

   a. Fixtures.

      i. Sidewalk cafes may contain readily removable railings or fencing or any combination of removable railings, fencing, and landscaping in planter boxes to separate the encroachment area from the remainder of the sidewalk.

      ii. No solid walls shall be permitted in the right-of-way. Solid walls and wind screens are permitted in outdoor eating areas outside of the right-of-way.

      iii. The furnishings of the interior of a sidewalk cafe shall consist of readily movable tables, movable chairs, and movable umbrellas. For the purposes of this section “readily movable” shall mean that no object such as a table, chair, planter, or any other fixture, shall be leaded, cemented, nailed, bolted, power riveted, screwed, or affixed, even in a temporary manner, to either the sidewalk or to any other structure which it abuts.

      iv. Landscaping may be placed either in movable planters or planted in the ground inside the defined cafe area adjacent to any barrier, railing fence, or combination thereof.

      v. Lighting and heating fixtures may be permanently affixed onto the exterior front of the main building. Portable heating units may be used in all outdoor cafes.

   b. Signage. Only the following signs are permitted within an outdoor eating area or sidewalk cafe:

      i. The name and type of establishment may appear on the umbrellas or the valance of an awning.

      ii. A movable menu board, not to exceed eight square feet, shall be allowed within the boundaries of the outdoor eating area or sidewalk cafe.

   c. Refuse Storage Area. No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from a sidewalk cafe on the public right-of-way.

   d. Safety.
i. All barriers, railings, or fences placed around a sidewalk cafe shall be contiguous to the sidewalk. The barriers shall be adequately designed so that unsafe conditions are not created for the physically disabled, blind and partially sighted. In order to maximize visual access and pedestrian safety, the height of the railing, barrier, fence, or planter within the right-of-way shall not exceed three feet in elevation.

ii. Adequate lighting of barriers and railings for stairways and sidewalks shall be provided.

iii. No cantilevered projections over a public right-of-way or other pedestrian walkway shall be permitted. A change in paving pattern and texture may be required to alert pedestrians of a change in sidewalk use.

iv. Awnings or umbrellas may be used in conjunction with all outdoor eating areas. For sidewalk cafes within the public right-of-way, awnings shall be adequately secured, retractable and shall be constructed and installed to the satisfaction of the building official. At no point shall the height of the awning including the valance be less than seven feet from the floor of a sidewalk cafe.

v. Sidewalk cafes should be at the same elevation as the adjoining sidewalk. However, in the event of a grade change, consideration may be given to permit the floor level of the sidewalk cafe to be elevated or depressed.


   a. The outdoor eating area should fit in with the character of the area and reinforce the aspect of outdoor pedestrian plazas/park settings.

   b. The scale of an outdoor cafe should be compact, and suggest intimacy, charm and functionality through materials, landscaping, signs, and use.

   c. The hours of operation of an outdoor eating area shall be limited to the hours of operation of the associated eating or drinking establishment.

E. Encroachment Permit Required. An encroachment permit shall be required for a sidewalk cafe in accordance with the provisions of SBMC 11.20.200 and shall be applied for and processed concurrently with the application for a conditional use permit.

F. Liability Insurance. The permittee shall agree to hold the city of Solana Beach harmless and indemnify the city of Solana Beach from and against all claims, demands, costs, losses, damages, injuries, litigation, and liability arising out of or related to the use of the public property by the permittee or permittee’s agents, employees, contractors, or guests. The permittee shall also give evidence of liability insurance in an amount determined by the issuing authority to be sufficient to deal with the maximum amount of potential liability related to permittee’s use of the public property, and such additional terms as the issuing authority deems appropriate. The issuing authority may require an additional bond to be posted as security for the performance of permittee’s obligation to repair all public property damaged as a result of permittee’s use of the public property. (Ord. 185 § 2, 1993)
TO: Honor able Mayor and City Councilmembers  
FROM: Gregory Wade, City Manager  
MEETING DATE: December 8, 2021  
ORIGINATING DEPT: City Manager’s Department  

BACKGROUND:
On November 10, 2021, the City Council (Council) introduced Ordinance No. 518 to amend Title 15 of the Solana Beach Municipal Code. If the Ordinance is adopted, the revised SBMC will amend the 2019 California Building Code and California Green Building Code to implement solar energy, building decarbonization and electric vehicle (EV) installation requirement with the goal of decreasing greenhouse gas (GHG) emissions.

This item is before the Council to consider adoption (2nd Reading) of Ordinance 518 amending Title 15 of the Solana Beach Municipal Code.

DISCUSSION:
Council introduced and discussed Ordinance 518 at their meeting on November 10, 2021. After some discussion about the various provisions, Council passed a motion to approve the Ordinance with some modifications as recommended by the Climate Action Commission and by Council. These modifications are reflected in blue font in Attachment 1. Minor, clerical edits are shown in red font. Attachment 2 is a clean copy of the ordinance with all changes incorporated. In addition, Council directed Staff to begin tracking the metrics relevant to this Ordinance as residential and non-residential
construction projects are submitted to the Community Development Department for review.

**Energy Code Amendments – Chapter 15.22 of SBMC**

Ordinance 518 includes Reach Code provisions that would amend the energy requirements in the City’s local Building Code as follows:

- All newly constructed non-residential properties must install photovoltaic (PV) systems in accordance with sizing requirements based on square footage or Time Dependent Valuation (TDV) factors.
  - **Cost implications:** Solar photovoltaic systems on new non-residential construction are cost effective across modeled non-residential scenarios including retail buildings, office buildings and hotel buildings. Scale of solar requirements depends on electrification requirements. The more systems that are electrified, the more cost-effective solar becomes.
  - **Greenhouse gas impacts:** The amount of GHG savings varies by the size of the characteristics of the building and the size of the solar system.

- In new residential and commercial construction, all space conditioning, water heating and clothes dryer systems will be electric only.
  - **Cost implications:** Based on studies conducted by the statewide Codes and Standards Team, electrifying the above listed building systems and appliances is cost-effective. The largest cost savings opportunity identified in the study was that of avoided gas infrastructure. Cost savings would be less if gas infrastructure is still installed to accommodate cooking and grills.
  - **Greenhouse gas impacts:** According to the 2018 RMI report, The Economics of Electrifying Buildings, 87% of building end use emissions come from space and water heating. Please note: this number does not account for the methane leakage from gas infrastructure.

**Green Building Code Amendments – Chapter 15.23 of the SBMC**

Ordinance 518 also includes Reach Code provisions that create a local amendment to the State Green Building Code, which is an action that does not require California Energy Commission (CEC) approval, but the City, nonetheless, will submit them together with the Energy Code amendments to the CEC as one complete Reach Code package. The Green Building Code provisions in Ordinance 518 include the following requirements:

- All new residential and non-residential construction must be pre-wired for battery storage that would accommodate backup loads for a minimum of 5 kWh.
- All new residential and non-residential construction must install sufficient electrical capacity for future electrification of all non-electric appliances.
All new residential and non-residential construction must install EV infrastructure in accordance with the requirements outlined in Section 15.23.060 of the proposed ordinance. The State does not require cost-effectiveness studies to be submitted in support of these measures. However, as California transitions to clean electric power, these measures have relatively small upfront costs at the time of new construction and potentially significant future retrofit cost avoidance.

Substantial Remodels as New Construction

Ordinance 518 applies to new residential and non-residential construction. Because Solana Beach is a relatively built-out community, much of the construction activity in the City consists of remodels to existing homes and buildings rather than entirely new construction. At times, the extent of the remodeling is extensive enough that most of the structure is essentially “new” construction. According to the proposed Ordinance, the parameters that follow will determine when a remodel should be considered as “New Construction” as follows:

A. Residential Remodel.

1. Any construction that Remodels more than fifty percent (50%) of any of the following major structural components:
   
   (i) exterior walls (measured by linear feet);

   (ii) interior walls (measured by linear feet), except where the building or structure is less than 1200 square feet;

   (iii) roof (measured by square footage);

   (iv) floor and/or foundation (measured by square footage); or

2. The addition of seven hundred (700) or more square feet of floor area.

B. Non-Residential Remodel.

1. Any construction that Remodels more than fifty percent (50%) of any of the following major structural components:

   (i) exterior walls (measured by linear feet);

   (ii) interior walls (measured by linear feet);

   (iii) roof (measured by square footage);

   (iv) floor and/or foundation (measured by square footage); or
2. The addition of fifty percent (50%) or more of floor area to the building (measured by square footage); or

3. The Remodel project has a permit valuation of four hundred thousand dollars ($400,000) or more.

Next Steps

If approved by Council, Staff will submit the Ordinance and cost-effectiveness studies as a Reach Code package to the CEC to be filed with the California Building Standards Commission (CBSC) prior to implementation, as required by Public Resources Code Section 25402.1(h)(2). The Ordinance will go into effect only after formal approval by the CEC is granted at which time the provisions will apply to any projects that have not been deemed as complete by the Community Development Department by that date.

The City will have to follow the reach code adoption process once again as early as August or September of 2022 if Council would like any of the requirements to remain in place for the next triennial adoption of the revised California Building Codes. The 2022 Building Codes will be adopted by the State as of January 1, 2022 and go into effect on January 1, 2023.

