



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Agenda City Council

**THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY  
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT  
NO. 1 AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR  
AGENCY**

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Monday, March 25, 2024

6:00 PM

Town Hall, 363 N.Main Street and Via Video  
Conference

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### COUNCILMEMBERS PLEASE TAKE NOTICE

*Councilmembers are reminded that pursuant to the Council policy regarding use of electronic devices during public meetings adopted on November 28, 2022, all cell phones are to be turned off and there shall be no electronic communications during the meeting. All e-communications such as texts or emails from members of the public received during a meeting are to be forwarded to the City Clerk after the meeting is adjourned.*

### ZOOM WEBINAR INVITATION

*This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.*

*You are invited to a Zoom webinar.*

*When: Mar 25, 2024 06:00 PM Pacific Time (US and Canada)*

*Topic: City Council Meeting*

*Please click the link below to join the webinar:*

*<https://us06web.zoom.us/j/87280972003>*

*Or Telephone: 1 669 444 9171 US (\*6 mute/unmute, \*9 raise hand)*

*Webinar ID: 872 8097 2003*

*To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Mayor or Acting Mayor calls for public comment on the item you wish to address.*

### CLOSED SESSION REPORT

### AGENDA REVIEW

### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

1A. [24-650](#) Presentation from the Economic Development & Financing Corporation

**Attachments:** [Fort Bragg City Council Presentation FY 22-23](#)

## **2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR**

*MANNER OF ADDRESSING THE CITY COUNCIL: All remarks and questions shall be addressed to the City Council; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Mayor or Acting Mayor. Public comments are restricted to three (3) minutes per speaker.*

*TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Mayor or Acting Mayor may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Mayor or Acting Mayor, may speak on any topic that may be a proper subject for discussion before the City Council for such period of time as the Mayor or Acting Mayor may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.*

*BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Council's response to questions and requests made during this comment period.*

*WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the Councilmembers as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be submitted to City Clerk Diana Sanchez, [dsanchez@fortbragg.com](mailto:dsanchez@fortbragg.com)*

## **3. STAFF COMMENTS**

## **4. MATTERS FROM COUNCILMEMBERS**

## **5. CONSENT CALENDAR**

*All items under the Consent Calendar will be acted upon in one motion unless a Councilmember requests that an individual item be taken up under Conduct of Business.*

5A. [24-574](#) Adopt by Title Only, and Waive Further Reading of, Ordinance No. 985-2023 "An Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 1023) to Amend Chapter 18.21.030(B), (C), & 18.21.050 "Zoning Districts and Allowable Land Uses", to Repeal and Replace 18.42.170 "Accessory Dwelling Units", to Amend Chapter 18.71.050 "Design Review" and to Amend Chapter 18.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law; Statutory Exemption.

**Attachments:** [Final ORD 985 Title 18 ILUDC ADU Amendment](#)

- 5B. [24-575](#) Adopt, by Title Only, and Waive Further Reading of Ordinance 986-2024 Amending Division 18 of the Fort Bragg Municipal Code to Comply with Recent Changes in State of California Housing Law Related to Urban Lot Splits and Two Unit Development.
- Attachments:** [Final CC ILUDC Lot Split Ordinance 986-2024](#)
- 5C. [24-649](#) Approve Scope of Work for a Request for Proposals for Professional Services for a Fireworks Provider
- Attachments:** [RFP - Fireworks Provider](#)  
[Att 1 - Preferred fireworks location](#)
- 5D. [24-659](#) Approve Scope of Work for a Request for Proposals Seeking Professional Services for Sea Level Rise, Tsunami Hazards, and Erosion Resilience Strategy for Noyo Harbor
- Attachments:** [SLR Resilience RFP](#)
- 5E. [24-593](#) Receive General Plan Annual Progress Report 2023 and Housing Element Annual Progress Report to HCD and provide comments prior to submittal to HCD
- Attachments:** [2023 General Plan Report](#)  
[2023 Housing Element Annual Progress Report](#)  
[Public Comment](#)
- 5F. [24-668](#) Adopt Joint City Council/Municipal Improvement District Resolution Amending the FY 2023/24 Budget for Mid-Year Budget Adjustments
- Attachments:** [RESO Mid-Year Budget Adjustments](#)  
[Exhibit A](#)
- 5G. [24-660](#) Approve Minutes of February 12, 2024
- Attachments:** [CC2024-02-12 City Council](#)
- 5H. [24-658](#) Approve Minutes of February 26, 2024
- Attachments:** [CC2024-02-26 City Council](#)
- 5I. [24-641](#) Approve Minutes of Special Closed Session of March 7, 2024
- Attachments:** [CC2024-03-07 Special Closed Session](#)
- 5J. [24-655](#) Approve Minutes of March 11, 2024
- Attachments:** [CC2024-03-11 City Council](#)
- 5K. [24-642](#) Approve Minutes of Special Closed Session of March 11, 2024
- Attachments:** [CC2024-03-11 Special Closed Session](#)

## **6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

## **7. PUBLIC HEARING**

None.

## **8. CONDUCT OF BUSINESS**

- 8A. [24-662](#) Receive Report and Provide Direction Regarding 2022-2023 HOME Investment Partnerships Program (HOME) Grant Application

**Attachments:** [03252024 Report HOME IPP App Direction](#)  
[home-2022-2023-nofa](#)  
[HOME slides 03252024](#)

- 8B. [24-652](#) Receive presentation of recommended update to the City of Fort Bragg's Emergency Operations Plan and consider adopting Resolution xx-2024 - Resolution of the Fort Bragg City Council Approving Updated City of Fort Bragg Emergency Operations Plan

**Attachments:** [Staff Report-Updating the Emergency Operations Plan](#)  
[Attachment #1: Proposed City of Fort Bragg Emergency Operations Plan \(Marci](#)  
[Attachment #2: State Certification Crosswalk](#)  
[Previous Emergency Operations Plan](#)  
[Resolution Adopting Proposed Emergency Operations Plan](#)  
[Public Comment](#)  
[EOP City Council 03-25](#)

- 8C. [24-654](#) Resolution of the Fort Bragg City Council Approving Contract Change Order with with Akeff Construction, Inc. for the Bainbridge Park Playground Replacement Project, City Project No. PWP-00096 and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$88,624.00)

**Attachments:** [RESO Playground CCO Akeff Cons](#)  
[Public Comment](#)

## **9. CLOSED SESSION**

None.

## **ADJOURNMENT**

*The adjournment time for all Council meetings is no later than 10:00 p.m. If the Council is still in session at 10:00 p.m., the Council may continue the meeting upon majority vote.*

**NEXT REGULAR CITY COUNCIL MEETING:  
6:00 P.M., MONDAY, April 8, 2024**

STATE OF CALIFORNIA     )  
  )ss.  
COUNTY OF MENDOCINO    )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on March 22, 2024.

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Diana Sanchez  
City Clerk

**NOTICE TO THE PUBLIC:**

**DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:**

- *Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection upon making reasonable arrangements with the City Clerk for viewing same during normal business hours.*
- *Such documents are also available on the City of Fort Bragg’s website at <https://city.fortbragg.com> subject to staff’s ability to post the documents before the meeting.*

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS:**

*It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.*

*If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.*

*This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).*



# City of Fort Bragg

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## Text File

File Number: 24-650

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Mayor's Office

**In Control:** City Council

**File Type:**  
Recognition/Announcements

**Agenda Number:** 1A.

Presentation from the Economic Development & Financing Corporation



# City of Fort Bragg

## Annual City Council Update





# ECONOMIC DEVELOPMENT & FINANCING CORPORATION

## Mission



Connecting money and ideas with entrepreneurs and creating sustainable prosperity in Mendocino, Lake & Sonoma Counties

## Vision



We envision a vibrant local economy providing abundant opportunity and rewarding quality of life to the communities we serve and future generations.



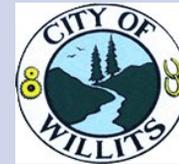
# EDFC's Foundations



EDFC was started in 1994 as vehicle for economic development and funding across multiple jurisdictions throughout Mendocino County and the incorporated cities.



Economic Development coordination and support for:



Provide alternative financing opportunities for entrepreneurs and small businesses in Mendocino and Lake Counties



EDFC is an incorporated non-profit organization.



Economic Development & Financing Corporation



**1**

**ACCESS TO CAPITAL**  
Business Loans at a fixed interest rate

**2**

**TECHNICAL ASSISTANCE**  
EDFC offers one on one TA

**3**

**WORKSHOPS**  
Financial Prep  
Business Planning and more!

**4**

**REFERRALS**  
We have a network of partners supporting businesses

**5**

**COMMUNITY INVOLVEMENT**  
We are supportive and involved!

**Contact EDFC today to learn more!**

**E: [info@edfc.org](mailto:info@edfc.org)**



# EDFC Leadership

## Staff Members:

Executive Director/ Lending Manager: Robert Gernert

Administrative Manager: Laura Hurst

Development Manager: Stacey Caico

## Board of Directors: 13 Members including:

- ❖ County Supervisor: Mo Mulheren
- ❖ Council Members: Madge Strong (Willits), Tess Albin-Smith (Fort Bragg)
- ❖ City Staff: Shannon Riley, Deputy City Manager Ukiah
- ❖ Business Owners, Finance Professionals, Pomo Tribe, Mendocino College, North Coast Opportunities

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TOTAL LENDING FY 22/23: \$1,439,036

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TOTAL INQUIRIES: 65

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APPLICATIONS: 33

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APPROVED LOANS: 10

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JOBS RETAINED: 18 FTE

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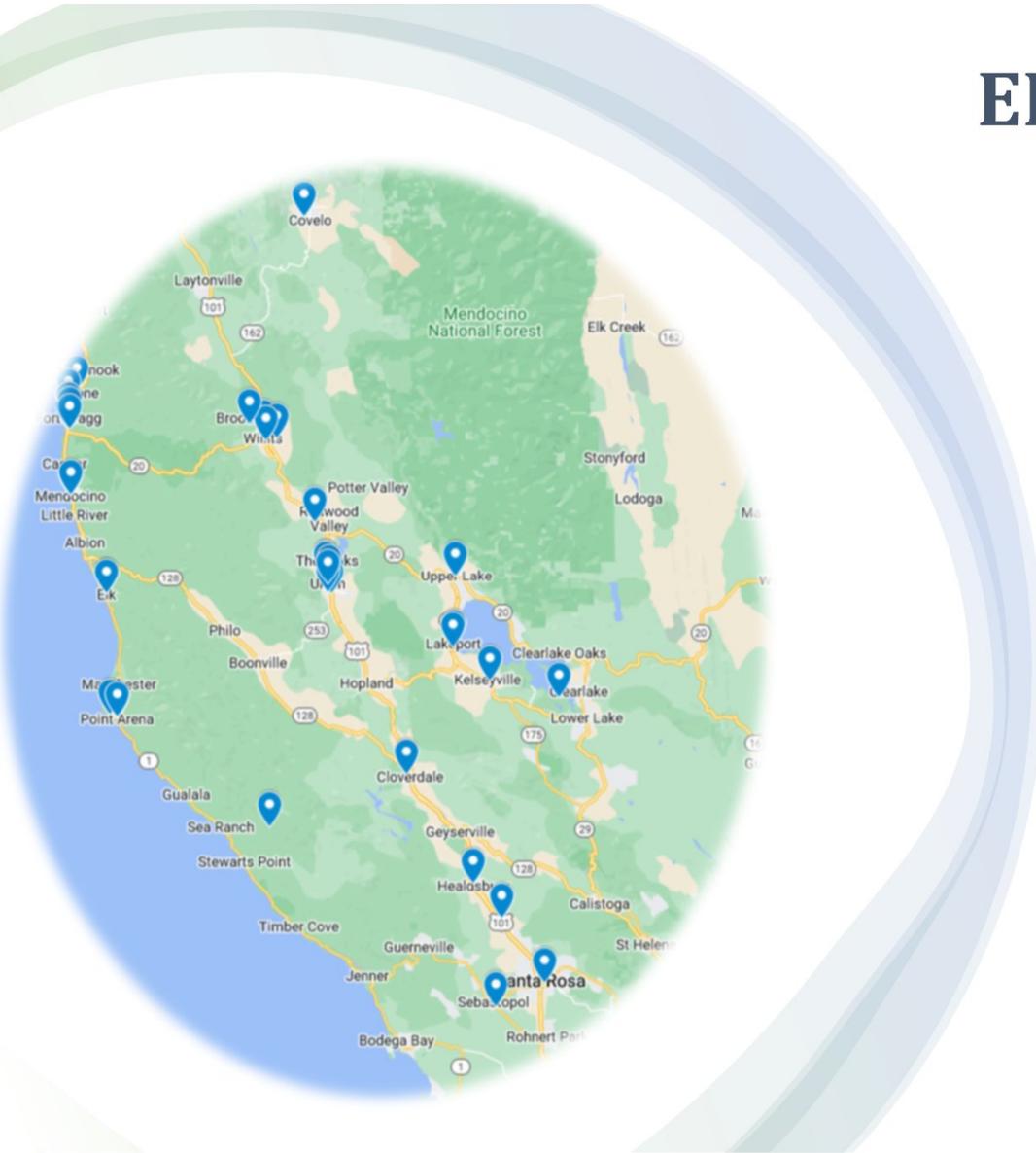
JOBS CREATED: 25.5 FTE

Low Portfolio Default Rate

1.4%

# EDFC Results & Highlights FY 22/23

# EDFC Total Portfolio: \$ 4,785,239



Mendocino  
County:  
\$ 3,202,845

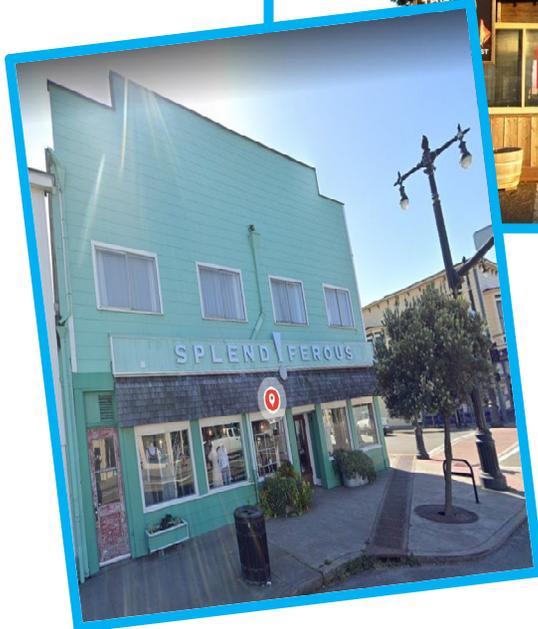
Sonoma  
County:  
\$ 889,469

**Fort Bragg:**  
\$1,341,150  
10 Businesses

Lake  
County:  
\$ 529,058



# Client Highlights



# Businesses EDFC has supported FY 22-23:

## Mendocino County

- Noyo Haulout LLC
- A & K Trucking
- One Stop Shot
- McCarty's Bar & Grill LLC
- Hare Creek Automotive
- Mendocino Wool & Fiber
- So Humbled Inc.

## Sonoma County

- Farms To Table LLC
- TayHarp Enterprises LLC

## Lake County

- Rosey Cooks LLC

# Collaboration Local & Regional

## Economic Development:

- Microbusiness Covid Relief Grant Program – In partnership with CALOSBA, and the County of Mendocino, EDFC has applied successfully for grant funding to administer \$2,500 grants to Microbusiness within the County. 25 of the possible 32 grants were awarded, with more than 200 applicants applied for grants.
- Direct Public Offering: Completion of program and return of investment to all 81 private investors on the Mendocino Wool & Fiber project.
- Startup Mendo: In partnership with West Business Development Center, EDFC Director Robert Gernert, has provided workshop courses to startup businesses in the Startup Mendo Program to help potential business owners acquire appropriate financing and avoid predatory lending.
- Collaborative Partnership with GUBTA: EDFC and the Greater Ukiah Business & Tourism Alliance has leveraged its relationship to partner in several business outreach efforts as well as planning the Redwood Regional Economic Summit

## Loan Funds:

- CDFI Rapid Response Program: \$ 1.3 Million Grant for loan funds of which all funds were disbursed in the FY 22/23 time period, a year in advance of the assistance agreement performance period.
- Sonoma County Revolving Loan Fund: Launched \$1 million EDA revolving loan fund for Sonoma County, of which all funds have been accounted for as of the end of FY 22/23.





ECONOMIC DEVELOPMENT  
& FINANCING CORPORATION

Thank You



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## Text File

**File Number: 24-574**

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Consent Calendar

**Agenda Number:** 5A.

Adopt by Title Only, and Waive Further Reading of, Ordinance No. 985-2023 "An Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 1023) to Amend Chapter 18.21.030(B), (C), & 18.21.050 "Zoning Districts and Allowable Land Uses", to Repeal and Replace 18.42.170 "Accessory Dwelling Units", to Amend Chapter 18.71.050 "Design Review" and to Amend Chapter 18.100 "Definitions" to Establish Regulations and Standards for Accessory Dwelling Units Pursuant to State Law; Statutory Exemption.

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG**

**AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE (ILUDC 1-23) TO AMEND CHAPTER 18.21.030(B)(C) & 18.21.050 "ZONING DISTRICTS AND ALLOWABLE LAND USES", TO REPEAL AND REPLACE 18.42.170 "ACCESSORY DWELLING UNITS", TO AMEND CHAPTER 18.71.050 "DESIGN REVIEW" AND TO AMEND CHAPTER 18.100 "DEFINITIONS" TO ESTABLISH REGULATIONS AND STANDARDS FOR ACCESSORY DWELLING UNITS PURSUANT TO STATE LAW.**

**ORDINANCE NO. 985-2023**

**WHEREAS**, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

**WHEREAS**, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

**WHEREAS**, the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

**WHEREAS**, the City of Fort Bragg ("City") adopted an Inland General Plan and certified an Environmental Impact Report Addendum ("EIR Addendum") for the General Plan on December 2, 2012; and

**WHEREAS**, the City of Fort Bragg ("City") adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

**WHEREAS**, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

**WHEREAS**, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

**WHEREAS**, Accessory Dwelling Units ("ADUs") offer lower-cost housing to meet the needs of the existing and future residents while ensuring that they remain compatible with the existing neighborhood; and

**WHEREAS**, the 2009, 2014, and 2019 Housing Element updates include policies and

programs that support and create affordable housing, a diverse range of housing types and provisions for Accessory Dwelling Units; and

**WHEREAS**, In 2020, the City Council adopted Ordinance 20-609 to amend the Inland Land Use and Development Code (ILUDC) that meet some of the requirements of the new state laws; and

**WHEREAS**, the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and

**WHEREAS**, Assembly Bills 68, 587, 671, 345, and 881 and Senate Bill 13 pertain to Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”). These bills were approved by the California Legislature and signed by the Governor in 2019 and became effective on January 1, 2020. Codified primarily in California Government Code sections 65952.2 and 65952.22, this legislation requires local ADU ordinances to include specified requirements; and

**WHEREAS**, the City of Fort Bragg General Plan establishes zoning for a variety of housing types including Accessory Dwelling Units, and General Plan Table 6.2 lists Accessory Dwelling Units as permitted land uses in all residential districts; and

**WHEREAS**, the City of Fort Bragg General Plan Policy H-1.3 facilitates the construction of secondary dwelling units on residential properties and this adopted policy includes six program goals (see Programs H-1.3.1 through H-1.3.6); and

**WHEREAS**, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to receive a report regarding proposed changes to ADU and Tiny Home regulations in Fort Bragg; and public comments were given at that time; and

**WHEREAS**, Section 18.94.040 states that the Planning Commission shall forward a written recommendation, and reasons for the recommendations, to the Council based on the findings identified in Section 18.94.060; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on September 13, 2023, to consider the Zoning Amendment, accept public testimony; and formally adopted a resolution with their written recommendations regarding the proposed ordinance changes; and

**WHEREAS**, the City Council held a duly noticed public hearing on October 25, 2023, to consider the Zoning Amendment, accept public testimony; and formally Introduce the Ordinance by Title Only; and

**WHEREAS**, the project is exempt from CEQA, under Public Resources Code Section 21080.17 and State CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county.

**NOW, THEREFORE**, The Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA Public Resources Code §21000, et seq. and State CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland Land Use and Development Code; State law; all reports and public testimony submitted as part of the City Council meeting of October 25, 2023 and City Council deliberations; and any other evidence (within the meaning of Public

Resources Code §21080(e) and §21082.2), the Fort Bragg City Council **does ordains as follows:**

**Section 1. Legislative Findings.** The City Council hereby finds as follows:

1. The foregoing recitals are true and correct and made a part of this Ordinance; and
2. On September 13, 2023, the Planning Commission held a properly noticed public hearing to consider recommending the proposed minor amendment to the Inland Land Use and Development Code to the Fort Bragg City Council for adoption and adopted a resolution in support of the City Council’s adoption of the minor amendment to the CLUDC pursuant to Gov. Code Section 65355.
3. On October 25, 2023, the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Inland Land Use and Development Code.
4. The proposed ILUDC 1-23 amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as it intends amendments to be consistent with recently adopted State laws; and
5. The proposed amendment is consistent with the General Plan Policies and Programs, including Policy H-1.3 Secondary Dwelling Units; and any applicable specific plan; and
  - a. The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the three units allowed through an ADU law in density calculations. Thus, while the amendments will allow “higher” residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.
  - b. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-1.1, Policy PF-2.1, Policy CD-9.2, Policy H-1.3, Policy H-1.6, and Policy H-3.2.
6. The proposed amendment is internally consistent with other applicable provisions of the Inland Land Use Development Code, including its Chapters 18.42, 18.71, 18.100, and others; and

The proposed amendment is consistent with ILUDC standards, with the following State mandated exceptions:

- a. Lot Coverage: As mandated by State law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if one 800 SF ADU cannot otherwise be constructed.
- b. Setbacks: As mandated by State law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4-foot setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if one 800 SF ADU cannot otherwise be constructed on a lot.

- c. Parking and Traffic: In compliance with State law, the City Council may not require off-street parking for an ADU. In the case of a garage conversion to an ADU, the converted parking spaces do not have to be replaced.
- d. Public Improvement Requirements. Under the amended code per State law, the City would not be able to require new sidewalks or other improvements required in Section 18.30.090 for ADUs.

- 7. The project is exempt from CEQA, under Public Resources Code Section 21080.17 and State CEQA Guidelines Section 15282(h), adoption of an ordinance regarding second units in areas zoned to allow single-family or multifamily dwelling residential use by a city or county.
- 8. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and

**Section 2. Based on the foregoing, the City Council hereby:**

*Amends Title 18.21.030 & 18.21.050 Land Use Tables as follows:*

*Amends 18.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts:*

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	RR	RS	RL	RM	RH	RVH		
RESIDENTIAL USES								
Duplex	P	P	P	P	P	P	18.42.170	
Single-family Dwelling <u>Primary Residential Unit</u>	P	P	P	P	P	P		

*Amends 18.22.030(C) Table 2-6 Allowable Land Uses and Permit Requirements for Commercial Zoning*

*Districts:*

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required (see Section <a href="#">18.71.060</a> )				
	UP	Use Permit required (see Section <a href="#">18.71.060</a> )				
	S	Permit requirement set by Specific Use Regulations				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

RESIDENTIAL USES

Residential component mixed use project	P	UP	P(2)	UP	UP	<a href="#">18.42.100</a>
<b>Primary Residential Unit</b>	P(3)	--	P(4)	P(4)	--	
<b>Second unit – ADU/JADU</b>	P(5)	P(5)	P(5)	P(5)	P(5)	<a href="#">18.42.170</a>

(5) Use permitted only on parcels with an existing ~~single residential~~ primary unit or existing/proposed multifamily development, and only in compliance with § 18.42.170.

(3) Use permitted only for lots in the CN zone that do not front a major collector, as defined in the General Plan.

(4) Use permitted only for existing structures that have the appearance of a primary dwelling unit, per the Citywide Design Guidelines.

(5) Use permitted only on parcels with existing single residential units or existing/proposed multifamily development, and only in compliance with § 18.42.170.

*Amends Table 2-4 to clarify that a duplex would be allowed in lieu of a single-family residential unit:*

TABLE 2-4 - RR, RS, AND RL DISTRICT DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	RR Rural Residential	RS Suburban Residential	RL Low Density Residential
Density	Maximum number of dwelling units allowed on a single parcel.		
	1 dwelling unit <b>or one duplex</b> per parcel; or 1 dwelling Unit and one second unit and one JADU where allowed by <a href="#">18.42.170</a> .		

### **Section 3. 18.42.180 Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)**

*Chapter 18.42.180 is hereby repealed and replaced in its entirety as follows:*

**Purpose.** This Section establishes standards for two types of residential second units: accessory dwelling units (ADU); and junior accessory dwelling units (JADU), where allowed by Article 2 (Zoning Districts and Allowable Land Uses) and in compliance with California Government Code 65852-65853.13.

- “Accessory Dwelling Unit” means an attached, detached or converted residential dwelling unit that provides complete independent living facilities for one or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling structure. An “Accessory Dwelling Unit” also includes the following: an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
- “Junior accessory dwelling unit” means a living space not more than 500 square feet in size and contained entirely within the walls of a single residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation (sanitation facilities may be separate, or may be shared with the primary unit).

A second unit that does not comply with this section is subject to the standards of 18.42.185 - Two Unit Development or the Zoning District or Article 3 Site Planning and Project Design Standards.

#### **A. Review & Approval Process.**

1. **Deemed Approved.** An application for the creation of an ADU or JADU shall be deemed approved (not just subject to Ministerial Approval) if the City has not acted on the completed application within 60 days. (65852.2a3).
2. **Ministerial Approval.** Ministerial approval is required for an ADU and/or JADU on parcels located in all residential and commercial zoning districts.

#### **B. Location, Number & Size of Units.** Two ADUs in compliance with this section or California Government Code 65852-65853.13 shall be allowed as follows:

1. On a lot with an existing or proposed single-family residential unit:
  - a. One JADU constructed within an existing or proposed single residential unit, which complies with the requirements of 18.42.170 (K)(3); and/or
  - b. One ADU, that complies with the requirements of 18.42.170 (K) (1 or 2);
2. On a lot with an existing multifamily dwelling:
  - a. **Interior ADUs.** ADUs may be constructed in areas that are not used as livable space within an existing multifamily attached or detached structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior ADUs permitted on the lot shall not exceed 25% of the current number of units of the multifamily complex on the lot and at least 1 such unit shall be allowed. Units constructed pursuant to this Subsection shall not exceed 1,200 square feet in floor area; and
  - b. **Detached ADUs.** Up to 1 additional detached ADUs may be constructed, provided they are no taller than 16 feet, and they have at least 4 feet of side and rear yard setbacks. Units constructed pursuant to this Subsection shall not exceed 1,200 square feet in floor area.
  - c. **Condominiums.** ADU and JADUs are permitted within condominiums as rentals or homeowner-occupied units, however, no less than 25% of all ADUs in condominiums must be rented.

#### **A. Conversion of Accessory Structures to ADUs.** The conversion of a pre-existing (pre-existing prior to the date of the adoption of the ordinance) accessory structure (garage, barn, shed, etc.) or portion of an existing accessory structure to an ADU is not

subject to size limits, setback or height limitations of this ordinance. ADUs proposed for accessory structures that are expanded in size by more than 150 SF are subject to the size limitations of this ordinance.

- C. **Density.** Both ADUs and JADUs shall be exempted from the calculation of the maximum allowable density for the lot on which it is located and shall be deemed to be a residential use that is consistent with the existing General Plan and zoning designation for the lot.
- D. **Lot Size.** There is no minimum lot size for ADUs and JADUs.
- E. **Lot Coverage.** Projects are required to conform to Lot Coverage requirements for their zoning district unless lot coverage requirements do not allow at least one 800-square-foot second unit, in which case the lot coverage requirement shall be waived.
- F. **Timing.** An ADU may be constructed before, with, or after the primary dwelling unit(s). In addition, an existing dwelling that complies with the standards for second units in Subsection (K) of this Section may be considered a second unit, and a new primary unit may be constructed.
- G. **Sale of ADUs JADUs.** The separate sale or conveyance of an ADU as a tenancy in common (TIC) is only permitted if: 1) both the primary unit and the ADU were built or developed by a qualified non-profit whose mission is to provide housing units to low-income households; 2) an enforceable restriction is placed on the property between the low-income buyer and the non-profit that satisfies the requirements of Section 402,1 of the Revenue and tax code; and 3) the entire property is subject to affordability restrictions to assure that the ADU and the primary dwelling unit are preserved for low-income housing for 45 years.
- H. **Short-term Rentals Prohibited.** Accessory dwelling units and JADUs shall not be rented for periods of less than 31 days.
- I. **Deed Restriction.** Prior to the issuance of a building permit for an ADU, the owner shall record a deed restriction in a form approved by the City that includes: 1) a prohibition on the sale of the ADU separate from the sale of the primary residential unit (except in the case of H above or Urban Lot Split (18.84.045); 2) a prohibition on short-term rentals, and: 3) in the case of a JADU restricts the size and attributes of the JADU to conformance with this section.
- J. **Second Unit Standards.**
  - 1. **Exceptions to Accommodate at least one 800 SF ADU and one JADU.** The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of a JADU and/or an ADU of at least 800 square feet in size, and 16 feet in height with 4-foot setbacks on any lot. Objective development standards shall be modified with the following to be considered last to allow an 800 SF unit: changes to parking requirements, front setbacks, and/or height limits.
  - 2. **Accessory Dwelling Unit.** An ADU shall comply with the following standards:
    - a. **Location.** An ADU may be located on the front, the back, or the side of a parcel and it may be larger or smaller than the primary single-family residential unit so long as it complies with the size limitations of this code. An ADU can be (i) a remodeled portion of a primary dwelling unit; (ii) attached to a primary dwelling unit; (iii) one of the units of a duplex (iv) a detached unit or located in a converted Accessory Structure such as a shop or garage.
    - b. **Height limit.** A detached ADU shall be limited to a maximum height of 16 feet. Second-story ADUs are permitted only over a garage and are limited to 28 ft in height.

- c. **Setbacks.** An ADU shall have a minimum rear and side setback of 4 feet unless the second unit is located in a nonconforming structure as defined by § 18.90.020. Notwithstanding the foregoing, no setbacks are required for ADUs that are conversions of existing living areas or existing accessory structures, or for any new structures in the same location and to the same dimensions as an existing structure, or for expansions of existing structures that have less than a four-foot rear or side yard setback so long as the expansion conforms with the existing structure's existing setback. Front yard setbacks are defined in 18.22, however, a reduced front setback is required if the applicant is precluded by the strict application of the setback requirements from building at least one 800 SF ADU on the property.
  - d. **Maximum floor area.** The maximum floor area of a detached ADU shall not exceed 1,200 square feet and the maximum floor area for an attached ADU shall be 50% of the existing primary dwelling unit or 1,200 SF whichever is more. The conversion of an existing structure to an ADU shall not be limited in size so long as it is enclosed within the existing structure.
  - e. **Separate entrance required.** An attached ADU shall have an entrance separate from the entrance to the primary dwelling.
  - f. **Building code compliance.** Fire sprinklers shall not be required if they are not required for the primary residence.
3. **Junior Accessory Dwelling Unit.** A JADU shall comply with the following standards:
- a. **Location.** JADUs may be located in an attached garage or within the walls of the primary dwelling. JADUs are allowed to share bathroom facilities with the primary dwelling. JADUs are not permitted in detached accessory structures or ADUs.
  - b. **Maximum floor area.** The living space shall not exceed 500 square feet in size and shall be contained entirely within the walls of an existing or proposed single residential unit.
  - c. **Separate entrance required.** A JADU shall have a separate entrance from the main entrance to the primary residence.
  - d. **Efficiency kitchen.** A JADU shall include an efficiency kitchen with cooking appliances, a food preparation counter, and storage cabinets reasonably sized in relation to the unit.
  - e. **Fire protection.** No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single residential unit unless the junior accessory dwelling unit is being constructed in connection with a new single residential unit.
  - f. **Utility service.** For the purpose of providing service for water, sewer, or power, a JADU unit shall not be considered a separate or new unit, unless the JADU was constructed in conjunction with a new single residential unit.

K. **Parking Requirements**

- 1. **ADU/JADU Parking Exemptions & Requirements:** No parking is required.
- 2. **Replacement Parking Exemption.** No replacement parking space(s) are required for the primary unit, when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU.

L. **Solar Requirements.** New, non-manufactured, detached ADUs shall install solar in compliance with the California Building Code. No other ADUs are subject to the Building Code's solar requirements.

M. **No Capacity Fees.** JADUs are exempt from paying capacity fees. ADUs of less than 750 SF shall be exempt from paying capacity fees, and units of more than 750 SF shall pay a prorated share of the capacity fee.

N. **No off-site Improvements.** No physical improvements, such as installation of sidewalks or off-site drainage improvements, shall be required for the creation or conversion of an ADU or JADU.

- O. **No Correction of Nonconforming Zoning Conditions.** No applicant shall be required to correct existing non-conforming zoning conditions as part of the creation or conversion of an ADU or JAUD.
- P. **Non-Conforming ADUs.** An existing substandard ADU or JADU shall have five years to correct a violation so long as the violation is not a health and safety issue as determined by the Building Department.
- Q. **Restrictive Covenants Void.** ADUs and JADUs shall be allowed on all parcels regardless of any covenants, conditions or restrictions that have been placed on a lot; such restrictions are void and unenforceable. (Civ Code 4751).

#### **Section 4. 18.71.050 Design Review Amendment**

*Chapter 18.71.050 is hereby amended as follows:*

**2. Improvements are subject to Design Review by the Director.** The following improvements shall be subject to Design Review by the Director, except when in conjunction with a development project. If in conjunction with a development project, each of the following shall be subject to review and approval by the Commission:

- a. ~~The construction or rehabilitation/remodeling of a secondary dwelling unit or duplex;~~
- b. The construction or rehabilitation/remodeling/addition of any detached accessory structure or garage that exceeds 16 feet in height.
- c. Removal of natural ground cover, trees, or vegetation;
- d. Installation of a fence, wall, or retaining wall visible from a public right-of-way;
- e. Landscaping including vegetation, irrigation systems, and low-level lighting;
- f. Signs included with plans for any project listed above, and that do not require Commission review; or
- g. Exterior lighting.

**3. Improvements exempt from Design Review.** The following improvements are exempt from Design Review:

- a. ~~The construction or rehabilitation/remodeling of any ADU, JADU or duplex;~~
- b. One single-family dwelling on a single parcel, including any related accessory structures;
- c. Structural improvements not visible from a public right-of-way;
- d. Signs in compliance with Chapter [18.38](#) (Signs), and which are to be located on an existing structure, or as approved under another development permit;
- e. Work determined by the Director to be minor or incidental within the intent and objectives of this Section; and
- f. Ordinary maintenance and repair of structures.

## **Section 5. 18.100 Definitions Amendments**

*Chapter 18.100 is hereby amended as follows:*

*Add the following definitions:*

**Accessory Dwelling Unit.** Can be an attached, detached, or converted residential dwelling unit of less than 1,200 sf that provides complete independent living facilities for 1 or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single residential unit or multifamily dwelling structure is or will be situated. An “accessory dwelling unit” also includes the following: (A) an efficiency unit; and (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code, and (C) a tiny home as defined in 18.42.175.

**Junior accessory dwelling unit.** Is a living space of not more than 500 square feet in size and contained entirely within the walls of a primary residential unit. A JADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation; sanitation facilities may be separate or may be shared with the primary unit.

*Remove the following definitions:*

~~**Carriage House.** See “**Second Unit or Carriage House.**”~~

~~**Small secondary unit.** A small secondary residential dwelling unit is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facility, which is an attached or detached extension to a single family structure that has no more than one bedroom and that is no greater than 600 square feet in size. Any loft area, regardless of ceiling height, is counted when calculating maximum square feet. No more than one loft area is permitted in a small secondary unit.~~

*Revise the following definitions:*

~~**Duplex.** See “**Multi-Family Housing.**”~~ A duplex consists of two attached dwelling units typically sharing a wall, but may also be attached vertically. A duplex may be considered a primary dwelling unit with an attached Accessory Dwelling Unit (ADU) if one of the units is less than 1,200 square feet.

~~**Multi-Family Housing.** A dwelling unit that is part of a structure containing ~~one~~ **three** or more other dwelling units, ~~or a non-residential use. An example of the latter is a mixed-use project where, for example, one or more dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.).~~~~ Multi-family dwellings include ~~duplexes, triplexes, fourplexes~~ (buildings under one ownership with ~~two~~, three, or more dwelling units in the same structure); apartments (five or more units under one ownership in a single building); and townhouse developments (three or more attached dwellings where no unit is located over another unit), and other building types containing multiple dwelling units (for example, courtyard housing, rowhouses, stacked flats, etc.).

~~**Primary Residential Unit.** A house that is occupied and designed with one overall living area for one group of people with one kitchen. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.~~

~~**Residential Accessory Use or Structure.** Any use and/or structure that is customarily a part of, and clearly incidental~~

and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures and other similar structures normally associated with a residential use of property. See also "Agricultural Accessory Structure."

- |                              |  |
|------------------------------|--|
| garages                      | studios                                |
| gazebos                      | swimming pools                         |
| greenhouses (non-commercial) | tennis and other on-site sports courts |
| spas and hot tubs            | workshops                              |
| storage sheds                |  |

Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, and accessory to residential use. Does not include: second units, **or Accessory Dwelling Units**, which are separately defined; guest houses, ~~which are included under the definition of second units~~; or home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Telecommunications Facilities").

**Second Unit/Carriage House/Duplex.** See Accessory Dwelling Unit.

~~Single Family Dwelling. See Primary Residential Unit.—A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.~~

**Section 6. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases may be held invalid or unconstitutional.

**Section 7. Effective Date and Publication.** This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

**The foregoing Ordinance was introduced by Councilmember Godeke at a regular meeting of the City Council of the City of Fort Bragg held on December 11, 2023, and adopted at a regular meeting of the City of Fort Bragg held on March 25, 2024, by the following vote:**

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSE:**

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**Bernie Norvell**  
**Mayor**

**ATTEST:**

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**Diana Sanchez**  
**City Clerk**

**PUBLISH:**                   **March 14, 2024 and April 4, 2024 (by summary).**  
**EFFECTIVE DATE:**       **April 25, 2024.**



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
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## Text File

File Number: 24-575

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Consent Calendar

**Agenda Number:** 5B.

Adopt, by Title Only, and Waive Further Reading of Ordinance 986-2024 Amending Division 18 of the Fort Bragg Municipal Code to Comply with Recent Changes in State of California Housing Law Related to Urban Lot Splits and Two Unit Development.

**BEFORE THE CITY COUNCIL OF THE CITY OF FORT  
BRAGG**

**AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE (ILUDC 2-23) TO AMEND CHAPTER 18.21.030(B) & 18.21.050 “RESIDENTIAL ZONING DISTRICTS,” ADD CHAPTER 18.42.200 “URBAN UNIT DEVELOPMENT,” ADD CHAPTER 18.84.045 “URBAN LOT SPLIT,” AND AMEND CHAPTER 18.100 “DEFINITIONS” TO ESTABLISH REGULATIONS AND STANDARDS FOR URBAN LOT SPLITS AND URBAN UNIT RESIDENTIAL DEVELOPMENT PROJECTS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS PURSUANT TO SENATE BILL 9**

**ORDINANCE NO. 986-2023**

**WHEREAS**, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the “City”) to enact local planning and land use regulations; and

**WHEREAS** the authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare; and

**WHEREAS**, the City of Fort Bragg (“City”) adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

**WHEREAS**, the City of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the General Plan on December 2, 2012; and

**WHEREAS**, the City of Fort Bragg (“City”) adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

**WHEREAS**, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

**WHEREAS** the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and

**WHEREAS**, on September 16, 2021, California Governor Gavin Newsom signed Senate Bill 9 (SB-9) into law as part of an effort to address the State’s housing crisis by streamlining housing production; and

**WHEREAS**, the new legislation became effective on January 1, 2022, and requires local agencies to ministerially approve urban lot splits and development of two to four residential units per single family residential lot provided the projects meet certain criteria; and

**WHEREAS** the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB-9 requirements to approve urban lot splits and urban unit residential development; and

**WHEREAS**, the project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and

**WHEREAS**, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to discuss a memo about SB-9 implementation in Fort Bragg; and public comments were given at that time; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on October 11, 2023, to consider the Zoning Amendment, accept public testimony; and adopted a resolution recommending a zoning amendment to add Chapter 18.42.200 “Urban Unit Development”, and Chapter 18.84.045 “Urban Lot Split” to the ILUDC as well as make relevant changes and additions to the definitions and land use chapters of the zoning ordinances.

**NOW, THEREFORE, BE IT RESOLVED** that the Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Inland General Plan; the Inland Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the City Council meeting of December 11, 2023 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council does hereby make the following findings and determinations:

#### **SECTION 1: LEGISLATIVE FINDINGS**

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. On October 11, 2023, the Planning Commission held a properly noticed public hearing to consider recommending the proposed minor amendment to the Inland Land Use and Development Code to the Fort Bragg City Council for adoption and adopted a resolution in support of the City Council’s adoption of the amendment to the ILUDC pursuant to Gov. Code Section 65355.
3. On December 11, 2023 the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Inland Land Use and Development Code.

4. The proposed ILUDC 2-23 amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as it intends amendments to be consistent with recently adopted State laws; and
5. The proposed amendment is consistent with the General Plan and any applicable specific plan.
  - i. The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow “higher” residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.
  - ii. The proposed amendment is consistent with and implements the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy CD-1.2, Policy H-1.6, Policy H-2.9, Policy H-3.2, and Program H-4.1.2.

6. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.

7. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with ILUDC standards with the following State mandated exceptions.

- i. Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- ii. Set Backs: As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- iii. Parking and Traffic: Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance

provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.

8. The project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and
9. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and

**SECTION 2.** Based on the foregoing, the City Council does hereby:  
*Amend 18.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts as follows:*

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	RR	RS	RL	RM	RH	RVH		
RESIDENTIAL USES								
Duplex	P	P	P	P	P	P	<a href="#">18.42.170</a> <a href="#">18.42.200</a>	
<del>Low Density dwelling</del> Primary Residential Unit	P	P	P	P	P	P		
Urban Unit Development (4 units)	p	p	p	-	-	-	<a href="#">18.42.200</a>	
Urban Unit Development (2 units) on a parcel created through an Urban Lot Split.	P	P	P	-	-	-	<a href="#">18.42.200</a> & <a href="#">18.84.045</a>	

*Amend Table 2-4 to clarify that Urban Unit development is allowed consistent with 18.42.200.*

**TABLE 2-4 - RR, RS, AND RL DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District		
	RR Rural Residential	RS Suburban Residential	RL Low Density Residential
Density	Maximum number of dwelling units allowed on a single parcel. 1 dwelling unit <b>or one duplex</b> per parcel; or 1 dwelling Unit and one second unit and one JADU where allowed by <a href="#">18.42.170</a> ; <b>or</b> <b>Two to four units, where allowed, by 18.42.200.</b>		

**SECTION 3. 18.84.045 Urban Lot Splits**

*Chapter 18.84.045 Urban Lot Splits is hereby adopted in its entirety.*

**Purpose.** This Section establishes standards to implement California Government Code Section 66411.7 which requires ministerial approval of the subdivision of a residential lot in in RR, RS, and RL Zoning Districts into two parcels with up to two units of housing on each subsequent parcel per 18.42.200.

**Ministerial Approval.** An application for an Urban Lot Split and/or the associated residential development that complies with the standards of this Section shall be approved ministerially.

**Definitions.** These definitions are intended for the narrow purpose of implementing 18.84.045.

- **Unit.** Unit means a primary dwelling unit or one unit of a duplex an ADU or a JADU.
- **Urban Lot Split.** A lot split authorized through 66411.7 and regulated by this Section 18.84.045.
- **Front Parcel.** A parcel created by an Urban Lot Split that includes at least 50% of the original parcel's street-facing frontage.
- **Back Parcel.** A parcel, created by an Urban Lot Split, which includes more than 50% of the original parcel's alley-facing frontage or back parcel line.
- **Front of the Parcel.** The "front of the parcel" is defined as 1) the street side of the Front Parcel or 2) the alley side of an alley fronting Back Parcel, or 3) the newly created parcel line for a Back Parcel that does not abut an alley.
- **Residential Use.** Residential Use includes primary units, ADUs, a duplex, and associated accessory residential structures (per Land Use Table 2-1 Residential Uses).