CEQA COMPLIANCE STATEMENT:

The proposed Ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to Sections 15307 and 15308 of the CEQA Guidelines (14 CCR 15307 and 15308) because it is an activity undertaken to assure the maintenance, restoration, enhancement and protection of the environment and pursuant to Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

FISCAL IMPACT:

The Reach Code amendments parallel the structure and terms of the State Building Code and as such, any incremental plan check and inspection time should be minimal. The provisions will require plan checkers and inspectors to develop and apply additional checklists but are not expected to require significant additional Staff time. Any incremental costs of administering these requirements will be covered through existing permit fees.

WORK PLAN:

This item is included in the Environmental Sustainability section of the FY 2021/2022 Work Plan.
OPTIONS:

- Do not adopt Ordinance 518 and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends the City Council adopt Ordinance 518 amending Title 15 of the Solana Beach Municipal Code to adopt amendments to the 2019 California Building Code and California Green Building Code to implement Solar Energy, Building Decarbonization and Electric Vehicle Infrastructure requirements for new construction.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

Gregory Wade, City Manager

Attachments:

1. Ordinance 518 – Redline Copy
2. Ordinance 518 – Clean Copy
ORDINANCE 518

AN ORDINANCE OF THE CITY COUNCIL OF SOLANA BEACH, CALIFORNIA, ADOPTING ADDITIONS TO CHAPTER 15.22 (ENERGY CODE) AND CHAPTER 15.23 (GREEN BUILDING CODE) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE SOLANA BEACH MUNICIPAL CODE TO ADOPT THE 2019 CALIFORNIA BUILDING CODE AND CALIFORNIA GREEN BUILDING CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS RELATED TO CLIMATE ACTION THROUGH ENERGY EFFICIENCY, SOLAR ENERGY, BUILDING ELECTRIFICATION, AND ELECTRIC VEHICLE INFRASTRUCTURE

WHEREAS, consensus exists among the world’s leading climate scientists that climate change caused by greenhouse gas (GHG) emissions from human activities is among the most significant problems facing the world today; and

WHEREAS, the City of Solana Beach declared a Climate Emergency in 2020; and

WHEREAS, the City of Solana Beach adopted a Climate Action Plan (CAP) that directs the City in reducing approximately 70,000 metric tons of GHG emissions annually by the year 2035 to meet reduction goals consistent with California’s GHG targets; and

WHEREAS, measures in the CAP aim to curb the use of fossil fuels, a primary contributor to GHG emissions, in buildings and transportation; and

WHEREAS, reach codes that extend beyond the California building code are being adopted by cities state-wide to accelerate GHG reductions from new construction by limiting the use of natural gas, increasing local solar production, and installing electric vehicle (EV) infrastructure to charge a greater number of EV’s beyond state code requirements; and

WHEREAS, fifty-one cities and counties in California have passed ordinances restricting or disincentivizing the use of natural gas in residential, commercial and multi-family buildings; and

WHEREAS, cost effectiveness is demonstrated by the statewide studies (included by reference) “2019 Costeffectiveness Study: Low-Rise Residential New Construction”, prepared by Frontier Energy, Inc. and Misti Bruceri & Associates, LLC, dated July 17, 2019, and “2019 Nonresidential New Construction Reach Code Cost Effectiveness Study”, prepared by TRC and EnergySoft, dated July 15, 2019; and
WHEREAS, the assumptions for climate zones, building types, cost effectiveness, and the provisions of the model reach code are applicable to the City of Solana Beach; and

WHEREAS, the City of Solana Beach wishes to adopt the reach code ordinance with modifications to enhance building electrification, on-site solar electricity generation, and EV infrastructure within the City as part of Title 15 of the Municipal Code.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does ordain as follows:

SECTION ONE. FINDINGS.

The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City Council. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.

SECTION TWO. ENVIRONMENTAL REVIEW.

This Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Sections 15307 and 15308 of the CEQA Guidelines (14 CCR 15307 and 15308) because it is an activity undertaken to assure the maintenance, restoration, enhancement and protection of the environment and pursuant to Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

SECTION THREE. ADDITION OF SECTIONS 15.22.020 THROUGH 15.22.050 AND 15.23.020 THROUGH 15.23.060 TO THE SOLANA BEACH MUNICIPAL CODE.

Sections 15.22.020 through 15.22.050 and 15.23.020 through 15.23.060 of the Solana Beach Municipal Code are hereby added to amend the 2019 California Building Code, California Code of Regulations, Title 24, Part 6 and Part 11 and shall read as follows:

CHAPTER 15.22 ENERGY CODE

15.22.020 Applicability
A. The requirements of this Chapter shall apply at the time of building permit application for all Newly Constructed buildings, as defined in Section 15.22.030.

B. The requirements of this Chapter shall not apply to the use of portable propane appliances for use outside of the building envelope, such as outdoor cooking and outdoor heating appliances.

15.22.030 Definitions

For purposes of this Chapter and Chapter 15.23, the following definitions shall apply:

“Mixed-Fuel building” means a building that is plumbed for the use of natural gas or propane as fuel for any systems.

“New Construction” (or “Newly Constructed”) means a building that is new construction, previously unoccupied or substantially Remodeled (as defined herein). Any construction work, alteration, remodel, replacement, repair, or renovation of any building(s) or structure(s) (collectively “Remodel”) shall constitute be considered “New Construction” when:

A. Residential Remodel.

1. Any construction that Remodels more than fifty percent (50%) of any of the following major structural components:

   (i) exterior walls (measured by linear feet);

   (ii) interior walls (measured by linear feet), except where the building or structure is less than 1200 square feet;

   (iii) roof (measured by multiplying the length by width square footage);

   (iv) floor and/or foundation (measured by multiplying the length by width square footage); or

2. The addition of seven hundred (700) or more square feet of floor area.

B. Non-Residential Remodel.

1. Any construction that Remodels more than fifty percent (50%) of any of the following major structural components:

   (i) exterior walls (measured by linear feet);
(ii) interior walls (measured by linear feet);

(iii) roof (measured by multiplying the length by width square footage);

(iv) floor and/or foundation (measured by multiplying the length by width square footage); or

2. The addition of fifty percent (50%) or more of floor area to the building (measured by square footage); or

3. The Remodel project has a permit valuation of four hundred thousand dollars ($400,000) or more.

“Non-Residential” means buildings with the following occupancies: non-residential; residential of four (4) or more stories; hotel and motel; and commercial (e.g., retail, restaurant, office, and industrial).

“Low-Rise Residential” means all single-family residential and low-rise multifamily buildings of three (3) stories or fewer.

15.22.040 Non-Residential Photovoltaic System Required

A. All New Construction of Non-Residential buildings shall be required to install a minimum five (5) kilowatt direct current (kWdc) on-site photovoltaic system, except as provided in 15.22.040(C) through (G), inclusive, below.

The required photovoltaic system shall be sized based on gross floor area of the building (or gross floor area of the leased premises if the applicant is a tenant in a multi-tenant building or owner of a condominium in a building consisting of two or more condominiums). If the gross floor area of the building (or premises in a multi-tenant or condominium building) is more than two thousand (2,000) square feet, then for each square foot of the gross floor area that exceeds two thousand (2,000) square feet the size of the photovoltaic system shall be increased by three (3) watts per square foot.

Note to Section 15.22.040(A): When a Remodel of a Non-Residential multi-tenant building (whether to a tenant’s leased premises within the building or to the common area of the building or project) qualifies as New Construction, compliance with the requirements herein concerning the size of the photovoltaic system shall be based on the gross floor area controlled by the applicant.
(i) Where there is construction to a leased premises that only concerns the leased premises, the size of the photovoltaic system will be based on the gross floor area of the leased premises being Remodeled controlled by the applicant. (For example, for a tenant improvement that only affects the tenant’s portion of a building’s total gross floor area.)

(ii) Where there is construction to the common area of a building or project, the size of the photovoltaic system will be based on the gross floor area of the common area of the building or project that is owned or controlled by the property owner consisting of interior lobbies, hallways, bathrooms, and mailrooms located inside the building and the exterior walls of the building (excluding exterior walkways, parking areas, and other common areas on the exterior of the building). (For example, a Remodel of a building that only affects common area of the building or project.)

B. The building official may reduce (by the minimum extent necessary) or waive the requirements of this Section 15.22.040(A) if the official determines that (i) there are sufficient “practical challenges” to make compliance with the requirements infeasible or (ii) that the size of the photovoltaic system required herein exceeds the reasonable average annual electricity demand for the proposed use of the building or premises. “Practical challenges” may be a result of the building site location, limited rooftop availability, or shading from nearby structures, topography, or vegetation. The applicant is responsible for submitting written documentation which demonstrates (i) the infeasibility of the requirement or (ii) that the electrical demand for the building (or leased premises) based on the proposed use of the building (or leased premises) is lower than the electricity production from the required system size. The applicant’s request for modification or exemption from this requirement shall include a written report from a certified energy analyst and other qualified consultants as may be required by the building official which demonstrate the infeasibility of the requirement or that the electrical demand for the building based on the proposed use of the building. The City’s certified energy analyst and/or other consultants shall confirm the report and analysis provided by the applicant.

D.C. The building official may waive or reduce, by the extent necessary, the provisions of this section 15.22.040(A) above if the official determines that the building has satisfied the purpose and intent of this provision through the use of alternate on-site zero carbon, renewable generation systems such as wind energy systems.

E.D. In lieu of Sections 15.22.040(A) or (B), all Newly Constructed Non-Residential buildings may install a solar PV system based on Time Dependent Valuation (TDV) such that the installed system will offset 80% of the building’s TDV energy on an annual basis. The system sizing requirement shall be based upon total building TDV energy use including both conditioned and unconditioned space and calculated using modeling software or other methods approved by the building official.
Note to Section 15.22.040(E): Where appropriate and when approved by the Community Development Director or his or her designee, TDV may be based on the scope of the application where the system size reflects only the load controlled by the applicant, such as a tenant improvement that only affects a tenant’s portion of a building or a general renovation of a nonresidential building by a property owner that only affects common areas. Applicant specific TDV shall be the minimum requirement unless an applicant can demonstrate to the Community Development Director or their designee that serving common area load is infeasible per Section 15.22.040(C).

F-E. Greenhouse structures used for commercial cultivation, educational purposes, or the conservancy of plants or animals are exempted from the requirements of this Section 15.22.040. The Community Development Director or his or her designee may exempt other greenhouse structure uses on a case-by-case basis.

G-F. An applicant may install a ground-mounted solar PV system that meets the requirements of Section 15.22.040(A) or (B) as a voluntary alternative to installing rooftop solar PV. The ground-mounted solar photovoltaic system shall comply with all existing health and safety requirements and limitations in the City.

15.22.050 Required Electric End Uses

A. All Newly Constructed buildings shall use electricity as the source of energy for its space heating, water heating (including pools and spas), and clothes drying appliances, except as provided in 15.22.050(B) below.

B. Solar thermal pool and spa heating are exempt from section 15.22.050(A) above.

CHAPTER 15.23 GREEN BUILDING CODE

15.23.020 Applicability

A. The requirements of this Chapter shall apply at the time of building permit application for all Newly Constructed buildings, as defined in Section 15.22.030.

B. The requirements of this Chapter shall not apply to the use of portable propane appliances for use outside of the building envelope, such as outdoor cooking and outdoor heating appliances.

15.23.030 Definitions
For purposes of this Chapter, the following definitions shall apply:

“EV Capable Space” means a parking space linked to a listed electrical panel with sufficient capacity to provide at least 220/240 volts and 40 amperes to the parking space. Raceways must be at least 1” in diameter and may be sized for multiple circuits as allowed by the California Electrical Code. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as “EV CAPABLE.” Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed raceways.

“Level 2 EV Ready Space” means a parking space served by a complete electric circuit with 208/240 volt, 40-ampere capacity including electrical panel capacity, overprotection device, a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labeled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes.

“Electric Vehicle Charging Station” or “EVSE” means a parking space (or spaces in the event of multiple spaces for which a single charging station with a dedicated charging port for each space) that includes installation of electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes connected to a circuit serving a Level 2 EV Ready Space. EVSE installation may be used to satisfy a Level 2 EV Ready Space requirement.

“Mixed-Fuel building” has the same meaning as in Section 15.22.030.

“Newly Constructed” or “New Construction” has the same meaning as in Section 15.22.030.

“Low-Rise Residential” has the same meaning as in Section 15.22.030.

15.23.040 Electric-Readiness

A. In Newly Constructed Mixed-Fuel buildings, where natural gas- or propane-plumbed systems and appliances are installed, raceways and electrical capacity shall be installed for future electrification of each system or appliances. Electric ready measures include panel capacity and raceways (or conductors) from the electrical panel(s) to the location of each gas outlet sufficiently sized to meet future electric power requirements at the time of construction so that wall penetrations and demolition work is avoided at or minimized when the systems and appliances are
converted to electric-powered systems. The locations of specific gas appliances shall be made electric-ready as follows:

1) **Combined Cooktop and Oven or Stand Alone Cooktop.** Buildings plumbed for natural gas or propane equipment shall include the following components for each gas terminal or stub out:
   a) A dedicated 240 volt, 40 amp or greater circuit and 50 amp or greater electrical receptacle located within three (3) feet of the equipment and accessible with no obstructions;
   b) The electrical receptacle shall be labeled with the words “For Future Electric Range” and be electrically isolated; and
   c) A double pole circuit breaker in the electrical panel labeled with the words “For Future Electric Range”.

2) **Stand Alone Cooking Oven.** Buildings plumbed for natural gas or propane equipment shall include the following components for each gas terminal or stub out:
   a) A dedicated 240 volt, 20 amp or greater receptacle within three (3) feet of the appliance and accessible with no obstructions;
   b) The electrical receptacle shall be labeled with the words “For Future Electric Oven” and be electrically isolated; and
   c) A double pole circuit breaker in the electrical panel labeled with the words “For Future Electric Oven”.

3) **Service Capacity**
   a) All newly installed electrical panels and subpanels serving common loads in a Mixed-Fuel Building shall have both space for overcurrent protective devices as well as bus bars of adequate capacity to meet all of the building’s potential future electrical requirements as specified in California Electric Code, Title 24, Part 3, Article 220 Sections 220.50.1 and 220.50.2.
   b) All newly installed raceways in a Mixed-Fuel Building between the main electric panel and any subpanels, and the point at which the conductors serving the building connect to the common conductors of the utility distribution system, shall be sized for conductors adequate to serve all of the building’s potential future electrical requirements as specified in California Electric Code, Title 24, Part 3, Article 220 Sections 220.50.1 and 220.50.2.
   c) The service capacity requirements of this section shall be determined in accordance with California Electric Code, Title 24, Part 3, Article 220 Section 220.50.4.

4) **Conductor, Raceway and Subpanel Sizing.**
   a) Raceway and subpanel capacity shall be sized to be large enough to meet the requirements at the service voltage.
   b) The electrical capacity requirements may be adjusted for demand factors in accordance with the California Electric Code, Title 24, Part 3, Article 220.
c) For purposes of gas pipe equivalence, gas pipe capacity shall be determined in accordance with the California Plumbing Code, Title 24, Part 5, Section 1208.4.

B. If the design includes bus bar capacity, raceway or conductor capacity, and space necessary for the installation of electrical equipment that can serve the intended function of the gas equipment, as calculated and documented by a licensed design professional associated with the project, it shall be exempt from the requirements of Section 15.23.040(A)(3).

15.23.050 Energy Storage Pre-Wiring

All New Construction shall be prewired for the installation of battery storage. The pre-wiring shall be in accordance with California Building, Residential, and Electrical Codes and be adequately sized by a licensed professional to accommodate the backup loads installed in the critical load panel with a minimum of five (5) kwh.

15.23.060 Electric Vehicle Charging

A. California Green Building Code, Title 24, Part 11, Residential Mandatory Measures, Section 4.106.4 is amended as follows (strikeout indicated deletions and underscores indicate additions):

4.106.4.1 New one and two-family dwellings and townhouses with attached private garages. For each dwelling unit with one parking space, one Level 2 EV Ready Space shall be installed. For each dwelling unit with two or more parking spaces, at least one Level 2 EV Ready Space and one EV Capable Space shall be installed.

4.106.4.1.1 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as “Level 2 EV CAPABLE.” The raceway termination location shall be permanently and visibly marked as “EV-CAPABLE,” “EV READY” or “EV CAPABLE,” as the case may be.

4.106.4.2 New multifamily dwellings. If residential parking is provided, ten (10) at least twenty five percent (25%) of the total number of parking spaces on a building site, provided for all types of parking facilities, but in no case less than one, shall have an EVSE installed, with the remaining parking facilities spaces being electric vehicle charging spaces (EV Capable Spaces) capable of supporting future EVSE. Calculations for the required number of EVSE spaces shall be rounded up to the nearest whole number.
4.106.4.3 New hotels and motels. At least twenty-five percent (25%) of the total number of parking spaces in on a building site for Newly Constructed hotels and motels provided for all types of parking facilities, but in no case less than one, -shall be equipped with functional 240V (Level 2) EVSE. All other parking spaces in Newly Constructed hotels and motels shall provide EV Capable Spaces capable of supporting future installation of EVSE. The construction documents shall identify the location of the EV Capable Spaces.

4.106.4.3.1 Number of required EV spaces. The number of required EV spaces shall be based on the total number of parking spaces provided for all types of parking facilities in accordance with Table 4.106.4.3.1. Calculations for the required number of EVSE spaces shall be rounded up to the nearest whole number.

B. California Green Building Code, Title 24, Part 11, Nonresidential Mandatory Measures, Section 5.106.5.3.3 is amended as follows:

5.106.5.3.3 EV charging space calculation. Where parking is included in the project scope, at least twenty percent (20%) of the total number of parking spaces on a building site provided for all types of parking facilities shall have an EVSE installed with an additional twenty percent (20%) of parking facilities spaces being electric vehicle charging spaces (EV Capable Spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. [N] Table 5.106.5.3.3 shall be used to determine if single or multiple charging space requirements apply for the future installation of EVSE.