**A. Limitation on Location.**

1. The parcel must be in a Low-Density Residential zone (RR, RS, RL zones). Parcels in multifamily residential zoning districts and commercial zoning districts are not eligible for Urban Lot Splits.
2. The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.
3. Both resulting parcels shall have access to, provide access to, or adjoin the public right-of-way.
4. Urban Lot Splits are not permitted under any of the following conditions.
  - a. On a parcel adjacent to another parcel that was split via the Urban Lot Split under ownership by the same person or a person working in concert with the property owner of the adjacent parcel.
  - b. On a parcel that was created through a previous Urban Lot Split.
  - c. On a parcel located in a historic site or district, listed on the State Historic Resources Inventory or designated as a Historic Landmark.
  - d. On a parcel located on prime farmland, a hazardous waste site listed pursuant to Section 65962.5, or within a 100-year flood zone.
  - e. On a parcel that includes a wetland, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993) or 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, the California

Endangered Species Act, or the Native Plant Protection Act.

- f. On a parcel located on lands under a conservation easement.
- g. On a parcel where the Urban Lot Split would require demolition of affordable or rental housing that: 1) 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) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) has been occupied by a tenant in the last three years.

#### **B. Lot Size, Lot Split Size, Setbacks**

1. No parcel of less than 2,400 SF may be subdivided through the Urban Lot Split process.
2. The resulting lots must be near equal in size; each lot must be at least 40 percent of the existing lot size, but no smaller than 1,200 SF.
3. The new lot line may be approved even if the line divides pre-existing adjacent or connected structures, so long as the structures meet building code safety standards and are sufficient to allow for separate conveyance.

#### **C. Urban Lot Split Access & Public Improvements.**

1. Created parcels shall have access to, provide access to, or adjoin the public right-of-way. Flag Lots or easements are permissible if there is no alley access to the back parcel. As feasible, no more than one curb cut is permitted per original parcel, shared street access is required where street access is necessary for both parcels.
2. Easements shall be required for the provision of public services and facilities.
3. The City shall not require the dedication of rights-of-way or the construction of offsite improvements.

#### **D. Use Limitation and Deed Restriction.**

1. **Deed Restriction.** As part of the recordation of the Lot Split, the owner shall record a deed restriction on both resultant lots in a form approved by the City that includes all items enumerated in D2 below.
2. **Use Limitations.** The following restrictions apply to all lots created through an Urban Lot Split.
  - a. **Sale.** The sale of an ADU unit separate from the sale of the primary unit on the same parcel is prohibited.
  - b. **Short-term Rentals.** Units shall not be rented for periods of less than 31 days.
  - c. **Future Lot Splits.** Future Urban Lot Splits of either resulting parcel is prohibited.
  - d. **Prohibition of non-residential uses.** Non-residential uses are not permitted. Only residential uses are permitted, (per Use Table 2-1 Residential Uses)
3. **Owner Occupancy Affidavit.** The property owner shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
  - a. The owner-occupancy requirement does not apply to parcels under ownership of a community land trust, as defined in Section 402.1 of the Revenue and Taxation Code, or a qualified nonprofit corporation as described in 214.15 of the Revenue and Taxation Code.

- E. Subdivision Map Act & General Plan Conformance.** This section overrides any conflicting provisions of the Subdivision Map Act. General Plan conformance is not required if it would preclude urban lot-splits mandated by this section.
- F. Exceptions to Development Standards for Lot Splits with Existing Development.**
- a. **Side & Rear Yard Setbacks.** No setbacks are required for existing structures.
  - b. **Non-Conforming Structures and Land Uses.** All existing nonconforming zoning conditions (use, development standards, parking standards, etc.) may continue with an Urban Lot Split.
- G. Urban Lot Split Application Requirements.** An application for an Urban Lot Split under this section 18.42.200 shall include the following materials.
- a. Tentative Map.
  - b. Boundary survey.
  - c. Parcel Map with legal descriptions for both parcels.
  - d. Deed restriction.
- H. Allowable Development.** Development of parcels created through an Urban Lot Split shall be regulated by Section 18.42.200.

**SECTION 4. 18.42.200 – Urban Unit Development**

*Chapter 18.42.200 Urban Unit Development is adopted in its entirety.*

**Purpose.** This Section establishes standards to implement California Government Code Section 66411.7 which requires ministerial approval up to two units of housing (see A-2) on a parcel created through an Urban Lot Split and up to four Units (see A-1) on a single parcel that was not created through an urban lot split.

**Ministerial Approval.** An application for the residential development that complies with the standards of this Section shall be approved ministerially.

**Definitions.** These definitions are intended for the narrow purpose of implementing 18.42.200

- **Unit.** "Unit means a primary dwelling unit, one unit of a duplex, an ADU or a JADU.
- **Urban Lot Split.** A lot split authorized through 66411.7 and regulated by this Section 18.84.045.
- **Front Parcel.** A parcel, created by an Urban Lot Split, which includes at least 50% of the original parcel's street-facing frontage.
- **Back Parcel.** A parcel, created by an Urban Lot Split, which includes more than 50% of the original parcel's alley-facing frontage or back parcel line.
- **Front of the Parcel.** The front of the parcel shall be the street side of the Front Parcel, the alley side of an alley fronting Back Parcel, or the newly created parcel line for a Back Parcel that does not abut an alley.
- **Residential Use.** Residential Use includes primary units, ADUs, a duplex, and associated accessory residential structures (per Use Table 2-1 Residential Uses).

**A. Density, Size & Number of Units Allowed.**

1. A maximum of four units (two primary units and two J/ADUs) are permissible on lots which do not go through an Urban Lot Split. There is no size limit for primary units, second units must be 800 SF or less.
2. A maximum of two units is permissible on each lot created by an Urban Lot Split as follows:
  - a. Two Primary Units of 1,200 SF or less each, or
  - b. One Duplex of 2,200 SF or less, or
  - c. One Primary Unit of any size & One ADU of 800 SF or less, or
  - d. One Primary Unit of any size & One Junior ADU of 500 SF or less, or
3. Units permissible under this section are exempt from the calculation of the maximum allowable density for the lot on which they are located and shall be deemed a residential use that is consistent with the General Plan and zoning designation for the lot(s).

**B. Setbacks For New Units.**

1. Rear and side yard setbacks for new units shall be 4 feet.
2. The minimum front yard setback for the back parcel shall be 10 feet when facing the alley, and 5 feet when facing the new property line (see definitions). The minimum front yard setback for the front parcel shall comply with the development standards of Section 18.21.050.

**C. Off-street parking.** One off-street parking space is required for each unit unless the unit is located half a mile from a bus stop or there is a car share on the same block. Where feasible, parking access shall be provided from the alley for both parcels via an easement or parcel configuration. In no case will parking be accommodated within the alley setback. In no case will more than one curb cut be permitted per original parcel. Shared street access is required where street access is necessary for both parcels.

**D. Timing.** Units may be constructed simultaneously or at different times.

**E. Exceptions to Development Standards**

1. **Exceptions to Accommodate at least two 800 SF Units.** The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to two units of at least 800 square feet in on each lot. The following objective development standards shall be modified last (and only if no other combination of modified standards permits at least two 800 SF Units): parking requirement, front setback, height limit.
2. **Non-conforming Setbacks.** The non-conforming setbacks of an existing structure may be retained for a new unit that is located in the same footprint.

**F. Objective Design Review Standards**

1. **Private open space and storage space.** Each unit must include 100 SF of private outdoor open space. Private open space shall be at the same elevation as and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of 8 feet; except for upper-floor balconies where the private open space is provided as a balcony. Each unit must include 100 cubic feet of outdoor accessible storage space as part of the unit.

2. **Building facades adjacent to streets.** Dwelling units shall be sited and designed so that at least 75% of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.

**G. Utilities**

1. Separate Connections. The project shall include separate gas, electric and water utility connection directly between each dwelling unit and the utility.
2. Capacity fees. Units of less than 750 SF shall be exempt from paying capacity fees, and units of more than 750 SF shall pay a prorated share of the capacity fee.

**H. Application Requirements.** An application for development of allowable units under this section shall include the following materials.

- a. Site Plan – existing conditions,
- b. Site Plan – proposed project,
- c. Floor Plans, and
- d. Elevations and Finishes.

**I. Required Findings for Denial.** The denial of a proposed Urban Lot Split requires the Building Official to make the following finding:

1. Based upon a preponderance of the evidence, the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), 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; and
2. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

**SECTION 5. 18.100 Definitions Amendments**

*Chapter 18.100 is hereby amended to include the following definitions:*

**Urban Lot Split.** A lot split authorized through 66411.7 and regulated by Section 18.84.045.

**Urban Unit Development.** Development authorized and regulated by Section 18.42.200.

**Section 6. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 7. Effective Date and Publication.** This ordinance shall be and the





# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 24-649

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Consent Calendar

**Agenda Number:** 5C.

Approve Scope of Work for a Request for Proposals for Professional Services for a Fireworks Provider



**CITY OF FORT BRAGG**  
**REQUEST FOR PROPOSALS**

**INDEPENDENCE DAY CELEBRATION FIREWORKS DISPLAY**

The City of Fort Bragg is seeking proposals from qualified licensed providers of fireworks and pyrotechnics interested in contracting with the City of Fort Bragg for the City's Fourth of July Independence Day Celebration Fireworks Display.

**Proposals Due 5:00 p.m., April 12, 2024**



**INTRODUCTION**

The City of Fort Bragg has a long-standing and glorious tradition of illuminating the skies with fireworks on the evening of the World's Largest Salmon BBQ. This year's Fireworks Display will be held on **Saturday, July 6<sup>th</sup> at approximately 9:30 PM** on the south facing bluff of Noyo Headlands Park overlooking Noyo Harbor in Fort Bragg. The City seeks proposals from qualified licensed fireworks specialists who can provide Fort Bragg with a spectacular pyrotechnic display.

**SCOPE OF WORK/SPECIFICATIONS**

The proposals for fireworks/pyrotechnic display must include the following:

**Minimum Requirements**

1. Proposers shall demonstrate at least three (3) years of experience providing firework and pyrotechnic displays, dealing with environmental conditions such as rain and fog. Please provide a list of firework and pyrotechnic displays performed for the last three (3) years.
2. Proposers must provide the City with the names, addresses, telephone numbers, and electronic mail addresses of at least three (3) other private or public entities (including governmental entities) for whom a similar type of work has been performed in the past twenty-four (24) months.

3. Proposers shall provide all pyrotechnic equipment, trained pyrotechnicians, shipping, pyrotechnic products, application for any specific pyrotechnic permits relating to the Production, and insurance covering the Production as set forth below.
4. Proposers shall be responsible for the removal of all equipment and pyrotechnic related debris.

#### Proposed Cost

Proposals shall include fireworks displays, including all related expenses.

#### Methodology, Approach, and Quality of Show Design/Display

1. A narrative description of each proposed fireworks display shall include the order in which the aerial display shells are to be fired. The description shall maintain a show intensity of shells shot every few seconds with no black sky (i.e. no lapse of time between shells).
  - o See attached sketch for preferred launching location.
2. Length of time of display.
3. A listing of all shells to be used, by size, description, and price. To meet safety set-back requirements, the maximum shell size shall be five (5) inches in diameter.
4. A detailed price breakdown of each shell with a total price for the entire display.
5. All supplies and equipment necessary to perform the display as proposed.
6. Transportation of equipment, supplies, and personnel necessary to present the display as proposed.
7. All licensed and/or permitted personnel and labor, as required, needed to transport, set up, shoot, tear down, and clean up the display as proposed.
8. All licenses and/or permits required to transport, stage, and shoot display as proposed.
9. Required insurance as detailed below.

#### **PROPOSAL SUBMITTAL REQUIREMENTS**

1. Proposers should send two copies of the completed proposals and cost bid so that it is received by the City no later than **5:00 p.m. on April 12, 2024**, to:
  - City of Fort Bragg
  - Attention: Diana Sanchez, City Clerk
  - 416 North Franklin Street
  - Fort Bragg, CA 95437
2. Format: Proposal should be 8½ x 11 inches, printed two-sided on recycled and recyclable paper with removable bindings, bound in a single document, and organized in sections following the order specified under contents.
3. Contents: Proposal shall contain the following information
  - A. Firm Description  
Provide a description of your firm and list relevant information about capabilities, size rate of services, and length of time in existence.
  - B. Relevant Experience  
Describe relevant experience in providing fireworks displays for other public agencies.
  - C. Key Personnel Qualifications  
Identify key personnel who would work on the project, as assigned their respective roles, and a synopsis of relevant experience.
  - D. References  
List of public agencies or clients for whom similar work has been performed, with the name, title, and phone number of a contact person. They may request a copy of a similar report prepared previously by the firm for another agency.
  - E. Scope of Work  
Explain tasks associated with the project, including how you propose to complete each task.
  - F. Budget and Schedule of Charges

- Provide a “Not to Exceed” amount and a list of Personnel Rates, Equipment Charges, Travel Reimbursement Costs, and Job Descriptions for Personnel.
- G. Work Schedule  
Provide a time schedule for the completion of work.
- H. Insurance  
The individual or firm receiving the contract shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, employees or subcontracts, in the sum of Five Million Dollars (\$5,000,000.00) aggregate. Any requests for a reduction in the insurance amount shall be included in the proposal. **The cost of such insurance shall be included in the consultant’s proposal.**
- I. Agreement  
A draft copy of the proposer’s standard contract **must** be included in the proposal.

### **EVALUATION CRITERIA**

Proposals will be evaluated based on the following criteria:

- Capabilities and resources of the firm.
- Qualifications and experience of key individuals.
- Schedule for completion of work.

The above selection criteria are provided to assist proposers and are not meant to limit other considerations that may become apparent during the course of the selection process.

Proposals will be reviewed and evaluated by the City of Fort Bragg and a recommendation for award of contract will be presented to the City Manager.

### **OTHER CONSIDERATIONS**

The City of Fort Bragg reserves the right to reject any and all proposals. This Request for Proposals does not commit the City to award contract, pay any costs incurred in the preparation of proposals, or to procure or contract for supplies or services.

The City of Fort Bragg reserves the right to negotiate with any qualified source or to cancel, in part or in its entirety, this Request for Proposals, if it is in the best interest of the City to do so. The City may require the selected consultant to participate in negotiations, and submit such price, technical or other revisions of the proposal that may result from negotiations.

### **QUESTIONS**

Questions should be directed to:

Cristal Munoz  
Administrative Analyst  
City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, CA 95437  
(707) 961-2843  
E-mail: [cmunoz@fortbragg.com](mailto:cmunoz@fortbragg.com)

### **ATTACHMENTS**

Exhibit A- Preferred fireworks location map

VICINITY  
MAP  
NOYO HEADLANDS  
PARK  
FIREWORKS

APPROX. LOCATION  
FIREWORKS LAUNCHING

SHEETS  
SEC-5, SSC-5,  
SGR-5, SD-5

SHEETS  
SEC-2, SSC-2, SLA-2,  
SGR-2, SDR-2, SPK-1

SHEETS  
SEC-1, SSC-1,  
SLA-1, SGR-1

SHEETS  
SCA-1 - SCA-3

SH-5  
SE-5  
SG-5

3 EXCEEDING 4 PSI IS REQUESTED, THE

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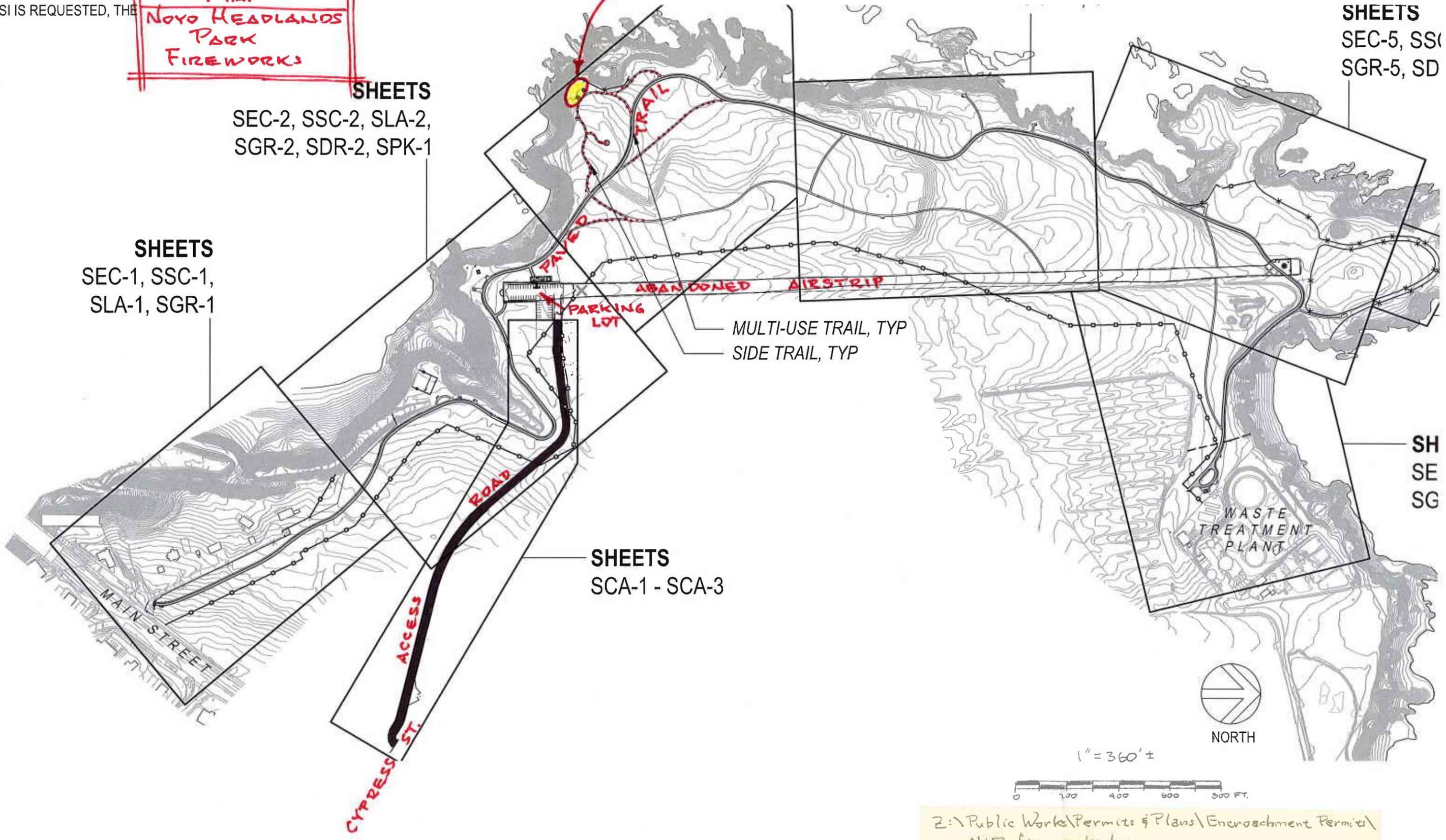
SCA-1,2. Work  
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isting airstrip; as

, grading,

, restroom

ng and grubbing,

ving, compass



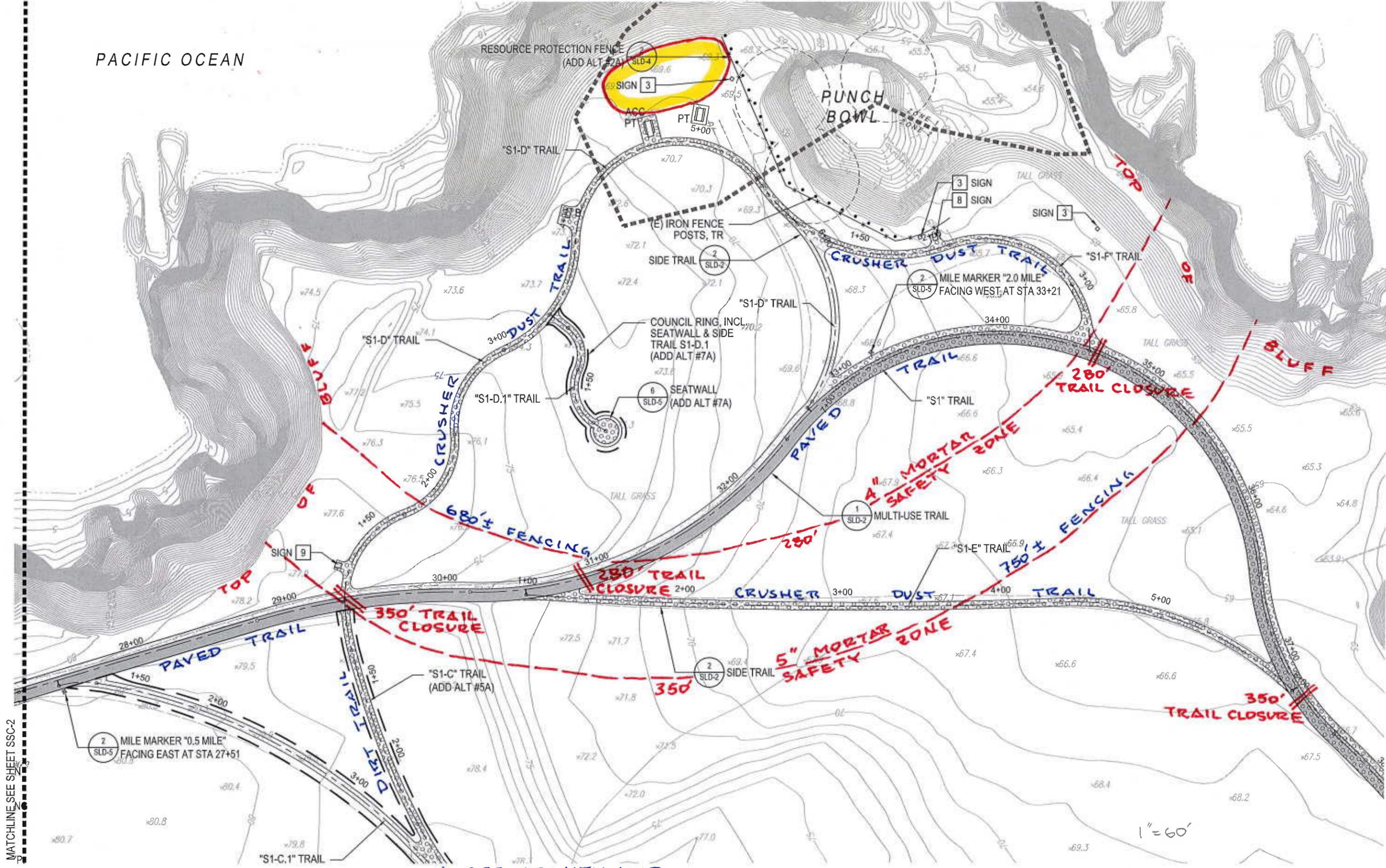
1" = 360' ±



Z:\Public Works\Permits & Plans\Encroachment Permits\  
NHP-fireworks loc

LOCATION FOR FIREWORKS LAUNCHING  
(APPROX. 80'x40')

PACIFIC OCEAN



MATCHLINE SEE SHEET SSC-2

SEE VICINITY MAP  
FOR REST OF DIRT TRAIL

1" = 60'



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 24-659

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Consent Calendar

**Agenda Number:** 5D.

Approve Scope of Work for a Request for Proposals Seeking Professional Services for Sea Level Rise, Tsunami Hazards, and Erosion Resilience Strategy for Noyo Harbor



## CITY OF FORT BRAGG

### Request for Proposals for Sea Level Rise, Tsunami Hazards, and Erosion Resilience Strategy for Noyo Harbor



Dated: March 26, 2024

## INTRODUCTION

### Purpose

The City of Fort Bragg (City) requests proposals from qualified consultants for a site-specific analysis of the scenarios and impacts of sea level rise, tsunami hazards, and erosion due to increased wave action within Noyo Harbor. Noyo Harbor is located 130 nautical miles northwest of San Francisco and 145 nautical miles south by southwest of Crescent City, nestled between the mouth of Noyo River and the redwood forests. The map below situates Noyo Harbor within Mendocino County.



Map of Mendocino Coastal Zone Boundary provided by the California Coastal Commission.

This work and the final deliverable will be developed in coordination with the Noyo Harbor Blue Economy Visioning, Resiliency, and Implementation Planning Team, as well as with the County of Mendocino.

**NOTE: Mendocino County is also seeking professional services for a Sea Level Rise (SLR) Resilience Strategy for a Local Coastal Program (LCP) update. The County scope of work considers the entire length of Mendocino’s coast, including the City of Fort Bragg coastline. Consultants are encouraged to respond to both the City of Fort Bragg and the County of Mendocino’s request for proposals to assess sea level rise with the goal of not duplicating efforts and ensuring data sets seamlessly work together.**

Proposals shall be submitted by **April 19, 2024**, by firms that have demonstrable background in services described in the scope of work below. A panel with representatives from City of Fort Bragg, Mendocino County, Noyo Harbor District, and California Sea Grant will review and rank proposals.

### About the Noyo Harbor Blue Economy Visioning, Resiliency & Implementation Plan

The City of Fort Bragg received an \$898,900 grant award from the California Coastal Commission to support a regional strategy focused on addressing climate change through blue economy initiatives. Funds will be utilized to develop the Noyo Harbor Blue Economy Visioning, Resiliency, and Implementation Plan (BEVRI Plan), which will include comprehensive baseline information about the existing environmental, physical, and economic conditions of the harbor, including, but not limited to:

- Site-specific analysis of scenarios related to impacts of sea level rise, tsunami hazards, and erosion due to increased wave action;
- Parcel inventory to identify boundaries, current land uses, economic contribution, and historic status;
- Harbor facilities conditions assessment; and
- Aquaculture Feasibility Assessment (including water quality analysis).

The BEVRI Planning process centers around inclusive community outreach and engagement that is dedicated to two-way information exchange. Findings from the BEVRI Plan will inform updates to the City of fort Bragg and Mendocino County’s Local Coastal Programs (LCP). To learn more about this important planning effort, please visit the project website at: [www.NoyoOceanCollective.org](http://www.NoyoOceanCollective.org)

### SCOPE OF WORK *(developed in coordination with Mendocino County)*

#### **Task 1: Existing Conditions Analysis and Inventory Memorandum**

The goal of Task 1 is to inventory existing infrastructure, habitat, and other values potentially at risk in order to establish the “baseline condition” of Noyo Harbor in its current state. The consultant will prepare a baseline conditions analysis, where the consultant will review, summarize, and synthesize existing resources to develop an understanding of the existing

conditions within Noyo Harbor. Resources shall include, but not be limited to Mendocino Multi-Jurisdictional Hazard Mitigation Plan, Geographic Information Systems (GIS) mapping data for project area, including topography, existing infrastructure, key wildlife and habitat areas, and historical information, including photographs, of the Noyo Harbor over time.

From the existing conditions analysis, the consultant will develop a Technical Memorandum to be shared with stakeholders and the public, who will then have an opportunity to provide feedback and input before the memorandum is finalized.

#### Task 1 Deliverables

- Draft Existing Conditions Analysis and Technical Memorandum
- Final Existing Conditions Analysis and Technical Memorandum

#### **Task 2: Stakeholder Outreach and Public Engagement**

The Noyo Harbor planning effort centers on community engagement. The first step of the Noyo Harbor planning effort was to draft a Community Engagement Plan (CEP), circulated for public review and comment, before the final version was presented to City Council at a public meeting. A project website has been developed ([www.NoyoOceanCollective.org](http://www.NoyoOceanCollective.org)), social media accounts created ([Facebook](#) and [Instagram](#)), and community outreach volunteer team established.

The Consultant will produce outreach materials; provide a training to the volunteer outreach team on how to approach subject in a peer to peer setting; present to the public in a workshop format; and present final report at a public meeting before the Fort Bragg City Council and Noyo Harbor District. Outreach approach and materials shall support CEP strategies, which will be wove into the existing CEP structure. Proposals shall identify specific activities and collateral that Consultant will use to communicate technical information in a relatable and accessible way for various segments of the community, which may include, but not be limited to:

- Tactile Tools
- Maps
- Models
- E-Newsletter
- Short Survey
- Community stories and photographs
- Social Media Posts

#### Task 2 Deliverables

- Written Outreach Materials
- Tactile Tools
- (1) Volunteer Outreach Team Training Agenda
- (1) Public Workshop Agenda
- (1) Presentation to City Council and Noyo Harbor Commission

### **Task 3: Sea Level Rise, Tsunami Hazards, and Erosion Risk Assessment**

The Consultant will utilize the Coastal Commission’s Sea Level Rise Policy Guidance as well as the Coastal Commission’s Summary for conducting vulnerability assessments to analyze the potential impacts of various scenarios (including intermediate and intermediate-high) on three time scales (2050, 2080, and 2100), and follow best practices. Consultant shall identify how they plan to address increased coastal flood extent, depth, and frequency; groundwater rise and seawater intrusion; coastal and shoreline erosion (including cliff and bluff erosion), and extreme coastal storms; as well as identify areas of additional analysis based on our local context and where existing tools are insufficient. Additionally, Consultant shall identify the most useful tools for the analysis, including resources such as the National Oceanic and Atmospheric (NOAA) Sea Level Rise Viewer, the United States Geological Survey (USGS) Coastal Storm Modeling System (CoSMos), and others to conduct analysis.

Following the completion of the analysis using existing modeling tools and framework, a risk assessment shall be conducted to determine and prioritize risks to infrastructure (residential and commercial development, utilities, transportation, roads, and recreational areas and assets), ecosystems and habitat, social vulnerability, and other items of interest. Consultant shall provide insight into risk assessment methodology with numeric scores. Scoring assets at risk from SLR, tsunami hazards and erosion will create a preliminary prioritization of assets at risk and the relative importance of mitigating impacts for each asset. Consultant shall also identify areas where additional funds and/or coastal monitoring could help with understanding current and future hazards.

The resulting risk assessment will be shared with stakeholders and the public, who will then have an opportunity to provide feedback and input before it is finalized.

#### Task 3 Deliverables

- Draft SLR, Tsunami Hazards, and Erosion Analysis Risk Assessment
- Final SLR, Tsunami Hazards, and Erosion Analysis Risk Assessment

### **Task 4: Resilience Strategy**

The primary goal of Task 4 is to generate proposed mitigation and adaptation project concepts for inclusion in the Noyo Harbor Blue Economy Visioning, Resiliency, and Implementation (BEVRI) Plan. Resiliency strategies shall be based on the reports developed by Consultant and input received by the public and BEVRI Planning Team, with a focus on nature based solutions and benefits to community resiliency.

#### Task 4 Deliverables

- Draft SLR, Tsunami Hazards, and Erosion Resilience Strategy
- Final SLR, Tsunami Hazards, and Erosion Resilience Strategy

## Task 5 Policy Development

The existing conditions assessment, risk assessment and resiliency strategies related to SLR, tsunami hazards and erosion are an integral part of the BEVRI Plan and LCP update. Staff will utilize policy recommendations as part of LCP updates tied to the overall grants awarded to the City of Fort Bragg and Mendocino County by the Coastal Commission.

### Task 5 Deliverables

- Draft Administrative Draft SLR, Tsunami Hazards, and Erosion Policy Document
- Final Administrative Draft SLR, Tsunami Hazards, and Erosion Policy Document

## PROPOSAL SUBMITTAL REQUIREMENTS

1. Proposers should send a complete digital proposal, collated into one PDF document, two (2) printed copies of the complete proposal, and a cost bid so that it is received by the City no later than **3:00 p.m. on April 19, 2024**, to:  
City of Fort Bragg  
Attention: Diana Sanchez, City Clerk  
416 N. Franklin Street  
Fort Bragg, CA 95437  
[dsanchez@fortbragg.com](mailto:dsanchez@fortbragg.com)
2. Format: The printed proposal should be 8 ½ x 11 inches, printed two-sided on recycled and recyclable paper with removable bindings, bound in a single document, and organized in sections following the order specified under Contents.

Contents: The proposal shall contain the following information:

- A. Firm Description  
Provide a description of your firm and list relevant information about capabilities, size, rate of services, and length of time in existence.
- B. Relevant Experience  
Experience with the coastal act is useful. The detail of relevant project experience should highlight projects on which the proposed team members have worked. Please only list projects that were completed by the proposed team members in your proposal, and include a list of the team members that worked on the project, and their role in the project.
- C. Key Personnel Qualifications  
Identify key personnel who would work on the project as assigned, their respective roles, and a synopsis of relevant experience.
- D. References

List of at least three (3) public agencies or clients for whom similar work has been performed *by project team members*, with the name, title, and phone number of a contact person. The City may request a copy of a similar report prepared previously by the firm for another agency.

E. Project Understanding, Approach, and Scope of Work

Please provide an overview of your project understanding and approach. Include detailed scope of work including all tasks associated with the project, including how you propose to complete each task. Feel free to elaborate and provide additional tasks you think might be necessary, however list each of them as optional tasks and include them in the overall budget as separate line items.

F. Budget and Schedule of Charges

Provide a “Not to Exceed” project budget that details hours and personnel by task. Include also all travel reimbursement and other costs by task. For components for which it is difficult to define the scope of work (such as consultation with resource agencies and response to comments), please provide an hourly rate only.

G. Work Schedule

Provide a time schedule for completion of work, including how the Noyo Harbor site-specific study will fit into Mendocino County SLR project.

H. Insurance

The individual or firm receiving the contract shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, employees or subcontracts as set forth in Section 5.0 of Attachment 1 which is attached hereto and incorporated by reference herein. The cost of such insurance shall be included in the consultant’s proposal.

I. Consultant Agreement

The City’s Standard Professional Agreement is included as Attachment 1. Please identify if your firm would have any issues with the provisions of the City’s standard consulting services agreement. All requests for amendments to language in the agreement must be included in the proposal.

## EVALUATION CRITERIA

All firms and individuals responding to this RFP will be evaluated on the basis of their expertise, prior experience on similar projects, demonstrated competence, ability to meet the requested services, adequate staffing, reference check, understanding of services, cost, and responsiveness to the needs and concerns of the City of Fort Bragg.

The above selection criteria are provided to assist proposers and are not meant to limit other considerations that may become apparent during the selection process. Proposals shall be reviewed by a committee that includes representatives from the City of Fort Bragg, Mendocino County, Noyo Harbor District and California Sea Grant.

### Other Considerations

The City of Fort Bragg reserves the right to reject any and all proposals. This Request for Proposals does not commit the City to award contract, pay any costs incurred in the preparation of proposals, or to procure or contract for supplies or services.

The City of Fort Bragg reserves the right to negotiate with any qualified respondents or to cancel, in part or in its entirety, this Request for Proposals, if it is in the best interest of the City to do so. The City may require the selected consultant(s) to participate in negotiations and submit such price, technical, or other revisions of the proposal that may result from negotiations.

## RFP SCHEDULE

The anticipated schedule is as follows:

RFP Issued	Tuesday, March 26, 2024
Deadline for Written Questions	Friday, April 12, 2024
Responses to Questions Available Online	Friday, April 19, 2024
Proposals Due	Friday, April 26, 2024
Interviews and Reference Checks	Week of April 29 to May 3, 2024
Contract to City Council	Monday, May 13, 2024

## QUESTIONS

To ensure fair and equal access to information about this RFP, questions should be submitted in writing and directed to:

Sarah McCormick  
City of Fort Bragg  
416 N Franklin Street  
Fort Bragg, CA 9547  
Email: [smccormick@fortbragg.com](mailto:smccormick@fortbragg.com)

The deadline for submitting written questions is the end of business on Friday, March 22, 2024. No verbal questions will be accepted. A summary of submitted questions and answers pertaining to this RFP will be posted the City’s website the following Friday, March 29, 2024 at:

<https://www.city.fortbragg.com/government/requests-for-proposals-bids>

## ATTACHMENTS

1. Standard Professional Service Agreement



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 24-593

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 5E.

Receive General Plan Annual Progress Report 2023 and Housing Element Annual Progress Report to HCD and provide comments prior to submittal to HCD



# City of Fort Bragg

## GENERAL PLAN

### ANNUAL PROGRESS REPORT

#### 2023



March 2024

**Fort Bragg City Council**

Bernie Norvell, Mayor  
Jason Godeke, Vice Mayor  
Tess Albin-Smith, Council Member  
Lindy Peters, Council Member  
Marcia Rafanan, Council Member

**Planning Commission**

Scott Deitz, Chair  
Jeremy Logan, Planning Commissioner  
Dave Jensen, Planning Commissioner  
Richard Neils, Planning Commissioner  
Jary Stavely, Planning Commissioner

Prepared by:

Marie Jones Consulting  
&  
Sarah Peters  
Maria Flynn  
City of Fort Bragg  
416 N Franklin Street  
Fort Bragg, CA 95437

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# Date to the City Council

March 25, 2025

## Last General Plan Update Date

Coastal General Plan : 2008

Inland General Plan : 2012

Housing Element Update : 2019

## Introduction

Government Code Section 65400 requires jurisdictions to submit an annual report on the status of the City's General Plan to the Office of Planning and Research (OPR) and to the Department of Housing and Community Development (HCD) prior to April 1 of each year. The General Plan Annual Report is intended to assess General Plan implementation, and the effectiveness of the plan to support orderly growth and development; preservation and conservation of open space and natural resources; and the efficient expenditure of public funds. The report is provided for informational purposes only.

A General Plan provides the legal framework for decision-making regarding land use, development, and conservation. State law requires that General Plans be kept current and internally consistent and that the Housing Element be updated every eight (8) years.

The City has two General Plans, the Inland General Plan, adopted in 2012, and the Coastal General Plan adopted in 2008. The City Council adopted Fort Bragg's 6<sup>th</sup> Cycle (2019-2027) Housing Element, which was reviewed and certified by the Department of Housing and Community Development in 2019.

The General Plan has seven State required elements and two additional elements:

- **Land Use Element** - Discusses the location, distribution, and extent of various permitted land uses within the City. This element identifies standards for population density and development intensity for each type of land use.
- **Public Facilities Element** - Establishes the essential public facilities and services to ensure that the existing and future population of Fort Bragg is provided with the highest feasible level of public services.
- **Conservation, Open Space, Energy, and Parks Element**- Contains the State-mandated open space and conservation elements. Emphasis is placed on protecting the City's natural resources, protecting and enhancing environmentally sensitive areas, and providing open spaces and parks to meet the community's recreational needs. This element also includes specific policies and programs to ensure continued public access, preserve and enhance scenic views, and protect wetlands, bluff tops, and other natural resources.
- **Circulation Element** - Contains policies and Levels of Service standards for the roadway system, which will be updated to reflect the Vehicle Miles Traveled. This element also contains policies for public transit, bicycle facilities, parking, and transportation for the mobility impaired, taking into account the relationship between land use and the transportation needs of the community.
- **Community Design Element** - Establishes policies and programs dealing with the appearance of the community. It includes urban design guidelines to ensure that development contributes to

the community's identity and unique sense of place, and policies to preserve historic sites and buildings.

- **Safety Element** - Contains policies and programs to reduce the risk of injury, loss of life, and property damage resulting from natural disasters and hazardous conditions and materials.
- **Noise Element** - Contains policies and programs to reduce the community's exposure to excessive noise.
- **Sustainability Element (Inland only)** - Includes policies and programs to reduce energy use, and the production of greenhouse gases, and improve the sustainability of commercial and residential development through policies and programs that encourage green building design, materials, and techniques in new construction.
- **Housing Element** - Includes policies and programs to meet the housing needs of all economic segments of the community, emphasizing increased mixed-use housing, effective utilization of infill sites, inclusionary housing, and providing additional housing for special needs groups such as seniors.

This report highlights some of the City's activities from the 2023 calendar year and how those activities relate to the General Plans.

## **Housing Element Implementation Activities**

Due to the continued housing crisis locally and statewide, the City has prioritized activities that meet our housing goals. Numerous activities were pursued in 2023 to implement the City's Housing Element including the following:

### The Plateau Project

The Danco Group finished their sixty-nine (69) housing unit Plateau project, which includes 20 Permanently Supportive Housing Units; 23 Affordable Senior Cottages; 25 Affordable Workforce Units; and a Manager's Unit. This \$27 million project includes a \$250,000 investment from the City's Housing Trust Fund, \$3 million in City-secured HEAP grant funds, and a \$3,089,000 IIG Grant that the City jointly submitted and endorsed.

### Colombi Hotel Conversion Project

The underperforming Columbi Hotel was remodeled and converted into 22 small housing units. Chico developer Ryan McDougal undertook the project. The resulting units range from 350 square feet for the smallest to 550 square feet for the family units. Because this was a carport motel, a concept popular only in the 1950s and '60s, almost every unit has its own covered parking space.

General Plan Relevance:

- Policy H-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.
- Goal H-2 Expand affordable housing opportunities for persons with special housing needs such as the elderly, the disabled, households with very low to moderate incomes, and first-time homebuyers.
- Policy H-2.1 Available Funding Sources: Utilize County, State and Federal programs and other funding sources that provide housing opportunities for lower-income and special needs households.
- Program H-2.7.1 Continue to provide expedited permit processing and reasonable accommodation program to projects targeted for persons with disabilities, including those with developmental disabilities. Encourage developers of supportive housing to develop projects targeted for persons with disabilities, including those with developmental disabilities. Place info about the reasonable accommodation program on the City's website.

Long-Term Care at 350 Cypress St.

Funded by a Community Development Block Grant, this 12-unit long-term residential care facility for disabled adults was approved for a Coastal Development Permit (CDP) in 2021, and the building permit was issued in April of 2022 and the first phase of this project was completion in 2023. Implemented by Parent's and Friend's Inc. the first four units of the 12-unit project was constructed and provide housing for disabled adults requiring 24-hour care including both ambulatory, non-ambulatory, and bedridden.

General Plan Relevance:

- Goal H-1 Provide a range of housing, including single-family homes, townhouses, apartments, and other housing types to meet the housing needs of all economic segments of the community.
- Policy H-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.
- Program H-1.7.4: Attract Multi-Unit Developers. Work to attract multi-unit housing developers to the Fort Bragg Market place.
- Goal H-2 Expand affordable housing opportunities for persons with special housing needs such as the elderly, the disabled, and households with very low to moderate incomes, and first time homebuyers.
- Policy H-2.4 Increase Affordable Housing Development: Encourage the construction of housing units, which are affordable to households with very low to moderate incomes.

ADU Construction

In 2023, the City processed applications for the construction of 12 new ADUs.

## Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) ordinance and LCP Amendment

The City prepared and adopted an amendment to the Inland and Coastal Land Use Code to revise the City's ADU/JADU ordinances to comply with required updates from State law. The revised amendments were prepared in 2023, recommended by Planning Commission and Adopted by City Council in January of 2024. Additionally, the Planning Commission recommended, and the City Council approved an LCP amendment to update the ADU ordinance in the Coastal Land Use and Development Code.

### General Plan Relevance:

- Policy H-1.3 Secondary Dwelling Units: Continue to facilitate the construction of secondary dwelling units on residential properties.
- Program H-1.3.1 Secondary Dwelling Unit Design: Continue to implement the City's free secondary unit program to provide affordable and aesthetically pleasing second unit designs for the development of secondary units in Fort Bragg.
- Program H-1.3.2 No Development Impact Fees for Secondary Units: Continue to refrain from charging Capacity Fees for second units.

## Tiny Home Communities Ordinance & LCP Amendment

In 2023, the City hired a consultant who prepared a Tiny Homes Communities ordinance for the City of Fort Bragg. The Tiny Home Communities ordinance establishes regulations to allow tiny home communities on parcels of 1 acre or less. An MND was prepared for the ordinance, and it has been circulated and adopted. The Planning Commission and City Council will consider adopting the TINY Home Communities ordinance for the ILUDC in 2024 and submit an LCP amendment to adopt the ordinance in the CLUDC.

### General Plan Relevance:

Program H-1.7.10: Tiny Home Community. Consider adopting new zoning regulations to allow for small home subdivisions, with small individual parcel ownership, in all residential zoning districts. Consider changing the minimum lot size and minimum parcel dimensions of the LUDC to accommodate tiny home communities as part of a planned unit development.

## Urban Lot-Split and Urban Unit Development Ordinances & LCP Amendments

In 2023, the City hired a consultant who prepared Urban Lot Split and Urban Unit Development ordinances as required by SB-9. The Planning Commission and City Council adopted the ordinance for the ILUDC in 2023 and will submit an LCP amendment to adopt the ordinance in the CLUDC in 2024.

General Plan Relevance:

Program H-1.7.6: Allow Higher Densities in Single Family Residential Districts with Use Permit Approval. Consider revising the zoning ordinance to allow three or four-unit developments on larger parcels within Single Family Residential Zoning districts with a Use Permit. Consider revisions to the Lot Coverage Ratio and Floor Area Ratio to control building size and massing.

Program H-2.5.9. Encourage and Support Land Divisions to Support Affordable Housing. The City shall encourage lot line adjustments and land divisions resulting in parcels sizes that facilitate multifamily developments affordable to lower income households on all sites in the Vacant Land Inventory.

Program H-4.1.2 Reduce Capacity Fees for Smaller Units: Consider charging water and sewer capacity fees based on the size of the unit (either square feet or number of bedrooms) in order to ensure that each unit pays its fair share for capacity costs. City Council adopted an Impact Fee Nexus Study on February 12, 2024. The outcome of the study preserved capacity fees being charged on a per unit bases instead of square footage, and the financial calculations resulted in a reduction to both the water and sewer capacity fees for all housing unit types.

### Planned Unit Development Ordinance

In 2023, the City hired a consultant who revised the Planned Unit Development ordinance to allow PUDs on parcels of one acre or more, instead of 5 acres or more. The City Council will adopt the ordinance for the ILUDC in 2024 and will submit an LCP amendment to adopt the ordinance in the CLUDC in 2024.

General Plan Relevance:

- Program H-1.6.2: Planning Incentives: Consider adopting planning incentives for new residential development on infill sites.
- Policy H-1.7 Workforce Housing: Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.

### Community Land Trust (CLT)

In 2023, strengthened the Community Land Trust to support housing. The Land Trust investigated specific lots for workforce housing development.

General Plan Relevance:

- Program H-2.4.4 Consider Community Land Trust: Complete research regarding Community Land Trust and consider working with community partners to establish a Community Land Trust that serves Fort Bragg.
- Program H-2.8.2 Inter-Agency Cooperation: Continue to work with private, non-profit, county, and State agencies to provide transitional housing, supportive services and emergency housing for the homeless.

## Land Use Element Implementation Activity

The Land Use Elements of the City’s General Plans provide an overview of the long-term development goals for the City. This element was implemented through the following activities in 2023:

### Blue Economy

The City has taken the lead to generate a regional conversation and explore how a strategic approach to opportunities within the “Blue Economy.” The purpose is to improve livelihoods and wages, while also nurturing healthy marine ecosystems. In 2023, the City:

- Formed the Noyo Ocean Collective. The Noyo Ocean Collective (NOC) is committed to implementing a shared resiliency vision in which economic vitality and environmental sustainability are compatible, outcomes are equitable, and community priorities are centered. Founding members of the NOC include the City of Fort Bragg, Noyo Harbor District, Noyo Center for Marine Science, Mendocino College, Sherwood Valley Band of Pomo Indians and West Business Development Center. This collective effort is strengthened with support from affiliates, such as California Sea Grant, Kai-Poma, Conservation Works, The Nature Conservancy, Sonoma Mendocino Economic Development District, and more. Several agencies and organizations have invested funding to support our success, including California Sea Grant, California Coastal Commission, Coastal Conservancy, California Employment Department, U.S. Department of Commerce, and others.
- Developed a communication and engagement plan (CEP) and a website to engage the public in the effort.
- Applied for and was awarded a multi-year Coastal Commission Grant to update the zoning in the Harbor District. Prepared and distributed the RFQ to solicit a group of consultant to undertake the work of the Blue Economy initiative.

<p>General Plan Relevance:</p> <ul style="list-style-type: none"><li>• Coastal Goal LU-8 Encourage a mixture of commercial fishing, recreational boating and fishing, mixed commercial and visitor-serving uses consistent with coastal access policies.</li><li>• Inland Goal LU-4 Promote the economic vitality of the City’s existing commercial areas.</li><li>• Coastal Program LU-6.1.1: Work with the County of Mendocino, the Noyo Harbor District and other agencies to develop and adopt a Noyo Harbor Plan establishing standards for conservation and development for the entire Noyo River drainage area.</li></ul>
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### Small Business Development

The City continues to implement Community Development Block Grant Programs for the Business Assistance Loan Program and Microenterprise Technical Assistance. Additionally, the City received funds from the California Public Utilities Commission (LATA grant) to design citywide digital infrastructure which is now at the 30% design stage.

General Plan Relevance:

- Goal LU-4 Promote the economic vitality of the City's existing commercial areas.

## Public Facilities Element Implementation Activity

### Capital Improvement Program

The Capital Improvement Program (CIP) provides direction and guidance for the City on carefully planning and managing its capital infrastructure assets. The following CIP projects were completed in 2023:

- CV Starr Center's Lighting Controller Watt Stopper Upgrade Project
- School Zone Radar Speed Sign Replacement Project
- Bollard and Street Light Project
- Facilities Lighting Improvement Project
- Corp Yard Roof Replacement Project
- Elm Street Lift Station Project
- "CV Starr Domestic Boilers and Storage Tank Replacement Project"
- Pudding Creek Water Main Relocation
- Pudding Creek Sewer Main Relocation

The CIP General Plan Analysis is done annually. The 2023 Analysis can be found on the [City's website](#).

## Conservation, Open Space, Energy, and Parks Element Implementation Activity

### Bainbridge Park Upgrades

In 2023, the City completed a substantial upgrade to Wiggly Giggle playground in Bainbridge Park.

General Plan Relevance:

- Policy OS-9.3 Recreational Facilities: Provide recreational facilities to meet the needs of all Fort Bragg citizens, especially children and teenagers.

### Municipal Separate Storm Water System (MS4)

The City prepared a National Pollutant Discharge Elimination System (NPDES) Annual Report, submitted on October of 2023. This report lists the City's activities performed during the previous fiscal year concerning the Storm Water Management Plan. Examples of this effort include: 1) education and outreach to community members and contractors; 2) prevention of industrial pollutants from regulated facilities; 3) various community clean-up events; 4) trash standards; and 5) ensuring storm drains are clear and free of debris; and incorporating new self-certification forms for land-owners who are required to maintain LID features on their sites.

General Plan Relevance:

- IGP Policy OS-6.3 /CGP Policy OS-9.2: Minimize Increases in Storm water Runoff. Development shall be designed and managed to minimize post-project increases in storm water runoff volume and peak runoff rate, to the extent feasible, to avoid adverse impacts to coastal waters.
- CGP Policy OS-10.2: Post-Construction Storm water Runoff Plan. All development that has the potential to adversely affect water quality shall submit a post-construction polluted runoff control plan (“Runoff Mitigation Plan”). This plan shall specify long-term Site Design, Source Control, and, if necessary, Treatment Control BMPs that will be implemented to minimize storm water pollution and erosive runoff after construction, and shall include the monitoring and maintenance plans for these BMPs.
- IGP Policy OS-6.5 Municipal Activities to Protect and Restore Water Quality: The City shall promote both the protection and restoration of water quality. Water quality degradation can result from a variety of factors, including but not limited to the introduction of pollutants, increases in runoff volume and rate, generation of non-storm water runoff, and alteration of physical, chemical, or biological features of the landscape.

## Circulation Element Implementation Activity

In 2023, the City finished installing 17 school zone radar speed signs with new solar-powered electronic speed detector signs along Chestnut, Sanderson, Lincoln, and Dana Streets near the school zones.

General Plan Relevance:

- IGP Program C1.3.2: Through the Capital Improvement Plan and related impact fees, the City shall ensure that adequate funds are provided to maintain the existing circulation network, and where feasible upgrade it to “complete street” design.
- IGP Program C-11.6.1: Continue to provide traffic controls and well-lit intersections in areas with a high volume of pedestrian movement.
- IGP Program C-7.1.1: Revise the Inland Land Use and Development Code to reduce parking requirements for: 1) affordable and senior housing developments; 2) commercial and mixed-use projects within a reasonable walking distance of downtown; and 3) small infill projects in areas with an abundance of on-street parking.
- CGP Program C-5.1.1: Continue, and update, as needed, the City’s parking in-lieu fee program for the Central Business District.

## Community Design Element Implementation Activity

The City engaged in a Code Enforcement Program to encourage business owners in the downtown commercial area to improve the visual character of their properties and abate nuisance conditions. Additionally, the City has worked with Visit Fort Bragg to coordinate quarterly meetings with downtown business owners to increase activity in the downtown. Events such as the Magic Market and the Winter Wonderland were part of these efforts. The City continues to support the development of public art murals in the downtown.

General Plan Relevance:

- IGP Program CD-1.1.1: Periodically update the Citywide Design Guidelines.
- IGP Program CD-1.4.1/CGP Program CD-2.6.1: Continue to implement and enforce the City’s nuisance abatement ordinance, and update it, as necessary, to ensure that property values are maintained throughout the City.
- IGP Policy CD-2.3/CGP Policy CD-3.3 Economic Vitality: Continue to support the economic diversity and vitality of downtown businesses.
- IGP Policy CD-7.1/CGP Policy CD-8.1 Public Art: Encourage the provision of murals, fountains, sculptures, and other forms of public art in public spaces and parks.

## Safety Element Implementation Activity

Nothing to report on this element.

General Plan Relevance:

- IGP Policy SF-2.2/CGP Policy SF-3.2 Storm Drainage: Continue to maintain effective flood drainage systems and regulate construction to minimize flood hazards.
- Goal SF-6 Maintain effective police services.
- Goal SF-7 Maintain an effective medical emergency response system.

## Noise Element Implementation Activity

In 2023, City staff reviewed over 60 planning entitlements. The Noise Element is used to assess whether a project will generate a noise levels that will impact public health, safety, and wellbeing. Projects that were reviewed and determined to be above the allowable decibels were conditioned for consistency.

## Sustainability Element Implementation Activity

The Inland General Plan Sustainability Element is mostly implemented through the activities of developers. For example, the City streamlined permitting for 54 roof-top solar systems for residences in the City. The Citywide Design Guidelines now incorporate “Preferred Standards” for green building. Other important sustainability projects include: the Facilities Lighting Improvement Project and CV Starr Center's Lighting Controller Watt Stopper Upgrade Project

**General Plan Relevance:**

- IGP Policy S-2.5 Use of Local and Renewable Energy: Buildings and infrastructure that create and/or use locally and renewably generated energy are encouraged. Photovoltaic and wind energy systems are encouraged. The installation of solar panels or other clean energy power generation sources over parking areas is preferred.
- Policy S-3.1 Reduce Water Use: Minimize the use of potable water in new and existing development.
- Policy S-4.2 Recycling and Reuse of Solid Waste: Comply with State requirements to reduce the volume of solid waste through recycling and reduction of solid waste.

## Summary of Development Activity and the General Plan(s)

The Community Development Department reviews and processes land use entitlements and building permits in compliance with the Inland and Coastal Land Use and Development Codes. This requires a General Consistency analysis for which the finding must be made that a project is consistent with the General Plan. City staff use the General Plan policies to evaluate the project and, when necessary, add conditions to achieve consistency.

Staff conducted a General Plan Analysis for 29 discretionary permit applications in 2023.<sup>1</sup>

Application Type	2016	2017	2018	2019	2020	2021	2022	2023
<b>Total</b>	<b>44</b>	<b>46</b>	<b>53</b>	<b>68</b>	<b>33</b>	<b>55</b>	<b>83</b>	<b>65</b>
Use Permits	7	2	3	4	1	4	7	4
Minor Use Permit	3	5	5	5	7	6	4	5
Coastal Development Permit	7	3	9	14	2	6	15	6
Design Review	4	5	3	2	3	6	20	5
Subdivision	2	0	0	0	2	2	2	1
Lot Line Adjustments	2	2	2	1	0	3	1	4
Limited Term Permit	16	27	29	36	17	27	32	36
Variance	1	0	0	5	1	1	2	4

Additionally, in 2023, staff processed the following applications:

<sup>1</sup> Limited Term Permits do not undergo General Plan Analysis.

Application Type	2022	2023
Cannabis Business Permit	3	0
Mobile Vending Unit	1	5
Sidewalk Vending Permit	1	0
Pre-Application Conference	4	5
Sign Permits	10	20
Livestock Permit	1	1

In 2021, the Planning Commission adopted the practice of documenting all project approvals with a resolution. Each resolution for either approval or denial of a project includes required findings that are outlined in the Land Use and Development Codes, including consistency with the General Plan and any required special conditions. The table below shows the significant increase in resolutions approved by the Planning Commission.

	2016	2017	2018	2019	2020	2021	2022	2023
Resolutions Adopted	2	6	6	8	2	12	29	10

### Building Permits

During 2023, the Community Development Department and Public Works Department collectively reviewed 190 building permit applications. Of these permits, 35 were for the construction of new housing units including accessory dwelling units.

## **Compliance with Office of Planning and Research Guidelines**

The General Plans generally comply with OPR’s general plan guidelines **with the following exceptions:**

- Neither General Plan includes the required Environmental Justice Element. However, an Environmental Justice Element is optional to the City of Fort Bragg because poverty levels and environmental contamination is not high enough to trigger the need for an EJ Element. The Environmental Justice Element is required by statute to do the following:

An environmental justice element, or related goals, policies, and objectives integrated in other elements, must identify the disadvantaged communities within the area covered by the general plan of the city, if the city has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

- (A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civic engagement in the public decision-making process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

- The City should explore if its General Plans comply with Office of Planning & Research Fire Hazard Planning Technical Advisory which was adopted in 2020 by the State of California and may require the City to add new policies to the Safety Element.

The City engages in consultation with Native American tribes on all planning projects and planning regulations and General Plan updates as required by state law. The City has an updated Housing Element.

## Priorities for Land Use Planning

The City Council has identified the following general planning priorities for 2024 and 2025:

- The City is engaging in a parcel-by-parcel study of development issues in the Harbor for the Blue Economy Project
- The City will complete the major ordinance and LCP amendment process for the following new ordinances: Urban Lot Splits, Urban Unit Development, Tiny Home Communities, Accessory Dwelling Units, Tiny Homes, and Planned Unit Developments. Most of these ordinances have been recommended by the Planning Commission and are at some stage of adoption by the City Council. All will be adopted into the ILUDC in 2024 and included in an LCP amendment to the Coastal Commission to update the CLUDC. Overall, these various ordinances are intended to increase housing development and housing production.
- The City will continue to update housing regulations to comply with changes in State housing law.
- The City will continue to hold quarterly housing meetings with the community to identify housing solutions and address barriers to new housing development in Fort Bragg.
- The City will continue to engage in litigation with the Skunk Train to ensure that the Mill Site is subject to the same development standards as the rest of Fort Bragg.

While the City has accomplished a lot in the 11 years/15 years since the General Plans were adopted, the following programs will be considered in the coming years for implementation:

### Housing Element:

- Program H-1.3.3 Develop Amnesty/Legalization Program for Illegal Residential Units: Continue to provide a legalization program for illegal residential units, especially second units, that includes requiring property owners to undertake improvements to meet the requirements of the current building code.
- Program H-1.6.2: Planning Incentives: Consider adopting planning incentives for new residential development on infill sites.
- Program H-1.7.7: Simplify Design Review for Small Residential Projects. Continue the process of revising the Design Review Guidelines to make them more effective. Consider exempting 3 and/or 4 unit projects from the need to obtain a Design Review permit and/or consider simplifying the Design Review requirements for 3 and 4 unit projects.

- Program H-1.7.12: Mitigation Banks. Consider establishing a habitat and/or wetland mitigation bank with a non-profit Land Trust to establish an offsite mitigation bank for impacts to wetlands and ESHA communities.

### Inland General Plan

- Program OS-5.1.1: Work with organizations and private property owners to enhance the City's watercourses for habitat preservation and recreation.
- Program OS-9.4.1: Provide additional playground facilities and basketball courts at appropriate locations within neighborhoods.
- Program C-8.1.1: Work with the property owners to obtain temporary use, in the event of an emergency, of the logging road that begins on Cypress Street and provides access to Highway 20 (aka the A&W Haul Road), east of Fort Bragg.
- Program CD-2.5.2 Locate an area where a pocket park or a small plaza could be established for public gatherings, street fairs, concerts, and similar outdoor public events.
- Program CD-7.1.2: Consider implementing an ongoing outdoor sculpture exhibit adjacent to City Hall and/or in other locations, with an emphasis on supporting and showcasing local artists and reflecting the cultural life of the community.

### Coastal General Plan

- Program OS-2.1.4: Seek Federal and State funding for the repair of streambank erosion, planting of riparian vegetation to stabilize creek banks, and removal of debris obstructing waterflow.
- Program OS-6.3.1: Revise the Coastal LUDC to allow alternative energy facilities for on-site use as a conditional use in all zones within the City. Solar energy facilities for on-site use shall be allowed as a permitted use in all zoning districts.
- Program OS-17.1.2: Establish a Park and Open Space Trust Fund as required by the Quimby Act and Government Code Sections 66000-66011.
- Policy C-6.1 Provide Additional Access Routes to Noyo Harbor: Consider constructing a new access route from the west side of Main Street to the north side of the Noyo Harbor. Any new access route to the north side of the Noyo Harbor shall be consistent with all applicable policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies.

## **Conclusion**

On March 20, 2024, the Planning Commission reviewed and recommended that the City Council accept the General Plan Progress Report.

On March 25, 2024, the Fort Bragg City Council reviewed and accepted the General Plan Progress Report for 2023.

Additional City Council comments are included as Appendix B. This report, including the annual Housing Element report, shall be submitted to the Governor's Office of Planning and Research (OPR) and to the California Department of Housing and Community Development (HCD) by the April 1<sup>st</sup> deadline.

## Appendix A – Housing Element Report (2023)

Fort Bragg’s 6th Cycle Housing Element was adopted by City Council on September 9, 2019 and addresses the planning period from 2019 to 2027. Section 65400 of the Government Code requires that the City to submit an annual report on the status and progress of implementing the Housing Element.

The City completed the 2023 Annual Housing Element Report and submitted it directly into California Department of Housing and Community Development’s (HCD) database on March 28, 2023. This on-line system provides information to HCD, and is included herein for the benefit of the Governor’s Office of Planning and Research. Data is collected on an excel spreadsheet, which contains the following sheets:

<b>Table A</b>	Housing Development Applications Submitted
<b>Table A2</b>	Annual Building Activity Summary Report – New Construction, Entitles, Permits, and Completed Units
<b>Table B</b>	Regional Housing Needs Allocation Progress – Permitted Units Issued by Affordability
<b>Table C</b>	Sites Identified or Rezoned to Accommodate Shortfall Housing Needs
<b>Table D</b>	Program Implementation Status pursuant to Government Code section 65583
<b>Table E</b>	Commercial Development Bonus Approved pursuant to Government Code section 65915.7
<b>Table F</b>	Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1, subdivision (c)
<b>Table F2</b>	Above Moderate Income Units Converted to Moderate Income Pursuant to Government Code section 65400.2
<b>Table G</b>	Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of, pursuant to Government Code section 65400.1
<b>Table H</b>	Locally Owned Surplus Sites
<b>Table I</b>	Units Constructed Pursuant to Government Code 65852.21 and Applications for Lot Splits Pursuant to Government Code 66411.7 (SB9)
<b>Table J</b>	Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915

### Summary

### LEAP Reporting

## **Appendix B – City Council Comments**

City Council reviewed the 2023 General Plan Annual Report on Monday, March 25, 2024. City Council accepted the 2023 General Plan Annual Progress Report and 2023 Housing Element Annual Progress Report with the following comments:

**Please Start Here**

General Information	
Jurisdiction Name	Fort Bragg
Reporting Calendar Year	2023
Contact Information	
First Name	Sarah
Last Name	Peters
Title	Assistant Planner
Email	speters@fortbragg.com
Phone	7079612827
Mailing Address	
Street Address	416 N. Franklin St.
City	Fort Bragg
Zipcode	95437

**Optional:** Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

[Click here to download APR Instructions](#)

Click here to add rows to a table. If you add too many rows, you may select a cell in the row you wish to remove and type ctrl + d.

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**Optional:** This runs a macro which checks to ensure all required fields are filled out. The macro will create two files saved in the same directory this APR file is saved in. One file will be a copy of the APR with highlighted cells which require information. The other file will be list of the problematic cells, along with a description of the nature of the error.

**Optional:** Save before running. This copies data on Table A2, and creates another workbook with the table split across 4 tabs, each of which can fit onto a single page for easier printing. Running this macro will remove the comments on the column headers, which contain the instructions. Do not save the APR file after running in order to preserve comments once it is reopened.

**Optional:** This macro identifies dates entered that occurred outside of the reporting year. RHNA credit is only given for building permits issued during the reporting year.

Link to the online system: <https://apr.hcd.ca.gov/APR/login.do>

Toggles formatting that turns cells green/yellow/red based on data validation rules.

## Submittal Instructions

**Please save your file as Jurisdictionname2023 (no spaces).** Example: the city of San Luis Obispo would save their file as SanLuisObispo2023

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

**1. Online Annual Progress Reporting System - Please see the link to the online system to the left.** This allows you to upload the completed APR form into directly into HCD's database limiting the risk of errors. If you would like to use the online system, email [APR@hcd.ca.gov](mailto:APR@hcd.ca.gov) and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is [opr.apr@opr.ca.gov](mailto:opr.apr@opr.ca.gov).*

**2. Email -** If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at [APR@hcd.ca.gov](mailto:APR@hcd.ca.gov) and to OPR at [opr.apr@opr.ca.gov](mailto:opr.apr@opr.ca.gov). Please send the Excel workbook, not a scanned or PDF copy of the tables.

<b>Jurisdiction</b>	Fort Bragg	
<b>Reporting Year</b>	2023	(Jan. 1 - Dec. 31)
<b>Housing Element Planning Period</b>	6th Cycle	08/15/2019 - 08/15/2027

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	30
Above Moderate		3
<b>Total Units</b>		<b>33</b>

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

<b>Units by Structure Type</b>	<b>Entitled</b>	<b>Permitted</b>	<b>Completed</b>
Single-family Attached	0	0	0
Single-family Detached	0	3	3
2 to 4 units per structure	0	0	0
5+ units per structure	0	21	21
Accessory Dwelling Unit	2	9	5
Mobile/Manufactured Home	0	0	4
<b>Total</b>	<b>2</b>	<b>33</b>	<b>33</b>

<b>Infill Housing Developments and Infill Units Permitted</b>	<b># of Projects</b>	<b>Units</b>
Indicated as Infill	13	33
Not Indicated as Infill	0	0

<b>Housing Applications Summary</b>	
Total Housing Applications Submitted:	22
Number of Proposed Units in All Applications Received:	35
Total Housing Units Approved:	27
Total Housing Units Disapproved:	0

<b>Use of SB 35 Streamlining Provisions - Applications</b>	
Number of SB 35 Streamlining Applications	0
Number of SB 35 Streamlining Applications Approved	0

<b>Units Constructed - SB 35 Streamlining Permits</b>			
<b>Income</b>	<b>Rental</b>	<b>Ownership</b>	<b>Total</b>
Very Low	0	0	0

Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Streamlining Provisions Used - Permitted Units</b>	<b># of Projects</b>	<b>Units</b>
SB 9 (2021) - Duplex in SF Zone	0	0
SB 9 (2021) - Residential Lot Split	0	0
AB 2011 (2022)	0	0
SB 6 (2022)	0	0
SB 35 (2017)	0	0

<b>Ministerial and Discretionary Applications</b>	<b># of Applications</b>	<b>Units</b>
Ministerial	18	22
Discretionary	4	13

<b>Density Bonus Applications and Units Permitted</b>	
Number of Applications Submitted Requesting a Density Bonus	0
Number of Units in Applications Submitted Requesting a Density Bonus	0
Number of Projects Permitted with a Density Bonus	0
Number of Units in Projects Permitted with a Density Bonus	0

<b>Housing Element Programs Implemented and Sites Rezoned</b>	<b>Count</b>
Programs Implemented	84
Sites Rezoned to Accommodate the RHNA	0

Jurisdiction	Fort Bragg	
Reporting Year	2023	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle 08/15/2019 - 08/15/2027	

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**

Note: "\*" Indicates an optional field  
Cells in grey contain auto-calculation formulas

**Table A**  
**Housing Development Applications Submitted**

Project Identifier				Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes										Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Law Applications		Application Status	Project Type	Notes
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23		
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID	Unit Category (SFA,SFD,2 to 4.5+ADU,MH)	R=Reenter O=Owner	Date Application Submitted (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Please select streamlining provision's the application was submitted pursuant to.	Did the housing development application seek incentives or concessions pursuant to Government Code section 65915?	Were incentives or concessions requested pursuant to Government Code section 65915 approved?	Please indicate the status of the application.	Is the project considered a ministerial project or discretionary project?	Notes*	
Summary Row: Start Data Entry Below																								
	008-033-13	100 Manzanita Ave	Change of Use from Commercial to Mixed Use	BP23-0162	2 to 4	R	12/19/2023							2	2	2	0	NONE	No	N/A	Pending	Ministerial		
	008-232-19	109 Park St	New ADU & Workshop	BP23-0097	ADU	R	4/29/2023							1	1	1	0	NONE	No	N/A	Pending	Ministerial	Issued	
	018-070-19	129 Grove St	ADU Conversion	BP0001	ADU	R	1/27/2023							1	1	1	0	NONE	No	N/A	Pending	Ministerial	Issued	
	008-232-05	144 S. Harold St	Demo Old SFR, Build New SFR	BP23-00515	SFD	O	4/11/2023							1	1	1	0	NONE	No	N/A	Approved	Ministerial		
	020-510-79	205 Azam Dr	New ADU	BP23-0050	ADU	R	4/7/2023							1	1	1	0	NONE	No	N/A	Approved	Ministerial		
	008-262-12	211 McKinley St.	New ADU	BP23-0010	ADU	O	2/17/2023							1	1	1	0	NONE	No	N/A	Pending	Ministerial	Correction Letter	
	008-153-28	228 N. Main St	Mixed Use	BP23-0042	2 to 4	R	3/27/2023							4	4	4	0	NONE	No	N/A	Pending	Discretionary	Correction Letter	
	008-203-031	230 S. Harrison St	ADU	BP23-0123	ADU	R	8/10/2023							1	1	1	0	NONE	No	N/A	Pending	Ministerial	Issued	
	008-184-17-D	243 1/2 N. Whipple St	Permit unpermitted ADU	BP24-0023	ADU	R	9/18/2023							1	1	1	0	NONE	No	N/A	Pending	Ministerial		
	008-204-16	260 S. Whipple St	ADU Conversion	BP0002	ADU	R	4/25/2023							1	1	1	0	NONE	No	N/A	Approved	Ministerial		
	008-185-08-B	311 N. Cary St	ADU Conversion	BP0003	ADU	R	5/16/2023							1	1	1	0	NONE	No	N/A	Pending	Ministerial	Issued	
	008-244-05	328 S. Comy St	ADU Conversion	BP0004	ADU	R	6/8/2023							1	1	1	0	NONE	No	N/A	Pending	Ministerial	Under Review	
	008-212-04	336 N. Harold St	Prefab SFR	BP23-0117	MH	O	8/21/2023							1	1	1	0	NONE	No	N/A	Pending	Ministerial	Under Review	
	018-080-56	401 Cypress St	Change of Use, Commercial to Mixed Use	BP23-0146	ADU	R	11/2/2023							1	1	0	0	NONE	No	N/A	Pending	Discretionary	1 unit in comm. bldg. Requires Use Permit	
	018-052-28	499 Chestnut St	Convert Offices to two reg. Units	BP23-0077	2 to 4	R	5/4/2023							2	2	2	0	NONE	No	N/A	Pending	Ministerial	Issued	
	008-055-08	543 N. Franklin St	ADU above garage	BP23-0130	ADU	R	9/21/2023							1	1	0	0	NONE	No	N/A	Pending	Ministerial	Under Review	
	016-071-10	575 S. Whipple St	Demo & Replace Home	BP23-0111	MH	O	8/3/2023				1			1	1	1	0	NONE	No	N/A	Pending	Ministerial	Correction Letter	
	018-030-22	620 S. Franklin St	New Multi-Family	BP23-0156	2 to 4	R	12/11/2023							4	4	0	0	NONE	No	N/A	Pending	Discretionary	Under Review	
	018-210-43	860 Woodward St	ADU - Free Planes	BP23-0068	ADU	O	3/20/2023							1	1	1	0	NONE	No	N/A	Pending	Ministerial	Correction Letter	
	018-200-19	890 River St	Convert Dental Ofc to Duplex	gp	2 to 4	R	4/11/2023							2	2	2	0	NONE	No	N/A	Pending	Ministerial	Correction Letter	
	008-153-28	228 N. Main St	Mixed Use	DR23-3, UP23-2, VAR24-2	2 to 4	R	6/7/2023							4	4	4	0	NONE	No	N/A	Approved	Discretionary		
	018-200-19	890 River Dr	Convert comm to res	CDP23-4	2 to 4	R	10/3/2023							2	2	0	0	NONE	No	N/A	Withdrawn	Ministerial	CDP not required	



Jurisdiction	Fort Bragg	
Reporting Year	2023	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	08/15/2019 - 08/15/2027

**ANNUAL ELEMENT PROGRESS REPORT  
Housing Element Implementation**

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.  
Please contact HCD if your data is different than the material supplied here

Table B														
Regional Housing Needs Allocation Progress														
Permitted Units Issued by Affordability														
		1	2										3	4
Income Level		RHNA Allocation by Income Level	Projection Period - 01/01/2019-08/14/2019	2019	2020	2021	2022	2023	2024	2025	2026	2027	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	60	-	-	27	-	-	-	-	-	-	-	27	33
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	31	1	-	43	-	6	-	-	-	-	-	50	-
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Moderate	Deed Restricted	23	-	-	-	-	6	-	-	-	-	-	49	-
	Non-Deed Restricted		3	7	2	1	-	30	-	-	-	-		
Above Moderate		23	4	5	3	1	6	3	-	-	-	22	1	
Total RHNA		137												
Total Units			8	12	75	2	18	33	-	-	-	-	148	34
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5	6										7	
		Extremely low-income Need	2019	2020	2021	2022	2023	2024	2025	2026	2027	Total Units to Date	Total Units Remaining	
Extremely Low-Income Units*		30	-	-	-	-	-	-	-	-	-	-	30	

\*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Please Note: Table B does not currently contain data from Table F or Table F2 for prior years. You may login to the APR system to see Table B that contains this data.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at [apr@hcd.ca.gov](mailto:apr@hcd.ca.gov).

- VLI Deed Restricted
- VLI Non Deed Restricted
- LI Deed Restricted
- LI Non Deed Restricted
- MI Deed Restricted
- MI Non Deed Restricted
- Above Mod Income



# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

Jurisdiction		Fort Bragg	
Reporting Year		2023 (Jan. 1 - Dec. 31)	
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program H-1.1.1 Inventory of Infill Sites	Maintain the inventory of vacant and underdeveloped residentially designated land in the City's GIS system. Provide copies of the inventory for public distribution on the City website.	Ongoing, as vacant sites are developed the GIS system is updated and a map and list of vacant sites is posted on the City's website	Updated in 2019 and revised in 2023.
Program H-1.3.1 Secondary Dwelling Unit Design	Continue to implement the City's free secondary unit program to provide affordable and aesthetically pleasing second unit designs for the development of secondary units in Fort Bragg.	Ongoing	In 2021, the City utilized SB-2 grant funds to develop designs and engineering for two sets of construction plans for Fort Bragg's Pre-Approved ADU Program: 1) 720 SF one-bedroom; and 2) 960 SF two-bedroom. Currently available to all residents. In 2022, the City began preparing for a Local Coastal Program Amendment to revise housing and ADU regulations.
Program H-1.3.2 No Development Impact Fees for Secondary Units	Free secondary unit program to provide affordable and aesthetically pleasing second unit designs.	Ongoing	The City currently does not charge water or sewer capacity fees for ADUs and JADUs.
Program H-1.3.3 Develop Amnesty/Legalization Program for Illegal Second Units	Continue to provide a legalization program for illegal residential units, especially second units, that includes requiring property owners to undertake improvements to meet the requirements of the current building code.	Ongoing	Implemented in 2015. The City charges no penalty fees or back payment for illegal units that submit a building permit to be legalized and per State Law. The City does not require correction of non-conforming issues on site and allows each non-conforming unit 5 years to gain legal status per state law.
Program H-1.3.4 Junior Accessory Dwelling Units	Consider revising the zoning ordinance to allow junior accessory dwelling units (units no more than 500 SF and contained entirely within an existing single-family structure) in single-family residential and multifamily zoning. The Junior Accessory units would be in addition to a second unit, allowing up to 3 units per parcel by right.	2021-2023	Completed in 2020 and revised in 2023 to comply with changes to State Law for the Inland Land Use Code. The LCP amendment to adopt ADU ordinance into the CLUDC has been prepared and will be submitted to the Coastal Commission in early 2024 for certification.
Program H-1.3.5 Allow Tiny Homes as Second Units	Consider revising the zoning ordinance so that people can park mobile residences (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g. external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.).	2022	Received SB-2 Grant funding. Ordinance allowing Tiny Homes was adopted on April 25, 2022. The Ordinance was rewritten in 2023 to correct some problems with the original ordinance. A CEQA analysis was completed. The ordinance will be considered by the Planning Commission and City Council in early 2024.
Program H-1.3.6 Alternative Designs for Second Units	Explore options for allowing cutting edge construction techniques for second units including but not limited to: straw bale, rammed earth, prefabricated second units, etc.	2023	No work completed on this program yet.
Program H-1.6.1 List of Vacant Parcels	Continue to update the vacant parcels map and provide information to potential developers about infill development opportunities in Fort Bragg.	Ongoing. As vacant sites are developed, the GIS system is updated and a map and list of vacant sites is posted on the City's website.	Updated in 2019. Substantially updated in 2023 into a powerpoint presentation which includes for each vacant property the following information: photos, parcel map, development challenges, allowable density, zoning and various other details.
Program H-1.6.2 Planning Incentives	Consider adopting planning incentives for new residential development on infill sites	Consider updating the LUDC to provide a mechanism for market rate housing projects to request up to one planning incentive for development of market rate housing on infill sites (as defined by CEQA).	Presented to Council 2020 as part of an Economic Policy Manual. Received direction to move forward. Plans to implement 2024-2025.
Program H-1.6.3 Redevelopment of Non-Vacant Sites	Require the replacement of housing units subject to the requirements of Government Code, section 65915, subdivision (c)(3) on sites identified in the site inventory when any new development (residential, mixed-use or non-residential) occurs on a site that has been occupied by or restricted for the use of lower-income households at any time during the previous five years. This requirement applies to: 1) non-vacant sites and 2) vacant sites with previous residential uses that have been vacated or demolished.	The replacement requirement will be implemented by 2020/21 and applied as applications on identified sites are received and processed.	To be implemented
Program H-1.7.1 Permit Streamlining	Develop a streamline permitting process for local and out of area developers to permit affordable and market-rate multi-unit housing projects. Project streamlining for larger vacant parcels (2 to 10 acres) could consist of: 1) completion of all resource studies (botanical, traffic, cultural resources, etc.); 2) completion of the CEQA analysis; and/or 3) completion of the site plan, elevations, and all permitting for a vacant parcel.	2020-2025	Significant pre-development work was completed for a three acre vacant parcel on Hazelwood, including: botanical and wetland study and 30% design for required public improvements. This work was funded with LEAP funds. The City has determined that it does not have sufficient budget to complete pre-development work on other parcels.
Program H-1.7.2 Site Improvements	Obtain grant funding for off-site improvements in support of affordable multi-unit housing projects	Ongoing	Partnered with developer, Danco, to apply for Infill Infrastructure Grant funds and was awarded nearly \$3.1 million for "The Plateau" project. The project was opened for occupancy on November 1, 2023.
Program H-1.7.3 Market Study	Complete a housing market study for market rate multi-family housing development in Fort Bragg and use it to market Fort Bragg to housing developers.	Ongoing	To be implemented
Program H-1.7.4 Attract Multi-Unit Developers	Work to attract multi-unit housing developers to the Fort Bragg Market place.	Ongoing	Currently working with multi-unit developer, DANCO and GOC Construction. GOC Construction has two small multi-family projects under permitting review within the City.
Program H-1.7.5 Allow Higher Density by Right	Consider revising the zoning ordinance to allow for one or more of the following: 1) allow multi-family development in Medium Density and High Density zoning districts (by right) without Use Permit approval; 2) allow multi-family development (by right) without use permit approval in all zoning districts if the project includes 20 percent or more of its units affordable to lower income household; and/or 3) allow multi-family projects of 5 units or less without use permit approval in Medium and High density zoning districts.	2020-2022	To be considered

Program H-1.7.6 Allow Higher Densities in Single Family Residential Districts with Use Permit Approval	Consider revising the zoning ordinance to allow three or four unit developments on larger parcels within Single Family Residential Zoning districts with a Use Permit. Consider revisions to the Lot Coverage Ratio and Floor Area Ratio to control building size and massing.	2020-2021	The City completed a couple of zoning code changes to implement this program in 2023. The City adopted two new regulations to implement SB-9. The Urban Unit Development ordinance allows 4 units by right on any parcel with single family zoning. The new Urban Lot Split ordinance allows a subdivision of any parcel over 1,200 SF into two parcels and the development of up to two units of housing on each resulting parcel. The Planning Commission and City Council also adopted an ordinance revision to allow a duplex by right in all residential zoning districts.
Program H-1.7.7 Simplify Design Review for Small Residential Projects	Continue the process of revising the Design Review Guidelines to make them more effective. Consider exempting 3 and/or 4 unit projects from the need to obtain a Design Review permit and/or consider simplifying the Design Review requirements for 3 and 4 unit	Ongoing.	To be considered.
Program H-1.7.8 Workforce Housing in Mixed-Use Zoning	Continue to allow workforce housing in all zoning districts that allow mixed-use development.	Ongoing	Implemented
Program H-1.7.9 Live-Work Housing in Industrial Zoning Districts	Continue to allow live-work housing in all industrial zoning districts.	Ongoing	Implemented
Program H-1.7.10 Tiny Home Communities	Consider adopting new zoning regulations to allow for small home subdivisions, with small individual parcel ownership, in all residential zoning districts. Consider changing the minimum lot size and minimum parcel dimensions of the LUDC to accommodate tiny home communities as part of a planned unit development	2020-2021	A new ordinance for Tiny Home Communities was prepared in 2023. An MND was also prepared for possible ordinance adoption. The Planning Commission will consider this revised ordinance on March 27th of 2024 and the City Council will consider it in May of 2024. This ordinance amendment also includes a Local Coastal Program amendment application which will be submitted to the Coastal Commission for consideration in 2024.
Program H-1.7.11 Public Private Partnership for Major Subdivisions	Consider establishing a partnership between the City and existing property owners to complete subdivisions of 4+ lots for resale of parcels. This program could consist of the City taking the role of agent for the subdivision of underutilized parcels into smaller lots in Fort Bragg in order to facilitate utilization of these parcels for residential development. For example, the City could complete all the studies and the subdivision to divide the main lot into smaller lots, which the property owner could then sell. The City could be repaid by the property owner upon sale of the parcels or receive a dedication of one parcel for affordable housing.	2020-2025	The City has created a Community Land Trust to facilitate this work. The 5013c was established in 2023 and a board of directors was elected to the Mendocino Coast Land Trust. The Land Trust is currently seeking a property to purchase with a federal appropriation.
Program H-1.7.12 Mitigation Banks	Consider establishing a habitat and/or wetland mitigation bank with a non-profit Land Trust to establish an offsite mitigation bank for impacts to wetlands and ESHA communities.	2020-2021	To be considered
Program H-1.7.13 Rezone a Portion of the GP Mill Site for Housing	Continue the community-based planning process and consider rezoning a portion of the Mill Site for workforce and affordable housing. Consider submitting a Local Coastal Program to the Coastal Commission for the approval of at least 25 acres of residential zoning on the Mill Site.	2020-2025	This process is currently stalled due to litigation regarding the ownership and applicability of City and State planning regulation of the Mill Site.
Program H-1.8.1 Repair and Replace	Give preference to the repair or replacement of residential structures whenever it is economically feasible (repair of less than 75% of structure) over replacement with non-housing structures.	Ongoing	Implementation is ongoing
Program H-1.8.2 Substandard Housing Program	Participate in the Franchise Tax Board (FTB) Substandard Housing Program, which assists the state and local agencies responsible for addressing unsafe living conditions that violate health and safety codes. Property owners in violation of health and safety code standards are not allowed to make certain deductions on their personal tax returns pursuant to California Revenue & Taxation Code (CR&TC) Sections 17274 and 24436.5. That additional revenue collected by FTB is transferred to the Local Code Enforcement Rehabilitation fund. These funds are then disbursed to the cities and counties that generated the notification of substandard housing to the FTB. The City will use funds collected from Franchise Tax Board (FTB) Substandard Housing Program for code enforcement for residential properties and to address health and safety issues in residential properties that would otherwise be red-tagged.	Ongoing	The City received CDBG grant funds to engage in proactive code enforcement, the program focused on strengthening residential neighborhoods through code enforcement. The City will also implement the FTB program as needed for especially challenging code enforcement cases.
Program H-1.9.1 Building Permits	Consider hiring a contract building inspector to bring building inspection services into the City in order to improve timeliness and inspection certainty.	2020-2025	This program will be considered in 2024.
Program H-1.9.2 Reduce Cost of Construction	Explore the feasibility of adopting a modified version of the Uniform Building Code and consider not adopting some of the costly new 2020 UBC requirements.	2020	Determined to be unfeasible.
Program H-2.1.1 Available Funding	Seek available State and Federal assistance to develop affordable housing for seniors, the disabled, persons with developmental disabilities, lower-income large households, and households with special housing needs. Work with non-profit and for-profit affordable housing developers to apply for State and Federal funding. Seek funding for affordable housing from all sources	Apply for funding as funding cycles occur	In 2023, local non-profit partner, Parents and Friends constructed four units of housing for developmentally disabled adults, with funding provided by CDBG through the City of Fort Bragg. The City continues ongoing work with Danco and Rural Housing and Community Development Corporation to seek opportunities for more low income, senior, and disabled housing. In 2023 Danco completed 20 units of permanent supportive housing for disabled adults and 25 units of affordable housing for seniors.
Program H-2.2.1 Affordable Senior Housing	Maintain an inventory which identifies properties which are potentially well-suited for senior housing. Work with developers to facilitate funding and construction of senior housing.	Periodically update inventory of properties suitable for senior housing.	Completed.
Program H-2.2.2 House Sharing	Work with area non-profits to explore the feasibility of establishing house sharing programs for seniors by creating a matching and vetting process.	2020-2025	To be implemented
Program H-2.2.3 Encourage Housing for Seniors with Pets	Consider methods to encourage developers of senior housing to include pet friendly units and/or accommodations for pets, especially service animals for seniors.	2020-2025	To be considered
Program H-2.2.4 Encourage Housing with Dementia Care and Assisted Living for Seniors	Work to attract a business that provides dementia care and assisted living facilities to Fort Bragg to serve our aging senior population. Identify vacant parcels that would be suitable for an Assisted Living facility. Consider if the zoning ordinance should be revised to make it easier to develop an assisted living facility in Fort Bragg.	2020-2025	Suitable vacant parcels were identified in 2023 in the city vacant parcel inventory powerpoint document. Assisted living is currently allowed with Use Permit approval, the Planning Commission and City Council will consider a zoning amendment to allow this type of facility by right in 2024
Program H-2.4.1 Inclusionary Housing Ordinance	Continue to implement the City's Inclusionary Housing Ordinance. Monitor the Inclusionary Housing Ordinance to determine if it constrains new housing development and if it does, take action to mitigate the constraint on new housing development.	Monitoring 2020-2023 & take action 2023-2025	Ongoing
Program H-2.4.2 Support Self Help Housing	Continue to provide one or two planning incentives for self-help affordable housing.	Ongoing	Ongoing

Program H-2.4.3 Support SRO Housing	Continue to encourage and facilitate Single-Room Occupancy Units by allowing rooming and boarding with a Minor Use Permit in the RM and RH zones. Consider allowing SRO housing in RVH zones by right (without Use Permit approval).	Changes to the zoning code have been completed. Implementation	Implemented
Program H-2.4.4 Consider Community Land Trust	Complete research regarding Community Land Trust and consider working with community partners to establish a Community Land Trust that serves Fort Bragg.	Established 2023	The Community Land Trust was established in 2022.
Program H-2.4.5 Prioritize City Services for Housing Developments	Continue to implement procedures to grant priority service for sewer and water services to residential developments.	Ongoing	This is no longer an issue for the City of Fort Bragg as the City has reconstructed the Waste Water Treatment Facility so that there is adequate capacity for all future residential development. Likewise the City is undertaking a number of initiative to further increase its water supply and storage. In 2017 the City constructed the Summers Lane Reservoir which increased water storage by 45 acre feet and the City constructed a desalinization package plant in 2020.
Program H-2.4.6 Support Effective Use of Housing Vouchers	Work with non-profit partners to develop a program that may include one or more of the following: assist landlords to bring units up to minimum requirements for voucher program; complete a new study on the cost of living to increase the voucher payment rate; develop an 10 - Housing Element 2019 10-14 education program for landlords about the benefits of the voucher program; and/or provide case work services for voucher tenants.	2020-2025	In process. Successively worked with the Strategic Committee of Mendocino Continuum of Care to place an incentive/education program for landlords in the Strategic Plan.
Program H-2.4.7 Supportive Housing	Revise the City's zoning ordinance so that it complies with AB 2162, which requires the City to allow supportive housing by right in all multi-family zoning districts and in all mixed-use zoning districts.	2022-2023	To be implemented in 2024
Program H-2.4.8 Maximize Housing Density by Right for Projects with 20%+ Affordable Units	Revise the LUDC to allow the maximum density permissible within a zoning district by right (no Use Permit) for all residential projects that include at least 20% of units deed restricted at rents affordable to low income households and that have been listed in the last two Housing Elements as an eligible site in the Vacant Parcel Inventory for the RHNA, these parcels are listed on the Vacant Parcel Inventory and include: 008-172-09, 251 So Franklin St; 018-440-58, 1151 So Main St; 018-150-61, 1190 So Main St; 018-090-02, 700 River Dr.; 018-090-16, 700 River Dr.; 008-010-31, 1020 Glass Beach Dr.; 018-113-03, 970 Chestnut St; 008-010-33, 1080 Glass Beach Dr.; 008-290-73, 1329 Cedar St; 008-302-28, 1328 Cedar St; 008-290-34, 1325 Cedar St; 018-100-42, 485 So Lincoln St; 018-210-29, 860 Hazelwood St; 020-520-22, 1600 Oak St; 018-440-50, 200 We Ocean View Dr.; 018-113-01, 552 S Lincoln St; 018-440-38, 350 Ocean View Dr.; 018-440-49, 250 We Ocean View Dr.; 018-340-04, 441 South St; 018-340-03, 601 Cypress St; 008-350-60, 920 Stewart St; 018-150-58, No Street Address; 018-150-56, No Street Address; 018-150-55, 100 East Ocean View Dr.	Ongoing.	To be considered in 2024
Program H-2.4.9 Encourage and Support Land Divisions to Support Affordable Housing	The City shall encourage lot line adjustments and land divisions resulting in parcels sizes that facilitate multifamily developments affordable to lower income households on all sites in the Vacant Land Inventory.	2019-2027	Ongoing, and implemented through the Urban Lot Split ordinance adopted in 2023.
Program H-2.6.1 Seek Funding to Develop or Rehabilitate Housing for Large Low-Income Families	Continue to work with affordable housing developers to identify potential new construction or rehabilitation projects that will serve large lower-income families and obtain and administer a grants specifically to accommodate large families.	Ongoing	Completed for 30 units of affordable family housing in the Danco Project. Ongoing for new proposed projects at Glass Beach Drive, S Franklin Street and N Main Street projects.
Program H-2.7.1 Expedited Permit Processing and Reasonable Accommodation Program	Continue to provide expedited permit processing and reasonable accommodation program to projects targeted for persons with disabilities, including those with developmental disabilities. Encourage developers of supportive housing to develop projects targeted for persons with disabilities, including those with developmental disabilities. Place info about the reasonable accommodation program on the City's website.	Ongoing	Completed Parents and Friends project and Danco Project for a total of 20 units of permanent supportive housing and 4 units of housing for people with disabilities.
Program H-2.8.1 Ongoing Estimates of the Demand for Emergency Housing	Continue to work with the Fort Bragg Police Department and homeless service providers in the community to maintain ongoing estimates of the demand for emergency housing in Fort Bragg and to develop strategies to meet that demand.	Annual Update	Ongoing
Program H-2.8.2 Inter-Agency Cooperation	Continue to work with private, non-profit, County, and State agencies to provide transitional housing, supportive services and emergency housing for the homeless.	Ongoing	Ongoing. In 2022, a new Crisis Respite with four beds and Danco Permanent Supportive Housing with 20 units. The City continues to co-ordiante with local non-profits, churches and local motels to offer winter shelter services.
Program H-2.8.3 Transitional and Supportive Housing	Continue to regulate transitional and supportive housing as a residential use subject to the same restrictions that apply to other residential use types and dwellings of the same type in the same zone.	Changes to the zoning code have been completed. Implementation is ongoing.	Implemented and ongoing.
Program H-2.8.4 Transitional and Supportive Housing	Consider working with area non-profits to establish a tiny home (small cottage) community for Transitional Housing.	2020-2025	The City has developed a Tiny Home Communities ordinance for both the ILUDC and CLUDC.
Program H-2.8.5 Emergency Shelters	Continue to allow emergency shelters as a permitted use in the General Commercial (CG) zoning district.	Ongoing	Implemented.
Program H-2.8.6 Emergency Shelter for Families	Work with area non-profits to establish an emergency shelter for families.	2020-2025	Implemented at Hospitality House.
Program H-2.8.7 Emergency Shelters Regulatory Changes	Consider revising the LUDC to ensure that emergency shelters are subject only to the following requirements (per State law): 1) maximum number of beds; 2) off-street parking based upon demonstrated need; 3) size and location of onsite waiting and intake areas; 4) provision of onsite management; 5) proximity to other shelters; 6) length of stay; 7) lighting; and 8) security during hours when the shelter is open.	Changes made to ILUDC.	Implemented. The zoning code allows emergency shelters as a permitted use in the General Commercial zone.
Program H-2.8.8 Evidence-Based Homeless Services	Consider the key findings of research and evidence-based approaches when considering funding solutions for homelessness.	Ongoing	Ongoing. In 2019, City staff joined Mendocino County Homeless Services Continuum of Care Strategic Planning Committee, and attends regular monthly board meetings.
Program H-2.8.9 Safe Pilot Parking Program	The City Council will consider developing a safe parking program that may consist of one or more of the following actions: 1) analyze the issue to determine how best to address the issue of homeless people sleeping in their cars; 2) identify and engage local stakeholder; 3) develop and implement a plan of action.	2020-2022	no progress.