SECTION FOUR. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase or term (each a “Provision”) in this Ordinance, or any Provision’s application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision’s application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Ordinance, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.

SECTION FIVE. PUBLICATION AND EFFECTIVE DATE. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code Section 36933. This Ordinance shall become effective 30 days after its adoption and shall be in full force and effect following submission to and approval by the California Energy Commission pursuant to applicable law.
INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Solana Beach, California held on the 10th day of November 2021, and thereafter,

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, on the 8th day of December 2021, by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

____________________________
LESA HEEBNER, Mayor

APPROVED AS TO FORM: ATTEST:

____________________________
JOHANNA N. CANLAS, City Attorney

____________________________
ANGELA IVEY, City Clerk
ORDINANCE 518

AN ORDINANCE OF THE CITY COUNCIL OF SOLANA BEACH, CALIFORNIA, ADOPTING ADDITIONS TO CHAPTER 15.22 (ENERGY CODE) AND CHAPTER 15.23 (GREEN BUILDING CODE) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE SOLANA BEACH MUNICIPAL CODE TO ADOPT THE 2019 CALIFORNIA BUILDING CODE AND CALIFORNIA GREEN BUILDING CODE WITH CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS RELATED TO CLIMATE ACTION THROUGH ENERGY EFFICIENCY, SOLAR ENERGY, BUILDING ELECTRIFICATION, AND ELECTRIC VEHICLE INFRASTRUCTURE

WHEREAS, consensus exists among the world’s leading climate scientists that climate change caused by greenhouse gas (GHG) emissions from human activities is among the most significant problems facing the world today; and

WHEREAS, the City of Solana Beach declared a Climate Emergency in 2020; and

WHEREAS, the City of Solana Beach adopted a Climate Action Plan (CAP) that directs the City in reducing approximately 70,000 metric tons of GHG emissions annually by the year 2035 to meet reduction goals consistent with California’s GHG targets; and

WHEREAS, measures in the CAP aim to curb the use of fossil fuels, a primary contributor to GHG emissions, in buildings and transportation; and

WHEREAS, reach codes that extend beyond the California building code are being adopted by cities state-wide to accelerate GHG reductions from new construction by limiting the use of natural gas, increasing local solar production, and installing electric vehicle (EV) infrastructure to charge a greater number of EV’s beyond state code requirements; and

WHEREAS, fifty-one cities and counties in California have passed ordinances restricting or disincentivizing the use of natural gas in residential, commercial and multi-family buildings; and

WHEREAS, cost effectiveness is demonstrated by the statewide studies (included by reference) “2019 Costeffectiveness Study: Low-Rise Residential New Construction”, prepared by Frontier Energy, Inc. and Misti Bruceri & Associates, LLC, dated July 17, 2019, and “2019 Nonresidential New Construction Reach Code Cost Effectiveness Study”, prepared by TRC and EnergySoft, dated July 15, 2019; and
**WHEREAS**, the assumptions for climate zones, building types, cost effectiveness, and the provisions of the model reach code are applicable to the City of Solana Beach; and

**WHEREAS**, the City of Solana Beach wishes to adopt the reach code ordinance to enhance building electrification, on-site solar electricity generation, and EV infrastructure within the City as part of Title 15 of the Municipal Code.

**NOW THEREFORE**, the City Council of the City of Solana Beach, California, does ordain as follows:

**SECTION ONE. FINDINGS.**

The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City Council. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.

**SECTION TWO. ENVIRONMENTAL REVIEW.**

This Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Sections 15307 and 15308 of the CEQA Guidelines (14 CCR 15307 and 15308) because it is an activity undertaken to assure the maintenance, restoration, enhancement and protection of the environment and pursuant to Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION THREE. ADDITION OF SECTIONS 15.22.020 THROUGH 15.22.050 AND 15.23.020 THROUGH 15.23.060 TO THE SOLANA BEACH MUNICIPAL CODE.**

Sections 15.22.020 through 15.22.050 and 15.23.020 through 15.23.060 of the Solana Beach Municipal Code are hereby added to amend the 2019 California Building Code, California Code of Regulations, Title 24, Part 6 and Part 11 and shall read as follows:

**CHAPTER 15.22 ENERGY CODE**

15.22.020 Applicability
A. The requirements of this Chapter shall apply at the time of building permit application for all Newly Constructed buildings, as defined in Section 15.22.030.

B. The requirements of this Chapter shall not apply to the use of portable propane appliances for use outside of the building envelope, such as outdoor cooking and outdoor heating appliances.

15.22.030 Definitions

For purposes of this Chapter and Chapter 15.23, the following definitions shall apply:

“Mixed-Fuel building” means a building that is plumbed for the use of natural gas or propane as fuel for any system.

“New Construction” (or “Newly Constructed”) means a building that is new construction, previously unoccupied or substantially Remodeled (as defined herein). Any construction work, alteration, remodel, replacement, repair, or renovation of any building(s) or structure(s) (collectively “Remodel”) shall be considered “New Construction” when:

A. Residential Remodel.

1. Any construction that Remodels more than fifty percent (50%) of any of the following major structural components:

   (i) exterior walls (measured by linear feet);

   (ii) interior walls (measured by linear feet), except where the building or structure is less than 1200 square feet;

   (iii) roof (measured by square footage);

   (iv) floor and/or foundation (measured by square footage); or

2. The addition of seven hundred (700) or more square feet of floor area.

B. Non-Residential Remodel.

1. Any construction that Remodels more than fifty percent (50%) of any of the following major structural components:

   (i) exterior walls (measured by linear feet);

   (ii) interior walls (measured by linear feet);
(iii) roof (measured by square footage);
(iv) floor and/or foundation (measured by square footage); or

2. The addition of fifty percent (50%) or more of floor area to the building (measured by square footage); or

3. The Remodel project has a permit valuation of four hundred thousand dollars ($400,000) or more.

“Non-Residential” means buildings with the following occupancies: non-residential; residential of four (4) or more stories; hotel and motel; and commercial (e.g., retail, restaurant, office, and industrial).

“Low-Rise Residential” means all single-family residential and low-rise multifamily buildings of three (3) stories or fewer.

15.22.040 Non-Residential Photovoltaic System Required

A. All New Construction of Non-Residential buildings shall be required to install a minimum five (5) kilowatt direct current (kWdc) on-site photovoltaic system, except as provided in 15.22.040(C) through (G), inclusive, below.

The required photovoltaic system shall be sized based on gross floor area of the building (or gross floor area of the leased premises if the applicant is a tenant in a multi-tenant building or owner of a condominium in a building consisting of two or more condominiums). If the gross floor area of the building (or premises in a multi-tenant or condominium building) is more than two thousand (2,000) square feet, then for each square foot of the gross floor area that exceeds two thousand (2,000) square feet the size of the photovoltaic system shall be increased by three (3) watts per square foot.

Note to Section 15.22.040(A): When a Remodel of a Non-Residential multi-tenant building (whether to a tenant’s leased premises within the building or to the common area of the building or project) qualifies as New Construction, compliance with the requirements herein concerning the size of the photovoltaic system shall be based on the gross floor area controlled by the applicant.

(i) Where there is construction to a leased premises that only concerns the leased premises, the size of the photovoltaic system will be based on the gross floor area of the leased premises being Remodeled controlled by the applicant. (For example, for a tenant improvement that only affects the tenant’s portion of a building’s total gross floor area.)
(ii) Where there is construction to the common area of a building or project, the size of the photovoltaic system will be based on the gross floor area of the common area of the building or project that is owned or controlled by the property owner consisting of interior lobbies, hallways, bathrooms, and mailrooms located inside the building and the exterior walls of the building (excluding exterior walkways, parking areas, and other common areas on the exterior of the building). (For example, a Remodel of a building that only affects common area of the building or project.)

B. The building official may reduce (by the minimum extent necessary) or waive the requirements of this Section 15.22.040(A) if the official determines that (i) there are sufficient “practical challenges” to make compliance with the requirements infeasible or (ii) that the size of the photovoltaic system required herein exceeds the reasonable average annual electricity demand for the proposed use of the building or premises. “Practical challenges” may be a result of the building site location, limited rooftop availability, or shading from nearby structures, topography, or vegetation. The applicant is responsible for submitting written documentation which demonstrates (i) the infeasibility of the requirement or (ii) that the electrical demand for the building (or leased premises) based on the proposed use of the building (or leased premises) is lower than the electricity production from the required system size. The applicant’s request for modification or exemption from this requirement shall include a written report from a certified energy analyst and other qualified consultants as may be required by the building official which demonstrate the infeasibility of the requirement or that the electrical demand for the building based on the proposed use of the building. The City's certified energy analyst and/or other consultants shall confirm the report and analysis provided by the applicant.

C. The building official may waive or reduce, by the extent necessary, the provisions of this section 15.22.040(A) above if the official determines that the building has satisfied the purpose and intent of this provision through the use of alternate on-site zero carbon, renewable generation systems such as wind energy systems.

D. In lieu of Sections 15.22.040(A), all Newly Constructed Non-Residential buildings may install a solar PV system based on Time Dependent Valuation (TDV) such that the installed system will offset 80% of the building’s TDV energy on an annual basis. The system sizing requirement shall be based upon total building TDV energy use including both conditioned and unconditioned space and calculated using modeling software or other methods approved by the building official.

Note to Section 15.22.040(E): Where appropriate and when approved by the Community Development Director or his or her designee, TDV may be based on the scope of the application where the system size reflects only the load controlled by the applicant, such as a tenant improvement that only affects a tenant’s portion of a building or a general renovation of a nonresidential building by a property owner that only affects common
areas. Applicant specific TDV shall be the minimum requirement unless an applicant can demonstrate to the Community Development Director or his or her designee that serving common area load is infeasible per Section 15.22.040(C).

E. Greenhouse structures used for commercial cultivation, educational purposes, or the conservancy of plants or animals are exempted from the requirements of this Section 15.22.040. The Community Development Director or his or her designee may exempt other greenhouse structure uses on a case-by-case basis.

F. An applicant may install a ground-mounted solar PV system that meets the requirements of Section 15.22.040(A) as a voluntary alternative to installing rooftop solar PV. The ground-mounted solar photovoltaic system shall comply with all existing health and safety requirements and limitations in the City.

15.22.050 Required Electric End Uses

A. All Newly Constructed buildings shall use electricity as the source of energy for its space heating, water heating (including pools and spas), and clothes drying appliances, except as provided in 15.22.050(B) below.

B. Solar thermal pool and spa heating are exempt from section 15.22.050(A) above.

CHAPTER 15.23 GREEN BUILDING CODE

15.23.020 Applicability

A. The requirements of this Chapter shall apply at the time of building permit application for all Newly Constructed buildings, as defined in Section 15.22.030.

B. The requirements of this Chapter shall not apply to the use of portable propane appliances for use outside of the building envelope, such as outdoor cooking and outdoor heating appliances.

15.23.030 Definitions

For purposes of this Chapter, the following definitions shall apply:

“EV Capable Space” means a parking space linked to a listed electrical panel with sufficient capacity to provide at least 220/240 volts and 40 amperes to the parking space. Raceways must be at least 1” in diameter and may be sized for multiple circuits as allowed
by the California Electrical Code. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as “EV CAPABLE.” Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed raceways.

“Level 2 EV Ready Space” means a parking space served by a complete electric circuit with 208/240 volt, 40-ampere capacity including electrical panel capacity, overprotection device, a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labeled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes.

“Electric Vehicle Charging Station” or “EVSE” means a parking space (or spaces in the event of multiple spaces for which a single charging station with a dedicated charging port for each space) that includes installation of electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes connected to a circuit serving a Level 2 EV Ready Space. EVSE installation may be used to satisfy a Level 2 EV Ready Space requirement.

“Mixed-Fuel building” has the same meaning as in Section 15.22.030.

“Newly Constructed” or “New Construction” has the same meaning as in Section 15.22.030.

“Low-Rise Residential” has the same meaning as in Section 15.22.030.

15.23.040 Electric-Readiness

A. In Newly Constructed Mixed-Fuel buildings, where natural gas- or propane-plumbed systems and appliances are installed, raceways and electrical capacity shall be installed for future electrification of each system or appliances. Electric ready measures include panel capacity and raceways (or conductors) from the electrical panel(s) to the location of each gas outlet sufficiently sized to meet future electric power requirements at the time of construction so that wall penetrations and demolition work is avoided at or minimized when the systems and appliances are converted to electric-powered systems. The locations of specific gas appliances shall be made electric-ready as follows:

1) Combined Cooktop and Oven or Stand Alone Cooktop. Buildings plumbed for natural gas or propane-plumbed equipment shall include the following components for each gas terminal or stub out:
a) A dedicated 240 volt, 40 amp or greater circuit and 50 amp or greater electrical receptacle located within three (3) feet of the equipment and accessible with no obstructions;
b) The electrical receptacle shall be labeled with the words “For Future Electric Range” and be electrically isolated; and
c) A double pole circuit breaker in the electrical panel labeled with the words “For Future Electric Range”.

2) **Stand Alone Cooking Oven.** Buildings plumbed for natural gas or propane equipment shall include the following components for each gas terminal or stub out:
a) A dedicated 240 volt, 20 amp or greater receptacle within three (3) feet of the appliance and accessible with no obstructions;
b) The electrical receptacle shall be labeled with the words “For Future Electric Oven” and be electrically isolated; and
c) A double pole circuit breaker in the electrical panel labeled with the words “For Future Electric Oven”.

3) **Service Capacity**
a) All newly installed electrical panels and subpanels serving common loads in a Mixed-Fuel Building shall have both space for overcurrent protective devices as well as bus bars of adequate capacity to meet all of the building’s potential future electrical requirements as specified in California Electric Code, Title 24, Part 3, Article 220 Sections 220.50.1 and 220.50.2.
b) All newly installed raceways in a Mixed-Fuel Building between the main electric panel and any subpanels, and the point at which the conductors serving the building connect to the common conductors of the utility distribution system, shall be sized for conductors adequate to serve all of the building’s potential future electrical requirements as specified in California Electric Code, Title 24, Part 3, Article 220 Sections 220.50.1 and 220.50.2.
c) The service capacity requirements of this section shall be determined in accordance with California Electric Code, Title 24, Part 3, Article 220 Section 220.50.4.

4) **Conductor, Raceway and Subpanel Sizing.**
a) Raceway and subpanel capacity shall be sized to be large enough to meet the requirements at the service voltage.
b) The electrical capacity requirements may be adjusted for demand factors in accordance with the California Electric Code, Title 24, Part 3, Article 220.
c) For purposes of gas pipe equivalence, gas pipe capacity shall be determined in accordance with the California Plumbing Code, Title 24, Part 5, Section 1208.4.

B. If the design includes bus bar capacity, raceway or conductor capacity, and space necessary for the installation of electrical equipment that can serve the intended function of the gas equipment, as calculated and documented by a licensed design
professional associated with the project, it shall be exempt from the requirements of Section 15.23.040(A)(3).

15.23.050 Energy Storage Pre-Wiring

All New Construction shall be prewired for the installation of battery storage. The pre-wiring shall be in accordance with California Building, Residential, and Electrical Codes and be adequately sized by a licensed professional to accommodate the backup loads installed in the critical load panel with a minimum of five (5) kwh.

15.23.060 Electric Vehicle Charging

A. California Green Building Code, Title 24, Part 11, Residential Mandatory Measures, Section 4.106.4 is amended as follows (strikeout indicated deletions and underscores indicate additions):

4.106.4.1 New one and two-family dwellings and townhouses with attached private garages. For each dwelling unit with one parking space, one Level 2 EV Ready Space shall be installed. For each dwelling unit with two or more parking spaces, at least one Level 2 EV Ready Space and one EV Capable Space shall be installed.

4.106.4.1.1 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as “Level 2 EV CAPABLE.” The raceway termination location shall be permanently and visibly marked as “EV CAPABLE” “EV READY” or “EV CAPABLE”, as the case may be.

4.106.4.2 New multifamily dwellings. If residential parking is provided, ten (10) at least twenty five percent (25%) of the total number of parking spaces on a building site, but in no case less than one, shall have an EVSE installed, with the remaining parking spaces being electric vehicle charging spaces (EV Capable Spaces) capable of supporting future EVSE. Calculations for the required number of EVSE spaces shall be rounded up to the nearest whole number.

4.106.4.3 New hotels and motels. At least twenty-five percent (25%) of the total number of parking spaces on a building site for Newly Constructed hotels and motels, but in no case less than one, shall be equipped with functional 240V (Level 2) EVSE. All other parking spaces in Newly Constructed hotels and motels shall provide EV Capable Spaces capable of supporting future installation of EVSE. The construction documents shall identify the location of the EV Capable Spaces.
4.106.4.3.1 Number of required EV spaces. The number of required EV spaces shall be based on the total number of parking spaces provided for all types of parking facilities in accordance with Table 4.106.4.3.1. Calculations for the required number of EVSE spaces shall be rounded up to the nearest whole number.

B. California Green Building Code, Title 24, Part 11, Nonresidential Mandatory Measures, Section 5.106.5.3.3 is amended as follows:

5.106.5.3.3 EV charging space calculation. Where parking is included in the project scope, at least twenty percent (20%) of the total number of parking spaces on a building site shall have an EVSE installed with an additional twenty percent (20%) of parking spaces being electric vehicle charging spaces (EV Capable Spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. [N] Table 5.106.5.3.3 shall be used to determine if single or multiple charging space requirements apply for the future installation of EVSE.