Program H-2.8.10 Define Group Home	Revise the ILUDC and CLUDC to define group homes that serve 6 or fewer as a permitted use in all zones in which a singlefamily home is permitted, and to define group homes with 7 or more residents as an organizational house.	2020-2022	Implemented in the ILUDC, changes will be updated in the CLUDC in 2024.
Program H-2.9.1 First Time Home Buyers	Consider whether to require, through the inclusionary housing ordinance, the provision of housing units affordable to first time home buyers who qualify for affordable housing.	2020-2025	Adopted.
Program H-2.9.2 Funding Sources for First Time Home Buyers	Continue applying for funding sources for first time home buyers, if the housing market and funding requirements will result in a successful program, and provide referrals to FHA programs offered by local lenders and sweat-equity programs operated by non-profit housing organizations.	Ongoing	Ongoing.
Program H-2.9.3 Revise Annexation Rules	Consider revising the regulations regarding annexations to increase the amount of land zoned for residential development within City limits, especially as water storage and wastewater treatment are less of a limit to the expansion of the City limits, and as some areas adjacent to the City do not have the correct soils for septic systems and/or do not have an onsite water source.	2019-2025	Two parcels with failing septic systems were added to the Municipal Services District in 2022. The LAFCO has indicated that they will not support out of area service unless this is brought forward to LAFCO as an annexation or an expansion of the Municipal Services District. Out of area service agreements are therefore blocked at this time.
Program H-3.1.1 Housing Discrimination Complaints	Continue to facilitate equal housing opportunity by referring housing discrimination complaints to the Fair Housing Division of HUD. Continue to distribute information regarding equal housing opportunity laws and the equal housing opportunities for Fair Housing at City Hall.	Ongoing	Ongoing
Program H-3.1.2 Non-discrimination Clauses	Include non-discrimination clauses in rental agreements and deed restrictions for housing constructed with City assistance.	Ongoing	Ongoing.
Program H-3.2.1 Use Housing Funds	Use housing funds as available, to support renovations and improvements to accessibility in affordable housing for qualified seniors, persons with disabilities and persons with developmental disabilities.	Ongoing	Ongoing.
Program H-3.2.2 Reasonable Accommodation for Persons with Disabilities and Developmental Disabilities	Continue to review the City's land use and building regulations to identify constraints that may exist for the provision of housing for persons with disabilities and developmental disabilities, and continue to implement the City's policy and programs to provide reasonable accommodations for persons with disabilities and developmental disabilities. Publicize revisions to land use regulations and the City's policy and programs for providing reasonable accommodation for persons with disabilities.	Implemented and Ongoing	Ongoing. The Community Development Committee meets on a quarterly basis to identify opportunities to remove land use constraints to housing development.
Program H-3.2.3 Reasonable Accommodation	Ensure all new, multi-family construction meets the accessibility requirements of the federal and State Fair Housing Acts through local permitting and approval processes.	Ongoing	Ongoing.
Program H-4.1.1 Continue to Pursue Strategies to Address Water Pressure Issues	Continue to pursue strategies to address water pressure issues that impact development potentials.	Ongoing	The City completed multiple water projects to help mitigate water availability issues and potential impact on development. These include a water treatment plant upgrade, raw water line replacement, and a desalination system. Water pressure improvements have not yet been implemented.
Program H-4.1.2 Reduce Capacity Fees for Smaller Units	Consider charging water and sewer capacity fees based on the size of the unit (either square feet or number of bedrooms) in order to ensure that each unit pays its fair share for capacity costs.	Completed	ADU's no longer pay capacity fees per state law. Urban Unit Development units also don't pay capacity fees if they are less than 750 SF. City Council adopted an Impact Fee Nexus Study on February 12, 2024. The outcome of the study preserved capacity fees being charged on a per unit bases instead of square footage, and the financial calculations resulted in a reduction to both the water and sewer capacity fees for all housing unit types.
Program H-5.1.1 Housing Rehabilitation Projects	Seek funding to assist in the rehabilitation and conservation of multi-family residential projects. Work with non-profit and for-profit affordable housing developers to achieve successful rehabilitation of multi-family housing. Utilize rehabilitation funds to add bedrooms to overcrowded units as feasible.	Annually as an ongoing program	Ongoing.
Program H-5.1.2 Target Areas	Continue to identify target areas and specific properties where housing rehabilitation is most needed through a periodic update of the housing conditions survey which identifies the neighborhoods and areas requiring rehabilitation assistance.	Update in 2023-2024	To be updated in 2024.
Program H-5.1.3 Housing Rehabilitation/Preservation Program	Continue the City's housing rehabilitation program which provides low interest loans for the rehabilitation of homes owned or occupied by very low to moderate income households. Continue to seek funding for the housing rehabilitation loan program. Facilitate citizen awareness of the City's rehabilitation loan program.	In place and Ongoing	Funding for the City's housing rehab program has expired and the program is currently not active. The City will apply for HOME funds in 2024 or 2025 to potentially restart the program.
Program H-5.1.4 Capital Improvement Program	Consider capital improvement projects necessary to maintain the community's older neighborhoods as part of the City Council's annual review of the Capital Improvement Program.	Annually as an ongoing program	Ongoing as part of the CIP.
Program H-5.2.1 Discourage Vacation Rentals	Continue to prohibit vacation rentals in all zoning districts except for the CBD. Undertake proactive undercover code enforcement activity on a regular basis against all illegal vacation rentals in Fort Bragg. Work with the County of Mendocino at all levels to reduce or eliminate further conversions of residential units into vacation rentals as this practice has greatly increased the magnitude of the housing crisis on the Mendocino coast and in the City of Fort Bragg.	Ongoing.	Ongoing. The City continues to enforce the prohibition of vacation rentals in all zones (except limited vacation rentals on second floors of commercial buildings in the CBD). Staff check websites and investigate code enforcement complaints for illegal vacation rentals.
Program H-2.2.2 Single-Family Homes	Continue to allow the reuse of existing singlefamily residences, in commercial zones, as single-family residences. Consider allowing second units on commercially zoned parcels with existing single family homes.	2020-2021	Implemented in Inland. Coastal code will be revised in 2024 through an LCP amendment which received approval by the Planning Commission in 2023.
Program H-5.2.3 Housing Rehabilitation in Non-Residential Areas	Continue to permit substantial rehabilitation of, and additions to, existing housing located in zones where it is a legal nonconforming use.	Ongoing.	Ongoing.
Program H-5.3.1 Develop At-Risk Units Program	Maintain an inventory of at-risk affordable housing units and work with property owners and non-profit affordable housing organizations to preserve these units by identifying and seeking funds from Federal, State and local agencies to preserve the units.	Ongoing	Ongoing.
Program H-5.3.2 Require At-Risk Education Program; Program H-5.3.3 Monitor At-Risk Units	Work with property owners and non-profit affordable housing organizations to ensure that tenants receive required education and notifications regarding at-risk units.	Ongoing	No units are currently at risk in the City of Fort Bragg. All units are guaranteed to remain affordable through 2031. The City will monitor the units that are at risk in the 2030 decade to ensure that they remain affordable.
Program H-5.3.4 Replacement Program for Units Demolished for New Development	Consider modification of the Land use and Development Code to require replacement of low and moderate income residential units, when such units are demolished to accommodate new development.	2025-2030	To be considered.

Program H-5.3.5 Work with Potential Purchasers of At-Risk Units	Establish contact with public and nonprofit agencies interested in purchasing and/or managing units at risk in the 2030 decade to inform them of the status of these projects. Where feasible, provide technical assistance and support to these organizations with respect to acquisition. Consider reducing or waiving development fees associated with preservation or replacement of at-risk units. Assist property owners with grant applications for funding for mortgage refinancing, acquisition, rehabilitation, and gap funding for affordable development. Access funding resources such as tax-exempt bonds, housing tax credits, Community Development Block Grants, HOME funds for the preservation of affordable housing units.	Ongoing	Ongoing. To be reconsidered and improved.
Program H-5.3.6 Maintain List of At-Risk Projects	Actively pursue affordable housing opportunities and maintain a list of interested and qualified affordable housing developers.	Ongoing	Ongoing.
Program H-5.3.7 Provide Tenant Education and Assistance Tenants of At-Risk Projects	Require property owners to give a 3-year, 12-month and 6-month notice of their intent to opt out of low-income use restrictions. Work with tenants of at-risk units 10 - Housing Element 2019 10-22 and provide them with education regarding tenant rights and conversion procedures. Assist tenants of existing rent restricted units to obtain priority status on housing choice voucher waiting list.	Ongoing	Ongoing.
Program H-6.1.1 Workshops	Continue to hold workshops and public hearings to discuss proposed revisions to the City's Housing Element.	Annually	No revisions to the City's Housing Element were proposed in 2023. The Community Development Committee meets on a regular basis to discuss ways of removing barriers to new housing construction. Community workshops were held to identify solutions to develop more housing in Fort Bragg.
Program H-6.2.1 Annual Report	Prepare an annual report that describes the amount and type of housing constructed, the stock of affordable housing units, demolition permits, and conversion of residential units to other uses, and other housing-related activities for review by the EDAC, Planning Commission, and City Council.	Annually (include with the annual review of the Capital Improvement Program (CIP) by the Planning Commission)	Completed in March of 2024.
Program H-7.1.1 Recycling	Consider revising the zoning ordinance so that all multifamily residential developments provide a centralized drop-off location for recyclables and compostable materials.	Changes to the zoning code will take place in 2023.	To be considered or implemented.
Program H-7.1.2 Rainwater Capture and Drought Tolerant Landscaping	Consider revising the zoning ordinance to incentivize the installation of cisterns to capture rainwater from roofs for all water needs. Consider revising the zoning ordinance to require drought tolerant landscaping for landscaped areas in commercial and multifamily residential uses.	2020-2021	Implemented.
Program H-7.1.3 Sustainable Building Techniques	Encourage housing that includes environmental benefits such as energy conservation, green building, water conservation, and recycling.	2020-2022	Informational brochures have been developed. The adopted revisions to the Citywide Design Guidelines (2022) promote these methods.
Program H-7.1.3 Sustainable Building Techniques	Consider revising the zoning ordinance to incentivize or require passive solar design strategies for space heating and lighting to reduce energy demand to the extent feasible in all residential and mixed-use buildings and in site design. Alternatively, revise the Citywide Design Guidelines to require passive solar and prefer active solar installations for all projects of more than 5,000 SF.	Ongoing.	2020 CA Building Code includes provisions for solar on all new construction.
Program H-7.1.4 Passive Solar Design Strategies	Continue to apply for and administer funds to assist residents with energy conservation retrofits and weatherization resources. Continue to partner with community services agencies to provide financial assistance for low-income persons to offset the cost of weatherization and heating and cooling homes.	Ongoing	Ongoing. The 2022 revised Citywide Design Guidelines recommends passive solar design strategies.
Program H-7.1.5 Energy Retrofit Program	Continue to apply for and administer funds to assist residents with energy conservation retrofits and weatherization resources. Continue to partner with community services agencies to provide financial assistance for low-income persons to offset the cost of weatherization and heating and cooling homes.	Ongoing	Ongoing.



Jurisdiction	Fort Bragg	
Reporting Period	2023	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	08/15/2019 - 08/15/2027

## ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

**Table F**

**Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)**

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type	Units that Do Not Count Towards RHNA <sup>+</sup> Listed for Informational Purposes Only				Units that Count Towards RHNA <sup>+</sup> Note - Because the statutory requirements severely limit what can be counted, please contact HCD at apr@hcd.ca.gov and we will unlock the form which enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 <sup>+</sup> . For detailed reporting requirements, see the checklist here: <a href="https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf">https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf</a>
	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									









Jurisdiction	Fort Bragg	
Reporting Period	2023	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	08/15/2019 - 08/15/2027

## ANNUAL ELEMENT PROGRESS REPORT

**Table K**  
**Tenant Preference Policy**

Local governments are required to inform HCD about any local tenant preference ordinance the local government maintains when the jurisdiction submits their annual progress report on housing approvals and production, per Government Code 7061 (SB 649, 2022, Cortese). Effective January 1, 2023, local governments adopting a tenant preference are required to create a webpage on their internet website containing authorizing local ordinance and supporting materials, no more than 90 days after the ordinance becomes operational.

<b>Does the Jurisdiction have a local tenant preference policy?</b>	Yes
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**If the jurisdiction has a local tenant preference policy, provide a link to the jurisdiction's webpage on their internet website containing authorizing local ordinance and supporting materials.**

<https://www.codepublishing.com/CA/FortBraggLUC183/FortBraggLUC1832.html#18.32.060>

**Notes**

Link above is from the Inland Land Use and Development Code. The same preference ordinance is also in the Coastal Land Use and Development Code.



**From:** [Jacob Patterson](#)  
**To:** [City Clerk](#)  
**Cc:** [Whippy, Isaac](#)  
**Subject:** Public Comment -- 3/25/24 CC Mtg., Item No. 5E, Housing Element Progress Report  
**Date:** Monday, March 25, 2024 10:54:22 AM

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City Council,

Unfortunately, the City is repeating some of its past mistakes with this year's Housing Element annual progress report, namely misrepresenting our progress--actually our lack thereof--for some of the programs. This should be embarrassing and I certainly find it concerning, although I tend to pay more attention to detail than most. The most glaring example concerns our recent update to the water and sewer capacity fees, which Isaac assures me are coming back for revision in April to address my concerns, which we could have reported on the annual report but did not for some unknown reason.

To illustrate, review Program H-4.1.2, Reduce Capacity Fees for Smaller Units. The notes in the report say "ADU's no longer pay capacity fees per state law. Urban Unit Development units don't pay capacity fees if they are less than 750 SF." However, the actual language of the program itself is "Consider charging water and sewer capacity fees based on the size of the unit (either square feet or number of bedrooms) in order to ensure that each unit pays its fair share for capacity costs." Thus, what is stated as the purported "progress" is not really related to considering charging capacity fees based on square footage or number of bedrooms rather than on the current Equivalent Dwelling Unit (EDU) basis. In fact, we just reviewed the water and sewer capacity fees and completely failed to consider implementing this program--it wasn't even mentioned at all as part of the analysis of that recent Council action. I think the description of progress needs to be revised to accurately reflect what the program required, not some unrelated assertions about not charging capacity fees for ADUs, etc., which has nothing to do with the listed program.

Regards,

--Jacob



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

**File Number: 24-668**

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Consent Calendar

**Agenda Number:** 5F.

Adopt Joint City Council/Municipal Improvement District Resolution Amending the FY 2023/24 Budget for Mid-Year Budget Adjustments

**RESOLUTION NO. xxxxx**  
**RESOLUTION OF THE FORT BRAGG CITY COUNCIL**

**And**

**RESOLUTION NO. ID xxxxx**  
**RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD**

**APPROVING BUDGET AMENDMENT 2023/24-10 AMENDING FISCAL YEAR 2023-24 BUDGET FOR MID-YEAR BUDGET ADJUSTMENTS**

**WHEREAS**, on June 26, 2023, the Fort Bragg City Council and the Fort Bragg Municipal Improvement District No. 1 District Board adopted the Fiscal Year (FY) 2023-24 Budget; and

**WHEREAS**, the City Manager has identified updated revenue projections, additional expenditure adjustments, and corrections to the FY 2023-24 budget as adopted by the City Council on June 26, 2023; and

**WHEREAS**, on March 20, 2024, the City Council/District Board conducted a Mid-year Budget Review workshop; and

**WHEREAS**, as a result of the Mid-Year Budget Review process, it was determined that certain adjustments to the FY 2023-24 Adopted Budget are necessary; and

**WHEREAS**, based on all the evidence presented, the City Council/District Board finds as follows:

1. Certain adjustments to the FY 2023-24 Budget are necessary as shown in Exhibit A.
2. There are sufficient funds to fund the allocations.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No.1 does hereby amend the previously adopted FY 2023-24 Budget to incorporate the changes enumerated in Exhibit A.

**The above and foregoing Resolution was introduced by Council/Board Member \_\_\_\_\_ seconded by Council/Board Member \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No.1 held on the 25th day of March 2024, by the following vote:**

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**  
**RECUSED:**

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**BERNIE NORVELL**  
**Mayor/Chair**

**ATTEST:**

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**Diana Sanchez**  
**City/District Clerk**

FY 2023/24 Requested Mid-Term Budget Adjustments							
Account Number	Account Description	Department	Current Budget	Budget Amendment Request	Adjusted Budget	Justification	Funding Source
<b>GENERAL FUND</b>							
<b>EXPENDITURES</b>							
110-4190-0356	Charge Point	Non-Departmental	\$ 3,000	\$ 4,300	7,300	ChargePoint Expenses - damaged equipment	Operating Appropriation
110-4190-0360	Property Premiun	Non-Departmental	87,331	(4,300)	83,031	Reduce Budget, Cost Savings based on actuals	Operating Appropriation
		Net	90,331	-	90,331		
<b>Public Works</b>							
110-4330-0310	Engineering	Public Works	\$ 27,041	\$ 9,000	\$ 36,041	Fire Station Contract for surveying,(exceeds CDBG fundin	Operating Appropriation
110-4330-0211	Medical Premium	Public Works	149,536	(9,000)	140,536	Reduce Budget- Salary/Cost savings	Operating Appropriation
110-4570-0101	Salaries & Wages -Corp yard	Public Works	207,325	20,000	227,325	Add a FTE-Maintenace Worker I position (Q4), Eliminate \$	Operating Appropriation
110-4330-0101	Salaries & Wages -Engineering	Public Works	\$ 703,384	\$ (20,000)	683,384	Reduce Budget- Salary savings	Operating Appropriation
		Net	1,087,286	-	1,087,286		
<b>Police Department</b>							
110-4200-0101	Salaries & Wages	Police Department	\$ 1,976,398	\$ (122,680)	1,853,718	Salary Savings	Operating Appropriation
110-4200-0102	Overtime	Police Department	84,837	81,151	165,988	Increase to Overtime Budget, due to unfilled positions	Operating Appropriation
110-4200-0103	Comp Time	Police Department	34,043	41,529	75,572	Increase to Comp Time Budget, due to unfilled positions	Operating Appropriation
110-4200-0366	Training/Travel Reimb	Police Department	35,000	20,000	55,000	Increase to Training & Travel Budget	Operating Appropriation
110-4200-0367	PD Recruit Training	Police Department	40,000	(20,000)	20,000	Reduce Budget, Cost Savings, sending recruit to Academ	Operating Appropriation
		Net	\$ -	\$ -	\$ -		
<b>Community Development</b>							
110-4320-0101	Salaries & Wages	CDD	\$ 310,933	\$ (30,000)	\$ 280,933	Reduce Budget Salary Savings	Operating Appropriation
110-4320-0319	Professional Services	CDD	18,897	30,000	48,897	Planning Consultant - Increase contract	Operating Appropriation
		Net	329,830	-	329,830		
<b>Finance/Administration</b>							
110-4130-0319	Professional Services	Administration	60,462	40,000	\$ 100,462	City of Fort Bragg Strategic Plan/Goal Setting 2024-2029	Operating Appropriation
110-4150-0101	Salaries & Wages	Finance	366,345	(40,000)	\$ 326,345	Reduce Budget- Salary/Cost savings unfilled position	Operating Appropriation
		Net	\$ 329,830	\$ -	\$ 329,830		
<b>WASTEWATER ENTERPRISE</b>							
710-4712-0360	Insurance	Wastewater	\$ 70,632	\$ 42,012	\$ 112,644	Property Insurance * Pay with Budget savings	Operating Appropriation
710-4712-0231	Workers compensation	Wastewater	43,888	(19,375)	24,513	Cost savings in workers compensation (actuals)	Operating Appropriation
710-4712-0376	Medical Safety Supplies	Wastewater	7,000	(4,000)	3,000	Cost savings based on YTD and projections for the remai	Operating Appropriation
710-4712-0366	Training and Travel	Wastewater	6,000	(5,000)	1,000	Cost savings based on YTD and projections for the remai	Operating Appropriation
710-4712-0220	Pers	Wastewater	\$ 93,978	\$ (25,592)	\$ 68,386	Cost savings in PERS (actuals)	Operating Appropriation
		Net	\$ 70,632	\$ (11,955)	\$ 112,644		
<b>CV STARR ENTERPRISE (810)</b>							
810-4812-4111	IT Costs		25,496	24,581	50,077	IT Costs to improve Network and CV Starr	Operating Appropriation
810-4812-0365	Printing & Copying		8,000	(4,000)	4,000	Reduce Budget amount, based on Actuals Q1 & Q2	Operating Appropriation
810-4812-0343	Chemicals		25,000	5,000	30,000	Increase in chemical costs	Operating Appropriation
810-4815-0377	Pool Side Supplies		9,300	(4,000)	5,300	Reduce Budget amount, based on Actuals Q1 & Q2	Operating Appropriation
810-4815-0375	General Supplies		4,000	(3,000)	1,000	Reduce Budget amount, based on Actuals Q1 & Q2	Operating Appropriation
810-4812-0311	Legal Costs		2,000	5,000	7,000	Reduce Budget amount, based on Actuals Q1 & Q2	Operating Appropriation
810-4812-0366	Training and Travel		9,000	(6,000)	3,000	Reduce Budget amount, based on Actuals Q1 & Q2	Operating Appropriation
810-4812-0351	Equipment Repair and Maint		5,000	(5,000)	-	Reduce Budget amount, based on Actuals Q1 & Q2	Operating Appropriation
810-4815-0373	License and permits		8,000	(5,000)	3,000	Reduce Budget amount, based on Actuals Q1 & Q2	Operating Appropriation
810-4815-0751	CV Starr CIP		1,992,402	(1,586,420)	405,982	HVAC System engineering only this fiscal year.	Capital Reserve- CV Starr

FY 2023/24 Requested Mid-Term Budget Adjustments						
Account Number	Account Description	Department	Current Budget	Budget Amendment Request	Adjusted Budget	Funding Source
Net			\$ 2,088,198	\$ (1,578,839)	\$ 509,359	
<b>INFORMATION TECHNOLOGY - ISF (521)</b>						
521-4394-0384	Licensing, Software & Maint	IT	\$ 313,673	\$ 18,734	\$ 332,407	Cisco XDR \$4,462.50, Phone \$14,272 <i>Operating Appropriation</i>
521-4394-0319	Professional Services	IT	50,000	(28,800)	21,200	Reduce Budget, postpone project to next fiscal year. <i>Operating Appropriation</i>
521-4394-0382	Hardware Expenses	IT	55,392	29,965	85,357	Hardware Server \$29,965.42 <i>Operating Appropriation</i>
			\$ 419,065	\$ 19,899	\$ 438,964	
<b>FLEET - ISF (522)</b>						
522-4550-0352	Vehicle Repairs	Fleet -ISF	\$ 40,000	\$ 35,000	\$ 75,000	Unanticipated Vac truck repairs and rental. Monthly parts and repair avq. \$5,150.
522-4550-0382	Fuel & Lubricants	Fleet -ISF	\$ 90,000	\$ 10,000	\$ 100,000	Increases in fuel costs
			\$ 130,000	\$ 45,000	\$ 175,000	
<b>CAPITAL IMPROVEMENT PROGRAM (CIP)/SPECIAL REVENUES</b>						
651-6007-0310	Raw Water Line Replacement Design		871,558	81,429	952,987	Design costs - Raw Water Line Coleman <i>Capital Reserve- Water</i>



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 24-660

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** 5G.

Approve Minutes of February 12, 2024



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY  
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT  
NO. 1 AND THE FORT BRAGG REDEVELOPMENT  
SUCCESSOR AGENCY*

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Monday, February 12, 2024

6:00 PM Town Hall, 363 N. Main Street and Via Video Conference

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### CALL TO ORDER

Mayor Norvell called the meeting to order at 6:01 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Mayor Bernie Norvell, Vice Mayor Jason Godeke, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

### CLOSED SESSION REPORT

City Attorney Baron Bettenhausen stated that no reportable action was taken on the Closed Session items.

### AGENDA REVIEW

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

**1A.** [23-519](#) Proclamation - Black History Month

Vice Mayor Godeke read the Proclamation recognizing February 2024 as Black History Month.

**1B.** [23-520](#) Proclamation - Teen Dating Violence Awareness and Prevention Month

Councilmember Albin-Smith read the Proclamation recognizing February 2024 as Teen Dating Violence Awareness and Prevention Month. Sydney of Project Sanctuary received the proclamation and thanked the council for standing in solidarity with Project Sanctuary.

**1C.** [24-584](#) Presentation of Proposal for Ken Newman's Placement of Sculpture, "The Last Whistle"

Ken Newman presented the proposal for the placement of his sculpture, "The Last Whistle".

**1D.** [24-581](#) Receive Presentation on the Noyo Center for Marine Science

Sheila Seamans delivered a presentation highlighting the initiatives and objectives of the Noyo Center for Marine Science.

## **2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR**

- (1) Laurel Kraus, Laura Mays, Jacob Patterson, Abraham Cohen, Dylan Stipe, Megan Caron, Jasmin Diaz, Sheila Dantracy, Anna Marie Stenberg, Sunry Garcia, Keily Becerra, Bob Rodriguez, Cassandra Graham, Peter Baker, Jay McMartin Rosenquist, Anya, Jenny Shattuck, Andy Wellspring, Dunya, Paul Clark, Maryanne Schmidt  
(2) None.

## **3. STAFF COMMENTS**

Assistant Public Works Director Chantell O'Neal reported that the opening of the newly remodeled Wiggly Giggly Park was highly attended and deemed a complete success.

## **4. MATTERS FROM COUNCILMEMBERS**

Councilmember Albin-Smith announced that the Whale Festival is in the planning stages and approaching soon. Additionally, there will be a Visit Fort Bragg Committee Meeting on February 14, 2024, at 9:30 AM, followed by a Finance and Administration Committee Meeting at 4:00 PM, both held at Town Hall. Vice Mayor Godeke reminded everyone about an Open Forum Meeting at CV Starr on February 15, 2024, at 5:15 PM. Furthermore, he mentioned that the next Community Development Meeting will focus on a housing workshop, scheduled for February 27, 2024, at 5:30 PM at Town Hall.

## **5. CONSENT CALENDAR**

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, to approve the Consent Calendar. The motion carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

- 5A. [24-560](#)** Adopt Resolution of the Fort Bragg Municipal Improvement District Awarding Professional Services Agreement with SHN Engineers and Geologists (SHN) to Prepare a Feasibility Study with a Technical Memorandum (Basis of Design) for Biosolids Treatment and Disposal at the MID's Wastewater Treatment Plant, City Project No. WWP-00024, and Authorizing City Manager, or designee, to Execute Contract, in a form approved by the City Attorney; Statutory Exemption.

**This Resolution was adopted on Consent Calendar.**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

- 5B. [24-570](#)** Adopt City Council Resolution Appointing Director and Alternate Director to Represent and Vote on Behalf of the City of Fort Bragg on the California Intergovernmental Risk Authority (CIRA) Board Meetings

**This Resolution was adopted on the Consent Calendar.**

**5C.** [24-579](#) Adopt Resolution of the City Council of the City of Fort Bragg and The Fort Bragg Municipal Improvement District No.1 Extending the Water Capital Improvement Fee and Sewer Capital Improvement Fee Deferral Program for Restaurants, Cafes, and Coffee Shops in the Central Business District and Declaring the Deferment Exempt from CEQA under 14 CCR15273(A)(4)  
**This Resolution was adopted on the Consent Calendar.**

**5D.** [24-552](#) Approve Minutes of Special Closed Session of January 8, 2024  
**These Minutes were approved on the Consent Calendar.**

**5E.** [24-559](#) Approve Minutes of Special Closed Session of January 22, 2024  
**These Minutes were approved on the Consent Calendar.**

**5F.** [24-571](#) Receive and File Minutes of the October 24, 2023 Community Development Committee Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**

**5G.** [24-572](#) Receive and File Minutes of the November 28, 2023 Community Development Committee Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**

**6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

None.

**7. PUBLIC HEARING**

- 7A. [24-565](#)** Conduct Public Hearing on Proposed Water, Sewer, Storm Drainage, Police, Fire, and C.V. Starr Facilities Fees (Capacity Charges/Impact Fees) and on Nexus Study Analyzing these Proposed Fees; Consider Adoption of Resolution Approving Nexus Study; and Consider Introduction of Ordinance Adding Chapter 12.16 (Capacity Charges and Impact Fees) to Title 12 of the Municipal Code and Imposing and Setting the Rates of the Proposed Fees

Assistant Public Works Director Chantell O'Neal presented on this item, providing a timeline of events. In November 2022, the contract with Lechowicz and Tseng was authorized to prepare the Impact Fee Nexus Study. By October 2023, the first draft of the Nexus Study was introduced, which included modifications to the city's existing capacity fees. During the October meeting, the City Council approved modifications to the existing capacity fees for water, sewer, and storm drain. They also recommended that new impact fees for police, fire, and CV Starr be brought back for additional consideration. Ms. O'Neal presented a detailed breakdown of the fees, and Alison Lechowicz, the consultant from Lechowicz and Tseng, further explained what impact fees are and the proposed new fees.

**Mayor Norvell opened the public hearing at 8:01 PM.**

Public Comment: Jacob Patterson, Maryanne Schmidt, Jenny Shattuck, Andrew Jordan, Paul Clark, Jay McMartin Rosenquist.

**Mayor Norvell closed the public hearing at 8:16 PM.**

Discussion: There was a discussion regarding the specific utilization of impact fees for facilities and infrastructure costs, highlighting that these fees are dedicated for such purposes. Additionally, it was mentioned that the expenditure of these fees undergoes auditing processes to ensure transparency and accountability. The approved changes include adjustments to impact fees for water, sewer, storm drain, police, and fire services. However, the CV Starr fee was temporarily removed from consideration.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan that this Resolution be adopted.**

**A motion was made by Vice Mayor Godeke, seconded by Councilmember Albin-Smith that this Ordinance be adopted, removing the CV Starr fees.**

**The motions carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

## **8. CONDUCT OF BUSINESS**

Mayor Norvell recessed the meeting at 8:58 PM

Mayor Norvell reconvened the meeting at 9:12 PM

- 8A. [24-561](#)** Adopt a Resolution of the Fort Bragg City Council Awarding the Raw Water Line Replacement Project, City Project No. WTR-00016, to T & S Construction Company, Inc. as the Lowest Responsible Bidder, and Authorizing the City Manager to Execute Contract (Not To Exceed \$5,958,087) Subject to City Attorney approval as to form.

Assistant City Engineer Diane O'Connor presented this item, informing that bids were opened in January 2024 and four bids were received. The lowest bid came from T&S Construction. She provided a brief overview of the other three bids. Anthony Spinelli of T&S Construction was available via Zoom to address any questions.

Public Comment: Jay Rosenquist.

Discussion: None.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, that the Resolution be adopted. The motion carried by the following vote:**

**Aye:** 4 - Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

**No:** 1 - Mayor Norvell

- 8B. [24-562](#)** Adopt Resolution of the City Council of the City of Fort Bragg Approving Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc. to Provide Construction Management Services for the Raw Water Line Replacement Project, City Project WTR-00016, and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$560,000.00)

Assistant City Engineer Diane O'Connor presented this item. Requests for Proposals were issued in December 2023, and proposals were opened in January 2024, resulting in one proposal received from SHN Consulting Engineers Inc.

Public Comment: None.

Discussion: None.

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that the Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

- 8C. [24-576](#)** Receive Report Regarding 2023 Community Development Block Grant (CDBG) Program Notice of Funding Availability (NOFA) and Provide Direction to Staff Regarding Potential Applications

Grants Coordinator Lacy Peterson presented this item, providing a brief summary of the qualifications for Community Development Block Grant (CDBG) funds. She then delivered a detailed report on the 2023 CDBG Funding. Shovel-ready projects were presented to the council for consideration, including Streets Rehabilitation for two cul-de-sacs (Azalea Circle and Penitenti Way) or Broadband Infrastructure. Special Projects Manager Sarah McCormick provided additional details on Broadband Infrastructure. The City Council directed staff to proceed with applying for the grant funds for Broadband Infrastructure.

Public Comment: Jay Rosenquist.

Discussion: Councilmember Albin-Smith noted that Broadband infrastructure has been one of the City Council's top priorities over the past few years.

**A motion was made by Councilmember Rafanan that the meeting end at 10 PM, it failed for lack of a second.**

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that the meeting continue after 10 PM. The motion carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

- 8D. [24-546](#)** Receive Presentation on the Annual Comprehensive Financial Report (ACFR) for the Year Ended June 30, 2023 for the City of Fort Bragg and Consider Accepting the ACFR as Presented

City Manager Isaac Whippy presented the Annual Comprehensive Financial Report (ACFR), with Brett Jones from the independent auditing firm JJACPA providing a brief overview of the audit on Financial Statements. It was reported that there were no findings or modified opinions.

Public Comment: Jay Rosenquist.

Discussion: None.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, that the ACFR be accepted as presented. The motion carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

## ADJOURNMENT

**Mayor Norvell adjourned the meeting at 10:28 PM**

\_\_\_\_\_  
BERNIE NORVELL, MAYOR

\_\_\_\_\_  
Diana Sanchez, City Clerk

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 24-658

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** 5H.

Approve Minutes of February 26, 2024



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY  
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT  
NO. 1 AND THE FORT BRAGG REDEVELOPMENT  
SUCCESSOR AGENCY*

Monday, February 26, 2024

6:00 PM Town Hall, 363 N.Main Street and Via Video Conference

### CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Mayor Bernie Norvell, Vice Mayor Jason Godeke, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

### AGENDA REVIEW

#### **1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS**

**1A.** [24-591](#) Women's History Month Proclamation

Councilmember Rafanan read the Proclamation recognizing March 2024 as Women's History Month.

#### **2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR**

(1) Anne Marie Weibel, Cassandra Graham, Sheila Von Tracy, Jay Rosenquist  
(2) Abraham Cohen, Sharon Fee, Laurel Kraus, Jasmin Diaz, Lemon Asser, Megan Caron, Muhamed Abhed, Vicky Walspring, Wes Lacount, Don Larsen, Sheila Don Tracy, Anne Marie Weibel, Matt Zarconie, Jennifer Norris, Peter Baker, Daphne Martin, Cassandra Graham, Gabriel Quinn Maroney, Giza, Anna Marie Stenberg, Shelley Green, Jay Rosenquist

### **3. STAFF COMMENTS**

City Manager Isaac Whippy has announced the temporary closure of the weight room at CV Starr Center from February 28th to Friday, March 1st, 2024, for the installation of new equipment.

In preparation for the upcoming election, polling places will be set up at CV Starr Center (300 Lincoln Street) and the Veteran's Memorial Building (360 N. Harrison Street). These locations will be open from 7 AM to 8 PM on Election Day. Additionally, the official ballot drop-off location will be City Hall (416 N. Franklin Street), accessible 24/7 until 8 PM on Tuesday, March 5, 2024.

The Noyo Harbor Blue Economy Survey is currently available on the [noyocollection.org](http://noyocollection.org) website until the end of the month, allowing community members to contribute their input for the future of the Noyo Harbor Economy.

Police Chief Neil Cervenka has announced the formation of the Fort Bragg Community Task Force on Fentanyl, with its inaugural meeting scheduled for Wednesday, February 28, 2024.

### **4. MATTERS FROM COUNCILMEMBERS**

Vice-Mayor Godeke has declared that a housing workshop will take place tomorrow, February 27, 2024, at 5:30 PM at Town Hall. Please note that this event will be held in person only.

Councilmember Albin-Smith has reminded everyone to vote on March 5, 2024. Furthermore, the MTA committee is set to hold a meeting at 190 Spruce Street in Fort Bragg on February 28, 2024, commencing at 1:30 PM. Albin-Smith has proposed that the City Council engage in collaboration with local businesses to address the discussion on Single Use Plastics, considering recent legislative changes. She also articulated her viewpoint that priority for public comment should be granted to in-person attendees over those participating via Zoom, noting that Zoom is for convenience and not mandatory.

Councilmember Peters clarified the functioning of the Consent Calendar, explaining that it comprises items previously agreed upon by the City Council. He emphasized that individuals should have confidence that their agenda item will be approved when included on this agenda.

Councilmember Rafanan did not provide any comments or updates.

Mayor Norvell did not provide any comments or updates.

### **5. CONSENT CALENDAR**

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, to approve the Consent Calendar. The motion carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

#### **5A. [24-610](#)**

Resolution of the Fort Bragg City Council Supporting a Sustained Ceasefire in the Israeli-Palestinian Conflict, a Release of all Hostages; and Immediate Humanitarian Aid for the Civilians of Gaza

**This Resolution was adopted on the Consent Calendar.**

- 5B.** [24-599](#) Resolution of the Fort Bragg City Council Approving the Side Letter Agreement between the City of Fort Bragg and the Fort Bragg Police Association and Authorizing the City Manager to Execute same for Purposes of Defining Benefits Eligibility for Part-Time Employees and Revising the City's Personnel Rules and Regulations Section 22.3  
**This Resolution was approved on the Consent Calendar.**
- 5C.** [24-618](#) Resolution of the Fort Bragg City Council Approving Contract Amendment with Marie Jones Consulting for Professional Planning Services and Authorizing the City Manager to Execute Contract (Amount Not To Exceed \$165,000) Subject to City Attorney Approval as to Form  
**This Resolution was adopted on the Consent Calendar.**
- 5D.** [24-597](#) Resolution of the Fort Bragg City Council Allowing Full-Time Lateral Employment Transfers from CV Starr Center to the City of Fort Bragg to Grant up to 40 Hours of Sick Leave Effective February 25, 2024  
**This Resolution was adopted on the Consent Calendar.**
- 5E.** [24-611](#) Approve Scope of Work for 2025 Streets Rehabilitation Project  
**This Scope of Work was accepted on the Consent Calendar.**
- 5F.** [24-605](#) Accept Certificate of Completion for UV Disinfection Project and Direct City Clerk to File Notice of Completion  
**This Certificate of Completion was accepted on the Consent Calendar.**
- 5G.** [24-616](#) Appoint Linda J. Thornquist Stumpf to the Mendocino County Library Advisory Board  
**This Appointment was approved on the Consent Calendar.**
- 5H.** [24-594](#) Approve Minutes of Special Closed Session of February 12, 2024  
**These Minutes were approved on the Consent Calendar.**
- 5I.** [24-601](#) Receive and File Minutes of the Public Works and Facilities Committee Meeting for November 9, 2023  
**These Committee Minutes were received and filed on the Consent Calendar.**
- 5J.** [24-603](#) Receive and File Minutes of the Public Works and Facilities Committee Meeting for December 7, 2023  
**These Committee Minutes were received and filed on the Consent Calendar.**

- 5K. [24-604](#) Receive and File Minutes of the Public Works and Facilities Committee Meeting for January 11, 2024

These Committee Minutes were received and filed on the Consent Calendar.

## **6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

None.