SECTION FOUR. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase or term (each a “Provision”) in this Ordinance, or any Provision’s application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision’s application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Ordinance, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.
SECTION FIVE. PUBLICATION AND EFFECTIVE DATE. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code Section 36933. This Ordinance shall become effective 30 days after its adoption and shall be in full force and effect following submission to and approval by the California Energy Commission pursuant to applicable law.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Solana Beach, California held on the 10th day of November 2021, and thereafter,

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, on the 8th day of December 2021, by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

LESA HEEBNER, Mayor

APPROVED AS TO FORM: ATTEST:

JOHANNA N. CANLAS, City Attorney ANGELA IVEY, City Clerk
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: December 8, 2021
ORIGINATING DEPT: Community Development

BACKGROUND:

On November 10, 2021, the City Council introduced Ordinance 521 (Attachment 1), which is now before Council for the second reading and adoption to establish regulations concerning two-unit residential development and urban lot split subdivisions in single-family residential zones in order to implement SB9.

DISCUSSION:

The City of Solana Beach currently allows single-family development and Accessory Dwelling Units (ADUs) pursuant to subsection (D) of Section 17.20.040 of the Municipal Code in single-family residential zones. However, the State legislature adopted SB 9 to require local jurisdictions to approve infill developments in existing single-family zones, subject only to objective local standards that would permit at least two units of 800 square feet per lot in single-family zones and that allow for the division of one existing lot into two lots of at least 1,200 square feet. Pursuant to Government Code Section 65852.21(j), a local agency may adopt an ordinance to implement the provisions of SB 9. Therefore, Staff recommends this proposed ordinance be adopted to comply with and implement State law. The ordinance would create a process for ministerial review and approval of applications for two-unit development and urban lot split subdivisions, subject to limitations provided for in SB 9.

CEQA COMPLIANCE STATEMENT:

This Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Government Code Sections 65852.21(j) and 66411.7(n),
because the adoption of an ordinance to implement SB 9 shall not be considered a project under Division 13 of the Public Resources Code.

**FISCAL IMPACT:** N/A

**WORK PLAN:**

N/A

**OPTIONS:**

• Approve Staff recommendation and adopt Ordinance 521.
• Approve Staff recommendation with alternative amendments/modifications.
• Deny Staff recommendation - If no action is taken, state law will govern the application for the construction or development of two-unit development and urban lot split subdivisions in single-family residential zones in the City.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Ordinance 521 (2nd Reading) adding Section 17.20.040(R) and Section 16.48 to the Solana Beach Municipal Code, and amending Chapter 17.12 and Section 17.20.020 of the Solana Beach Municipal Code to allow two-unit residential developments and urban lot split subdivisions in single-family residential zones.

**CITY MANAGER’S RECOMMENDATION:**

Approve Department Recommendation.

_________________________
Gregory Wade, City Manager

Attachments:

1. Ordinance 521
ORDINANCE 521

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ADDING SECTION 17.20.040(R) TO THE SOLANA BEACH MUNICIPAL CODE TO PROVIDE FOR REGULATIONS CONCERNING TWO-UNIT RESIDENTIAL DEVELOPMENTS IN SINGLE FAMILY RESIDENTIAL ZONES, AMENDING CHAPTER 17.12 AND SECTION 17.20.020 MAKING TWO-UNIT RESIDENTIAL DEVELOPMENTS A PERMITTED USE IN SINGLE-FAMILY RESIDENTIAL ZONES, AND ADDING CHAPTER 16.48 TO THE SOLANA BEACH MUNICIPAL CODE TO PROVIDE REGULATIONS CONCERNING URBAN LOT SPLIT SUBDIVISIONS IN SINGLE-FAMILY RESIDENTIAL ZONES

WHEREAS, the City Council of the City of Solana Beach seeks to implement Senate Bill 9 (SB 9) (Chapter 162, Statutes 2021) through the implementation of regulations concerning two-unit residential developments and urban lot split subdivisions in single-family residential zones; and

WHEREAS, state lawmakers are increasingly concerned about the lack of supply of housing units in the State of California; and

WHEREAS, the State Legislature adopted SB 9 in order to require local jurisdictions to approve infill developments of up to four units in existing single-family zones, subject only to objective local standards that would permit at least two units of 800 square feet per lot in single family zones; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act pursuant to Government Code Sections 65852.21(j) and 66411.7(n) because the adoption of an ordinance to implement SB 9 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

NOW, THEREFORE, the City Council of the City of Solana Beach hereby ordains as follows:

Section 1. All of the statements set forth in the recitals above are true and correct and are incorporated herein.

Section 2. Section 17.20.040(R) “Two-unit residential developments in single family zones” is added to Chapter 17.20 “Specific Requirements” of the Solana Beach Municipal Code to read as follows:

“17.20.040(R) Two-unit residential developments in single family zones.

A. Purpose and Findings.
1. The purpose of this section is to provide regulations for the establishment of two-unit residential developments in single-family residential zones and to define an approval process for such two-unit residential developments consistent with Government Code Section 65852.21, or any successor statute. The intent of this section is to provide opportunities for more housing in existing single family residential zones as mandated by state law. It is also the goal to provide development standards to ensure the orderly development of these units in appropriate areas of the City.

2. Two-unit residential developments are residential uses consistent with the uses permitted in zones that allow for single-family residential development.

3. Government Code Section 65852.21 preempts the density limitations established by the General Plan and the underlying zones in which two-unit residential developments created pursuant to the requirements of this subsection are permitted. Incompatibility with the City’s density limitations shall not provide a basis to deny a two-unit residential development that otherwise conforms to the requirements of this section.

B. A two-unit residential development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing meets all of the standards set forth below. For purposes of this section, a two-unit residential development contains two residential units if the development proposes two new units or if it proposes to add one new unit to one existing unit.

1. If a parcel includes an existing single family home, one additional unit of not more than 825 square feet may be developed pursuant to this section. No more than 25 percent of the existing exterior structural walls shall be demolished to create the two-unit residential development, unless the existing single family home has not been occupied by a tenant in the last three years.

2. If a parcel does not include an existing single family home, or if an existing single family home is proposed to be demolished in connection with the creation of a two-unit residential development, two units of not more than 825 square feet each may be developed pursuant to this section.
3. Each unit in a two-unit residential development shall be separated by a distance of at least ten feet from any other structure on the parcel; however, units may be adjacent or connected if the structures meet building code safety standards and are sufficient to allow separate conveyance.

4. Unit Count. The following limitations apply to the number of units that may be created on a single parcel.

a. If a parcel was created subject to the urban lot split subdivision provisions of Chapter 16.48, no more than two units -- including primary dwelling units, accessory dwelling units, and/or junior accessory dwelling units in any combination -- shall be permitted on a parcel.

   i. If a parcel was created subject to the urban lot split subdivision provisions of Chapter 16.48 and includes an existing or proposed two-unit development, then no accessory dwelling units or junior accessory dwelling units shall be permitted on the parcel.

   ii. If a parcel was created subject to the urban lot split subdivision provisions of Chapter 16.48 and includes one primary dwelling unit only, then one accessory dwelling unit or one junior accessory dwelling unit for each primary dwelling unit is permitted.

b. If a parcel was not created subject to the urban lot split subdivision provisions of Chapter 16.48, no more than four units -- including primary dwelling units, accessory dwelling units, and/or junior accessory dwelling units in any combination -- shall be permitted on a parcel.

   i. If a parcel was not created subject to the urban lot split subdivision provisions of Chapter 16.48 and includes an existing or proposed two-unit development, then one accessory dwelling unit may be developed for each primary dwelling unit on the parcel.

   ii. If a parcel was not created subject to the urban lot split subdivision provisions of Chapter 16.48 and includes a single primary dwelling unit, then one accessory dwelling unit and one junior accessory dwelling unit may be developed instead of a two-unit residential development.
C. A two-unit residential development shall be prohibited in each of the following circumstances:

1. The two-unit residential development would require demolition or alteration of any of the following types of housing:

   a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

   b. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.

   c. Housing that has been occupied by a tenant in the last three years. An applicant for a two-unit residential development must demonstrate whether any existing housing on the parcel was owner occupied or vacant to Director’s satisfaction.

2. The parcel subject to the proposed housing development is a parcel on which an owner of residential real property has exercised the owner’s rights under Government Code Section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

3. The parcel subject to the proposed housing development is located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

4. If the two-unit residential development is on a parcel that is any of the following:

   a. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural
protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.


c. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

d. A hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

e. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

f. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able
to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met: (i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or (ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

g. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

h. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species
protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

j. Lands under conservation easement.

5. If the two-unit residential development would cause there to be more than four total units – including primary dwelling units, accessory dwelling units, and/or junior accessory dwelling units – on any single parcel or on any two parcels that were created using the urban lot split subdivision provisions of Chapter 16.48.

D. Any construction of a two-unit residential development shall conform to all property development regulations of the zone in which the property is located including, but not limited to, height limits, setback, lot coverage, landscape, and floor area ratio (FAR), as well as all fire, health, safety and building provisions of this title, subject to the following exceptions:

1. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. Verification of size and location of the existing and proposed structure by City staff requires the applicant to provide pre- and post-construction surveys by a California licensed land surveyor to the City’s satisfaction.

2. For all other dwelling units proposed in connection with a two-unit residential development, a minimum setback of four feet, or the applicable setback for the zone district, whichever is less, is required from the rear and side property lines.

3. Limits on lot coverage, floor area ratio, open space, and size must permit two units of 800 square feet each in connection with a two-unit residential development.