## **7. PUBLIC HEARING**

**Mayor Norvell recessed the meeting at 7:03 PM; the meeting reconvened at 7:13 PM.**

- 7A. [24-577](#) Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving an Application for Funding and the Execution of a Grant Agreement and Any Amendments Thereto from the 2023 and/or 2024 Funding Year of the State CDBG Program Subject to City Attorney Review and Approval as to Form

**Mayor Norvell opened the public hearing at 7:18 PM.**

Grants Coordinator, Lacy Peterson presented on this item indicating that despite the Council's prior directive to pursue the Broadband Project, it was found not to be "shovel ready."

Consequently, the focus has shifted towards applying for the Streets Rehabilitation Project.

Public Comment: Jacob Patterson, Shelley Green, Jay McMartin Rosenquist

**Mayor Norvell closed the public hearing at 7:26 PM.**

Discussion: There was discussion regarding the criteria used to determine which streets are included in the rehabilitation list.

**A motion was made by Vice Mayor Godeke, seconded by Councilmember Rafanan, that this Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

## **8. CONDUCT OF BUSINESS**

- 8A. [24-563](#) Adopt City Council Resolution Awarding the Water Treatment Plant Upgrade Project, City Project No. WTR-00017, to Wahlund Construction, Inc. as the Lowest Responsible Bidder, and Authorizing the City Manager to Execute Contract (Not To Exceed \$10,550,380.00) Subject to City Attorney Approval as to Form

Public Works Director John Smith presented this item and provided a brief overview of the three bidders.

Public Comment: Jacob Patterson, Jay McMartin Rosenquist, Maryanne

Discussion: None.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, that this Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

**8B.** [24-564](#) Adopt City Council Resolution Approving Professional Services Agreement with SHN Consulting Engineers & Geologists, Inc. to Provide Construction Management Services for the Water Treatment Plant Overhaul Project, City Project WTR-00017, and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$757,000.00)

Public Works Director John Smith presented this item and elaborated on the scope and details of Construction Management Services.

Public Comment: None.

Discussion: None.

**A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

**ADJOURNMENT**

**Mayor Norvell adjourned the meeting at 7:50 PM.**

\_\_\_\_\_  
BERNIE NORVELL, MAYOR

\_\_\_\_\_  
Diana Sanchez, City Clerk

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 24-641

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** 5I.

Approve Minutes of Special Closed Session of March 7, 2024



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes Special City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY  
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT  
NO. 1 AND THE FORT BRAGG REDEVELOPMENT  
SUCCESSOR AGENCY*

Thursday, March 7, 2024

4:30 PM Town Hall, 363 N Main Street and Via Video Conference

### Special Closed Session

#### CALL TO ORDER

Mayor Norvell called the meeting to order at 4:31 PM.

#### ROLL CALL

Councilmember Albin-Smith arrived at 4:33 PM.

**Present:** 5 - Mayor Bernie Norvell, Vice Mayor Jason Godeke, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

#### 1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Jacob Patterson.

#### 2. CLOSED SESSION

Mayor Norvell recessed the meeting at 4:34 PM; the meeting reconvened to Closed Session at 4:35 PM.

##### 2A. [24-632](#)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation Pursuant to Paragraph (1) of Subdivision (d) of Gov. Code Section 54956.9 City of Fort Bragg v. Mendocino Railroad

Mayor Norvell reconvened the meeting to Open Session at 6:40 PM and reported that no reportable action was taken on the Closed Session item.

#### ADJOURNMENT

Mayor Norvell adjourned the meeting at 6:40 PM.

\_\_\_\_\_  
BERNIE NORVELL, MAYOR

\_\_\_\_\_  
Diana Sanchez, City Clerk

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 24-655

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** 5J.

Approve Minutes of March 11, 2024



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY  
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT  
NO. 1 AND THE FORT BRAGG REDEVELOPMENT  
SUCCESSOR AGENCY*

---

Monday, March 11, 2024

6:00 PM Town Hall, 363 N.Main Street and Via Video Conference

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### CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Mayor Bernie Norvell, Vice Mayor Jason Godeke, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

### CLOSED SESSION REPORT

Deputy City Attorney, Scott Porter reported that on behalf of the City Council, Councilmember Peters will attend and speak at the upcoming Coastal Commission Public Hearing on the Mendocino Railroad matter.

### AGENDA REVIEW

#### **1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS**

Mayor Norvell appointed Councilmember Peters as an alternate for Mendocino Council of Government (MCOG).

**1A. [24-615](#)** West Business Development Center Presentation

CEO Mary Ann Petrillo of West Business Development Center delivered a presentation highlighting the array of services offered by the organization.

**1B. [24-631](#)** Introduction of New Employees: Gadge Farris, Police Officer; Carlos Hernandez, Engineering Technician; Nayeli Carmona De Leon, Police Sergeant; Kevin McDannold, Engineering Technician; Cassidy Daniels, Office Assistant; Amanda Pacheco, Community Services Officer; Emily Reno, Administrative Assistant-Public Works; Amber Weaver, Administrative Assistant-Confidential; Maria Flynn, Administrative Assistant-Community Development; Jami Miller, California Sea Grant Coastal Mendocino Extension Fellow; Craig Utsumi, Mechanic; Marshal Morgan, Maintenance II

Department directors presented their newly hired staff members.

## **2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR**

- (1) Ryan McGee, Oscar McGee, Oriah Orsi, Nayeli Lopez, Jay Rosenquist, Jacob Patterson.  
(2) None.

## **3. STAFF COMMENTS**

City Manager Isaac Whippy announced the rescheduling of the Mid-Term Budget Workshop to March 20, 2024, from 2-5 PM. Administrative Analyst Cristal Munoz highlighted the forthcoming events for the Whale Festival taking place in Fort Bragg from March 15, 2024 to March 17, 2024.

## **4. MATTERS FROM COUNCILMEMBERS**

On March 14, 2024, Councilmember Peters will travel to Sacramento to address the California Coastal Commission on behalf of the City Council regarding the Noyo Water River Shed and the California Western Railroad. Vice Mayor Godeke reported that a housing workshop took place during the Community Development Committee Meeting on February 27, 2024. The workshop saw significant participation from contractors, realtors, employers and community members. The objective is to conduct quarterly workshops, with the next scheduled for June 25, 2024 at 5:30 PM at Town Hall.

## **5. CONSENT CALENDAR**

**A motion was made by Councilmember Peters, seconded by Vice Mayor Godeke, to approve the Consent Calendar. The motion carried by the following vote:**

**Aye:** 5 - Mayor Norvell, Vice Mayor Godeke, Councilmember Albin-Smith, Councilmember Peters and Councilmember Rafanan

- 5A. [23-440](#)** Approve Third Amendment to Professional Services Agreement with De Novo Planning Group for Additional Work on FEIR and Authorizing City Manager to Execute Contract (Total Contract Amount Not to Exceed \$67,498; Account No. 119-0000-2668)

**This Resolution was adopted on the Consent Calendar.**

- 5B. [24-544](#)** Approve Resolution Authorizing City Manager to Award Design Contract for the CV Starr HVAC Project to Whitchurch Engineering Amount Not To Exceed \$36,500

**This Resolution was adopted on the Consent Calendar.**

- 5C. [24-617](#)** Adopt by Title Only and Waive Further Reading of Ordinance 987-2024 Adding Chapter 12.16 (Capacity Charges and Impact Fees) to Title 12 of the Municipal Code and Imposing and Setting the Rates of the Proposed Fees and Repealing Subdivisions (B), (C), (D), (F) and (G) of Section 12.14.030 of the Municipal Code and Replacing the Heading (Name) of Section 12.14.030 to Read Drainage Plans

Mayor Norvell read the title of the ordinance.

**This Ordinance was adopted on the Consent Calendar.**

- 5D. [24-628](#) Approve City Council Letters in Opposition to AT&T CPUC Applications A.23-03-002 and A.23-03-003

This Council Letter was approved on the Consent Calendar.

**6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**

None.

**7. PUBLIC HEARING**

None.

**8. CONDUCT OF BUSINESS**

- 8A. [24-624](#) Receive Presentation on the 2023 Police Department Annual Report

Police Chief Neil Cervenka presented the 2023 Police Department Annual Report, which is accessible in hard copy at City Hall and the Police Department, and electronically on the City's website.

Public Comment: Anne Marie Weibel, Margie Snyder

Discussion: Chief Cervenka provided clarification on the distinctions between robbery, assault, burglary and theft. He also mentioned that there were 16,638 calls for service and 1,233 reports made.

**9. CLOSED SESSION**

None.

**ADJOURNMENT**

Mayor Norvell adjourned the meeting at 7.39 PM.

\_\_\_\_\_  
BERNIE NORVELL, MAYOR

\_\_\_\_\_  
Diana Sanchez, City Clerk

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 24-642

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** 5K.

Approve Minutes of Special Closed Session of March 11, 2024



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes Special City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY  
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT  
NO. 1 AND THE FORT BRAGG REDEVELOPMENT  
SUCCESSOR AGENCY*

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Monday, March 11, 2024

4:30 PM Town Hall, 363 N Main Street and Via Video Conference

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### Special Closed Session

#### CALL TO ORDER

Mayor Norvell called the meeting to order at 4:30 PM.

#### ROLL CALL

**Present:** 5 - Mayor Bernie Norvell, Vice Mayor Jason Godeke, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

#### CLOSED SESSION REPORT

None.

#### 1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None.

#### 2. CLOSED SESSION

Mayor Norvell recessed the meeting at 4:32 PM; the meeting reconvened to Closed Session at 4:34 PM.

##### 2A. [24-637](#)

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation Pursuant to Paragraph (1) of Subdivision (d) of Gov. Code Section 54956.9 City of Fort Bragg v. Mendocino Railroad

Mayor Norvell reconvened the meeting to Open Session at 4:43 PM and reported that on behalf of the City Council, Councilmember Peters will attend and speak at the upcoming Coastal Commission Public Hearing on the Mendocino Railroad matter.

#### ADJOURNMENT

Mayor Norvell adjourned the meeting at 4:43 PM.

\_\_\_\_\_  
BERNIE NORVELL, MAYOR

\_\_\_\_\_  
Diana Sanchez, City Clerk

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 24-662

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Staff Report

**Agenda Number:** 8A.

Receive Report and Provide Direction Regarding 2022-2023 HOME Investment Partnerships Program (HOME) Grant Application



**AGENCY:** City Council  
**MEETING DATE:** March 25, 2024  
**DEPARTMENT:** Community Development  
**PRESENTED BY:** L. Peterson  
**EMAIL ADDRESS:** lpeterson@fortbragg.com

## AGENDA ITEM SUMMARY

**TITLE:**

**RECEIVE REPORT AND PROVIDE DIRECTION REGARDING 2022-2023 HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) GRANT APPLICATION**

**ISSUE:**

The 2022-2023 Notice of Funding Availability (NOFA) for the Home Investment Partnerships Program (HOME) was released on January 19, 2024. Grant applications are due April 9, 2024. Eligible activities for the 2022-2023 HOME NOFA include projects and/or programs. Eligible project activities include Multi-family Rental Projects (new construction and/or rehabilitation of specific identified multi-family residential rental facilities with or without acquisition) or First Time Homebuyer Projects (subdivision development). Eligible program activities include First Time Home Buyer, Owner Occupied Rehabilitation, and/or Tenant Based Rental Assistance programs. Staff has investigated the feasibility of the various eligible activities and recommends the submittal of an application seeking \$1,500,000 for either a Tenant-Based Rental Assistance (TBRA) Program or a combination of a TBRA program and an Owner-Occupied Rehabilitation (OOR) Program. Prior to preparing an application, staff is seeking the City Council's direction regarding whether a HOME application should be submitted, and if so, which activities should be included in an application.

**ANALYSIS:**

The State HOME program provides grants and loans to assist cities, counties, and nonprofit community housing development organizations to create and retain affordable housing. HOME activities typically include housing rehabilitation, new construction, and rehabilitation for both single-family and multi-family projects. All activities must benefit low-income renters, homebuyers, or homeowners. HOME funds that are awarded to jurisdictions are generally paid out on a reimbursement basis after eligible use and documentation of expenditures is approved by HCD. HOME income limits for project and program beneficiaries (that is, residential renters and homeowners) are the same as Community Development Block Grant (CDBG) income limits. Cities such as Fort Bragg that do not receive HOME funds directly from the Federal Department of Housing and Urban Development (HUD) are eligible to apply for competitive HOME funding from the State Department of Housing and Community Development.

The full 2022-2023 Notice of Funding Availability (NOFA) is available at the HCD Website. In the 2022-2023 NOFA, HOME provides that approximately \$120 million is available for awards. Funding will be allocated 40% (\$48 million) for program activities, 55% (\$66 million) for rental projects, and 5% (\$6 million) for first-time homebuyer projects. In addition, a minimum of 15% (\$18 million) is reserved for HCD-certified Community Housing Development Organizations (CHDO). The City of Fort Bragg is not a CHDO. A minimum of 50% (\$60 million) is reserved for rural areas. The City of Fort Bragg automatically qualifies as a rural area for purposes of this NOFA. The Department will target 20% (24 million) for Native American Entity Applications and unsubscribed 2021-2022 funds (\$18 million) for Federally-Declared Disaster Areas. Of note, applications qualifying for CHDO, FTHB Project, and Rural targets will be funded first, based on scores; once these set-asides have been reached, remaining applications will be funded based on score, with highest-ranking being funded

AGENDA ITEM NO.

first. With the City's rural determination, the City's application would be included in the first round of review.

In order to apply for 2022-2023 HOME funds, applicants must have expended at least 50% of previously awarded HOME funds by the application due date. The City of Fort Bragg's most recent HOME grant was Award 16-HOME-11373, initially allocated for an OOR program, amended to include TBRA. TBRA and administration funds in the amount of \$455,864 (91.17%) were expended, unused funds in the amount of \$44,136 were disencumbered (\$4,136 TBRA; \$39,000 OOR; \$1,000 Admin), and the award has been closed out with HOME. The City is eligible to apply for the maximum amount under this NOFA.

### **Analysis of NOFA activities**

Eligible activities for the 2022-2023 HOME NOFA are divided into Project activities and Program activities. State Recipients (excluding Developers and CHDOs), such as units of local government like the City, may apply for multiple eligible activities as follows:

1. One rental Project and one FTHB Project; or
2. One rental Project, and any combination of eligible Program Activities; or
3. One FTHB Project and any combination of eligible Program Activities, except for an FTHB program.

**Project Activities.** Projects are subject to minimum and maximum HOME funding limits and restrictions, including per-unit subsidy limits, proportionality with non-HOME project funds, and debt-service coverage ratios. State recipients may apply for up to \$12,000,000 for a multifamily rental Project, \$75,000 for administrative costs, and \$75,000 for Project-related soft costs. Eligible Project activities are as follows:

- **Rental New Construction:** funds are provided to develop a specific multifamily Project on a specific site by a specific Developer. Rental new construction Projects may be with or without acquisition
- **Rental Rehabilitation:** funds are provided to rehabilitate a specific rental Project on a specific site by a specific Developer, with or without property acquisition.
- **Homebuyer Projects:** Construction financing must include the following:
  - 1) New construction or acquisition/rehabilitation/conversion to develop homes on specific site(s).
  - 2) All (100 percent) of the HOME investment rolls over to permanent financing to provide mortgage assistance to eligible first-time homebuyers when the units are sold to eligible homebuyers.

Project applications are rated and ranked on various factors, with the highest-scoring applications funded until available grant project funding is fully distributed. The most heavily weighted factors for scoring Project activities include prior developer team experience (200 points), prior grantee performance (200 points), Community Need as scored by HCD (250 points), and project feasibility (200 points).

The City of Fort Bragg has no ready projects at this time, so an application in this funding cycle is not feasible.

**Program Activities.** Cities and counties may apply for any number of HOME Program Activities. Applicants may request a maximum of \$1,500,000 for program activities and a minimum of \$500,000. The grant expenditure deadline will be September 1, 2030. Implementation of HOME Program

Activities is governed by Program Guidelines that must be approved by the City Council and by HCD before funds are made available. If awarded funding, City staff will work with HCD staff to update program guidelines as applicable to meet current standards. Program Activities for which Fort Bragg is eligible include the following:

- **First Time Home Buyer Program (FTHB):** Grant to jurisdictions for loans to homebuyers for acquisition only and/or acquisition with rehabilitation of a home; or funds for new infill construction (maximum of four dwellings per site).
- **Owner Occupied Housing Rehabilitation Program (OOR):** Grants to jurisdictions for loans to homeowners for repairs to meet federal, state, or local building codes and to correct health and safety deficiencies.
- **Tenant-Based Rental Assistance (TBRA):** Grants to jurisdictions to provide rent subsidies and/or security deposits to eligible households for a minimum of six months.

Program Activities applications are evaluated for Rating and Ranking points of up to 950 points per program. Typically, applications are highly competitive. Rating factors as provided in the NOFA and Fort Bragg’s likely ratings for each type of activity are provided in the tables below. Two alternate tables are provided for consideration of different scoring scenarios.

**Scoring Estimate for HOME Program Activities - with points for State Objective Sub-factor 2**

Rating Factor	Maximum Points	FTHB	OOR	TBRA
Housing Element	50	50	50	50
HUD Direct HOME Allocation (Declined)	50	0	0	0
Rural Communities	50	50	50	50
Capacity - Applicant Experience	100	25	50	75
Capacity - Prior Performance Sub-factor #1: Reporting	50	40	40	40
Capacity - Prior Performance Sub-factor #2: Monitoring Noncompliance (1/1/2019-12/31/2023)	100	100	100	100
Community Need	250	173	181	187
Project Feasibility	100	68	79	79
State Objectives - Sub-factor #1: Increasing Affordable Housing	90	90	90	90
State Objectives - Sub-factor #2: Homelessness or Extremely Low-Income	110	110	110	110
Estimated Total	950	706	750	781

**Scoring Estimate for HOME Program Activities - without points for State Objective Sub-factor 2**

Rating Factor	Maximum Points	FTHB	OOR	TBRA
Housing Element	50	50	50	50
HUD Direct HOME Allocation (Declined)	50	0	0	0
Rural Communities	50	50	50	50
Capacity - Applicant Experience	100	25	50	75
Capacity - Prior Performance Sub-factor #1: Reporting	50	40	40	40
Capacity - Prior Performance Sub-factor #2: Monitoring Noncompliance (1/1/2019-12/31/2023)	100	100	100	100

Community Need	250	173	181	187
Project Feasibility	100	68	79	79
State Objectives - Sub-factor #1: Increasing Affordable Housing	90	90	90	90
State Objectives - Sub-factor #2: Homelessness or Extremely Low-Income	110	0	0	110
Estimated Total	950	596	640	781

The City does not score exceedingly high in any program category, and all scores land fairly close if the City scores points for the State Objective Sub-factor #2 category regarding Homelessness and/or Extremely Low-Income. If the City does not score points in this category, scores vary more widely. In order to score points in this category, the City must take action to prevent or address Homelessness by meeting one of the following criteria:

1. Apply for TBRA; or
2. Proposed Project will primarily serve (50% or more) people experiencing Homelessness and/or those At Risk of Homelessness as defined in at 24 C.F.R. § 578.3; or
3. Proposed Project will primarily serve (50% or more) Extremely Low Income Families, which means low-income families whose annual incomes do not exceed 30 percent of the median family income of a geographic area, as determined by HUD with adjustments for smaller and larger families.

Staff recommends applying for TBRA or a combination of TBRA and OOR, as the City's application will score highest for TBRA, followed by OOR, and the City has implemented and managed both OOR and TBRA programs in the past. The City does not have a recent FTHB program to build off of, and it will score the lowest of the three program types. Including TBRA in any application will boost the City's point rating by ensuring a score of 110 points in the State Objective Sub-factor #2 scoring criteria section. If TBRA is not included, the City must either design the proposed program to prioritize serving 50% or more people experiencing Homelessness and/or at risk of Homelessness or design the proposed program to prioritize serving 50% or more Extremely Low-Income Families to score the full 110 points in that category. Current HOME Rent and Income Limits are provided for reference below.

**HOME Program Rent Limits, effective June 15, 2023**

Persons in Household	Efficiency	1	2	3	4	5	6
Low HOME Rent Limit	\$743	\$796	\$956	\$1,105	\$1,232	\$1,360	\$1,487
High HOME Rent Limit	\$948	\$995	\$1,222	\$1,403	\$1,545	\$1,687	\$1,828
Informational only:							
Fair Market Rent	\$988	\$995	\$1,305	\$1,844	\$2,223	\$2,556	\$2,890
50% Rent Limit	\$743	\$796	\$956	\$1,105	\$1,232	\$1,360	\$1,487

65% Rent Limit	\$948	\$1,016	\$1,222	\$1,403	\$1,545	\$1,687	\$1,828
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**HOME Income Limits effective June 15, 2023**

Persons in Household	1	2	3	4	5	6	7	8
30% Limit	\$17,850	\$20,400	\$22,950	\$25,500	\$27,550	\$29,600	\$31,650	\$33,700
Very Low Income 50%	\$29,750	\$34,000	\$38,250	\$42,500	\$45,900	\$49,300	\$52,700	\$56,100
60% Limit	\$35,700	\$40,800	\$45,900	\$51,000	\$55,080	\$59,160	\$63,240	\$67,320
Low Income 80%	\$47,600	\$54,400	\$61,200	\$68,000	\$73,450	\$78,900	\$84,350	\$89,800

**RECOMMENDED ACTION:**

Provide direction regarding the 2022-2023 HOME grant application.

**ALTERNATIVE ACTION(S):**

No action will be taken other than to provide direction to staff, so no alternative actions are needed.

**FISCAL IMPACT:**

If an application is filed, grant funds are received on a reimbursement basis for Activities (home grants/loans or rental assistance grants), for Project-related soft costs (direct costs of implementing activities, previously referred to as Activity Delivery costs), and for General Administration (up to 2.5% of total application amount for FTHB and OOR; up to 10% of total application amount for TBRA). Project-related soft cost funding is up to 24% of loan/grant amounts for OOR, reimbursed for direct costs such as home inspections and related Program Operator and/or staff time. For FTHB activities, Project-related soft cost funding is up to 6.5% of home acquisition cost to cover qualification costs and tasks. For TBRA, Project-related soft cost funding is up to 5% of TBRA payments for inspection and income-qualifying tasks. HOME reimbursements for direct costs and administration are generally adequate to cover program implementation. The HOME program provides funding to support the housing needs of low-income Fort Bragg residents. Without HOME funding, the City would otherwise be unable to assist these residents.

**CONSISTENCY:**

The State HOME mission is to assist cities, counties, developers, including Native American Entities, and nonprofit community housing development organizations (CHDOs) to create and retain affordable housing. This mission is consistent with the four broad primary goals of the City's 2019 Housing Element:

**The primary goals of the 2019 Fort Bragg Housing Element are to encourage, facilitate, support, and help fund:**

- 1. New market rate and affordable housing that serves our residents and Businesses in Fort Bragg;**
- 2. New affordable housing that serves our community's special needs populations;**

3. Preservation of our existing housing stock; and
4. New housing that meets our Regional Housing Needs Allocation.

**IMPLEMENTATION/TIMEFRAMES:**

If the City Council provides direction to prepare a HOME application, an Authorizing Resolution must be adopted by the City Council prior to application submittal, which would be scheduled for the April 8, 2024, City Council meeting. Applications are due April 9, 2024. HOME intends to make funding announcements by July 2024. Standard Agreements for awardees will be executed by September 30, 2026. Program expenditure deadlines will be September 1, 2030.

**ATTACHMENTS:**

1. HOME Investment Partnerships Program (HOME) 2022-2023 Notice of Funding Availability

**NOTIFICATION:**

1. Affordable Housing “Notify Me” Subscribers

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF FEDERAL FINANCIAL ASSISTANCE  
HOUSING BRANCH**

2020 W. El Camino Avenue, Suite 200,  
P.O. Box 952054  
Sacramento, CA 94252-2054  
(916) 263-2771  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



January 19, 2024

**MEMORANDUM FOR: ALL POTENTIAL APPLICANTS**

**FROM:** Sasha Hauswald, Deputy Director  
Division of Federal Financial Assistance

**SUBJECT:** HOME Investment Partnerships Program (HOME)  
2022-2023 Notice of Funding Availability

The California Department of Housing and Community Development (Department) is pleased to announce the release of this Notice of Funding Availability (NOFA) for approximately \$120 million in federal funds for the HOME Investment Partnerships Program (HOME). Funding for this NOFA is from the FY 2022 and FY 2023 allocations, plus unencumbered funds and Program Income from previous years' allocations. The funding level may change due to the factors listed in the Section I (A) of this NOFA. This funding provides loans or grants to eligible HOME Applicants serving low-income [at or below 80 percent (80%) of Area Median Income (AMI)] and very low-income [at or below 50 percent (50%) of AMI] households. This NOFA is subject to state and federal HOME regulations.

The Department will target 20 percent (20%) of the HOME funding for Eligible Applicants that meet the definition of a Native American Entity as set forth and provided in this NOFA. The Department and HOME Program team will provide comprehensive technical assistance to Native American Entities throughout the application process and during implementation of the Project or Program.

The Department will also target \$18 million of HOME funding for eligible activities located in Federally Declared Disaster Areas, as set forth and provided in this NOFA.

The HOME funds provided through this NOFA will be awarded on a competitive basis for State Recipients (including Native American Entities), CHDOs, and Developers as defined in this NOFA. Funding may be used for the following eligible uses:

Project Activities

- Multi-family Rental Projects (new construction and/or rehabilitation with or without acquisition); and
- First-Time Homebuyer ("FTHB") Projects (subdivision development)

Program Activities

- FTHB Programs, including in-fill new construction programs where feasible;
- Owner-Occupied Rehabilitation ("OOR") Programs; and
- Tenant-Based Rental Assistance ("TBRA") Programs

To be considered, each Applicant must submit a complete application for each HOME Project Activity and/or a Program Activity combined application with required documentation via the eCivis Grants Management System (“GMS”) Portal, only. The Department will begin accepting applications received through the eCivis GMS Portal on **February 12, 2024**. For cities, counties, CHDOs, and Developers, each completed application package must be submitted **no later than 5:00 P.M. Pacific Daylight Time (PDT) on April 9, 2024**. For Native American Entity Applicants (whether a Federally Recognized Tribe or Non-Federally Recognized Tribe), each completed application package must be by **no later than 5:00 P.M. PDT on May 9, 2024**.

### Timeline

NOFA Release	<b>January 19, 2024</b>
Webinars	<b>February 2024</b>
Competitive application submittal period for cities, counties, CHDOs, and Developers	<b>From February 12, 2024, through April 9, 2024, 5:00 P.M. PDT</b>
Competitive application submittal period for Native American Entities (NAE-FRTs and NAE-NFRTs)	<b>From February 12, 2024, through May 9, 2024, 5:00 P.M. PDT</b>

If the NOFA results in insufficient applications to award all available funds, the Department reserves the right to reopen the application submission period for over-the-counter (OTC) applications on a first come, first served basis.

All activities in this NOFA are subject to the availability of funds and continuing U.S. Department of Housing and Urban Development (“HUD”) and legislative authority.

### Applications

Applicants are encouraged to set up their profiles and upload attachments and documents in the eCivis GMS Portal located at <https://portal.ecivis.com/#/login> early to ensure successful submissions prior to the application deadline. If Applicants experience trouble logging into the portal or have questions on how to complete the online application, please contact the Department at [HOMENOFA@hcd.ca.gov](mailto:HOMENOFA@hcd.ca.gov).

The Department will hold a series of webinars in February 2024 to review the NOFA and application process. A list of webinar dates, times, and how to register, is available on the Department’s HOME website at <https://www.hcd.ca.gov/grants-and-funding/programs-active/home-investment-partnerships-program>. Assistance setting up a profile, submitting an application, and managing awards through the eCivis GMS portal is available under the Training and Technical Assistance tab on the Department’s website at <https://www.hcd.ca.gov/grants-and-funding/programs-active/home-investment-partnerships-program>

Additionally, technical assistance sessions will be offered during the application period to assist Applicants with questions regarding the application and application process. Applicant seeking technical assistance can send email to the [HOMENOFA@hcd.ca.gov](mailto:HOMENOFA@hcd.ca.gov) email address and a session will be scheduled.

**The Department will not accept applications through personal, postal, and/or shipment deliveries, facsimiles, email, walk-in, or any other forms of delivery other than the eCivis GMS Portal.**

Links to the eCivis GMS Portal, supplemental application forms, regulations, and program information are available at <https://www.hcd.ca.gov/grants-and-funding/programs-active/home-investment-partnerships-program>. To receive HOME NOFA FAQs and other program information and updates, please be sure to subscribe to the federal programs email list at <https://www.hcd.ca.gov/contact-us/email-signup>.

Please direct any questions regarding this NOFA to the HOME program at: [HOMENOFA@hcd.ca.gov](mailto:HOMENOFA@hcd.ca.gov).

Attachments

**HOME INVESTMENT PARTNERSHIPS  
PROGRAM (HOME)  
2022-2023 Notice of Funding Availability**



**Gavin Newsom, Governor  
State of California**

**Melinda Grant, Undersecretary  
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director  
California Department of Housing and Community Development**

2020 W. El Camino Avenue, Suite 500, Sacramento, CA  
95833 Phone: (916) 263-2771

Website: <https://www.hcd.ca.gov/grants-and-funding/programs-active/home-investment-partnerships-program>

Email address: [HOMENOFA@hcd.ca.gov](mailto:HOMENOFA@hcd.ca.gov)

**January 19, 2024**

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# HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) NOTICE OF FUNDING AVAILABILITY

## I. Overview

### A. Notice of Funding Availability

The California Department of Housing and Community Development (Department) is pleased to announce the release of this Notice of Funding Availability (NOFA) for approximately \$120 million in federal funds for the HOME Investment Partnerships Program (HOME).

This HOME NOFA provides funding for housing project activities and housing program activities in “non-entitlement jurisdictions,” which are jurisdictions and unincorporated areas that do not receive HOME funding directly from HUD. These HOME funds will be used to benefit residents of non-entitlement jurisdictions and are specifically designed to assist low-income households by providing affordable housing. All eligible HOME activities must benefit low-income renters, homebuyers, or homeowners.

The amount of funding available through this NOFA may vary depending on several factors, including, but not limited to, the Department’s administrative determination of need, changes in legislation directing the Department to make additional funds available, new emergency allocations of funding, or newly available funding from the disencumbrance of previous awards. If additional funding becomes available, the Department may continue evaluating the list of eligible Applicants and make awards up to the additional funding amount available or release an additional NOFA to announce the targeted purpose of the funds.

These funds may be used in conjunction with other local, state, and federal rental housing programs to assist the same units in the proposed Project development, not to exceed the HOME Program maximum per-unit subsidy limits and the actual development cost of the unit. All requirements must be met for each funding source, and, if in conflict, the most restrictive programs’ requirements apply. It is the Applicant’s responsibility to review all applicable regulations and/or guidelines for every funding source anticipated to be used in the development the Project.

Pursuant to both federal and state law, all HOME costs must be: (1) necessary, (2) reasonable, (3) contain no duplication of benefit, (4) not used to supplant local or state resources, (5) free from fraud, and (6) an eligible use of HOME funds.

The funds available in this NOFA will be used to meet the following statewide goals in accordance with the Department’s 2020-2024 Consolidated Plan and the Department’s 2022-2023 Annual Action Plan, as the same may be amended from time to time, serving low-income households earning at or below 80 percent (80%) of Area Median Income (AMI) and very low-income households earning at or below 50 percent (50%) of AMI:

- Increase the supply of affordable rental housing;
- Expand homeownership opportunities and improve existing housing;

- Addressing and preventing homelessness; and
- Recovery assistance for natural disaster survivors

## B. Timeline

The following table summarizes the anticipated HOME Program timeline. The Department reserves the right to modify the projected timeline at any time. Any changes to the timeline will be communicated through the Department’s HOME Listserv (<https://www.hcd.ca.gov/contact-us/email-signup>).

<b>Table 1 – Timeline</b>	
NOFA Release	January 19, 2024
Competitive application due date for cities, counties, CHDOs, and Developers	April 9, 2024, by 5:00 P.M. Pacific Daylight Time (PDT)
Competitive application due date for Native American Entities (NAE-FRTs and NAE-NFRTs)	May 9, 2024, by 5:00 P.M. PDT
<u>Anticipated Award Announcements</u>	
Program Activities	July 2024
Project Activities with 9% tax credits	September/October 2024
Project Activities with 4% tax credits and no tax credits	September/October 2024*
	*Based on volume these dates may change.

## C. Authorizing Legislation and Regulation Authority

This NOFA should be read in conjunction with the following regulations, statutes, and plans, which establish state and federal HOME requirements:

- State HOME Regulations (25 C.C.R. § 8200 et seq.) <https://www.hcd.ca.gov/grants-and-funding/programs-active/home-investment-partnerships-program>
- State Uniform Multifamily Regulations (“UMRs”) (25 C.C.R. § 8300 et seq.) <https://www.hcd.ca.gov/grants-and-funding/uniform-multifamily-regulations>
- Federal HOME Investment Partnerships Act Statutes at Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42

U.S.C. 12701 et seq.

[https://www.hud.gov/sites/documents/19576\\_HOMELAWS.PDF](https://www.hud.gov/sites/documents/19576_HOMELAWS.PDF)

- Federal HOME Regulations (24 C.F.R. Part 92)  
<https://www.hudexchange.info/programs/home/home-laws-and-regulations/>
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200)  
<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>
- State of California 2022-2023 Annual Action Plan  
<https://www.hcd.ca.gov/sites/default/files/docs/policy-and-research/plan-report/StateofCADraft-2022-2023-AAP-12-6-22.pdf>

All regulatory references are to the state and federal HOME regulations unless otherwise noted.

Other helpful resources, including CPD Notices, Policy Memos, and other HUD Policy Guidance for the HOME Program can be found at <https://www.hudexchange.info/programs/home/>.

Several of the terms used in the HOME NOFA have specific meanings defined by state and/or federal HOME regulations. When reviewing this NOFA and the application forms, carefully review the regulations for further defined terms. State HOME definitions are found in 25 C.C.R. § 8201 and 8217 and federal HOME definitions are found in 24 C.F.R. § 92.2.

If state or federal statutes or regulations, or other laws, policies, or procedures governing HOME or its funding are modified by Congress, the U.S. Department of Housing and Urban Development (HUD), the state Legislature, or the Department prior to completion of work to be done pursuant to awards made in connection with this NOFA, the changes may become effective immediately and apply to funded activities.

Any inconsistencies between this NOFA and state or federal HOME regulations will be resolved in favor of applicable regulations, unless a waiver or modification was approved by the Director in accordance with AB 1010 (Chapter 660, Statutes of 2019) in those instances, the waiver or modification will prevail when not in conflict with the federal HOME regulations.

The Department reserves the right at its sole discretion to suspend, amend, and/or supplement the provisions of this NOFA from time to time. If such action occurs, the Department will notify interested parties through the Department's HOME Listserv (<https://www.hcd.ca.gov/contact-us/email-signup>).

### Native American Entities

The state requirements set forth in the HOME NOFA are subject to Assembly Bill 1010 (Chapter 660, Statutes of 2019) ("AB 1010") which is set forth in Health and Safety Code (HSC) § 50406(p), (a) where the provisions of tribal law, tribal governance, tribal charter, or difference in tribal entity or legal structure would cause a violation or not satisfy the requirements of the HOME NOFA, said requirements may be modified as necessary to ensure program compatibility;

and **(b)** where the provisions of tribal law, tribal governance, tribal charter, or difference in tribal entity or legal structure or agency create minor inconsistencies (as determined by the Director of the Department or a duly authorized designee thereof) with the requirements set forth in the HOME NOFA, the Department may waive said requirements, as deemed necessary, to avoid an unnecessary administrative burden. Matters set forth or otherwise provided for in the HOME NOFA that may be modified or waived include, without limitation, threshold scoring requirements and any other matter set forth in HSC § 50406(p)(2).

Native American Entity Applicants, whether federally recognized or non-federally recognized, are accordingly encouraged to discuss any such potential modifications or waivers and their options in that regard at or during an optional pre-application technical assistance meeting. **Native American Entity Applicants should be aware that AB 1010 cannot be used to modify or waive federal HOME statutory and regulatory requirements or state statutory requirements.** There may be other federal laws or federal doctrines that could provide a basis for a possible modification of some federal requirements for Native American Entity Applicants. An example is where a Native American Entity has its own Tribally Determined Wage, in which case Davis Bacon wage requirements are not applicable. Native American Entity Applicants are encouraged to begin the AB 1010 waiver process before their application is submitted in order to allow time for the Department to review and make a legal decision on the request.

#### **D. Application Submission Process**

The Department will accept applications submitted via the eCivis application portal under this NOFA. Application acceptance and evaluation is subject to the state and federal regulations and the terms outlined in this NOFA. It is the Applicant's responsibility to ensure that the submitted application is clear, complete, and accurate.

##### Electronic Application Submission Process

All Applicants must create an eCivis Profile prior to completing an application. Once the profile is created, the Applicant must complete an application via the eCivis GMS Portal. Application current forms are available on the HOME website at <https://www.hcd.ca.gov/grants-and-funding/programs-active/home-investment-partnerships-program>.

All applications must be uploaded to the eCivis GMS Portal no later than the deadlines specified in Section I (B) Timeline of this NOFA.

The Department will not accept applications through personal, postal, shipment deliveries, facsimiles, email, walk-ins, or any other forms of delivery other than the eCivis GMS Portal.

Applicants that do not meet the filing deadline requirements will not be eligible for funding. Applications must be on the Department's current forms and cannot be altered or modified by the Applicant. Excel forms must be in Excel format, not converted to a PDF document.

After the applicable application deadline, Department staff may request clarifying information and/or inquire as to where in the application specific information is located, provided that such information does not affect the competitive rating of the application. No information, whether written or oral, will be solicited or accepted if this information would result in a competitive advantage to an Applicant or a competitive disadvantage to other Applicants. If the Department deems the application incomplete, or it fails to provide the minimum requirements, the Applicant may appeal the determination following the guidance in Section IV (H) Appeals of this NOFA.

#### Disclosure of Application

Information provided in the application will become a public record available for review by the public, pursuant to the California Public Records Act (Chapter 1473, Statutes of 1968) (PRA). As such, any materials provided will be disclosable to any person making a request under this Act. The Department cautions Applicants to use discretion in providing information not specifically requested, including, but not limited to, bank account numbers, personal phone numbers, and home addresses. By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon receipt of a PRA request.

#### Concurrent Applications

The Department understands the unique challenges of the current funding environment. Therefore, the Department will allow HOME NOFA Applicants to pursue funding from more than one Department funding Program. Separate concurrent application(s) to other HCD Program funding source(s) is permitted under this HOME NOFA. These Applicants, however, MUST submit within each application a disclosure of all Department applications under review and/or applications anticipated to be submitted, regardless of who is applying for funding (e.g., city, county, Developer, sponsor, etc.). For all anticipated applications with NOFAs subsequent to the HOME NOFA application due date, Applicants must immediately notify HOME Program staff via the HOME NOFA mailbox at the time the additional application is submitted ([HOMENOFAs@hcd.ca.gov](mailto:HOMENOFAs@hcd.ca.gov)). In instances where such Applicants are competitive for an award, the Department will also engage in consultation with Applicants to discern which funding scenario(s) are optimal for Project feasibility while balancing cost containment. If a concurrent application is for Department-administered state program funding and the Project receives a state program award, this may result in a reduction of either award amount. The HOME Program's approach for HOME NOFA Applicants may be to reduce the Department-administered state program award commensurately with any amounts awarded under the HOME Program NOFA.

#### **E. Definitions**

**“Applicant”** is any eligible State Recipient, CHDO, Developer, or Native American Entity which submits an application to the Department to operate programs or develop or rehabilitate Projects using HOME funds within a specified

jurisdictional boundary, in accordance with 25 C.C.R. § 8201 and 8204 and HSC § 50896. A Developer of a Project shall not act as administrative subcontractor for the activity.

**“Awardee”** means the eligible Applicant (and, if applicable, the Co-Applicant) that has been awarded funds from the Department under the HOME Program, and that will be held responsible for compliance with and performance of all HOME requirements.

**“Choice-Limiting Actions”** means an action that may have an adverse impact on the environment or limit the choice of reasonable alternatives. A Choice-Limiting Action may include, but is not limited to, executing a purchase and sale agreement, signing a lease agreement, real property acquisition, rehabilitation, repair, demolition, disposition, or new construction. For the purposes of environmental review, the Project is the aggregation of all activities that are required to build the Project and must be included in the scope of the environmental review. So even if HOME funds are only used to pay for a portion of the overall Project, Awardees and Subrecipients should still be aware of the activities involved that are considered Choice-Limiting Actions. Activities listed at 24 C.F.R. § 58.35(b) that are Categorically Excluded Not Subject To 24 C.F.R. § 58.5 (e.g., Tenant-Based Rental Assistance, provision of services) are not Choice-Limiting Actions.

**“Developer”** means any legal entity, including Native American Entities (Native American Entities-Federally Recognized Tribes and Native American Entities-Non-Federally Recognized Tribes), that will provide or arrange for design, financing, and construction services in connection with a housing Project as set forth in 25 C.C.R. § 8201(i). A nonprofit organization, formed as a special purpose entity in compliance with 25 C.C.R. § 8313.2, by a Non-Federally Recognized Tribe (NAE-NFRT) as defined herein, may be considered a Developer if the NAE-NFRT satisfies all other Developer eligibility requirements.

**“Homeless”** means the same as defined under the federal Continuum of Care Program at 24 C.F.R. § 578.3, as may be amended and renumbered from time to time. “Homeless” includes “chronically homeless” and “homeless with a disability.”

**“Homeownership”** means ownership in fee simple title in a 1- to 4-unit dwelling or in a condominium unit, or equivalent form of ownership approved by HUD.

(1) The land may be owned in fee simple or the homeowner may have a 99-year ground lease.

(i) For housing located in the insular areas, the ground lease must be 40 years or more.

(ii) For housing located on Indian trust or restricted Indian lands or a Community Land Trust, the ground lease must be 50 years or more.

(iii) For manufactured housing, the ground lease must be for a period at least equal to the applicable period of affordability in 24 C.F.R. § 92.254.

**“Local Agency”** means a city, county, city and county, or a Native American Entity that is a duly constituted governing body of an Indian Reservation or Rancheria, in accordance with HSC § 50077.

**“Local Public Entity”** means any county, city, city and county, Native American Entity that is a duly constituted governing body of an Indian Reservation or Rancheria, redevelopment agency organized pursuant to Part 1 (commencing with section 33000) of Division 24, or housing authority organized pursuant to Part 2 (commencing with section 34200) of Division 24, in accordance with HSC § 50079.

**“Native American Entity” (“NAE”)** means an “Indian Tribe” or a “Tribally Designated Housing Entity” that is any of the following: a) Applicant meets the definition of Indian Tribe under Section 4103(13)(B) of Title 25 of the United States Code; b) Applicant meets the definition of Tribally Designated Housing Entity under 25 U.S.C. 4103(22); or c) If Applicant is not a federally recognized tribe as identified above, Applicant is either: (1) Listed in the Bureau of Indian Affairs Office of Federal Acknowledgment Petitioner List, pursuant to 25 C.F.R. Part 83.1; or (2) An Indian Tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of consultation pursuant to GC Section 65352.3, and 3) has formed and controls a special purpose entity in compliance with 25 C.C.R. § 8313.2.

**“Native American Entity – Federally Recognized Tribe (“NAE-FRT”)** means any Tribal Government which is a federally recognized tribe as defined at 25 U.S.C. section 4103(13)(B) and includes a duly constituted governing body of an Indian Reservation or Rancheria as Health and Safety Code section 50077 and 50079; or is a Tribally Designated Housing Entity under 25 U.S.C. section 4103(22).

A NAE-FRT may apply as a State Recipient or Developer for HOME Funds.

**“Native American Entity – Non-Federally Recognized Tribe” (“NAE-NFRT”)** means any Tribal Government which is an Indian Tribe located in California that is not a federally recognized tribe and is either: (1) listed in the Bureau of Indian Affairs Office of Federal Acknowledgment Petitioner List, pursuant to 25 C.F.R. Part 83.1, and has formed and controls a special purpose entity in compliance with 25 C.C.R. § 8313.2; or (2) listed on the contact list maintained by the California Native American Heritage Commission for the purposes of consultation pursuant to Government Code (GC) § 65352.3, and (3) has formed and controls a special purpose entity in compliance with 25 C.C.R. § 8313.2.

A NAE-NFRT may only apply as a Special Purpose Entity Developer for HOME funds for project activities.

**“Native American Lands”** means real property located within the State of California that meets the following criteria: (1) is trust land for which the United States holds title to the tract or interest in trust for the benefit of one or more tribes or individual Indians, or is restricted Indian land for which one or more tribes or individual Indians holds fee title to the tract or interest but can alienate or encumber it only with the approval of the United States; and the land may be leased for housing development and residential purposes under federal law; or

(2) lands outside the jurisdiction of tribal government owned or co-owned by a Native American Entity in accordance with 25 C.C.R. § 8201(y).