4. New dwelling units proposed in connection with a two-unit residential development shall not exceed 16 feet in height measured from preexisting grade or finished grade, whichever is lower, to the highest point of the roof.
5. For a two-unit residential development connected to an onsite wastewater treatment system, the applicant shall provide a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

6. All dwelling units created in connection with a two-unit residential development shall have independent exterior access.

7. For applications that do not involve an urban lot split subdivision pursuant to Chapter 16.48, one of the dwellings on the lot must be the bona fide principal residence of at least one legal owner of the lot containing the dwelling, as evidenced at the time of approval of the two-unit residential development by appropriate documents of title and residency. Prior to the issuance of a building permit, the applicant shall provide evidence that a covenant has been recorded stating that one of the dwelling units on the lot shall remain owner occupied.

8. Two-unit residential developments shall only be used for rentals of terms of longer than thirty (30) days.

9. To ensure compliance with the provisions of the California Coastal Act of 1976, the following parking requirements apply:

   a. One off-street parking space shall be required for each residential unit.

   c. If a two-unit residential development replaces an existing garage or other required parking, replacement spaces shall be provided in accordance with the requirements of the underlying zone.

10. Design. When a two-unit residential development dwelling unit is proposed on a parcel with an existing single family dwelling unit, the new unit shall utilize the same exterior materials and colors as the existing dwelling unit.

11. Two-unit residential developments shall provide a new separate gas, electric, and water utility connection directly between each dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge.

12. Two-unit residential developments shall be required to provide fire sprinklers.
13. Two-unit residential developments shall be required to provide a solar photovoltaic (PV) system as an electricity source.

14. In no event shall grading pursuant to an application submitted under this chapter exceed one hundred (100) cubic yards.

E. Applications for two-unit residential developments located in the Coastal Zone must be submitted together with a copy of a valid Coastal Development Permit issued by the California Coastal Commission.

F. Applications for two-unit residential developments conforming to the requirements of this section shall be considered ministerially without discretionary review or a hearing by the director of community development. Incomplete applications will be returned with an explanation of what additional information is required.

G. A proposed two-unit residential development may be denied if the director of community development makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

H. Prior to the issuance of a building permit for a two-unit residential development dwelling unit, the property owner shall record a covenant with the County Recorder’s Office, the form and content of which is satisfactory to the City Attorney. The covenant shall notify future owners of the owner occupancy requirements, the approved size and attributes of the units, and minimum rental period restrictions. The covenant shall also reflect the number of units approved and provide that no more than four total units may be created on any single parcel or on any two parcels created using urban lot split subdivision procedures. If an urban lot split subdivision was approved, the covenant shall provide that no variances shall be permitted other than those code deviations expressly allowed by this Chapter. This covenant shall remain in effect so long as a two-unit residential development exists on the parcel.

I. In cases of conflict between this section and any other provision of this title, the provisions of this section shall prevail. To the extent that any provision of this section is
in conflict with State law, the applicable provision of State law shall control, but all other
provisions of this section shall remain in full force and effect.”

Section 3. Subparagraph D.1 of Section 17.12.010 of the Solana Beach
Municipal Code is amended to read as follows:

“b. Two-Unit Residential Development. Any primary dwelling units designed and
used to house two households living independently of each other on the same legal lot. Dwelling
units may be attached or detached and are subject to the provisions of Section
17.20.040(R).

“c. Duplex. Any building(s) designed and used to house three or more families
living independently of each other on the same legal lot. Dwelling unit may be attached
or detached. Minimum separation between principal structures on the same lot is 15 feet.”

Section 4. Table 17.12.020-A in Section 17.12.020 of the Solana Beach
Municipal Code is amended to read as follows (changes shown in underline and
strikeout):

<table>
<thead>
<tr>
<th>USE</th>
<th>ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ER-1</td>
</tr>
<tr>
<td>1</td>
<td>Single-Family Dwellings</td>
</tr>
<tr>
<td>1.5</td>
<td>Two-Unit Residential Development</td>
</tr>
<tr>
<td>2</td>
<td>Duplex Two-Family Dwellings (duplex)</td>
</tr>
</tbody>
</table>

Section 5. Section 17.20.020 of the Solana Beach Municipal Code is amended
by adding a new subparagraph “E” to read as follows:

“E. Two-unit Residential Developments. Two-unit residential developments shall
be permitted in the (ER-1), (ER-2), (LR), (LMR) zones pursuant to SBMC 17.20.040(R)
(Two-unit Residential Developments in Single-Family Zones).”

Section 6. Chapter 16.48. “Urban Lot Split Requirements” of the Solana Beach
Municipal Code is hereby added to read as follows:
Chapter 16.48
URBAN LOT SPLIT SUBDIVISION REQUIREMENTS

Sections:
16.48.010 Urban lot split subdivision.
16.48.020 Preparation of urban lot split map.
16.48.030 Application.
16.48.040 Information to be filed with urban lot split map.
16.48.050 Requirements for urban lot split map.
16.48.060 Application of objective standards.
16.48.070 Grading plan.
16.48.080 Preliminary title report.
16.48.090 Revised urban lot split map.
16.48.100 City Engineer – Duties.
16.48.110 Consideration of urban lot split map – Notice of decision.
16.48.120 Disapproval of urban lot split map.
16.48.130 Transmittal of urban lot split map to County Recorder.
16.48.140 Correction and amendment of urban lost split map.

16.48.010 Urban lot split subdivision.
No person shall create an urban lot split subdivision except by the filing of an urban lot split map approved pursuant to this title and the Subdivision Map Act.

16.48.020 Preparation of urban lot split map.
The urban lot split map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property and shall conform to all of the following provisions:

A. The provisions of Section 66445 of the Subdivision Map Act.

B. Shall be based upon a field survey made in conformity with the Land Surveyors Act. (Gov. Code § 66448)

16.48.030 Application.
A. A subdivider applying for an urban lot split subdivision plat shall file an application with the City Engineer, together with copies of an urban lot split map. An applicant for an urban lot split subdivision shall sign and submit with the application an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three (3) years from the date of the approval of the urban lot split. An affidavit shall not be required of an applicant that is either a “community land trust” or a “qualified nonprofit corporation” as defined in the Revenue and Taxation Code.

B. The City Engineer shall not accept an application or map for processing unless the Department finds that the urban lot split map is consistent with the zoning provisions of this code and that all approvals and permits required by the city zoning provisions for the project have been given or issued.

C. The City Engineer shall not accept an application or map an urban lot split located in the Coastal Zone unless it is submitted together with a copy of a valid Coastal Development Permit issued by the California Coastal Commission.

D. Notwithstanding the provisions of subsection B of this section, an urban lot split map may be processed concurrently with documents, permits or approvals required by the zoning provisions of this code, if the applicant first waives the time limits for processing, approving or conditionally approving or disapproving an urban lot split map provided by this title or the Subdivision Map Act.

16.48.040 Information to be filed with urban lot split map.
Such information as may be prescribed by the rules and regulations approved by the city council and such additional information as the City Engineer may find necessary with respect to any particular case to implement the provisions of this title shall accompany the urban lot split map at the time of submission, including a certificate of an engineer or land surveyor in accordance with Section 66449 of the Subdivision Map Act, and a certificate in accordance with Section 66450 of the Subdivision Map Act relating to unincorporated territory.

16.48.050 Requirements for urban lot split map.
The City Engineer shall ministerially approve a parcel map for an urban lot split only if the City Engineer determines that the parcel map for the urban lot split meets all of the following requirements:
A. Both newly created parcels shall be no smaller than 1,200 square feet.

B. Both newly created parcels shall be of approximately equal lot area, which for purposes of this paragraph shall mean that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

C. New unit size shall be not greater than 825 square feet. Maps shall show the footprints of existing and proposed structures.

D. The parcel being subdivided is located within an (ER-1), (ER-2), (LR), or (LMR) zone permitting single family dwellings described in Chapter 17.20 SBMC.

E. The parcel being subdivided is not located on a site that is any of the following:

   1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.


   3. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

   4. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or
Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

5. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

6. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

   (i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

   (ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

7. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for
streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

8. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

9. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

10. Lands under conservation easement.

F. The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

2. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.

3. A parcel or parcels on which an owner of residential real property has exercised the owner’s rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application under this Chapter.

4. Housing that has been occupied by a tenant in the last three years. An applicant for an urban lot split subdivision must demonstrate whether any existing housing on the parcel was owner occupied or vacant to Director’s satisfaction.
G. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

H. The parcel has not been established through prior exercise of an urban lot split as provided for in this Chapter.

I. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this Chapter.

J. All easements required for the provision of public services and facilities shall be dedicated or conveyed by an instrument in a form acceptable to the Department of Community Development.

K. Units constructed on an urban lot split subdivision approved pursuant to this chapter shall be subject to and comply with the minimum setback requirements specified in SBMC 17.20.040(R).D.

L. Units constructed on an urban lot split subdivision approved pursuant to this chapter shall not exceed sixteen feet (16’) in height measured from preexisting grade or finished grade, whichever is lower, to the highest point of the roof.

M. Each unit located on a parcel created pursuant to this chapter shall have vehicular ingress and egress to the public right-of-way, which shall be either through access over land owner in fee or evidences by a recorded easement in favor of the parcel requiring right-of-way access.

N. There shall be provided no less than one space per unit of off-street parking.

O. Each unit shall be required to provide a solar photovoltaic (PV) system as an electricity source.

P. The uses allowed on a parcel created pursuant to this chapter shall be limited to residential uses.

Q. Dwelling units constructed on urban lot split subdivision lots shall only be used for rentals of terms of longer than thirty (30) days.
R. Prior to approval of an urban lot split subdivision, the applicant shall have complied with the covenant recording requirement contained in SBMC 17.20.040(R).D.7 and 17.20.040(R).H.

16.48.060 Application of Objective Standards.
Development proposed on lots created by an urban lot split subdivision shall comply with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel based on the underlying zoning; provided, however, that the application of such standards shall be reduced if the standards would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any waivers or reductions of development standards shall be the minimum waiver or reduction necessary to avoid physically precluding two units of 800 square feet, and no additional variances shall be permitted.

16.48.070 Grading plan.
There shall be filed with each urban lot split map a grading plan showing graded building site elevations and grading proposed for the creation of building sites or for construction or installation of improvements to serve the subdivision. The grading plan, together with the original topography contours, may be shown on an exhibit to the urban lot split map. The grading plan shall indicate approximate earthwork volumes of proposed excavation and filling operations. In the event no grading is proposed, a statement to that effect shall be placed on the urban lot split map. In no event shall grading pursuant to an application submitted under this chapter exceed one hundred (100) cubic yards.

16.48.080 Preliminary title report.
There shall be filed with each urban lot split map, a current preliminary title report of the property being subdivided or altered.

16.48.090 Revised urban lot split map.
Where a subdivider desires to revise an approved urban lot split map, the subdivider may file with the City Engineer, prior to the expiration of the approved urban lot split map, a revised urban lot split map on payment of the fees specified in SBMC 16.08.010.

16.48.100 City Engineer – Duties.
The City Engineer or his or her designee is authorized and directed to carry out the following duties, concerning applications for urban lot split maps under this chapter:

A. Obtain the recommendations of other city departments, governmental agencies or special districts as may be deemed appropriate or necessary by the City Engineer in order to carry out the provisions of this title;

B. Consider all recommendations and the results of all investigations and ministerially approve, or disapprove the application.

16.48.110 Consideration of urban lot split map – Notice of decision.
Within 50 calendar days after a complete application for an urban lot split map is filed with it, the City Engineer shall ministerially approve or disapprove such map. The time limit specified in this paragraph may be extended by mutual consent of the applicant and the city. If the urban lot split map is disapproved, the reasons therefor shall be stated in the notice of disapproval.

16.48.120 Disapproval of urban lot split map.
The City Engineer shall not approve an urban lot split map under any of the following circumstances:

A. The land proposed for division is a lot or parcel which was part of an urban lot split map that the City previously approved.

B. The subdivision proposes creation of more than two lots or more than four units total among the two lots.

C. The City Engineer finds that the urban lot split map does not meet the requirements of this code or that all approvals or permits required by this code for the project have not been given or issued.

D. Based on a preponderance of the evidence, the building official finds that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
E. The urban lot split’s failure to comply with applicable, objective requirements imposed by the Subdivision Map Act and this title. Any decision to disapprove an urban lot split map shall be accompanied by a finding identifying the applicable, objective requirements imposed by the Subdivision Map Act and this title or the conditions of approval which have not been met or performed.

16.48.130 Transmittal of urban lot split map to County Recorder.
After the approval by the City of an urban lot split map, the applicant or its agent shall transmit the map to the County Recorder. An urban lot split subject to Section 66493 of the Subdivision Map Act shall be processed in compliance with Government Code Section 66464(b).

16.48.140 Correction and amendment of urban lot split map.
Corrections of and amendments to the urban lot split map shall be made pursuant to Section 66469 et seq. of the Act.

Section 7. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n) because the adoption of an ordinance to implement SB 9 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

Section 8. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, if for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code Section 36933.
INTRODUCED AND FIRST READ by the City Council of the City of Solana Beach at a regular meeting thereof on the 10th day of November 2021.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Solana Beach at a regular meeting thereof this 8th day of December 2021 by the following vote to wit:

AYES:
NAYS:
ABSTAIN:
ABSENT:

____________________________
LESA HEEBNER, Mayor

_______________________________ ____________________________
APPROVED AS TO FORM: ATTEST:

JOHANNA N. CANLAS, City Attorney ANGELA IVEY, City Clerk
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: December 8, 2021
ORIGINATING DEPT: City Clerk’s Office
SUBJECT: Annual Deputy Mayor Appointment

BACKGROUND:

On July 10, 2018, the City Council adopted Ordinance 488 establishing a By-District Election Process in four Council Districts and an Elective Office of Mayor. The November 3, 2020 General Election was the first election transitioning to district elections and a separately elected Mayor, each for a full term of four years.

Thus, an annual appointment of Deputy Mayor is needed to act in the Mayor’s absence. Resolution 1996-017 (Attachment 1) provided a guide for rotation of Mayor and Deputy Mayor and may be used for this Deputy Mayor rotation. It states that the City Council shall appoint a mayor pro tempore on an annual basis at the first City Council meeting of December. The mayor pro tempore shall be selected by the affirmative vote of not less than three members of the City Council. The mayor pro tempore may be referred to as the deputy mayor, as is the current practice.

This item is before Council to officially appoint a Deputy Mayor for the term of December 8, 2021 through December 14, 2022.

DISCUSSION:

Pursuant to Resolution 1996-017, the Council shall proceed with the nomination and appointment of the 2022 Deputy Mayor.

This is a summary of Resolution 1996-017 which provides some general guidelines for making an appointment of the Deputy Mayor:

• Each member shall be given the opportunity to serve as deputy mayor.
• Council may choose to use alternative criteria for appointments.

CITY COUNCIL ACTION:

AGENDA ITEM # C.6.
CEQA COMPLIANCE STATEMENT: N/A

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

· Approve Staff recommendation and make necessary appointment.
· Approve Staff recommendation with alternative amendments / modifications.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council review and consider designation of the 2022 Deputy Mayor for a term of December 8, 2021 to December 14, 2022.

1. Mayor Calls for nomination of a Deputy Mayor. Call for the vote.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation

_______________________________
Gregory Wade, City Manager

Attachments:

1. Resolution 1996-017 - Guidelines for Mayor and Deputy Mayor Appointments.
RESOLUTION NO. 96-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ESTABLISHING POLICIES REGARDING APPOINTMENT OF MAYOR AND DEPUTY MAYOR

WHEREAS, the City Council is authorized and directed by Government Code Section 36801 to meet after a general municipal election and choose one of its number as mayor and one of its number as mayor pro tempore; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Solana Beach to establish policies regarding the appointment of mayor and mayor pro tempore.

NOW, THEREFORE, the City Council of the City of Solana Beach California, resolves as follows:

1. The City Council shall appoint a mayor and mayor pro tempore on an annual basis. The appointment shall be made at the first City Council meeting of December. The mayor and mayor pro tempore shall serve until their successor is appointed.

2. The mayor and mayor pro tempore shall be selected by the affirmative vote of not less than three members of the City Council.

3. The mayor pro tempore may be referred to as the deputy mayor.

4. When selecting the mayor and mayor pro tempore, the Council shall use the following criteria:
   a. The deputy mayor shall have first priority to serve as mayor.
   b. To the extent possible, each member shall be given the opportunity to serve as deputy mayor and then mayor.
   c. The position of finish for each member at their last election will be an important factor in choosing between members who each have served as mayor or between members who have not previously served as mayor.
   d. The first place finisher in each election shall have the opportunity to serve a full year term as mayor.
e. Any member may share their term as mayor with any other member. Priority would be given to those who have not served, or if all have served, priority would be given to the member with the least total terms as mayor.

f. If a member accepts a shared term of at least six months as mayor, that shall be deemed a full term as mayor. However, if due to an incapacity a mayor is not able to fulfill a term, a member who is called upon to fill less than six months of the remainder of another member’s term as mayor shall not be considered to have served a full term as mayor. The member called upon under such a situation shall be allowed to continue serving as mayor the next full term.

g. A person may decline an appointment, but shall lose eligibility unless the person subsequently regains eligibility as a result of re-election. A person who declines to accept a shared term as mayor shall not lose any eligibility.

h. The Council may choose to appoint a person to the position of mayor or deputy mayor based on factors other than those set forth in this resolution.

5. This resolution shall supersede all prior resolutions concerning this matter.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Solana Beach, California, at a regular meeting held on the 5th day of February, 1996, by the following vote:

AYES: Councilmembers - Campbell, Dodson, Kellejian, Renteria, Tompkins

NOES: Councilmembers - None

ABSTAIN: Councilmembers - None

ABSENT: Councilmembers - None
Resolution No. 96-17
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ATTEST:

Deborah A. Harrington
City Clerk

Marion B. Dodson, Mayor

APPROVED AS TO FORM:

Daniel S. Hentschke
City Attorney