**“Native American Entity (NAE) Service Area”** means the area where the Project is located within the NAL and includes lands outside the NAE tribal government jurisdiction up to 100 miles from the boundary of the NAE trust or restricted land as defined at 25 U.S.C. 2201 that is within non-entitlement jurisdictions.

**“Project”** means a site or sites together with any building (including a manufactured housing unit) or buildings located on the site(s) that are under common ownership, management, and financing and are to be assisted with HOME funds as a single undertaking under this part. The Project includes all the activities associated with the site and building. For tenant-based rental assistance and program activities, Project means assistance to one or more families.

**“Project Commitment”** means the date the state has executed a Standard Agreement with an Awardee that includes the date and signature of each person signing the agreement, and that meets the minimum requirements of a Standard Agreement as defined in 24 C.F.R. § 92.504(c).

Additionally, if the Department or the Awardee is providing HOME assistance to a family to acquire single-family housing for homeownership, the Department or the Awardee and the family have executed a written agreement under which the HOME assistance will be provided, and the property title will be transferred to the family or purchaser within six months of the agreement date.

If the Department or the Awardee is providing HOME assistance to a family in the form of Tenant-Based Rental Assistance (TBRA), the Department or the Awardee has entered into a rental assistance agreement with the owner or the tenant in accordance with the provisions of 24 C.F.R. § 92.209.

**“Project Completion”** means that all necessary title transfer requirements and construction work have been performed; the Project complies with the requirements of this part (including the property standards under 24 C.F.R. § 92.251); the final drawdown of HOME funds has been disbursed for the Project; and the Project Completion information has been entered into the disbursement and information system established by HUD, except that with respect to rental housing Project Completion, for the purposes of 24 C.F.R. § 92.502(d) of this part, Project Completion occurs upon completion of construction and before occupancy. For tenant-based rental assistance, Project Completion means the final drawdown has been disbursed for the Project. Depending on the Project’s funding mix, the Department may also require a recorded Notice of Completion, Certificate of Occupancy, and/or evidence of stabilized rents to demonstrate Project Completion.

**“Special Needs Populations”** means the same as defined under section 7301 of the Multifamily Housing Program guidelines: agricultural workers, individuals living with physical or sensory disabilities and transitioning from hospitals, nursing homes, development centers, or other care facilities; individuals living with developmental disabilities, serious mental illness, or substance abuse

disorders; individuals who are survivors of domestic violence, sexual assault, and human trafficking; individuals who are experiencing homelessness; individuals with HIV; homeless youth as defined in California Government Code § 129571(2); families in the child welfare system for whom the absence of housing is a barrier to family reunification, as certified by a county; frequent users of public health or mental health services, as identified by a public health or mental health agency; frail elderly persons; or other specific groups with unique housing needs as determined by the Department. “Special Needs Populations” do not include seniors unless they otherwise qualify as a Special Needs Population.

**“Special Purpose Entities”** means the legal entity or combination of legal entities with continuing control of the HOME Project and conforms with the requirements of 25 C.C.R. § 8313.2.

**“State Recipient”** means a “unit of general local government” designated by the State to receive HOME funds, in accordance with, as provided at 24 C.F.R. § 92.201(b)(2) and 25 C.C.R. § 8201(ii) and includes NAE-FRTs.

NOTE: HUD has opined in a HUD letter to the Department dated March 16, 2016, that NAE-FRTs are considered a “unit of general local government” and thus eligible for HOME funds as a State Recipient. The Department, upon request, will produce a copy of the HUD letter dated March 16, 2016.

**“Subrecipient”** means a public agency or nonprofit organization selected by the Department to administer the State HOME Program to produce affordable housing, provide down payment assistance, or provide tenant-based rental assistance. A public agency or nonprofit organization that receives HOME funds solely as a Developer or owner of a housing project is not a Subrecipient, as provided at 24 C.F.R. § 92.2.

NOTE: HUD has opined in a HUD letter to the Department dated March 16, 2016, that the definition of “public agency” is construed broadly to mean “governmental entity” and thus includes NAE-FRTs to be eligible for HOME funds as a Subrecipient.

## **II. Program Requirements**

The following is provided as only a summary and is not to be considered a complete representation of the entirety of the eligibility, threshold, or other requirements or terms and conditions of the HOME program.

### **A. Eligible Applicants**

#### **1. State Recipients, as defined by this NOFA, including NAE-FRTs**

To meet the definition of an eligible State Recipient, Applicants must meet the following criteria:

- a. Have not been designated as a HOME Participating Jurisdiction by HUD;
- b. Are not participants in an Urban County Agreement with a county that is designated as a Participating Jurisdiction;
- c. Are not participants in a HOME Consortium; and

- d. Are proposing Project or Program Activities that will be located or carried out in the Applicant's defined service area. Generally, this will be within the Applicant's city limits, a county's unincorporated area, or on or within 100 miles of Native American Lands as defined in 25 C.C.R. § 8201(y)(1) and within non-entitlement jurisdictions.

NOTE: NAE-FRTs must only carry out program activities within the defined NAE Service Area. NAE-FRTs must carry out project activities located within the state HOME program's non-entitlement jurisdictional boundaries, which includes Native American Lands located within California.

Eligible city and county jurisdictions for 2022 and 2023 federal HOME funds are listed in Appendix A. If a city or county jurisdiction (jurisdiction) is not listed in Appendix A and is of the opinion that the jurisdiction is eligible to apply to the Department for HOME funds, the jurisdiction must submit a copy of the consortium or urban county agreement indicating that the jurisdiction is not a participant of a FY 2022-2023 or FY 2023-2024 HOME consortium or Urban County Agreement. The copy must be submitted no later than April 9, 2024, to the Department at [HOMENOFA@hcd.ca.gov](mailto:HOMENOFA@hcd.ca.gov).

2. Eligible CHDOs (State-certified Community Housing Development Organizations (CHDOs) as defined by 25 C.C.R. § 8201(f))

- a. CHDO Applicants must meet all the requirements found at 24 C.F.R. § 92.2 at the time of application submittal and be certified by the Department prior to any project activity or program activity funding award through this NOFA.
- b. CHDO Applicants will be required to submit through the eCivis GMS Portal the following documents required to complete the certification review prior to or as part of the application package:
  - (1) A copy of the letter from the Internal Revenue Service demonstrating exemption under Section 501(c)(3) or (4) and evidence of good standing from the California Franchise Tax Board dated no more than 12 months prior to the date Applicant applies for certification.
  - (2) A copy of the corporation's financial statement that is dated no more than 12 months prior to the date Applicant applies for certification.
  - (3) A copy of the corporation's bylaws, containing at a minimum, the governing board composition, the fulfillment and maintenance of 1/3 representation requirement found in 24 C.F.R. § 92.2, description of the manner in which board members are selected, evidence of purpose of the organization that complies with requirement in 24 C.F.R. § 92.2, disclosure of relationships with for-profit individuals and or entities, if any, as they relate to the governance of the corporation.
  - (4) A copy of the corporation's articles of incorporation and any amendments.
  - (5) A copy of Certificate of Status from the California Secretary of State

dated no more than 12 months from the date of application of certification.

- (6) A description of the formal process used to solicit advice from low-income beneficiaries in decisions regarding design, citing, development, and management of affordable housing.
  - (7) A plan that describes tenant participation in management decisions for a rental project and the proposed fair lease and grievance procedures pursuant to 24 C.F.R. § 92.303.
  - (8) A list of current staff members responsible for any proposed HOME activity, with resumes. If staff do not have capacity, a commitment to hire an experienced consultant and a training plan must be submitted with the application for certification. For its first year of funding as a CHDO, an organization may satisfy this requirement through a contract with a consultant who has housing development experience to train appropriate key staff of the organization.
  - (9) Evidence of the Applicant's history serving the community within which housing to be assisted with HOME funds is to be located.
  - (10) A list of current board members, their occupations, and the names of their employers.
  - (11) A document that demonstrates to the satisfaction of the Department that any and all audit findings will have been resolved prior to receiving Department funding.
  - (12) Evidence the CHDO has not been debarred or suspended from participation in federal or state housing or community development projects or programs.
  - (13) Board Member Certifications completed and signed by each Board Member.
- c. Projects being funded through this NOFA with the CHDO set-aside are required to be "owned, developed, or sponsored" by an eligible state certified CHDO. "Owned, developed, and sponsored" are defined at 24 C.F.R. § 92.300 as:
- (1) Owner: Rental housing is "owned" by the CHDO if the CHDO is the owner in fee simple absolute of multifamily or single-family housing (or has a long-term ground lease meeting the requirements of 25 C.C.R. § 8316) for rental to low-income families in accordance with 24 C.F.R. § 92.252. If the housing is to be rehabilitated or constructed, the CHDO hires and oversees the Developer that rehabilitates or constructs the housing. At minimum, the CHDO must hire or contract with an experienced Project manager to oversee all aspects of the development, including obtaining zoning, securing non-HOME financing, selecting a Developer or general contractor, overseeing the progress of the work and determining the reasonableness of costs. The CHDO must own the rental housing during development and for a period at least equal to the period of affordability. If the CHDO acquires

housing that meets the property standards in 24 C.F.R. § 92.251, the CHDO must own the rental housing for a period at least equal to the period of affordability.

This option is available to CHDOs having experience and capacity to own and operate affordable rental housing but lack the experience or capacity to develop the Project. This option is not available if the Project is owned by a limited partnership entity (see Sponsor paragraph below).

- (2) Developer: The CHDO may act as Developer if the CHDO is the owner of multifamily or single-family housing in fee simple absolute (or has a long-term ground lease meeting the requirements of 25 C.C.R. § 8316) and the Developer of new housing that will be constructed or existing substandard housing that will be rehabilitated for rent to low-income families in accordance with 24 C.F.R. § 92.252. To be the Developer, the CHDO must be in sole charge of all aspects of the development process, including obtaining zoning, securing non-HOME financing, selecting architects, engineers and general contractors, overseeing the progress of the work, and determining the reasonableness of costs. At a minimum, the CHDO must own the housing during development and for a period at least equal to the period of affordability.

This option is not available if the Project is owned by a limited partnership entity (see Sponsor paragraph below).

CHDOs are not allowed to act as Developer in Projects where the CHDO does not have a long-term ownership interest and contractual relationship with the Project owner (i.e., a Development Services Agreement) to develop the Project.

- (3) Sponsor: 24 C.F.R. Part 92 provides two explanations of what it means to “sponsor” a HOME-assisted rental housing Project.

a) A CHDO “sponsors” a Project when the property is “owned” or “developed” by:

- An affiliated subsidiary of the CHDO, which is wholly owned by the CHDO;
- A limited partnership of which the CHDO or its wholly owned affiliated subsidiary is the sole general partner; or
- A limited liability company of which the CHDO or its wholly owned affiliated subsidiary is the sole managing member.

b) A CHDO may “sponsor” a Project in situations where the CHDO owns the property (in fee simple absolute), develops the housing, and agrees to convey the housing to a different private nonprofit organization at a predetermined point in time after Project Completion. The nonprofit to which the Project will be conveyed does not need to be a CHDO but must be identified and approved by the Department prior to Project Commitment of HOME funds. Additionally, this nonprofit cannot be created by a

governmental entity. If for any reason the Project is not transferred to this nonprofit, the CHDO remains liable for the HOME funds and Project for the term of the affordability period.

- c) If awarded HOME funds, CHDOs must obtain all necessary permanent Project financing, including the permanent financing for the required period of affordability, and must execute a Standard Agreement with the Department pursuant to 25 C.C.R. § 8217(b)(1).
  - d. CHDO FTHB Projects and Infill New Construction site control and ownership requirements:
    - (1) Housing for homeownership is “developed” by the CHDO if the CHDO is the owner (in fee simple absolute) and developer of new housing that will be constructed or existing substandard housing that will be rehabilitated for sale to low-income families in accordance with 24 C.F.R. § 92.254.
    - (2) Pursuant to Pursuant to 24 C.F.R. § 92.300(a)(6)(i), to be the “developer,” the CHDO must arrange financing of the Project and be in sole charge of construction. The CHDO may provide direct homeownership assistance (e.g., down payment assistance) when it sells the housing to low-income families and the CHDO will not be considered a subrecipient. The HOME funds for down payment assistance shall not be greater than 10 percent (10%) of the total amount of HOME funds awarded for development of the housing.
    - (3) The state or the State Recipient must determine and set forth in its written agreement with the CHDO the actual sales prices of the housing or the method by which the sales prices for the housing being developed will be established.
    - (4) Prior to award, CHDOs must be certified to serve the jurisdiction in which the Project is located, and the jurisdiction must be eligible to receive state HOME assistance funds.
3. Eligible Developers as defined by this NOFA

Developers must satisfy all other eligibility requirements detailed in this NOFA including, but not limited to, experience and capacity requirements. Developers may partner with a State Recipient Applicant in addition to submitting one application on its own, however both applications must not be for the same Project.

NAE-NFRTs may only apply as a Developer for HOME funds and are not eligible to apply as State Recipients or CHDOs. NAE-NFRTs applying as a Developer may only apply for project activities.

NOTE: A Limited Partnership (LP) is not considered an eligible Applicant/Awardee but may be the ultimate borrower under specific circumstances. If an eligible Applicant intends to create a LP, please consult with HOME staff prior to submitting an application.

## **B. Additional HOME Eligibility Criteria**

### **1. Minimum Expenditure Requirement for Program Activities (50 Percent Rule)**

Pursuant to 25 C.C.R. § 8204(b), Applicants with current HOME Program Activities contracts, for which the expenditure deadline established in the contract(s) has not yet passed, shall be ineligible to apply for a program activity unless the Applicant has expended at least fifty percent (50%) of the aggregate total of program funds originally awarded by this NOFA's applicable application due date.

Potential Applicants with no open HOME Program Activities contracts are not affected by this rule.

“Expended” funds are the total of all valid Administrative and Project Drawdown Requests (PDRs) or, for TBRA, future commitments on Project Set-up Reports received by the Department by the NOFA application deadline. Additionally, for FTHB and OOR, a valid PDR is limited to the amount needed for reimbursement of actual expenses for work that has been completed (Work Completed). Work Completed varies by activity as follows:

- a. FTHB activity: escrow has closed, as evidenced by a final HUD Settlement Statement;
  - b. OOR activity: construction completed and inspected;
  - c. TBRA activity: rental payment assistance amount multiplied by the number of months in the individual tenants' TBRA agreements, to the extent those funds are available in existing TBRA grants.
2. Applicants must be in good standing with the State of California and all agencies and departments thereof. By way of example and not limitation, if an Applicant is a business entity, such entity must be qualified to do business in California and currently in good standing with the California Secretary of State and the California Franchise Tax Board.

## **C. Eligible Activities (Pursuant to 24 C.F.R. § 92.205(a))**

### **1. Project Activities — Eligible HOME Project Activities are as follows:**

#### **a. Rental Projects**

- (1) Rental New Construction Projects — funds are provided to develop a specific multifamily Project on a specific site by a specific Developer. Rental new construction Projects may be with or without acquisition; or
- (2) Rental Rehabilitation Projects — funds are provided to rehabilitate a specific rental Project on a specific site by a specific Developer, with or without property acquisition.

Pursuant to 24 C.F.R. § 92.205(a), “acquisition” is considered a transfer of real property between unaffiliated third parties. Therefore, a “rehabilitation with acquisition Project” is eligible only if there will be an acquisition of real property. A title or vesting

change of current ownership is not acquisition of property, whether or not monies were exchanged.

Applicants requesting project activities funding for a rental Project consisting of multiple sites must be in compliance with 25 C.C.R. § 8303(b).

NOTE: Projects proposed for acquisition only are not eligible for funding.

b. First-Time Homebuyer (FTHB) Projects

Construction financing must include the following:

- (1) New construction or acquisition/rehabilitation/conversion to develop homes on specific site(s).
- (2) All (100 percent) of the HOME investment rolls over to permanent financing to provide mortgage assistance to eligible first-time homebuyers when the units are sold to eligible homebuyers.

NOTE: Rental and FTHB Projects with multiple sites must have common ownership and financing.

2. Program Activities — Eligible HOME Program Activities are as follows:

a. First-Time Homebuyer (FTHB) Program

- (1) Acquisition-only Down Payment Assistance – funds are awarded to a HOME-eligible Applicant to provide loans to homebuyers for acquisition of a modest dwelling that the homebuyer selects from the open market.

NOTE: CHDOs are ineligible for this activity.

- (2) Infill New Construction – funds are awarded to an eligible State Recipient or CHDO to provide assistance for the new construction of dwellings on scattered sites, with no more than four dwellings per vacant site, subject to the following requirements:

- Pursuant to federal National Environmental Policy Act (NEPA) requirements, an environmental assessment (EA) will be required, regardless of the funding source, if there are more than four units developed within 2,000 feet of one another.
- Pursuant to the HOME NOFA, to be considered an Infill New Construction program the Applicant must assume the role of developer, own the property during construction, and sell the home to an eligible homebuyer within nine (9) months of Project Completion. All dwellings must be situated on land held in fee simple, leasehold, or another manner approved in writing by the Department, and be affixed to a

permanent foundation at the time of construction closing.

Pursuant to 25 C.C.R. § 8207, the FTHB primary mortgage loan must be fully amortized and have a fixed interest rate that does not exceed the current market rate by more than 100 basis points (1%) as recognized by the 90-day “posted yield” for 30-year fixed rate loans, established by Fannie Mae. Rates are available at <https://singlefamily.fanniemae.com/pricing-execution/historical-daily-required-net-yields>.

For Infill New Construction Projects with costs that exceed 100 percent (100%) of the appraised value, this activity is eligible only if the applicant clearly documents the availability of grant funds or building sites currently owned by the Applicant or Developer. For example, if the Project includes a development grant as a funding source, then the Applicant must provide a commitment letter from the funding source in form and content acceptable to the Department in its sole discretion.

b. Owner-Occupied Rehabilitation (OOR) Program

Funds to a HOME-eligible Applicant to assist owners whose primary residence is in need of repairs, improvements, or reconstruction necessary for correction of any health and safety deficiencies, and to meet locally adopted standards used for rehabilitation Projects.

“Reconstruction” means demolition and rebuilding on the same residential lot. This includes homes destroyed by natural causes as long as HOME funds are committed within 12 months of the date of destruction.

c. Tenant-Based Rental Assistance (TBRA) Program

For funds provided to a HOME Applicant to administer a program to provide rent subsidies and/or security deposits to eligible households, the minimum term of rental assistance to an eligible household is six months; however, the tenant must be initially offered a one-year lease. TBRA funds may be used to assist tenants to reside in any state HOME-eligible jurisdiction within the county where the TBRA funds were awarded. TBRA funds awarded to NAE-FRTs must be used to assist tenants with housing within the NAE Service Area where the TBRA funds were awarded.

For example, TBRA funds awarded to the City of Winters can also be used for units located in West Sacramento, Woodland, and the unincorporated areas of Yolo County, since these jurisdictions are state HOME eligible within Yolo County, but they may not be used in Davis, which is not state HOME eligible.

## **D. Ineligible Use of Project Funds**

Pursuant to 24 C.F.R. § 92.214 federal HOME funds cannot be used for several items, including, but not limited to:

1. Initial deposit to the replacement reserve as required by 25 C.C.R. § 8309. Therefore, in a Project where HOME is the only source of financing, or if other lenders/equity partners will not pay for these costs, the Developer must pay them;
2. Provide tenant-based rental assistance for the special purposes of the existing section 8 program;
3. Provide non-federal matching contributions required under any other federal program; and
4. Applicants may not charge servicing, origination, or other fees for the purpose of covering costs of administering the HOME program (e.g., fees on low-income families for construction management or for inspections for compliance with property standards) (see 24 C.F.R. § 92.206(d)(6) and § 92.207), with exceptions referenced in 24 C.F.R. § 92.214(b)(1).

In accordance with the Department's 2022-2023 Annual Action Plans, HOME funds may not be used to pay for the cost to refinance existing Project debt.

Pursuant to 24 C.F.R. § 92.206(a)(4), HOME funds cannot pay for the costs associated to construct or rehabilitate laundry and/or other community facilities located in separate buildings containing no residential units. In addition, any community facilities must be for the exclusive use of the residents and their guests and cannot be available to the general public.

Pursuant to 24 C.F.R. § 92.206 (b)(2)(vi), federal HOME funds cannot be used to refinance single family or multifamily housing loans made or insured by any federal program, including CDBG.

Additionally, HOME funds cannot provide a duplication of benefit or supplant any other federal, state, or local funds previously committed to the Project.

For further ineligible uses of HOME funds, refer to 24 C.F.R. § 92.214.

## **E. Activity Combination and Limits**

State Recipients (excluding Developers and CHDOs) may apply for multiple eligible activities as follows:

1. One rental Project and one FTHB Project; or
2. One rental Project, and any combination of eligible Program Activities; or
3. One FTHB Project and any combination of eligible Program Activities, except for a FTHB program

A separate application must be submitted for each project activity. For program activities, one main application must be submitted, along with a

sub-application for each desired program activity. Project and program activities are rated and ranked separately.

CHDOs may apply for multiple eligible activities as follows:

1. One rental Project and one FTHB Project; or
2. One rental Project or FTHB Project and one FTHB Program Activity of infill new construction

Developers (not applying through a State Recipient) may submit one application pursuant to this NOFA. This application may consist of only one eligible activity as follows:

1. One rental rehabilitation Project, with or without acquisition; or
2. One rental new construction Project, with or without acquisition

NOTE: Using both HOME FTHB project activity funds and HOME FTHB program activity funds for the same Project is not permitted.

**F. Allocation of Funding**

To promote equitable distribution of HOME Program funds, funding made available by this NOFA will be allocated in accordance with the state regulations and targets cited below, to the extent eligible applications are available to fund.

<b>Table 2 - Allocation of Funding</b>	
<b>Funding Targets and Statutory Set-Asides</b>	<b>Amount</b>
<p><b>CHDO Set-Aside</b> Pursuant to 24 C.F.R. § 92.300(a), the Department will allocate 15 percent (15%) of total funds available after state administrative costs for HOME allocation for housing to be owned, developed or sponsored by CHDOs.</p>	\$ 18,000,000
<p><b>Program Activities Target</b> Pursuant to 25 C.C.R. § 8212.1, the Department will allocate 40 percent (40%) of total funds available after state administrative costs for Program Activities.</p>	\$ 48,000,000
<p><b>Rental Projects Target</b> Pursuant to 25 C.C.R. § 8212.1, the Department will allocate 55 percent (55%) of total funds available after state administrative costs for rental Projects. This amount includes a 15% CHDO set-aside.</p>	\$ 66,000,000

<p><b>First-Time Homebuyer Projects Target</b></p> <p>Pursuant to 25 C.C.R. § 8212.1, the Department will allocate 5 percent (5%) of total funds available after state administrative costs for FTHB Projects. This amount includes a 15% CHDO set-aside.</p>	<p>\$ 6,000,000</p>										
<p><b>Rural Areas Target</b></p> <p>Pursuant to 25 C.C.R. § 8212 (b)(3), the Department will reserve a minimum of 50 percent (50%) of total funds available after state administrative costs, for use in Rural areas as defined in the HSC § 50199.21.</p>	<p>\$ 60,000,000</p>										
<p><b>Native American Entity Target</b></p> <p>The Department will target 20 percent (20%) of total funds available after state administrative costs, to target Native American Entity Applications (as either State Recipients or Developers).</p> <p>In the event target funds remain, the allocation will be used to fund non-Native American eligible Applicants until all funds available for this NOFA are awarded.</p> <p>All Native American Entity Applicants must pass threshold and meet any minimum score requirements to be eligible for awards.</p>	<p>\$ 24,000,000</p>										
<p><b>Federally-Declared Disaster Areas Target</b></p> <p>The Department will target \$18,000,000 for Projects and Programs located in Federally-Declared Disaster Areas pursuant to the HUD memorandum dated May 17, 2023, referencing the federally-declared disaster areas under title IV of the Stafford Act, DR-4699-CA dated April 3, 2023, and DR-4683-CA dated January 27, 2023, as may be amended  <a href="https://www.fema.gov/disaster/4699">https://www.fema.gov/disaster/4699</a>  <a href="https://www.fema.gov/disaster-federal-register-notice/dr-4683-ca-public-notice-001">https://www.fema.gov/disaster-federal-register-notice/dr-4683-ca-public-notice-001</a>). The Federally-Declared Disaster Areas are the following counties:</p> <p><u>DR-4683 &amp; DR-4699 IA-Declared Counties</u></p> <table data-bbox="321 1612 959 1864"> <tr> <td>Alameda (County)</td> <td>Amador (County)</td> </tr> <tr> <td>Butte (County)</td> <td>Calaveras (County)</td> </tr> <tr> <td>Contra Costa (County)</td> <td>Kern (County)</td> </tr> <tr> <td>Madera (County)</td> <td>Mariposa (County)</td> </tr> <tr> <td>Mendocino (County)</td> <td>Merced (County)</td> </tr> </table>	Alameda (County)	Amador (County)	Butte (County)	Calaveras (County)	Contra Costa (County)	Kern (County)	Madera (County)	Mariposa (County)	Mendocino (County)	Merced (County)	<p>\$18,000,000 – from unsubscribed funds (2021-2022 NOFA)</p>
Alameda (County)	Amador (County)										
Butte (County)	Calaveras (County)										
Contra Costa (County)	Kern (County)										
Madera (County)	Mariposa (County)										
Mendocino (County)	Merced (County)										

Mono (County)	Monterey (County)	
Nevada (County)	Sacramento (County)	
San Benito (County)	San Bernardino (County)	
San Joaquin (County)	San Luis Obispo (County)	
San Mateo (County)	Santa Barbara (County)	
Santa Clara (County)	Santa Cruz (County)	
Tulare (County)	Tuolumne (County)	
Ventura (County)		
Sources:		
<a href="https://www.fema.gov/disaster/4683/designated-areas">https://www.fema.gov/disaster/4683/designated-areas</a>		
<a href="https://www.fema.gov/disaster/4699/designated-areas">https://www.fema.gov/disaster/4699/designated-areas</a>		
In the event target funds remain, the allocation will be used to fund non-disaster area eligible Applicants until all funds available for this NOFA are awarded.		
All disaster area Applicants must pass threshold and meet any minimum score requirements to be eligible for awards.		
NOTE: The Project Commitment deadline for Projects awarded under this target is May 17, 2025.		

25 C.C.R. § 8213(d) specifies that in the event there are insufficient monies to fund an Applicant’s entire program activities funding request, the Applicant may be offered a lower amount of funding. The lower amount of funding may be offered only if the funding is sufficient to complete a portion of the application activities, which, if evaluated separately, would have been awarded. If the amount of funding available is insufficient, the available funds may be allocated to feasible applications in another allocation..

If the amount requested by all HOME Applicants competitively is lower than the available funds, the remaining HOME funding may be made available on an over-the-counter (OTC) basis. The Department will notify all parties through an “HCD Listserv” announcement if there will be a subsequent OTC HOME NOFA funding opportunity.

**G. Activity Funding Amounts and Limits**

Award limits apply to the combined amount of funds requested through this NOFA and any HOME Program Income (PI) that will be committed to the Project.

State Recipients (excluding Developers) may apply for up to \$12,000,000 for a multifamily rental Project, up to \$75,000 for administrative costs, and up to \$75,000 for Project-related soft costs, for a maximum total request of \$12,150,000.

CHDOs may apply for up to \$12,000,000 for a multifamily rental Project and up to \$150,000 for CHDO operating costs, for a total maximum request of \$12,150,000.

Developers may apply for up to \$12,000,000 for a Project. Developers are not eligible for reimbursement of administrative costs or Project related soft-costs.

Prior to the issuance of the Award letter, the Department will evaluate the financial feasibility of each Project and may, as necessary for Project feasibility or to prevent over subsidizing a Project in accordance with 25 C.C.R. § 8300 *et seq.*, decrease the HOME award amount.

Homebuyer Project Loan Limits:

- Down Payment assistance cannot exceed 50 percent (50%) of the proposed unit sales price plus closing costs. Applicants will need to consider the pool of potential participants' income levels to determine the amount of HOME funds needed to complete the project and ensure each beneficiary is provided HOME down payment assistance based on need and remain within the HOME Program maximum per-unit subsidy limits.
- The HOME Program maximum per-unit subsidy limits and the HOME Homeownership Value Limits apply. All loan amounts will be verified by a subsidy layering analysis, and loan amounts will be reduced if the amount requested exceeds what is needed.

Project Activity Funding Limits

<b>Table 3 - Funding Limits by Project Activity</b>	
Rental new construction or rehabilitation with or without acquisition	\$12,000,000
FTHB Projects	\$3,000,000
CHDO Operating Funds Grant* - when applying for \$6,000,000 or more in Project development activity funds	\$150,000
CHDO Operating Funds Grant* - when applying for less than \$6,000,000 in Project development activity funds	\$100,000
Administrative Funds Grant*	\$75,000
Project-Related Soft Costs Grant*	\$75,000

\*See Section II (K) and (L) of this NOFA for guidance.

#### Minimum Amount of Funds per Project

The minimum amount of HOME funds that must be invested in a rental or homeownership housing Project is \$5,000 per HOME-assisted unit in the Project. This requirement does not apply to TBRA funding.

For example, a Project with 30 units, of which 15 units are HOME-assisted, requires a minimum HOME investment of \$75,000.

#### Maximum Amount of Funds per Project

The maximum amount of HOME funds invested in a Project, direct beneficiary assistance, and Project-related soft costs, shall not exceed the lower of:

- a. HOME Program maximum per-unit subsidy limits, established by HUD (usually updated annually), under 24 C.F.R. § 92.250; or
- b. Pursuant to 24 C.F.R. § 92.205(d)(1), only the actual HOME-eligible development costs of the assisted units may be charged to the HOME program. If the assisted and non-assisted units are comparable in terms of size, features, and number of bedrooms, the actual cost of the HOME-assisted units can be determined by prorating the total HOME eligible development costs of the Project so that the proportion of the total development costs charged to the HOME program does not exceed the proportion of the HOME-assisted units in the Project. If the assisted and non-assisted units are not comparable, the actual costs may be determined based on a method of cost allocation; and

The maximum amount of HOME funds invested in a Project (when combined with other financing and assistance), must accomplish the following:

- a. Enable the Project as proposed to be developed and operate in compliance with all HOME requirements, including the subsidy-layering requirement at 24 C.F.R. § 92.250. For more information, see [HUD CPD Notice 15-11: Requirements for the Development and Implementation of HOME Underwriting and Subsidy Layering Guidelines](#).
- b. For rental Projects of five or more units, achieve a debt-service coverage ratio in accordance with 25 C.C.R. § 8310.

The current income and rent limits must be used in these calculations. They are located on the Department's website at: <https://www.hcd.ca.gov/grants-and-funding/income-limits/state-and-federal-income-rent-and-loan-value-limits>. The current HOME Program maximum per-unit subsidy limits are also incorporated into the application forms required to be completed when responding to this NOFA.

FTHB and OOR activities are also subject to the HOME Homeownership Value Limits, also located on the same website.

A Project may receive only one HOME award as a result of this NOFA. This prohibits the combination of awards to a State Recipient, Developer, and/or CHDO on the same Project.

Pursuant to 24 C.F.R. § 92.250, before committing funds to a Project, the Department must evaluate the project in accordance with the UMRs and will not invest any HOME funds, in combination with other governmental assistance, than is necessary to provide affordable housing. HOME Projects may not receive more subsidy than what is required to make them financially feasible.

#### Federally-Declared Disaster Area Waivers

HUD has established the availability of potential suspensions and waivers of certain statutory and regulatory requirements associated with the HOME program (including, but not limited to, the suspension of maximum per-unit subsidy limits) for areas covered by a major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR-4699-CA, dated April 3, 2023, and DR-4683-CA dated January 27, 2023, as may be amended.

The following Federally-Declared Disaster Areas are permitted to suspend the maximum per-unit subsidy limits, pursuant to this NOFA:

Alameda (County)	Amador (County)
Butte (County)	Calaveras (County)
Contra Costa (County)	Kern (County)
Madera (County)	Mariposa (County)
Mendocino (County)	Merced (County)
Mono (County)	Monterey (County)
Nevada (County)	Sacramento (County)
San Benito (County)	San Bernardino (County)
San Joaquin (County)	San Luis Obispo (County)
San Mateo (County)	Santa Barbara (County)
Santa Clara (County)	Santa Cruz (County)
Tulare (County)	Tuolumne (County)
Ventura (County)	

For more information, see [HUD Memo: Availability of Waivers of Community Planning and Development Grant Program and Consolidated Plan Requirements to Facilitate Recovery from California Severe Winter Storms, Flooding, Landslides, and Mudslides \(DR-4683-CA\)](#) and [HUD Memo:](#)

[Availability of Waivers of CPD Grant Program and Consolidated Plan Requirements to facilitate Recovery from California Severe Winter Storms, Straight-Line Winds, Flooding, Landslides, and Mudslides \(DR-4699-CA\).](#)

Program Activities Funding Limits

Maximum: \$1,500,000 (including general administrative costs and Project-related soft costs). Minimum: \$500,000. Applies to HOME-eligible Applicants for all Program Activities, subject to the following chart:

<b>Table 4 - HOME Expenditure Rate* Achieved</b>	
<b>Expenditure Rate for Applicant’s 16-HOME, 18-HOME, and 19-HOME Program Activities Contracts</b>	<b>Maximum Application Amount</b>
60 percent or more	\$1,500,000
55 – 59.99 percent	\$1,000,000
0 – 54.99 percent	\$500,000

\*See “Expended Funds” definition in 25 C.C.R. § 8204(b).

NOTE: Applicants that do not have open HOME Program Activities contracts past the expenditure deadline as of the NOFA application due date may apply for up to \$500,000.

Successful Applicants (Awardees) will be evaluated periodically to determine if their rate of expenditure is reasonable. The Department may disencumber all or a portion of the grant if there is an unreasonably low rate of expenditure, as determined by the Department in its sole discretion.

**H. Program Income and Recaptured Funds**

Federal regulations at 24 C.F.R. § 92.503 require that all Program Income (PI) and Recaptured Funds (RF) to be used in accordance with HOME regulations and only for HOME eligible activities, and PI and RF funds on hand must be maintained in an interest-bearing account. Interest earned on those funds is considered PI. To avoid de-committing appropriated grant funds from a specific Project, HOME PI may be accumulated throughout the current reporting period (fiscal year) but must be committed to a Project in the next fiscal year. Approval from the Department is required prior to the use of all HOME PI and RF.

The PI received during the current reporting period, as well as any anticipated to be received in the next program year, must be reported to the Department to comply with HUD reporting requirements. Additionally, the Applicants must identify how the funds will be used (name the Project or Program Activity, and the intended beneficiary type) to ensure timely use of

PI funds. All PI must be reported in the Annual Performance Report to the Department.

**I. Periods of Affordability**

All Projects that receive HOME funds are subject to 24 C.F.R. § 92.252 and 24 C.F.R. § 92.254 for a minimum of years, as specified in the following two tables. This term is referred to in this NOFA as the “Federal Affordability Period” and includes all federal affordability requirements under 24 C.F.R. § 92.252 and 24 C.F.R. § 92.254.

The requirements of this Subsection run concurrently with the requirements of the Subsection below, outlining the “State Affordability Period” requirements. For example, if a County Applicant proposes a new construction rental Project, the Federal Affordability Period for the Project will be 20 years. However, the Project will also be required to abide by the State Affordability Period for an additional 35 years, totaling 55 years.

<b>Table 5 – Federal Period of Affordability for Rental Housing</b>	
<b>Minimum Period of Affordability (in years)</b>	<b>Housing Activity</b>
5	Rehabilitation or acquisition of existing housing per unit amount of HOME funds; Under \$15,000
10	Rehabilitation or acquisition of existing housing per unit amount of HOME funds; \$15,000 to \$40,000
15	Rehabilitation or acquisition of existing housing per unit amount of HOME funds; Over \$40,000 or rehabilitation involving refinancing
20	New construction or acquisition of newly constructed housing

<b>Table 6 – Federal Period of Affordability for Homeownership</b>	
<b>Minimum Period of Affordability (in years)</b>	<b>Homeownership Assistance HOME Amount Per-Unit</b>
5	Under \$15,000
10	\$15,000 to \$40,000
15	Over \$40,000

All Projects that receive HOME funds are also subject to 25 C.C.R. § 8208 for a minimum number of years, as specified in the following table. This term is referred to in this NOFA as the “State Affordability Period.” Projects on Native American Lands as defined by 25 C.C.R. § 8208(y)(1) require a 50-year affordability period.

<b>Table 7 - State Period of Affordability</b>	
<b>Minimum Period of Affordability (in years)</b>	<b>Project Type</b>
55 years	Developments on fee land
50 years	Developments on Native American Lands (as defined by 25 C.C.R. § 8201 (y)(1))

**J. Forms of Assistance**

HOME Loans

HOME assistance shall be in the form of deferred payment loans to be repaid at the maturity date of the Promissory Note to local HOME accounts controlled by eligible Applicants or the state’s local HOME account, except for the uses of funds specifically defined under HOME grants below. Loans provided to homebuyers must meet the requirements set forth in 25 C.C.R. § 8205(C)(1)(A), including, but not limited to, the following terms:

- Loans financed from the CHDO set-aside pursuant to 24 CFR Section 92.300(a)(1) shall comply with the financing provisions as required for the following activities:
  - For land acquisition for first-time homebuyer projects shall bear zero interest.
  - Loans to first-time homebuyers shall bear a simple interest rate of 3 percent per annum, computed from the date the Deed of Trust is recorded on the property. Interest and payments shall be deferred for the term of the loan. Commencing on the 11th anniversary of the recordation date, an amount equal to 10 percent of the accrued interest shall be forgiven each year, so that on the 20th anniversary of the recordation date, all interest will have been forgiven if the borrower is in compliance with the requirements stated in the Department’s loan documents.

HOME Grants

Pursuant to 25 C.C.R. § 8205(c)(2), HOME assistance must be provided in the form of a grant for relocation payments, lead-based paint hazard evaluation and reduction activities, and TBRA. HOME assistance may be provided in the form of a grant for rehabilitation activities performed under

an OOR program, if necessary to complete the project when the total of all project indebtedness equals or exceeds the projected after rehabilitation appraised value. The grant amount for OOR activities is limited to 25 percent (25%) of the applicable HOME Program maximum per-unit subsidy limit for the Project. This amount is in addition to any grant funds currently permitted for relocation, lead-based paint remediation, and Project-related soft costs for the Project.

HOME assistance may be provided as a grant to eligible Applicants to cover Project-related soft costs. Project-related soft costs are further detailed in this NOFA, 24 C.F.R. § 92.206(d), and [HUD CPD Notice 06-01: Admin and Soft Costs, Community Development Expenses under HOME and American Dream Downpayment Initiative](#), except that customary closing costs for home acquisition activities may be included as either a loan or part of the grant funding for Project-related soft costs.

NOTE: All Project-related soft costs associated with an OOR Project must be included in the 24 percent (24%) funding maximum available for Project-related soft costs and may not be passed along to the homeowner.

HOME funds for Project-related soft costs cannot be drawn down before HOME funds for activity costs are drawn down. If the activity is not completed, and a Project Completion Report for the full amount drawn down is not filed, all HOME funds for that Project, including Project-related soft costs, must be repaid to the Department.

Project-related expenses for NEPA environmental review, and architectural and engineering and other professional services incurred within the 24 months prior to the Project Commitment of funds, may be reimbursed at the sole discretion of the Department after execution of the Standard Agreement. On a case-by-case basis, the Department may, in writing and in its sole discretion, permit reimbursement for other eligible expenses incurred after the date of the Award letter, and prior to the effective date of the Standard Agreement, upon the written request of the Applicant.

## **K. Administrative and CHDO Operating Funds**

The following limits apply to the amount of administrative and CHDO operating funding that Applicants may receive. Developers of a Project shall not act as an administrative subcontractor for the same HOME-funded Project activity and are not eligible for Project administrative costs.

Pursuant to 24 C.F.R. § 92.208(a), CHDO operating funds may cover reasonable and necessary costs for the operation of the CHDO. Such costs include salaries, wages, and other employee compensation and benefits; employee education, training, and travel; rent; utilities; communication costs; taxes; insurance; equipment; materials; and supplies.

### Project Activities

State Recipients eligible to receive administrative funds, who are applying for \$6,000,000 or more in Project development activity funds, may request up to

\$125,000 for administrative costs. If requesting less than \$6,000,000 in Project development activity costs, Applicants may request up to \$75,000 for administrative costs.

CHDOs applying for \$6,000,000 or more in Project development activity funds may request up to \$150,000 in CHDO operating funding. If requesting less than \$6,000,000 in Project development activity funds may request up to \$100,000 in CHDO operating funding. This includes FTHB Projects.

Developers are not eligible to apply for administrative funds or Project-related soft costs.

All administrative costs must be reasonable, and Applicant must have detailed records to demonstrate costs are eligible for reimbursement.

### Program Activities

All Program Activities Applicants may request up to 2.5 percent (2.5%) of the amount requested in administrative funds. CHDOs undertaking a FTHB program activity will receive CHDO operation funds in lieu of administrative funds at the same 2.5 percent (2.5%) rate.

All administrative costs must be reasonable, and Applicant must have detailed records to demonstrate costs are eligible for reimbursement. Actual eligible expenses must be incurred to draw down these funds.

### TBRA Activities

In addition to the 2.5 percent (2.5%) described above for Program Activities, TBRA Applicants may request up to an additional 7.5 percent (7.5%) of the total TBRA application amount for general administrative costs (total of ten percent (10%) of TBRA funds). The maximum amount of administrative funding for this purpose is \$200,000. If there is more demand for TBRA administrative funds than available, only the highest-rated TBRA Applicants will receive administrative funds in addition to the regular 2.5 percent (2.5%) allocation. All TBRA Applicants will receive the initial 2.5 percent (2.5%) amount for administrative costs.

## **L. Project-Related Soft Costs**

### Project Activities

Eligible State Recipients of rental and homebuyer Projects may receive up to \$75,000 to pay for specific eligible Project-related soft costs, previously referred to by the Department as “Activity Delivery Costs” (ADCs). Funding for Project-related soft costs are provided in the form of a grant and not part of the Project loan amount.

For a description of the types of expenses, which may be charged as Project-related soft costs, see 24 C.F.R. § 92.206(d)(6), 92.206(f)(2) and [HUD CPD Notice 06-01: Admin and Soft Costs, Community Development Expenses under HOME and American Dream Downpayment Initiative](#).

Examples of Project-related soft costs include, but are not limited to:

- Preparation of work write-ups, work specifications, and cost estimates or review of these items if an owner has had them independently prepared;
- Project underwriting;
- Construction inspections and oversight;
- Project document preparation;
- Costs associated with a Project-specific environmental review;
- Costs associated with informing tenants or homeowners about relocation rights or benefits;
- Costs to provide information services such as affirmative marketing and fair housing information to prospective homeowners and tenants as required by 24 C.F.R. § 92.351; and
- Staff and overhead costs, such as preparing work specifications, loan processing, inspections, and other services related to assisting potential owners, tenants, and homebuyers.

Project-related soft costs must be included in the development budget, regardless if the funding is a loan or grant. Developers and CHDOs are not eligible for Project-related soft costs.

### Program Activities

Standard Agreements will automatically allow the use of up to the maximum amount of Project-related soft costs for each specific program activity. At the time of set-up (i.e., when the HOME Awardee is ready to begin drawing activity funds) a request for Project-related soft costs may be made for actual expenses:

1. Up to 24 percent (24%) of the HOME loan/grant amount for OOR and for the rehabilitation component of acquisition with rehabilitation.

Project-related soft costs for rehabilitation Projects may exceed the 24 percent (24%) limit if documentation of actual eligible costs is provided to the Department with the Project set-up. Documentation must be of actual eligible costs; consultant billings, without documentation of underlying actual costs, are not adequate.

2. Up to 6.5 percent (6.5%) of the total acquisition cost for FTHB activities involving acquisition with rehabilitation.
3. Up to 5 percent (5%) of the HOME TBRA payment, per household, for unit inspection and income determination activities.
4. Up to 6.5 percent (6.5%) of the HOME amount for all other program activities.

### III. State and Federal Requirements

#### A. Property Standards and Physical/Capital Needs Assessments

Pursuant to 24 C.F.R. § 92.251, as applicable, and as may be amended by HUD, housing that is constructed or rehabilitated with HOME funds must meet all applicable local codes and standards at the time of Project Completion.

Projects involving rehabilitation must comply with the Department's [HOME/NHTF Multifamily Rehabilitation Standards](#). Pursuant to 25 C.C.R. § 8309(b) and 24 C.F.R. § 92.251(b)(1)(ix), the Department requires rental rehabilitation Project applications to submit a third-party physical/capital needs assessment and a Replacement Reserve Study (RRS) with a 20-year forecast.

Projects involving new construction must comply with the requirements of 25 C.C.R. § 8300 *et seq.* and 24 C.F.R. § 92.251(a), including, but not limited to, requirements related to accessibility, disaster mitigation, written cost estimates, construction contracts and documents, construction progress inspections, and broadband infrastructure.

#### B. Timeframes for Use of Funds

Awardees of HOME funds are subject to progress deadlines and expenditure deadlines that are defined in the federal regulations and specified in the Standard Agreement.

##### Project Activity Deadlines

<b>Table 8 - HOME Project Activity Deadlines</b>	
Project Commitment of HOME Funds (Standard Agreement execution)	September 30, 2026
Project Commitment of HOME Funds (Standard Agreement execution) <i>– specifically, the Federally-Declared Disaster Areas Target, 2021-2022 HOME funds</i>	May 17, 2025
All non-HOME funding sources committed to the Project	July 31, 2025
Construction Loan Closing	Within 12 months from Standard Agreement execution date (in accordance with 24 C.F.R. § 92.2)

Project Completion	Within 4 years from Project Commitment of HOME funds (Standard Agreement execution)
Expenditure	September 1, 2030

Program Activities Deadlines

<b>Table 9 - HOME Program Activity Deadlines</b>	
Project Commitment of HOME Funds (Standard Agreement execution)	September 30, 2026
Project Commitment of HOME Funds (Standard Agreement execution) – <i>specifically, the Federally-Declared Disaster Areas Target, 2021-2022 HOME funds</i>	May 17, 2025
Expenditure Deadline	September 1, 2030

For Project Activities, if an Awardee fails to meet one or more of the deadlines outlined in the 25 C.C.R. § 8217(b) and described in this NOFA, a performance penalty will be imposed during the scoring on all applicable HOME applications. It will also result in performance penalties being imposed on future HOME application(s) submitted by the Applicant, as well as application(s) submitted by the Project’s Developer, owner, and managing general partner within five (5) years of the award announcements of this NOFA.

All Program Activities funding must be expended by the deadline established in the Standard Agreement. Awardees must ensure that work is completed well in advance of this deadline to ensure funds are fully expended prior to the expenditure deadline.

Exceptions will be considered, at the sole discretion of the Department, only if the Applicant shows there was clear and indisputable evidence that delays were beyond the reasonable control of the borrower and/or the Applicant, or the Department was responsible for the delay, and the Department has the flexibility to do so within federal regulations.

**C. Match Requirements**

Generally, HOME funds must be matched by nonfederal resources. HOME match requirements are waived for applications pursuant to this NOFA. However, match must be reported to the Department in each Project Completion Report. The Department continues to track all match funds in

Projects.

Pursuant to 24 C.F.R. § 92.220(a)(8) and § 92.354(b), a single rate established by HUD shall be applicable for determining the value of unskilled labor. The value of skilled labor or professional services shall be determined by the rate that the individual or entity performing the labor or service normally charges.

#### **D. Transition Reserve Policy**

Projects must be in compliance with the Department’s Pooled Transition Reserve Policy Administrative Memorandum dated January 3, 2023, (Administrative Notice Number 22-08) and amended on August 8, 2023, ([Administrative Notice Number 23-01](#)), that implements statutory changes made under Senate Bill 948 (Chapter 667, Statutes 2022) applicable to Health and Safety Code § 60468, as may be amended from time to time, and any other related Department Transition Reserve Policy administrative memoranda that the Department may adopt, as applicable.

#### **E. Annual Monitoring Fees for Multifamily Projects**

Pursuant to 24 C.F.R. § 92.214(b)(1)(i), the Department will charge fees to cover the cost of ongoing monitoring and physical inspection of HOME Projects during the state period of affordability. The state HOME program will charge these fees as described in this NOFA.

##### Developer and CHDO Projects

The Department charges an annual monitoring fee as follows:

<b>Table 10 – Estimated 2023 Monitoring Fees</b>	
<b>Number of HOME Units</b>	<b>Annual Fee</b>
12 or fewer	\$ 6,077
13 to 24	\$9,888
25 to 36	\$12,051
37-48	\$12,360
49-60	\$14,781
61 or more	\$17,304

To cover inflation, this annual monitoring fee is projected to increase annually at 3 percent (3%) following the Department's analysis of actual costs for monitoring. Financial assumptions in the HOME application shall be based on the rate that will be effective at the time of initial occupancy.

Annual monitoring fees are mandatory payments. The first payment shall be prorated based upon the total number of days after permanent closing within the first fiscal year of Project operation.

Lump sum payment made from development funds is not allowed for HOME Projects. Payments made must be pursuant to the Regulatory Agreement.

#### State Recipient Projects

Pursuant to 24 C.F.R. § 92.214(b), State Recipients may also charge their borrowers annual monitoring fees to cover the actual ongoing costs to monitor and conduct physical inspections, as described below:

1. The monitoring fee charged may be less than, but not exceed, the amount charged for state CHDO and Developer Projects;
2. The monitoring fee shall be specifically stated in the State Recipient's loan documents with the borrower;
3. The monitoring fee shall be based on the State Recipient's analysis of actual costs for monitoring the Project and must be approved by the Department; and
4. An amount equal to 10 percent (10%) of the monitoring fee which is charged to the Project must be paid by the State Recipient to the Department to cover the Department's costs of monitoring the State Recipient's rental Project compliance activities.

For more guidance on establishing a monitoring fee, see [HOMEfires Vol. 14, No. 2: Guidance on Establishing a HOME Monitoring Fee](#). Please note: HUD's requirements for calculating a monitoring fee differ from the State's UMR requirements.

#### Native American Entity Projects

Pursuant to this NOFA, the Department will waive monitoring fees for Native American Entity Projects during the state period of affordability.

### **IV. Application Review**

#### **A. Minimum Application Requirements (Threshold)**

Applications for HOME Projects are required to meet the minimum requirements outlined in this NOFA, 25 C.C.R. § 8200 *et seq.*, and 24 C.F.R. Part 92. Applications must meet the following minimum requirements at the time of application in order to move forward to the rating and ranking process:

1. The Applicant must submit a complete application in a format made available by the Department by the deadline specified in this NOFA and pursuant to 25 C.C.R. § 8211, and the application forms provided by the Department must not be altered or modified;

2. The Applicant is eligible to apply for funding, in accordance with any of the following:
  - 25 C.C.R. § 8204; or
  - Listed on Appendix A of the NOFA; or
  - Meets the definition of an eligible Applicant in this NOFA (State Recipient, CHDO, or Developer)
3. All other criteria and matters set forth within the NOFA shall also govern the Native American Entity target and the Federally-Declared Disaster Areas target, unless and except to the extent expressly provided to the contrary by terms set forth within this NOFA;
4. The Applicant must propose at least one eligible activity pursuant to 25 C.C.R. § 8205 (other than administration);
5. The Applicant must propose an eligible use of funds pursuant to 25 C.C.R. § 8205 and 8210;
6. The Applicant must have no unresolved audit findings pursuant to 25 C.C.R. § 8204(a)(1)(D)(ii) and (2)(C)(i);
7. The Applicant must demonstrate its capacity for carrying out activities assisted with HOME funds, as required by 24 C.F.R. § 92.2. Pursuant to Federal HOME regulations, Awardees entering into a Standard Agreement with the Department must have capacity, cannot be shell entities, and cannot contract out for capacity (with limited exceptions for new CHDOs – see Eligible Applicants – CHDOs in NOFA Section II. Program Requirements);
8. Cities, counties, and local public housing authorities must provide documentation satisfactory to the Department that they comply with the submittal requirements of cost principles and audit requirements at 2 C.F.R. § 200.512. Any outstanding findings contained in the audit report may impact the ability of the Department to grant an award through this NOFA;
9. The Applicant and any member of its program or project team must not be on the list of debarred contractors at <https://www.sam.gov/SAM/> pursuant to 25 C.C.R. § 8204(a)(1)(D)(iii) and 8204(a)(2)(C)(ii);
10. The Applicant's requested total amount of funds for both administrative activity-specific costs and Project-related soft costs does not exceed the limits identified in the NOFA; and
11. CHDO applications must contain procedures for ensuring effective Project control pursuant to 24 C.F.R. § 92.300(a)(1) and 25 C.C.R. § 8204(a)(2)(D).
12. There is no pending or threatened litigation that could affect implementation of the proposed Project.
13. When applying for Project Activities, the Applicant must have site control of the Project subject to the HOME funding award as required by 25 C.C.R. §

8303 and 24 C.F.R. Part 92, including but not limited to, demonstrating site control by one of the following:

- Fee title, which, for tribal trust land, may be evidenced by a title status report (TSR) or an attorney’s opinion regarding chain of title and current title status;
- A leasehold interest on the Project property with provisions that enable the lessee to make improvements on and encumber the property provided that the terms and conditions of any proposed lease shall permit, prior to loan closing, compliance with all Program requirements, including compliance with 25 C.C.R. § 8316;
- An option to purchase is obtained, conditioned on the responsible entity’s determination to proceed with, modify, or cancel the Project based on the results of a subsequent environmental review, and the receipt of an Authority to Use Grants Funds (“AUGF”) from the Department for State Recipient Projects and from HUD for Developer and CHDO Projects. The cost to secure the site control document can be only a nominal portion of the purchase price;

[For more details on required and prohibited provisions of agreements consistent with NEPA, see [HUD CPD Notice 98-01: Layering Guidance for HOME Participating Jurisdictions When Combining HOME Funds with Other Governmental Subsidies](#); [HUD CPD Notice 15-09: Requirements for Committing HOME Funds](#); and [HUD Memo: Guidance on Operations and Conditional Contracts for Purchase of Real Property for Environmental Reviews Conducted by a Responsible Entity under 24 C.F.R. Part 58](#)]

- A Purchase Agreement, Disposition and Development Agreement (DDA), Option to Lease, or Exclusive Right to Negotiate is obtained, but this agreement cannot be conditioned on NEPA clearance or any other federal requirement; or

[General HUD rules state that Purchase Agreements are acceptable if federal funds are not contemplated. Applicants are cautioned to make sure that the Purchase Agreement or DDA is open-ended or is of sufficient duration that it does not need to be extended after the HOME application is submitted.

HUD has ruled that if a Purchase Agreement/DDA expires after the HOME application is submitted, and before the AUGF is executed, the execution of an extension would be a Choice-Limiting Action (renewal prior to expiration is acceptable). The application also should ensure the Purchase Agreement/DDA has other contingencies, such as

a permanent financing contingency, so that the seller cannot legally compel an individual to purchase the site prior to receiving the AUGF.]

- A conditional purchase contract is used for an existing single-family home (1 to 4 units) or an existing multifamily residential Project in some limited circumstances, even when federal funds have already been contemplated.

[For more information, see [HUD Memo: Guidance on Operations and Conditional Contracts for Purchase of Real Property for Environmental Reviews Conducted by a Responsible Entity under 24 C.F.R. Part 58.](#)]

## **B. Rating and Ranking**

After meeting the threshold requirements, applications will be scored as follows. The Department will rate, rank, and fund applications based on a review of eligible activities for which funds are requested. Each application must be submitted using Department forms and contain all information required pursuant to 25 C.C.R. § 8211(c)(d). Scoring for Projects is subject to the appeal process described in Section IV (H) of this NOFA. Each Project Activity or combination of Program Activities will be evaluated and ranked separately.

In the case of a tie score, the application demonstrating the highest jurisdictional poverty level will be funded first. If CHDOs and/or Developers are applying from the same jurisdictional area, the Project with lower average rents (expressed as a percentage of area median income) will be funded first.

Applications will be funded in descending order based on points earned. Applications that qualify for CHDO, FTHB Project, and Rural targets will be funded first, based on their scores as necessary to meet the minimum set-asides.

Once the set-asides and targets have been achieved, remaining applications may be funded within their respective allocations pursuant to 25 C.C.R. § 8212.1, based on scores relative to all other applications, with the highest-scoring applications funded first.

### C. Project Activity Application Scoring Factors and Evaluation

Pursuant to 25 C.C.R. § 8212(d)(5), HOME Project Activity applications must receive a minimum score of 930 points in the following categories to be funded.

<b><u>HOME Project Activities</u></b>	
Rental New Construction Rental Rehabilitation First-Time Homebuyer	
<b>Scoring Factors</b>	<b>Points</b>
<p><b>Factor: Housing Element</b></p> <p>Applicants that meet the definition of a Local Public Entity (cities and counties) are required to be in substantive compliance with state Housing Element Law, as defined in 25 C.C.R. § 8201(t), as of the NOFA application due date. The current Housing Element Compliance Report can be found at <a href="https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-review-and-compliance-report">https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-review-and-compliance-report</a>.</p> <p>Newly incorporated cities are exempt from this factor, until such time as the city is required to submit its housing element to the Department for approval. It is the responsibility of the city to know its reporting requirements. If unsure, please send an email inquiry to the HOME Program at <a href="mailto:HOMENOFA@hcd.ca.gov">HOMENOFA@hcd.ca.gov</a>.</p> <p>CHDOs, Developers, and NAE-FRTs where Project or Activity is located on Native American Lands, are exempt from this requirement and shall receive full points for this scoring factor.</p>	50
<p><b>Factor: HUD Direct HOME Allocation (Declined)</b></p> <p>A jurisdiction that is eligible to receive a direct HOME allocation from HUD and declines the funding to preserve their state HOME eligibility, shall receive full points for this scoring factor.</p>	50
<p><b>Factor: Rural Communities</b></p> <p>Activities proposed in rural communities (as defined in the HSC § 50199.21) shall receive full points for this scoring factor.</p>	50

<p><b>Factor: Capacity – Prior Applicant Experience</b></p> <p>Applicants that demonstrate experience implementing local, state, or federal affordable housing and/or community development projects, during the most recent seven (7) calendar years (1/1/2016 – 12/31/2022), until application deadline, shall receive points for this scoring factor. List no more than 10 entries of housing and community development experience.</p> <p>Native American Entities: Experience may include implementation of affordable housing and/or community development activities under the NAHASDA program.</p> <ul style="list-style-type: none"> <li>• 10 points for each project completed creating 4 or more units of affordable housing</li> <li>• 10 points awarded for each project completed as defined in the HOME Supplemental Application</li> <li>• Maximum of 50 points</li> </ul>	50
<p><b>Factor: Capacity – Prior Developer Team Experience</b></p> <p>Developers that demonstrate the Project team has experience developing the same housing activity type of subsidized project as proposed in the application, during the last five (5) calendar years (1/1/2019 – 12/31/2023), shall receive points for this scoring factor. Experience can be demonstrated by any member of the development team (owner, Developer, Sponsor, etc.).</p> <ul style="list-style-type: none"> <li>• 1 project completed — 100 points</li> <li>• 2 projects completed — 150 points</li> <li>• 3 projects completed — 200 points</li> </ul>	200
<p><b>Factor: Capacity – Prior Performance</b></p> <p>For prior performance scoring, all applications receive the maximum 200 points for the factor. As applications are reviewed and rated, points will <b>be deducted</b> for each of the following sub-factor deficiencies up to a maximum 200-point deduction.</p>	

<p><b>Sub-factor #1: Project Deadlines</b></p> <p>If, by the NOFA application due date, an Applicant, Developer, owner, and/or managing general partner of any HOME Project contract (rental and FTHB) awarded between 1/1/2019 – 12/31/2023, failed to meet the Project deadlines (milestones) as outlined in the Standard Agreement, unless extended in writing by the Department, points shall be deducted for this scoring sub-factor as follows:</p> <ul style="list-style-type: none"> <li>• Permanent financing deadline — (5 points)</li> <li>• Project set-up deadline — (10 points)</li> <li>• Construction loan-closing deadline — (10 points)</li> <li>• Project Completion deadline — (80 points)</li> <li>• Expenditure deadline — (20 points)</li> </ul>	<p>Maximum 200-point deduction</p>
<p><b>Sub-factor #2: Applicant Reporting</b></p> <p>Reporting is an essential condition and a responsibility of accepting HOME funds; therefore, Applicants that were required to submit reports but failed to do so are subject to a deduction of up to 50 points. Applicants may submit missing reports prior to the application deadline to reduce the number of points deducted.</p> <p>This applies to any HOME Project monthly and/or quarterly PI reports, annual reports, and Project Completion reports due between 1/1/2019 – 12/31/2023.</p> <ul style="list-style-type: none"> <li>• Late or missing Monthly Project Status Reports — (5 points deducted for each missing report, 2 points deducted for each late report)</li> <li>• Late or missing Quarterly Program Income Reports (QPIR), if applicable — (5 points deducted for each missing report, 2 points deducted for each late report)</li> <li>• Late or missing Annual Performance Reports (APRs), applicable to State Recipients only — (25 points deducted for each missing report, 10 points deducted for each late report)</li> <li>• Late or missing Project Completion Reports (PCRs) — (50 points deducted for each missing report, 25 points deducted for each late report)</li> </ul>	<p>Maximum 50-point deduction</p>

<p><b>Sub-factor #3: Material Misrepresentation</b></p> <p>If between 1/1/2019 – 12/31/2023, an Applicant, Developer, owner, and/or managing general partner made any material misrepresentation or omission in the HOME application, application documentation, Project reports, and/or any other document, significant in nature, that could jeopardize the Department’s HOME funding in a Project or place the Department at risk of a HUD monitoring finding, up to 200 points shall deducted for this scoring sub-factor. This is evidenced by receipt of a letter from the Department outlining the infraction and the points deduction levied by the Department.</p>	<p>Maximum 200-point deduction</p>
<p><b>Sub-factor #4: Monitoring Noncompliance (1/1/2019 – 12/31/2023)</b></p> <p>There are two noncompliance categories for which up to 100 points may be deducted.</p> <ol style="list-style-type: none"> <li>1. Monitoring. Points will be deducted in this category for any application for which the Applicant, owner, and/or managing general partner have failed to remedy any HOME monitoring findings and concerns, identified by the Department.</li> <li>2. Late reports. Points will be deducted in this category for any 2020-2021 NOFA Project applications for which the Applicant, owner, and/or managing general partner failed to submit timely reports for occupied HOME rental Projects. Point deductions shall be as follows: <ul style="list-style-type: none"> <li>a. <u>Local Public Entity</u> <ul style="list-style-type: none"> <li>• Annual monitoring report — (10 points each)</li> <li>• Annual report — (10 points each)</li> </ul> <p>(including financial audit, schedule of rental income, and annual affirmative marketing analysis)</p> </li> <li>b. <u>CHDOs/Developers</u> <ul style="list-style-type: none"> <li>• Annual operating budget — (10 points each)</li> <li>• Annual report — (10 points each)</li> </ul> <p>(including financial audit, schedule of rental income, and annual affirmative marketing analysis)</p> </li> </ul> </li> </ol>	<p>Maximum 100-point deduction</p>
<p><b>Factor: Community Need</b></p> <p>The community need point scoring by activity type is based on the data available in Appendix C at the HOME website.</p>	<p>Up to 250</p>

<p><b>Factor: Project Feasibility</b></p> <p>1. State and federal requirements (including UMRs for rental Projects) – 150 points</p> <p>To receive the full 150 points, Applicant must submit a complete self-evaluation feasibility worksheet within the application.</p> <p>2. Highest percentage of HOME-assisted units – Up to 50 points</p> <p>Points will be awarded within five scoring levels, ranging from 10 to 50 points, based on the highest number of HOME units proposed in a Project.</p>	<p>200</p>
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**Factor: Project Readiness**

The Project Readiness point scoring is based on activity type. Project readiness factors and documentation minimum requirements are further detailed in the HOME Supplemental Application, found at the Department's [HOME Program website](#).

Project Development Plan (PDP). Points will be awarded if the following required\* items were prepared and submitted within the applicable timeframes and meet the minimum requirements as specified in the HOME Supplemental Application. The PDP will be reviewed on applications scored high enough for funding.

\*The Geotechnical Report is not required as part of the application and will not be considered for scoring purposes.

1. Rental New Construction Projects. Points will be awarded based on the following complete documents submitted with the application: market study (35 points); appraisal (10 points); Phase I/II Environmental Report (35 points); floodplain analysis (25 points); construction cost estimate (5 points); Relocation General Information Notice and relocation plan (30 points); zoning verification (40 points); water/sewer (5 points); local government approval (80 points); design progress (10 points); and permanent financing commitments (25 points).
2. Rental Rehabilitation Projects. Points will be awarded based on the following complete documents submitted with the application: market study (10 points); appraisal (30 points); floodplain analysis (25 points); lead/mold/asbestos reports (25 points); construction cost estimate (20 points); Relocation General Information Notice and relocation plan (75 points); Physical Needs Assessment (74 points); local government approval (1 point); design progress (5 points); and permanent financing commitments (35 points)
3. Homebuyer Projects. Project readiness factors are available in the Homebuyer Project Application (Part B), available on the Department's [HOME Program website](#). Points will be awarded based on the following complete documents submitted with the application: market study (40 points); appraisal (10 points); Phase I/II Environmental Report (30 points); floodplain analysis (55 points); construction cost estimate (5 points); local government approval (75 points); impact fees (30 points); zoning verification (10 points); design progress (10 points); and financing commitments (35 points)

300

**Factor: State Objectives**

For the State Objectives scoring, there are three sub-factors for which Applicants can receive points, up to 200 points maximum. As applications are reviewed and rated, points will be awarded to Projects that meet the following objectives, in accordance with the Department’s 2022-2023 Annual Action Plan, based on the following sub-factors:

1. Committed financing to increase affordable housing;
2. Recovery assistance for natural disaster survivors; and
3. Addressing and preventing Homelessness, and/or assisting Special Needs Populations and Extremely Low-Income Families

**Sub-factor #1: Committed Financing to Increase Affordable Housing**

Applications will be scored based on the percentage of non-HOME permanent financing committed to the Project by the application due date (10 points will be awarded for each 10 percent (10%) increment).

For Projects anticipating applying for **any type of tax credits** -- a future tax credit award will not be considered as committed financing, and are thus not eligible for these points.

For example, if the Applicant has 50 percent (50%) of its non-HOME permanent financing committed to the Project by the application due date, but intends to also apply for tax credits in the future, the application will receive 50 points out of a possible 100 points.

100

**Sub-factor #2: Recovery Assistance for Natural Disaster Survivors**

Full points shall be awarded for Projects located in federally-declared disaster areas pursuant to the HUD memorandum dated May 17, 2023, referencing the federally-declared disaster areas under title IV of the Stafford Act, DR-4699-CA dated April 3, 2023, and DR-4683-CA dated January 27, 2023, as may be amended (<https://www.fema.gov/disaster/4699>) (<https://www.fema.gov/disaster-federal-register-notice/dr-4683-ca-public-notice-001>). The Federally-Declared Disaster Areas are the following counties:

DR-4683 & DR-4699 IA-Declared Counties

- |                       |                          |
|-----------------------|--------------------------|
| Alameda (County)      | Amador (County)          |
| Butte (County)        | Calaveras (County)       |
| Contra Costa (County) | Kern (County)            |
| Madera (County)       | Mariposa (County)        |
| Mendocino (County)    | Merced (County)          |
| Mono (County)         | Monterey (County)        |
| Nevada (County)       | Sacramento (County)      |
| San Benito (County)   | San Bernardino (County)  |
| San Joaquin (County)  | San Luis Obispo (County) |
| San Mateo (County)    | Santa Barbara (County)   |
| Santa Clara (County)  | Santa Cruz (County)      |
| Tulare (County)       | Tuolumne (County)        |
| Ventura (County)      |                          |

Sources:

<https://www.fema.gov/disaster/4683/designated-areas>

<https://www.fema.gov/disaster/4699/designated-areas>

30

<p><b>Sub-factor #3: Special Needs Populations, Homelessness, or Extremely Low-Income</b> – See Table #11 below for scoring breakdown.</p> <p><u>Funding Commitments for Special Needs Populations (up to 70 points)</u></p> <p>Points shall be awarded to applications that propose rental Projects with funding commitments to target Special Needs Populations, using any of the following funding:</p> <ul style="list-style-type: none"> <li>• HUD 811</li> <li>• HUD Supportive Housing Program</li> <li>• State Mental Health Services Act (MHSA)</li> <li>• HCD -- No Place Like Home Program</li> <li>• HCD -- Veterans Housing and Homelessness Program</li> <li>• HCD -- National Housing Trust Fund Program</li> <li>• HCD -- Multifamily Housing Program</li> <li>• HCD -- Joe Serna, Jr. Farmworker Housing Grant Program</li> <li>• Points may also be awarded to Projects that provide project-based rental assistance, under the terms of a MHSA or Veterans Affairs Supportive Housing Voucher (HUD-VASH).</li> </ul> <p style="text-align: center;">– or –</p> <p><u>Homelessness (up to 70 points)</u></p> <p>Points shall be awarded to applications that propose rental Projects primarily serving people experiencing Homelessness and/or those At Risk of Homelessness as defined in at 24 C.F.R. § 578.3.</p> <p>NOTE: If serving Special Needs or Homeless populations, the Projects must include supportive services in accordance with the “Core components of Housing First” under Welfare and Institutions Code § 8255.</p> <p style="text-align: center;">– or –</p> <p><u>Extremely Low-Income (ELI) (up to 70 points)</u></p> <p>Points shall be awarded to applications that propose rental Projects primarily serving Extremely Low-Income Families, which means low-income families whose annual incomes do not exceed 30 percent of the median family income of a geographic area, as determined by HUD with adjustments for smaller and larger families.</p> <p>NOTE: This scoring category is not applicable to Homebuyer Projects. Homebuyer Projects will automatically receive full points in this category.</p>	70
<b>TOTAL AVAILABLE POINTS FOR PROJECT ACTIVITIES</b>	<b>1550</b>

<b>Table 11 – Subfactor #3 Scoring Breakdown</b>	
<b>Percent of Units Committed to Special Needs, Homeless, or ELI Families</b>	<b>Points</b>
51% or more	70
41-50%	60
31-40%	50
26-30%	40
21-25%	30
16-20%	20
10-15%	15
6-10%	10
1-5 %	5

**D. Program Activities Application Scoring Factors and Evaluation**

<b>HOME Program Activities</b>	
<b>Scoring Factors</b>	<b>Points</b>
<p><b>Factor: Housing Element</b></p> <p>Cities and counties are required to be in substantive compliance with state Housing Element Law, as defined in 25 C.C.R. § 8201(t), as of the NOFA application due date. Housing Element Annual Progress Reports are available at <a href="https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-review-and-compliance-report">https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-review-and-compliance-report</a>. Newly incorporated cities are exempt from this factor, until which time the city is required to submit the housing element to the Department for approval. It is the responsibility of the city to know their reporting requirements. If unsure, please send an email inquiry to the HOME NOFA Unit, <a href="mailto:HOMENOFA@hcd.ca.gov">HOMENOFA@hcd.ca.gov</a>.</p> <p>CHDOs, Developers, and Native American Entities are exempt from this requirement and shall receive full points for this scoring factor.</p>	50

<p><b>Factor: HUD Direct HOME Allocation (Declined)</b></p> <p>A jurisdiction that proposes activities that is eligible to receive HUD direct HOME allocation funds (and declines the funding for the purpose of preserving their state HOME eligibility) shall receive full points for this scoring factor.</p>	<p>50</p>
<p><b>Factor: Rural Communities</b></p> <p>Activities proposed in a rural community (as defined in the HSC § 50199.21) shall receive full points for this scoring factor.</p>	<p>50</p>
<p><b>Factor: Capacity – Applicant Experience</b></p> <p>Applicants that demonstrate experience administering HOME and/or other local, state, or federal affordable housing and/or community development projects during the last seven calendar years (1/1/2016 – 12/31/2022), plus 2023 year-to-date, shall receive full points for this scoring factor.</p>	<p>100</p>
<p><b>Factor: Capacity – Prior Performance</b></p> <p>For prior performance scoring, all applications receive 150 points. As applications are reviewed and rated, points will be deducted for each of the following sub-factor deficiencies, up to a maximum 150-point deduction for two sub-factors:</p> <ul style="list-style-type: none"> <li>• Reporting noncompliance</li> <li>• Monitoring noncompliance</li> </ul>	
<p><b>Sub-factor #1: Reporting</b></p> <p>Reporting is an essential condition and responsibility of accepting HOME funds; therefore, Applicants that previously failed to comply with reporting requirements are subject to a deduction of up to 50 points.</p> <ul style="list-style-type: none"> <li>• In assigning these points, the Department will review the Applicant’s history of submitting quarterly reports and quarterly PI reports (for both Program Activities and Projects contracts numbered 16-HOME through 19-HOME), and Annual Performance Reports for FY 20-21, 21-22, and 22-23. Applicants may submit missing reports prior to application deadline to reduce the number of points deducted.</li> <li>• Late or missing Quarterly Program Status Reports — (5 points each missing 2 points each late)</li> <li>• Late or missing Quarterly Program Income Reports (QPIR), if applicable — (5 points each missing, 2 points each late)</li> <li>• Late or missing Annual Performance Reports (APRs) — (25 points each missing, 10 points each late)</li> </ul>	<p>Maximum 50-point deduction</p>

<p><b>Sub-factor #2: Monitoring Noncompliance (1/1/2019 – 12/31/2023)</b></p> <p>One hundred (100) points will be deducted for noncompliance with monitoring or contract requirements identified in the last five calendar years.</p>	<p>Maximum 100-point deduction</p>
<p><b>Factor: Community Need</b></p> <p>The community need point scoring by activity type is based on data available in Appendix C of this NOFA, available on the Department’s HOME Program website at <a href="https://www.hcd.ca.gov/grants-and-funding/programs-active/home-investment-partnerships-program">https://www.hcd.ca.gov/grants-and-funding/programs-active/home-investment-partnerships-program</a>.</p>	<p>250</p>
<p><b>Factor: Project Feasibility</b></p> <p>Project feasibility scoring has two scoring categories: activity type and program guidelines, described as follows:</p> <ol style="list-style-type: none"> <li>1. Activity type scoring criteria (up to 75 points): <ol style="list-style-type: none"> <li>a. FTHB program scoring is determined by the percentage of all homes sold in the city or county in the last 12-month period that are affordable to lower-income families.</li> <li>b. OOR program scoring is determined by the number of overcrowded households by tenure, low-income owner-occupied households, substandard housing conditions, and the age of the housing stock by tenure, in the city or county as reflected in U.S. Census data.</li> <li>c. TBRA program scoring is determined by the overpayment by low-income renter households as reflected in U.S. Census data.</li> </ol> </li> <li>2. Program guidelines will be evaluated by the extent they reflect state and federal requirements (up to 25 points).</li> </ol>	<p>100</p>
<p><b>Factor: State Objectives</b></p> <p>For State Objectives scoring, there are two sub-factors for which Applicants can receive up to 200 points maximum. As applications are reviewed and rated, points will be awarded for the following objectives, in accordance with the Department’s 2022-2023 Annual Action Plan:</p> <ol style="list-style-type: none"> <li>1. Increasing affordable housing;</li> <li>2. Addressing and preventing Homelessness</li> </ol>	

<p><b>Sub-factor #1: Increasing Affordable Housing</b></p> <p>Applicants that have higher expenditure rates (i.e., expenditure rates of 55 percent and above) for all 2015-2018 HOME Program Activities contracts shall receive state objectives points as follows:</p> <ul style="list-style-type: none"> <li>• Expenditure rate at or above 60 percent. (90 points)</li> <li>• Expenditure rate between 55 percent to 59.99 percent. (60 points)</li> </ul> <p>Expenditure rates will be calculated in accordance with the “Expended Funds” as defined by 25 C.C.R. § 8204(b).</p>	90
<p><b>Sub-factor #2: Homelessness or Extremely Low-Income</b></p> <p>Points shall be awarded for actions to prevent or address Homelessness. These points will be awarded to Applicants that:</p> <ol style="list-style-type: none"> <li>1. Apply for TBRA; or</li> <li>2. Proposed Project will primarily serve (50% or more) people experiencing Homelessness and/or those At Risk of Homelessness as defined in at 24 C.F.R. § 578.3; or</li> <li>3. Proposed Project will primarily serve (50% or more) Extremely Low-Income Families, which means low-income families whose annual incomes do not exceed 30 percent of the median family income of a geographic area, as determined by HUD with adjustments for smaller and larger families.</li> </ol>	110
<b>TOTAL POINTS FOR PROGRAM ACTIVITIES</b>	<b>950</b>

**E. Point Deduction Rules**

Pursuant to 25 C.C.R. § 8217, Applicants who disencumbered a Project contract between June 1, 2019, and December 31, 2023, and their Developers, owners, and managing general partners, if any, for these Projects shall receive point deductions according to the above schedule for the deadlines the Project did not meet before the contract was disencumbered.

Pursuant to 25 C.C.R. § 8217(b)(3), Projects that fail to meet deadlines outlined in the state regulations are subject to performance penalties, including point deductions for Projects, unless an exception has been granted by the Department in accordance with 25 C.C.R. § 8217(c). See Section III (B) of this NOFA for more specifics on point deductions.

**F. Rental Project Scoring and Notification**

Once rental Project application scoring is complete, emails will be sent to the authorized representative and contact person listed in the application describing the scores and facts upon which those scores were determined.

## **G. Project Activity Feasibility Review**

In accordance with 25 C.C.R. § 8212(a)(6), 25 C.C.R. § 8310, and 24 C.F.R. § 92.250(b), the Department will perform underwriting analysis to substantiate the Project is financially feasible for at least 20 years, as well as cost allocation and subsidy layering analyses to determine the appropriate amount of the HOME award.

To determine the Project's feasibility and sustainability, the Department will review the Project Sources and Uses Form. When completing the application form, Applicants should be sure to include all known and potential Project costs, including, but not limited to, the following:

- Site development issues
- Local government approvals
- Project market
- Prevailing wages
- Elevation above a flood plain
- Relocation
- Environmental remediation
- Mitigation of environmental conditions and hazards
- Any other factors that may impact the Project costs and/or schedule

If an Applicant proposes to develop site(s) formerly used for agricultural, industrial, manufacturing, or commercial purposes, or the site is situated adjacent to, or in close proximity to, rail yards, airports, dumpsites, or other potentially contaminated properties, whether abandoned or operating, the Department may require Phase II environmental site assessment, or other soil assessment or testing, and a Floodplain Analysis. If not submitted with the application, these reports will be required after award as part of the NEPA process.

If the Applicant has any indication that these conditions may exist, the Department highly recommends that Applicants complete an assessment, soil sampling, or other appropriate testing methodology, prior to submitting the application. The results should be submitted as part of the application documentation, and any additional costs the Project may incur must be included in the Project budget and Sources and Uses Form.

Failure to include these items can increase the Project costs such that the Project is unfeasible, resulting in being noncompetitive for an award. For this reason, it is incumbent upon the Applicant to present verifiable and documented information in the application to prevent any unknown or uncertain Project costs.

## **H. Appeals**

### **1. Basis of Appeals**

- a. Applicants may appeal the Department's written determination that an application is incomplete, has failed threshold review, or has otherwise been determined to provide an insufficient basis for an award (including point scoring and tie breaker).

- b. At the sole discretion of the Department, the Department’s written determination may include a request for clarifying and/or corrective information. For purposes of this section, “clarifying information” includes information and/or documentation that resolves ambiguities in any application materials that will inform the Department’s threshold, scoring and feasibility determinations.
- c. No Applicant shall have the right to appeal a decision of the Department relating to another Applicant’s application (e.g., eligibility, award).
- d. Any request to appeal the Department’s decision regarding an application shall be reviewed for compliance with this NOFA. All decisions rendered shall be made by the Program Manager or his/her designee. The decision shall be final, binding, and conclusive, and shall constitute the final action of the Department.
- e. The appeal process provided herein applies solely to decisions of the Department made pursuant to this NOFA.

2. Appeal Process and Deadlines

- a. Process: To file an appeal, Applicants must submit to the Department, by the deadline set forth below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the Applicant must provide a detailed reference to the area or areas of the application that provide clarification and substantiation for the basis of the appeal. No new or additional information will be considered if this information would result in a competitive advantage to an Applicant. Once the appeal is submitted to the Department, no further information and/or materials may be accepted or considered. Appeals are to be submitted to the Department at [HOMENOFA@hcd.ca.gov](mailto:HOMENOFA@hcd.ca.gov) according to the deadline set forth in the Department review letters.
- b. Filing Deadline: Appeals must be received by the Department no later than five (5) business days from the date of the Department’s threshold review or initial score letters, as applicable, representing the Department’s decision made in response to the application.

3. Decision

- a. Any request to appeal the Department’s decision regarding an application shall be reviewed for compliance with this NOFA. All decisions rendered shall be final, binding, and conclusive, and shall constitute the final action of the Department.

**V. Award Announcements and Contracts**

**A. Award Announcements**

Subject to the availability of funds, the Department intends to send Award letters by July 2024 for Program Activities and by September/October 2024 for Project Activities, for all successful Applicants.

Updates on planned awards and contract status will be provided through the Department’s Listserv system. To be added to this list, go to <https://www.hcd.ca.gov/contact-us/email-signup>, scroll down, and select Federal Programs.

## **B. Contracts**

Awardee(s) must enter into a Standard Agreement with the Department. The Standard Agreement contains all the relevant state and federal requirements, as well as specific information about the award and the work to be performed. The Standard Agreement will contain deadlines that are consistent with state and federal HOME regulations. Failure to meet these deadlines will be considered a material breach of the Standard Agreement.

NOTE: The Standard Agreement may be delayed if Awardee does not timely provide the Department with all required entity resolutions and other entity documentation (e.g., bylaws, articles of incorporation, 501(c)(3) certification, certificate of good standing, limited partnership agreement), in form and content acceptable to the Department in its sole discretion, which evidences that Awardee has the legal authority to contract with the Department.

A condition of award will be that a Standard Agreement is executed by the Awardee(s) within 90 days (contracting period) of the Awardees' receipt of the Standard Agreement. Failure to execute and return the Standard Agreement(s) to the Department within the contracting period may result in award cancellation. The Awardee(s) shall remain a party to the Standard Agreement for the full term of the Standard Agreement; removal of the Awardee(s) shall be prohibited.

## **VI. Federal and State Overlays**

All activities funded with HOME funds or HOME PI are required to comply, where applicable, with HUD's federal "overlay" requirements found in 24 C.F.R. § 92.350, *et seq.* of the HOME Final Rule.

Failure to comply with state or federal overlays could result in significant Project cost increases, rejection of the HOME application, and/or loss of points in current or future HOME funding rounds. Projects must comply with all applicable state and federal laws, including, but not limited to:

- a. National Environmental Policy Act (NEPA);
- b. California Environmental Quality Act (CEQA);
- c. State and federal (Davis Bacon) prevailing wage;
- d. URA Acquisition and Relocation;
- e. Equal Opportunity and Fair Housing;
- f. Affirmative Marketing;
- g. Section 504 of the Rehabilitation Act of 1973;
- h. Fair Housing Act (including accessibility and design requirements);
- i. Americans with Disabilities Act, where applicable;
- j. Section 3 (employment of low-income persons);

k. Single Audit Report 2 C.F.R. Part 200; and

l. Tenant protections and selection practices pursuant to 24 C.F.R. § 92.253.

National Environmental Policy Act (NEPA) & HUD Environmental Review Requirements (contained in 42 U.S.C. §§ 4321-4347 and the implementing regulations at 24 C.F.R. Part 58)

After Applicant has submitted the HOME application to the Department, and before the NEPA Authority to Use Grant Funds (AUGF) has been issued, the Applicant and any participant in the development process shall not engage in any Choice-Limiting Actions as defined in this NOFA. All Choice-Limiting Actions on the site or on behalf of the project by anyone after the HOME application has been submitted to the Department and before the AUGF is issued will disqualify an Applicant's Project from receiving any HCD federal funds – not only for this HOME NOFA round, but future NOFA rounds. Thus, Applicants must take great caution before proceeding with project activities.

NOTE: Pursuant to HUD's NEPA regulations, certain activities are not considered Choice-Limiting Actions regardless of when they are carried out. These activities include, but are not limited to, such things as: environmental and other studies; resource identification and development of plans and strategies; submitting funding applications, inspections and testing for hazards or defects; purchase of insurance; payment of principal and interest on loans made or obligations guaranteed by HUD; and assistance for improvements that do not alter environmental conditions and are necessary to address the effects from disasters or imminent threats to public safety. For more information on activities not considered Choice-Limiting Actions, see 24 C.F.R. § 58.22.

For all new construction Projects and substantial rehabilitation Projects, compliance with NEPA is evidenced by an AUGF. HUD issues the AUGF for CHDO and Developer Projects, and the Department issues the AUGF for State Recipient Projects. For the few rehabilitation Projects not requiring an AUGF, state approval of the environmental documentation is still required prior to taking any Choice-Limiting Actions. For a thorough explanation of the NEPA process, see Chapter V of the HOME Contract Management Manual at <https://www.hcd.ca.gov/grants-and-funding/programs-active/home-investment-partnerships-program/home-contract-management-manual>.

The Department encourages commencement of the NEPA Environmental Assessment (EA) process as soon as possible, but no later than receipt of the Award letter. For rental Projects, Project reports often require additional analysis of environmental impacts.

Submit general questions regarding Choice-Limiting Actions, or the level of environmental assessment required of the Project, to [NEPA@hcd.ca.gov](mailto:NEPA@hcd.ca.gov) prior to taking any action concerning the proposed HOME Project.

The application must disclose all known environmental hazards, and, if awarded, the Department must be fully informed of all environmental issues. Failure to do so will be considered a material misrepresentation and result in a performance point penalty for all members of the development team for future HOME applications with the Department.

NOTE: The Department is unable to give legal advice regarding a specific Project or program. If an Applicant has specific questions regarding a Choice-Limiting Action, or

environmental laws that may affect the Project or program, the Department recommends that the Applicant consult with a legal advisor or professional consultant prior to taking any actions on the Project. Applicants understand and agree that they are solely responsible for their decisions with respect to Choice-Limiting Actions, or potentially Choice-Limiting Actions, and the Department shall have no liability therefor.

### Federal Prevailing Wage Requirements (Davis-Bacon)

Federal prevailing wages must be paid on Projects involving site development, construction, and rehabilitation, where there are 12 or more HOME-assisted units.

The HOME Applicant and the construction contractor must ensure that the Davis-Bacon wage requirements as well as state prevailing wage laws are followed, where applicable. The Sources and Uses Form submitted with the HOME application will be examined to ensure that prevailing wage costs have been considered (state and federal, if applicable). CHDOs are required to hire an outside consultant to act as a Labor Standards Coordinator. If the HOME Applicant does not have existing staff to enforce federal labor standards, then it is highly recommended that an outside labor consultant be hired.

For Projects located on Native American Lands as defined by 25 C.C.R. § 8201(y)(1) and the HOME applicant has adopted a Tribally Determined Wage (TDW) in accordance with Tribal law, the HOME Applicant may apply its TDW in lieu of Davis Bacon and the California prevailing wage law.

Homebuyer Self-Help Projects with 12 or more HOME-assisted units may be excluded from Davis-Bacon wage requirements if either of the following applies:

- a. Site development was completed before the HOME application, the use of HOME funds was not contemplated when the site development was completed, and there are no agreements or contracts for more than 11 HOME units. If the use of HOME was contemplated before the site development was completed, Davis-Bacon wages must be paid on the entire Project; or
- b. If the Self-Help families purchase finished lots and contract individually with the General Contractor for construction of their homes, and there are no other construction contracts or subcontracts that cover more than one unit.

### Displacement, Relocation, and Acquisition Requirements

Relocation assistance must be provided if individuals and/or businesses will be temporarily relocated or permanently displaced as a result of a HOME-assisted Project. All Projects are required to comply with the Uniform Relocation Assistance and Real Property Acquisition Act (URA) and the Displacement, Relocation, and Acquisition requirements pursuant to 24 C.F.R. § 92.353. Specifically, federal relocation requirements extend back to the “initiation of negotiations” (ION). For more information on federal displacement, relocation, and acquisition requirements, see [HUD’s CPD Handbook 1378.0](#).

Submit questions regarding ION determinations to [HOMENOFA@hcd.ca.gov](mailto:HOMENOFA@hcd.ca.gov). This recommendation applies to all rental and FTHB Projects involving any relocation activities. An accurate determination is critical because relocation costs may be higher if

an earlier ION date is necessary. Applications for tenant-occupied properties must have already provided the General Information Notice (GIN) to all tenants by the date of the ION.

The Sources and Uses form submitted with the application must adequately budget for relocation costs. Consistent with federal relocation requirements prohibiting economic displacement, if rents for existing tenants will increase, a transition reserve must be budgeted to maintain rents for existing tenants at the higher of 30 percent (30%) of their income at ION or the rent at the time of ION, not including regular increases in expenses, for as long as they live in the Project.

**Homebuyer 90-Day Vacancy Rule:** Relocation requirements will also be triggered if a FTHB proposes to purchase a home that has been occupied by a renter in the 90 days preceding the date of the purchase agreement. Exceptions to this rule can be made by the Department on a case-by-case basis with adequate third-party documentation that the tenant moved for reasons unrelated to the sale of the property, such as the tenant moving for another job.

Normally, relocation will not be triggered for OOR or TBRA programs. However, temporary relocation costs are an eligible HOME grant expense.

A relocation certification is required for all Projects including vacant site(s). Applicants that assert their Project does not require relocation must submit a detailed explanation, including supporting documentation, as to why relocation (of tenants, farms, businesses, etc.) is not required. The Department will review the documentation and make a determination as to whether a relocation plan is necessary. Relocation considerations include the following:

- Vacant land, which is land that is not developed or being used for agricultural purposes;
- Property vacated for the Project, then relocation applies; and
- Tenants include anyone who is living or storing their belongings on the property with the owner's consent, whether or not the "tenant" pays rent. Squatters are not tenants.

If relocation is not required, the Department will issue a *Certification Regarding Non-application of Relocation Benefits and Indemnification Agreement* ("Non-Relocation Certification"). This Non-Relocation Certification must be executed by the Applicant/borrower/sponsor prior to the Department executing the Standard Agreement, and as a condition thereof. The Non-Relocation Certification substantiates and certifies that there is no displacement including, but not limited to, the displacement of tenants, businesses, and farms; therefore, no relocation is required. Submission of thorough and clear supporting information will lead to a more efficient review and decision.

The following are examples of supporting documentation for the Non-Relocation Certification:

- Background information

- Project information
- Reports from professionals, such as appraisal or soils report
- Purchase information
- Mini relocation plan with pictures of the vacant land
- Summary relocation report
- Scope of Work from the general contractor
- Letter from the Project engineer stating the scope of work
- Sales contract evidencing the purchase of vacant land
- ALTA survey of (purchased) vacant land
- Property tax assessment for vacant land
- Photographic evidence of vacant land

Pursuant to 24 C.F.R. § 92.353(g) regarding “Displacement, Relocation and Acquisition: Appeals,” a person who disagrees with the participating jurisdiction's determination concerning whether the person qualifies as a displaced person, or the amount of relocation assistance for which the person may be eligible, may file a written appeal of that determination with the jurisdiction. A low-income person who is dissatisfied with the jurisdiction's determination on his or her appeal may submit a written request for review of that determination to the HUD Field Office.

#### Procurement Requirements for State Recipients Using Administrative Subcontractors

Except for procurement of the NEPA consultant, which can be accomplished using the small purchase procurement method (i.e., by use of informal price quotations), State Recipients using administrative subcontractors paid with HOME Funds must follow a competitive Request for Qualifications (RFQ) or Request for Proposals (RFP) procurement process to select the administrative subcontractor. For information on this procurement process, see the HOME Contract Management Manual at <http://www.hcd.ca.gov/grants-funding/active-funding/home/cmm.shtml>

#### Single Audit Report Documentation and Reporting Requirements

The Awardee must collect and report data upon execution of the Regulatory Agreement until the final Project Completion Report is accepted in the federal disbursement and information system, and annual performance reports must be submitted to the Department during the entire affordability period pertaining to the outcomes of the program and pursuant to the Regulatory Agreement provisions.

Local government Applicants must comply with [2 C.F.R. Part 200.512](#) Single Audit Report Submission requirements. The Department will make the determination on the status of the Single Audit reporting compliance as of the date of application submission by consultation with the California State Controller's Office (SCO). Jurisdictions that are exempt from filing must submit a copy of the exemption letter notifying the SCO of their exempt status with their application.

Applicants/Awardees are responsible for disclosing all changes to the Project since submitting the application. Such changes could include, but are not limited to, development team member changes, increased or decreased costs, intent to apply for additional funds, changed Project description, environmental issues, and Project timeline changes.

Questions regarding compliance with the submittal requirements can be directed to [HOMENOFA@hcd.ca.gov](mailto:HOMENOFA@hcd.ca.gov).

### Violence Against Women Act Requirements

Projects must implement policies and practices that comply with the Violence Against Women Act (“VAWA”) (Title VI-Safe Homes for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking – Section 601 – 603 and 81 C.F.R. § 80724), in accordance with federal HOME regulations at 24 C.F.R. § 92.359.

### Fair Housing and Tenants’ Rights Protections

The Applicant/Awardee must comply with all applicable local, state, and federal laws, constitutions, codes, standards, rules, guidelines, and regulations, including, without limitation, those that pertain to accessibility, construction, health and safety, labor, fair housing, fair employment practices, affirmative marketing and outreach practices, nondiscrimination, and equal opportunity, where applicable.

To the furthest extent applicable and subject to federal preemption, the Applicant/Awardee must comply with all relevant laws, including, without limitation, the California Fair Employment and Housing Act (Gov. Code, § 12900 et seq.); the Unruh Civil Rights Act (Civ. Code, § 51); Government Code § 11135 (the prohibition of discrimination in state-funded programs); Government Code § 8899.50 (the duty to affirmatively further fair housing); California’s Housing Element Law (Gov. Code, § 65583 et seq.); California Code of Regulations, Title 2, §§12264 – 12271 (legally permissible consideration of criminal history information in housing); Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.); the ADA of 1990 (42 U.S.C. § 12101 et seq.); the Fair Housing Act (FHA) and amendments (42 U.S.C. § 3601 et seq.); the Fair Housing Amendments Act of 1988; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Architectural Barriers Act of 1968 (42 U.S.C. § 4151 et seq.); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101 – 6107); and all federal and state regulations implementing these laws.

### Federal Section 3 Rule

In 2020, HUD published a final rule ([24 C.F.R. Part 75](#)) (“Section 3”), which outlines requirements for creating economic opportunities for low and very low-income persons and eligible businesses. To the greatest extent possible, Section 3 requires that recipients of certain HUD financial assistance (which includes HOME funds) provide job training and employment opportunities to low- or very low-income residents in connection with HOME Projects and activities in their neighborhoods.

## **VII. Other Terms and Conditions**

### **A. Right to Modify or Suspend**

The Department reserves the right, at its sole discretion, to suspend, rescind, amend, modify, or supplement the provisions of this NOFA at any time, including without limitation, the amount of funds available hereunder. If such an action occurs, the Department will notify all interested parties via a Listserv notice and will post the revisions to the Department website. Be sure to sign up for our Listserv at <https://www.hcd.ca.gov/contact-us/email-signup> by choosing “Federal Programs.”

This NOFA is not a commitment of funds to any activity or Applicant.

### **B. Conflicts**

In the event of any conflict between the terms of this NOFA and either applicable state or federal law or regulation, the terms of the applicable state or federal law or regulation (whichever is stricter) shall control. Applicants are deemed to have fully read and understand all applicable state and federal laws, regulations, and guidelines pertaining to the HOME Program, and understand and agree that the Department shall not be responsible for any errors or omissions in the preparation of this NOFA.

### **C. False, Fictitious or Fraudulent Claims**

Warning: Any person who knowingly makes a false claim or statement to HUD or the Department in connection with this HOME NOFA may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.

### **D. Detecting, Preventing, and Reporting Fraud**

Fraud is a white-collar crime that has a devastating effect on the HOME program because the HOME program beneficiaries are victims of this crime when the HOME program is abused. The Department wants to stop any criminal assault on the HOME program it administers, and in doing so ensure all HOME funds go to people it was designed to help and improve their living conditions.

### **E. Combating Fraud**

The HUD Office of Inspector General (OIG) is committed to protecting HUD’s programs, operations, and beneficiaries from dishonest individuals and organizations.

HUD cannot combat fraud alone; they rely on the Department and HOME NOFA Applicants to combat HOME program fraud.

HUD also relies on Applicants for, and people receiving, HUD benefits, such as: tenants receiving rental assistance, borrowers with HUD insured loans, and/or citizens having their communities restored using HUD grants.

The HUD OIG Hotline number is **1-800-347-3735**. This is the primary means to submit allegations of fraud, waste, abuse, mismanagement, or Whistleblower related matters for the HOME program to the OIG.

HUD OIG accepts reports of fraud, waste, abuse, or mismanagement in the HOME program from HUD employees, anyone administering the HOME program, anyone working in the HOME program, contractors, and the public.

Complaints can report mismanagement or violations of law, rules, or regulations by HUD employees or program participants.

Fraud, waste and abuse in the HOME program and its operation may be reported in one of the following four (4) ways:

By email to: [hotline@hudoig.gov](mailto:hotline@hudoig.gov)

By phone: Call toll free: 1-800-347-3735

By fax: 202-708-4829

By mail:

U.S. Department of Housing & Urban Development

**HUD OIG, Office of Investigation, Room 1200  
Field Office**

One Sansome Street  
San Francisco, CA 94104  
(213) 534-2518

**HUD OIG, Office of Investigation  
Suite 4070  
Regional Office**

300 North Los Angeles Street  
Los Angeles, CA 90012  
(213) 534-2518.

**F. Whistleblower Protection Acts**

(Federal Whistleblower Protection Act (5 U.S.C Section 2302(b)(8))

The Federal Whistleblower Protection Act (WPA) protects employees from retaliation for making protected disclosures. The WPA also provides penalties for supervisors who retaliate against Whistleblowers.

1. A disclosure is protected under the WPA if the employee discloses information the employee reasonably believes to be evidence of:
  - a. a violation of any law, rule, or regulation,
  - b. gross mismanagement,
  - c. a gross waste of funds,
  - d. an abuse of authority, or

- e. a substantial and specific danger to public health or safety.
2. In general, an employee or Applicant may make a protected disclosure to anyone, including non-governmental audiences, unless the information is classified or specifically prohibited by law from release. Options for making a protected disclosure include:
  - a. Informing a supervisor or someone higher up in management,
  - b. Submitting a complaint to the OIG by emailing the OIG at [oig@ftc.gov](mailto:oig@ftc.gov),
  - c. Filing a complaint with the Office of Special Counsel (OSC) <https://www.osc.gov/>.

The California Whistleblower Protection Act (Title 2, Division 1, Chapter 6.5, Article 3.5, Gov. Code §§ 8548-8548.5)

The California Whistleblower Protection Act authorizes the California State Auditor to receive complaints from state employees and members of the public who wish to report an improper governmental activity. An "improper governmental activity" is any action by a state agency or any action by a state employee directly related to state government that:

1. Violates any state or federal law or regulation,
  2. Violates an Executive Order of the Governor, a California Rule of Court, or any policy or procedure required by the State Administrative Manual or State Contracting Manual, or
  3. Is economically wasteful or involves gross misconduct, incompetency, or inefficiency.
- Complaints received by the State Auditor are confidential, and the identity of the complainant may not be revealed without the complainant's permission, aside from to an appropriate law enforcement agency conducting a criminal investigation.

There are many ways to file a complaint:

1. By Telephone

Call the Whistleblower Hotline at (800) 952-5665 to file a complaint by talking to one of the State Auditor's employees. The hotline generally is staffed Monday through Friday from 8:00 a.m. to 5:00 p.m. If when called, the hotline is not being staffed, or staff is occupied with other calls, a voicemail message can be left requesting a return call.

2. By Mail or Facsimile

To file a complaint in writing, submit a letter to the State Auditor addressed as follows:

Investigations California State Auditor  
P.O. Box 1019  
Sacramento, CA 95812

Or the letter may be faxed to the State Auditor at (916) 322-2603.

As an alternative, a complaint form may be accessed electronically (which is available on the State Auditor website at [auditor.ca.gov](http://auditor.ca.gov)). To submit, print it out, and return it by mail or facsimile as stated above.

3. Online

Although the State Auditor does not accept complaints by email, complaints may be submitted online at <https://www.auditor.ca.gov/contactus/complaint>.

The State Auditor will not undertake an investigation unless there is a basis for believing that a complaint has sufficient merit to warrant spending resources on an investigation. A complaint should therefore include:

- a. A clear and concise statement of what is being alleged to be improper activity and why it is believed to be improper.
- b. The name or other information that clearly identifies the person alleged to have acted improperly and the department where that person works.
- c. The names and contact information for any witnesses who can confirm the truth of the complaint.
- d. Copies of any documents that will support the complaint. (Do not submit original documents, as they cannot be returned.)

### **G. Cancellation and Defaults**

If HCD is required to repay HUD for HOME funds invested in affordable housing because the Project failed to meet the required minimum period of affordability (pursuant to 24 C.F.R. § 92.252(e)), then the Applicant/Developer/Contractor must repay the same amount back to the Department upon demand.

Terminated Projects: If a HOME Project is terminated pursuant to 24 C.F.R. § 92.205 and the Department has to repay any HOME funds invested in the Project to the participating jurisdiction's HOME Investment Trust Fund in accordance with 24 C.F.R. § 92.503(b), then Applicant/Sponsor/Developer/Borrower must repay that money back to the Department, so the Department can be made whole.

### **H. Loan Closing Requirements**

Sponsor must submit all Department Closing Checklist items well in advance of the anticipated construction loan closing, occupancy, and permanent loan closing dates.

Sponsors and Borrowers should allow at minimum 60 days after they have submitted to the Department the (i) final due diligence documents; and (ii) final signed transaction summary report for a loan to close. With the Department's current workload, the Department strongly recommends Sponsors and Borrower allow at minimum 90 days after submitting the final signed transaction summary for a HOME loan to close.

Failure by Sponsors and Borrowers to timely submit (i) the required due diligence documentation; and (ii) the final signed transaction summary will result in an unnecessary delay to the date when the Department loan will be able to close and may result in extra costs to Borrower. Sponsors and Borrowers are responsible to plan accordingly to ensure a timely closing.

## **VIII. List of Appendices**

Appendix A: Eligible HOME Jurisdictions

Appendix B: CHDO Certification Instructions

Appendix C: Community Needs Score

# 2022-2023 HOME Investment Partnerships Program (HOME) Application

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L. PETERSON, GRANTS COORDINATOR

COMMUNITY DEVELOPMENT DEPARTMENT

# 2022-2023 HOME NOFA

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Competitive – applicants are scored and ranked

Total: Approximately \$120 million

Funding for Projects and/or Programs serving low-income households earning at or below 80 percent (80%) of Area Median Income (AMI) and very low-income households earning at or below 50 percent (50%) of AMI meant to:

- Increase the supply of affordable rental housing;
- Expand homeownership opportunities and improve existing housing;
- Addressing and preventing homelessness; and
- Recovery assistance for natural disaster survivors

# Funding Allocations

Targets & Set Asides	Percentage	Amount
Program Activities	40%	\$48,000,000
Rental Projects	55%	\$66,000,000
First-Time Homebuyer Projects	5%	\$6,000,000
CHDO (Community Housing Development Organization)	15%	\$18,000,000
Rural Areas	50%	\$60,000,000
Native American Entities	20%	\$24,000,000
Federally-Declared Disaster Areas (unsubscribed 2021-2022 funds)	N/A	\$18,000,000

# Projects

---

Up to \$12,150,000 (depending on project)

- Rental New Construction: funds are provided to develop a specific multifamily Project on a specific site by a specific Developer. Rental new construction Projects may be with or without acquisition
- Rental Rehabilitation: funds are provided to rehabilitate a specific rental Project on a specific site by a specific Developer, with or without property acquisition.
- Homebuyer Projects: Construction financing must include the following: (
  - 1) New construction or acquisition/rehabilitation/conversion to develop homes on specific site(s).
  - (2) All (100 percent) of the HOME investment rolls over to permanent financing to provide mortgage assistance to eligible first-time homebuyers when the units are sold to eligible homebuyers.)

# Programs

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Up to \$1,500,000

- First Time Home Buyer Program (FTHB): Grant to jurisdictions for loans to homebuyers for acquisition only and/or acquisition with rehabilitation of a home; or funds for new infill construction (maximum of four dwellings per site).
- Owner Occupied Housing Rehabilitation Program (OOR): Grants to jurisdictions for loans to homeowners for repairs to meet federal, state or local building codes and to correct health and safety deficiencies.
- Tenant Based Rental Assistance (TBRA): Grants to jurisdictions to provide rent subsidies and/or security deposits to eligible households for a minimum of six months.

# Scoring Estimates

## ESTIMATE WITH POINTS FOR STATE OBJECTIVE SUB-FACTOR 2

Rating Factor	Maximum Points	FTHB	OOR	TBRA
Housing Element	50	50	50	50
HUD Direct HOME Allocation (Declined)	50	0	0	0
Rural Communities	50	50	50	50
Capacity - Applicant Experience	100	25	50	75
Capacity - Prior Performance Sub-factor #1: Reporting	50	40	40	40
Capacity - Prior Performance Sub-factor #2: Monitoring Noncompliance (1/1/2019-12/31/2023)	100	100	100	100
Community Need	250	173	181	187
Project Feasibility	100	68	79	79
State Objectives - Sub-factor #1: Increasing Affordable Housing	90	90	90	90
State Objectives - Sub-factor #2: Homelessness or Extremely Low-Income	110	110	110	110
Estimated Total	950	706	750	781

## ESTIMATE WITHOUT POINTS FOR STATE OBJECTIVE SUB-FACTOR 2

Rating Factor	Maximum Points	FTHB	OOR	TBRA
Housing Element	50	50	50	50
HUD Direct HOME Allocation (Declined)	50	0	0	0
Rural Communities	50	50	50	50
Capacity - Applicant Experience	100	25	50	75
Capacity - Prior Performance Sub-factor #1: Reporting	50	40	40	40
Capacity - Prior Performance Sub-factor #2: Monitoring Noncompliance (1/1/2019-12/31/2023)	100	100	100	100
Community Need	250	173	181	187
Project Feasibility	100	68	79	79
State Objectives - Sub-factor #1: Increasing Affordable Housing	90	90	90	90
State Objectives - Sub-factor #2: Homelessness or Extremely Low-Income	110	0	0	110
Estimated Total	950	596	640	781

# Scoring Points for State-Objectives – Sub-factor #2: Homelessness or Extremely Low-Income

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In order to score, applicants must:

1. Apply for TBRA; or
2. Proposed Project will primarily serve (50% or more) people experiencing Homelessness and/or those At Risk of Homelessness as defined in at 24 C.F.R. § 578.3; or
3. Proposed Project will primarily serve (50% or more) Extremely Low-Income Families, which means low-income families whose annual incomes do not exceed 30 percent of the median family income of a geographic area, as determined by HUD with adjustments for smaller and larger families.

# HOME Income Limits effective 6/15/2023

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Persons in Household	1	2	3	4	5	6	7	8
30% Limit	\$17,850	\$20,400	\$22,950	\$25,500	\$27,550	\$29,600	\$31,650	\$33,700
Very Low Income 50%	\$29,750	\$34,000	\$38,250	\$42,500	\$45,900	\$49,300	\$52,700	\$56,100
60% Limit	\$35,700	\$40,800	\$45,900	\$51,000	\$55,080	\$59,160	\$63,240	\$67,320
Low Income 80%	\$47,600	\$54,400	\$61,200	\$68,000	\$73,450	\$78,900	\$84,350	\$89,800

# Program Costs

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- \$1,500,000 total including Activity costs (loans/grants), Project-related Soft Costs (direct cost of implementing activity), and General Administration of HOME program

Program Type	General Administration	Project-related Soft Costs
FTBH	Up to 2.5%	Up to 6.5% of home acquisition costs
OOR	Up to 2.5%	Up to 24% of loan/grant amounts
TBRA	Up to 10%	Up to 5% of rent payments

# Timeline

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- March 25, 2024: Council provide direction regarding application
- April 8, 2024: Council consider adopting a resolution approving the application
- April 9, 2024: Application submitted to HCD
- July 2024: Award announcements
- September 2026: Contracts executed
- September 2030: Program expenditure deadline



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 24-652

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 8B.

Receive presentation of recommended update to the City of Fort Bragg's Emergency Operations Plan and consider adopting Resolution xx-2024 - Resolution of the Fort Bragg City Council Approving Updated City of Fort Bragg Emergency Operations Plan



<b>AGENCY:</b>	City of Fort Bragg
<b>MEETING DATE:</b>	March 25, 2024
<b>DEPARTMENT:</b>	Police
<b>PRESENTED BY:</b>	Captain Thomas O'Neal
<b>EMAIL ADDRESS:</b>	toneal@fortbragg.com

## AGENDA ITEM SUMMARY

**TITLE:**  
**RECEIVE PRESENTATION OF RECOMMENDED UPDATE TO THE CITY OF FORT BRAGG'S EMERGENCY OPERATION PLAN AND CONSIDER ADOPTION OF RESOLUTION APPROVING THE UPDATED CITY OF FORT BRAGG EMERGENCY OPERATION PLAN**

**ISSUE:**  
 The California Emergency Services Act mandates local governments to adopt an Emergency Operations Plan (EOP) that at a minimum addresses topics required by the Federal and State governments. These mandated topics are regularly updated by new legislation. While there is no mandated requirement that an EOP be updated, the Federal Emergency Management Agency (FEMA) Comprehensive Preparedness Guide governing the development and maintenance of an EOP states *"plans need periodic review and updates to address changes over time in risk and capabilities."*

**ANALYSIS:**  
 The City of Fort Bragg's EOP was last updated and approved by City Council in 2016. Since then, there have been several legislative requirements added at both the State and Federal levels including Senate Bill-160: Emergency Services Cultural Competence and the Pet and Evacuation and Transportation Standards Act (PETS). Additionally, FEMA recommended that organizations revise their EOP using a "Whole Community Approach". This involves emergency managers meeting with stakeholders from the community during the development of the plan.

In October of 2023, a review of the City's EOP was assigned to the Fort Bragg Police Department staff. As part of the review process city staff has conducted dozens of meetings with community stakeholders including marginalized and underrepresented populations.

The proposed EOP is a combination of personalized content directly applicable to the City and standardized content pulled from other recently approved EOP's from other jurisdictions. The proposed EOP is accompanied by the State review checklist to demonstrate its compliance with State and Federal mandates.

**FISCAL IMPACT:**  
 Failing to have a current Emergency Operations Plan that complies with all State and Federal laws could cause the City to be ineligible for disaster reimbursement following a local, or State or Federal emergency.

AGENDA ITEM NO. \_\_\_\_\_

Maintaining a current Emergency Operations plan may assist the City in applying for grants relating to emergency planning and management.

**IMPLEMENTATION/TIMEFRAMES:**

The State will not review and approve an updated Emergency Operations Plan until it has been approved by the local governing body. It takes approximately 30-45 business days for the State to review an EOP. Any recommendations from the State will be applied to the EOP and returned to Council for approval.

**RECOMMENDED ACTION:**

Approve by resolution, the updated Emergency Operations Plan as presented.

**ALTERNATIVE ACTION(S):**

1. Request changes to the plan. This would require the plan to be updated and brought back at a future meeting.

**ATTACHMENTS:**

1. Proposed City of Fort Bragg Emergency Operations Plan (March 2024)
2. State Certification Crosswalk
3. Previous Emergency Operations Plan



# Emergency Operations Plan

Fort Bragg, California

Updated March 15, 2024



## Letter from the City Manager

Dear Residents and Business owners of Fort Bragg,

Ensuring the safety and well-being of our community is a paramount concern for me as City Manager of Fort Bragg. When I assumed this role at the beginning of 2024, I made Emergency Management, Planning, and Recovery a top priority. Witnessing the devastation caused by the disaster in Maui in 2023 reinforced the importance of being prepared for emergencies and ensuring our community's ability to recover economically from any challenges we may face. Given our city's location in one of the most beautiful yet rugged places in the world, we must be prepared for a variety of threats, from global warming to severe storms.

I am particularly proud that our Emergency Operations Plan (EOP) was developed with a Whole Community Concept in mind. This approach ensures that every segment of our diverse population is considered, and their concerns are addressed in our emergency planning efforts. Dozens of meetings were held with organizations and individuals throughout our community to ensure that their voices were heard and that our plan includes adequate protections for all residents.

I wish to express my heartfelt gratitude to the current City Council for their steadfast support throughout the process of revising our Emergency Operations Plan. Their dedication to increasing funding for our Emergency Planning Operations has significantly enhanced our preparedness efforts. This document represents the culmination of extensive collaboration by the management team and supporting staff. I want to extend a special acknowledgment to Captain Thomas O'Neal for his dedication and exceptional efforts in orchestrating the development of this plan.

In response to recent events and potential threats faced by our community, we have undertaken a comprehensive review and revision of our EOP. The updated plan incorporates best practices, lessons learned from past incidents, and input from various stakeholders to enhance our resilience and ability to mitigate, respond to, and recover from emergencies.

Key highlights of the updated Emergency Operations Plan include:

1. **Comprehensive Risk Assessment:** We have conducted a thorough assessment of potential hazards and risks faced by our community, providing the foundation for our emergency preparedness and response strategies.
2. **Enhanced Coordination and Collaboration:** The revised EOP emphasizes the importance of coordination and collaboration among city departments, emergency responders, community organizations, and other stakeholders to effectively mobilize resources and support during emergencies.

3. Clear Roles and Responsibilities: The EOP outlines clear roles and responsibilities for city staff, emergency management personnel, and partner agencies to ensure a coordinated and efficient response to emergencies.

4. Community Engagement and Public Outreach: Engaging with the community is essential for building resilience and fostering preparedness. The updated EOP includes provisions for community outreach, public education campaigns, and collaboration with neighborhood groups to empower residents with the knowledge and resources needed to respond effectively to emergencies.

5. Training and Exercises: Training and exercises are vital for testing our emergency response capabilities and identifying areas for improvement. The EOP outlines a schedule of training sessions, drills, and tabletop exercises to ensure that city personnel are well-prepared to fulfill their roles during emergencies.

I encourage all residents and business owners to familiarize themselves with the revised Emergency Operations Plan and their role within the emergency management framework. Your contributions and commitment to our preparedness efforts are invaluable in safeguarding the well-being of our community.

If you have any questions or concerns regarding the Emergency Operations Plan or our emergency preparedness initiatives, please do not hesitate to contact Thomas O'Neal at [toneal@fortbragg.com](mailto:toneal@fortbragg.com).

Thank you for your dedication to serving our community and ensuring its safety and resilience.

Sincerely,

Isaac Whippy

City Manager

DRAFT

## Promulgation, Approval and Implementation

This plan was presented to and approved by the Fort Bragg City Council on March 25, 2024, by Resolution No. XX-XX. This plan supersedes all previous plans and took effect immediately upon City Council approval. Approval of this plan remains in effect until a change to this plan is presented to and approved by the City Council.

Our Emergency Operations Plan broken down into two primary sections: the basic plan and supporting appendices. Changes made to the basic plan require approval by the City Council with the exception that temporary changes may be made for no longer than seven days. Temporary changes shall expire after seven days if not approved by the City Council. The intent of temporary changes is to allow this plan to be flexible during emergencies and in light of new and developing information.

The Record of Distribution may be adjusted without approval as more organizations or stakeholders receive copies of this plan.

This plan is maintained by the City Clerk.

The supporting appendices are intended to be living documents that are updated as frequently as needed. Changes to supporting appendices may be approved by the City Manager or Chief of Police. As supporting appendices often contain sensitive information such as personal contact information or vulnerabilities related to City infrastructure, they are not releasable to the public.

The basic plan shall be reviewed by the City Manager or their designee on an annual basis no later than March 1<sup>st</sup>, with that review being documented in the Record of Changes.

The basic plan shall be reviewed and approved by City Council at least once every three years.

This document represents the official Emergency Operations Plan for the City of Fort Bragg and gives authority to Departments within the City to perform their duties during an emergency in accordance with Federal, State and local laws as well internal policies and Administrative Regulations.

While many organizations are mentioned in this document, it remains those organizations responsibilities to maintain their own Emergency Operations Plans, training, and exercise plans required to support the City's plan.

### **Mayor's Signature**

## Record of Changes

<b>ID</b>	<b>Date</b>	<b>Requestor</b>	<b>Description</b>	<b>Pages Effected</b>
1	03/24	T. O'Neal	Update EOP IAW Current CPG 101 and EMAP Standards	All

DRAFT

## Record of Distribution

Date	Organization	Received by	Distributed by	Format

DRAFT

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## Best Practices for Reviewing this Emergency Operations Plan

When reviewed in printed format, this guide is intended to provide a basic overview of the City of Fort Bragg's Emergency Operations Plan (EOP) for stakeholders, employees and members of the public. The goal is that within one hour the reader should have a basic understanding of the various components related to emergency planning at the local government level. When reviewed in a digital format, there are multiple [hyperlinks](#) that will allow the reader to delve deeper into certain topics. Efforts were made to hyperlink complex topics the first time they appear in this plan. If the reader encounters a term or concept that they are unfamiliar with or want to learn more about and there is no hyperlink, the reader should search backwards in the document to find the first time the concept was introduced and look for that hyperlink.

Managers and employees in positions with specific responsibilities as outlined in this document should at a minimum take the time to review the materials hyperlinked that relate to their specific roles.

When reviewing external documents accessed via hyperlink the reader may need to use a search function to locate the desired topic within the external document.

You should notify the current Emergency Manager for the City of Fort Bragg if you identify a hyperlink that is broken or incorrect. The current Emergency Manager can be identified on the City of Fort Bragg's [website](#).

## Purpose

This plan satisfies the following emergency management program goals and requirements for the county:

- A state requirement to create and maintain an EOP as described in the [California Emergency Services Act](#).
- Provide information on the City of Fort Bragg's emergency management structure and how the emergency management team is activated.
- Specify policies, roles, resources, and practices of the City and partner agencies as they conduct work before, during, and after an emergency.
- Sets forth lines of authority and organizational relationships and shows how actions will be coordinated.
- Assign responsibility to organizations and individuals for carrying out specific actions that exceed routine responsibility at projected times and places during an emergency.
- Acknowledgement of City's adoption of the [Standardized Emergency Management System \(SEMS\)](#), [Incident Command System \(ICS\)](#), and [National Incident Management System \(NIMS\)](#). This plan accomplishes the following:

- Establishes the emergency management organization necessary for response to any emergency or disaster affecting the City of Fort Bragg.
- Establishes the overall operational concepts associated with the management of emergencies.
- Provides a flexible platform for planning and response to all hazards and emergencies that are likely to affect the City of Fort Bragg. It is applicable to a wide variety of anticipated emergencies including, but not limited to: earthquake, wildland/urban interface fires, floods, terrorism, tsunami, severe storm, and public health emergencies or other biological incidents. The City of Fort Bragg also maintains stand-alone annexes, plans, and standard operating procedures (SOPs) that supplement this plan to address those and other hazards. These annexes are intended to be used in conjunction with this basic plan.

## Scope

This plan defines and guides emergency management activities before, during, and after disaster for all involved individuals and agencies. This EOP is designed to be flexible and scalable based on the size and complexity of the event. This EOP is also intended to be adaptable based on the type of hazard of emergency.

Individuals and organizations operating within the city are expected to execute this plan with maximum coordination and should familiarize themselves with their respective roles as outlined within the EOP.

This EOP was developed with input from key partners within the city's jurisdiction, the surrounding areas, and our partners at the [Operational level \(County\)](#). A thorough multijurisdictional planning and review process with members of the community focusing on inclusivity ensures the EOP meets the needs of all communities within the City of Fort Bragg. More information about the overall community approach and review process can be seen in the [Whole Community Approach](#) and Plan Maintenance sections.

## Whole Community Approach

"Whole Community" is a means by which emergency management and government officials, organizational and community leaders, and residents collectively understand and assess the needs of their respective communities and determine the best ways to organize and strengthen their assets, capacities, and interests. A Whole Community approach attempts to engage the full capacity of the private and nonprofit sectors, businesses, faith-based and disability organizations, and local, state, and tribal governments to fulfill three guiding principles:

- Understand and meet the actual needs of the entire community;
- Engage and empower all parts of the community; and
- Strengthen what works well in the community on a daily basis.

By utilizing a Whole Community approach to emergency management, the City of Fort Bragg can ensure that the interests of special populations are adequately represented throughout both this EOP as well as other emergency planning documents.

The City of Fort Bragg is dedicated to ensuring that this EOP and all corresponding annexes are inclusive to populations who may have special needs during a disaster or emergency situation. This document and corresponding annexes reflect the following considerations:

- Integration of cultural competency into emergency preparedness and planning, outreach, mitigation, response, and recovery activities.
  - Cultural competency is defined as the ability to understand, value, communicate with, and effectively interact with people across cultures in order to ensure that the needs of all community members are addressed, with priority given to culturally diverse communities.
  - Activities include but are not limited to public information, warnings and other emergency communications; sheltering; evacuation; general community preparedness; mitigation planning; and disaster recovery.
- Integration of populations with access and functional needs into emergency preparedness and planning, outreach, mitigation, response, and recovery activities.
  - Access and functional needs populations consist of individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.
  - Activities include but are not limited to public information, warnings and other emergency communications; sheltering; evacuation; general community preparedness; mitigation planning; and disaster recovery.
    - Emergency communications are supplemented with the use of interpreters, translators, and assistive technology.
    - Evacuation resources are compliant with the federal Americans with [Disabilities Act of 1990 \(ADA\)](#) for individuals who are dependent on public transportation, while designated shelters are compliant with ADA regulations for accessible entrances, showers, and bathrooms.

- All personnel carrying out federal major disaster or emergency assistance functions, including the distribution of supplies, the processing of applications, and other relief and assistance activities, should perform their work in an equitable and impartial manner, without discrimination on the grounds of race, religion, sex, color, age, economic status, physical and sensory limitations, limited English proficiency, or national origin.
- The [Pet Evacuation and Transportation Standards \(PETS\) Act of 2006](#) amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that state and local government EOPs address the needs of individuals with household pets and service animals after a disaster. The PETS Act is operational when a federal disaster declaration is made and can provide reimbursement for allowable, documented services used in the declared emergency. Eligible costs related to pet evacuations and sheltering is in [FEMA's Public Assistance Program and Policy Guide \(PAPPG\)](#).

Creating a Whole Community approach not only establishes relationships that facilitate more effective mitigation, preparedness, response, and recovery activities, but also leads to increased individual and collective preparedness through the entire city and its surrounding areas. This plan was developed and vetted through a Whole Community partnership that strives for equity and inclusion. All updates to this EOP are presented for comment through the Whole Community partnership.

## Situation Overview

The City of Fort Bragg is located approximately 165 miles north of San Francisco and 188 miles west of Sacramento. The City occupies 2.7 square miles of land along the Pacific coast, most of which is between the Noyo River on the south and Pudding Creek to the north. Fort Bragg is the largest city on the Mendocino coast and is a regional service and retail center. The mild climate, picturesque coastline, and historic downtown shopping district make the city a popular tourist and recreational destination.

The [2020 U. S Census](#) reported a population of 6,983 in 2020, 4.0% fewer residents than were recorded in 2010. The base population numbers for Fort Bragg fail to take into consideration four additional critical factors:

1. Fort Bragg serves as hub for the entire Mendocino coast including supplying the bulk storage of food supplies (grocery stores), being the primary medical care provider (hospitals and ambulances), as well as representing the home station of core fire and law enforcement protection (MCSO Station #2, Cal Fire, and Fort Bragg Fire Department).

2. Fort Bragg and the surrounding Mendocino Coast remain a tourist destination with thousands visiting annually and up to 10,000 vacationing in the area at one time during peak seasons. This number does not include those visitors coming to the Mendocino Coast for day trips to visit the beaches or other amenities. Tourists and visitors represent a unique problem for emergency planning, as they typically do not have the means to support themselves during unexpected emergencies (i.e. lack of medications, food, clothing, etc.)
3. Fort Bragg is home to a significant population of individuals who are elderly and/or have disabilities. The 2020 U.S. Census estimated that 25.0% of Fort Bragg citizens were 65 years of age or older. This is approximately 10% higher than the State and Ukiah. Also of note, 13.6% of citizens under age 65 in Fort Bragg live with a disability. This is nearly double the State average. This means that approximately 1/3 of Fort Bragg's population may have difficulty caring for themselves adequately during an emergency. Finally, the Mendocino County Department of Social Services reported in 2024 that at least 450 residents on the Mendocino Coast require In-Home Health Services care.
4. 25.0% of homes in Fort Bragg reported that a language other than English is spoken at home and 15.2% of the population is reported as a foreign-born person. These statistics combined with 33.2% of the population reported as being Hispanic or Latino means that any emergency planning must include provisions for individuals who do not speak English or who primarily speak Spanish.

State Highway 1 is the predominant north-south transportation route through the city, and State Highway 20 is the predominant east-west route. Both of these routes are susceptible to closure during various types of emergencies due to slope slides, bridge failures, wildfire, etc. Of additional consideration is the number of [Disaster Service Workers](#) (City employees) who reside outside of the City limits and may be prevented from responding during emergencies due to road closures.

Another critical issue related to the emergency planning for Fort Bragg is the potential for supply disruptions of critical resources. Fort Bragg has a limited amount of food, fuel (propane, diesel and gasoline), medical supplies (oxygen, dialysis, medications). Disruptions of either Highway 1 or Highway 20 could cause immediate short-term resource concerns.

According to the [Local Hazard Mitigation Plan \(LHMP\)](#) developed in 2020 Fort Bragg is most at risk to climate change, drought, earthquake, flood, extreme weather, pandemic, slope failure, and wildfire. Additional concerns developed since the 2020 include communication failures, power outages, and supply disruptions.

Effectively managing risk and emergencies within the city is challenging because of the city’s limited resources, rural setting, and vulnerable access routes—and thus requires close collaboration by entities within the city and, at times, help from outside the city.

### Hazards, Threats and Vulnerabilities

Hazard/Threat	Vulnerability and Potential Impacts
Climate Change	While climate change poses a myriad of issues to Fort Bragg, sea level rise or coastal flooding threaten the City’s fresh water sources by causing salt water to move further upstream in the rivers.
Communication Failure	Communication failures as the result of human errors, wildfires, and power outages have the ability to immediately disrupt the supply chain in Fort Bragg. This can include losses to phone, internet, and credit/debit card access.
Cyberattacks	Between 2018 and 2022, the FBI received 3.26 million complaints about <a href="#">cyberattacks</a> , with reported losses totaling \$27.6 billion. Cyberattacks are a persistent and growing issue that threatens the City’s continuity of operations.
Drought	Drought continues to be a threat to Fort Bragg despite numerous hazard mitigation efforts pursued by the City. The potential for supply chain disruptions exasperates this hazard.
Earthquake	Fort Bragg sits between the San Andreas (coastal) and Maacama (mountain) fault lines. Both fault lines pose catastrophic risks to the city and surrounding areas. Of additional concern is the number of critical facilities that require seismic upgrades including the Fort Bragg Fire Department, the Hospital, and Corporation Yard. Additionally, a significant number of residential and commercial buildings were constructed prior to 1979 and may require additional retrofitting.
Extreme Weather	Extreme weather continues to be a major concern for Fort Bragg due to the potential for prolonged droughts, heavy rainfall in short periods of time, and high winds resulting in power outages and property damage.
Flood	Both the Harbor District and Ocean Lake Adult Mobile Home park are susceptible to flooding, tsunamis, and sea level rise.

Slope Failure	<p>Slope failures commonly occur in connection with other major natural disaster such as earthquakes and floods; however, slope failures can be caused by normal, seasonal rainfall or erosion. Slope failures represent threats to the road access to Fort Bragg and to the City of Fort Bragg’s water supply as many of its water delivery systems traverse steep slopes in multiple areas.</p>
Power Outage	<p>The Mendocino Coast receives electric energy over interconnected high voltage transmission lines owned and operated by PG&amp;E. These transmission lines pass through rugged heavily wooded terrain that is susceptible to wildfires and slope failures. This causes the Mendocino Coast and Fort Bragg to be at risk of power outages effecting the entire coast or portions of it during extreme weather.</p> <p>In an effort to protect communities from wildfire, PG&amp;E exercises precautionary measures by de-energizing lines when extreme fire danger conditions exist. These Public Safety Power Shutoffs (PSPS) can cause the entire Mendocino Coast to go without power for several days.</p> <p>During past extended power outages, one of the three major food retailers in Fort Bragg was unable to maintain its food stock and several gas stations were forced to close due to limited backup power capabilities.</p>
Pandemic	<p>Disease outbreak can cause illness and result in significant casualties. In 2020 an outbreak of respiratory disease caused by a novel coronavirus COVID-19 was identified and the World Health Organization declared the outbreak a “public health emergency of international concern” and Health and Human Services declared a public health emergency for the United States. COVID-19 was characterized as a pandemic and declared by the President a national emergency. Mendocino County declared a local health emergency and shelter in place orders were established. The City of Fort Bragg declared a local emergency. Mendocino County experienced deaths, increased hospitalizations and outbreaks due to the virus.</p>

Wildland/Urban Interface Fire	The terrain, vegetation, and weather conditions are favorable for the ignition and rapid spread of wildland fires. Wildland fire hazards areas are identified by determining the amount of fuel in a given area. Wildfires are moderately likely to occur.
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## Planning Assumptions

The following circumstances were assumed during plan development:

- Any extraordinary set of circumstances that meets the definition of “[State of Emergency](#)” under state law is referred to in this plan as an “emergency.” The terms “disaster” and “emergency” are considered synonymous. These terms are not meant to replace the formal definitions of “[emergency](#)”, “[major disaster](#)”, and “[catastrophic incident](#)” as defined by federal doctrine.
- Normal systems of public health and safety response (e.g., law enforcement, fire and rescue, and emergency medical assistance) will respond according to their respective authorities and procedures. The focus of this plan is to facilitate coordination among agencies when resources are exhausted or severely limited, or when extraordinary multi-agency coordination is required.
- Emergency activity may exhaust or exceed the capability of one or more organizations. Extraordinary efforts to manage scarce resources, especially among multiple organizations, may be required.
- The City will lead response to emergencies that occur within our area of primary responsibility.
- The State, Federal Government, or another local jurisdiction will lead response to incidents that occur within their jurisdiction
- [Unified Command](#) will be established to lead response where jurisdictions coincide.
- The City will provide and request aid during an emergency, pursuant to automatic and mutual aid agreements.
- The City will exhaust or expect to exhaust available resources before asking for assistance from other jurisdictions.
- The City will implement this emergency plan before requesting emergency assistance.
- Mitigation efforts can reduce disaster-related losses. Detailed planning, training, and exercises improves readiness levels within the city.

- A major disaster can occur at any time or place. Dissemination of warning to the public and the implementation of readiness measures may be possible. However, emergency situations may develop with little or no warning.
- The City of Fort Bragg realizes that policies and plans can have unintended or adverse impacts. It is the goal of this plan to limit these impacts, and strive to create a culture that allows for diversity, equity, and inclusion through all aspects of emergency management in Fort Bragg.
- Fort Bragg is a diverse community and individuals may have different needs with respect to their unique situation or circumstances.

## Concept of Operations

In accordance with state and federal laws, the City of Fort Bragg has officially adopted and integrated the following emergency management, response, and coordination systems:

1. Incident Command System (ICS)
2. Standardized Emergency Management System (SEMS)
3. National Incident Management System (NIMS)

Together, these operational systems outline how critical incidents, emergencies, and disasters will be coordinated in the field, at the local level, and up through the county, region, state, and federal levels. As the cornerstone of California's emergency response system, SEMS integrates the concepts and principles of both NIMS and ICS. Jurisdictions within the State are required to adopt its use. SEMS unifies all elements of California's emergency management community into a single integrated structure. SEMS ensures that local communities retain the authority and responsibility for managing and coordinating responses within their jurisdictions, while promoting situational awareness and facilitating the prioritization of resource requests.

## SEMS Levels

The five SEMS coordination levels expand outward from the impacted area at the field level, with each successive level representing a larger geographic area. The six coordination levels include Field Response, Local Government, Operational Area, Regional, State, and Federal.

1. Field Response
  - As mandated by both SEMS and NIMS, the City utilizes ICS to manage response activities in the field and in the [Emergency Operations Center \(EOC\)](#). ICS provides for common terminology, processes, and position titles, while allowing the delegation of functions (or tasks) to subordinate positions in order to promote proper span of control and unity of command. ICS is

applicable to any size incident and is designed to be expandable as the needs of an incident expand or contract.

- Field response includes on-scene activities and coordination, consistent with ICS, and includes the use of an [Incident Command Post \(ICP\)](#). Resource requests and situation reports are routed from the field to the next SEMS organizational level, either through participating response agencies or the local EOC if activated.

## 2. Local Government

- The City of Fort Bragg, as the local government, retains the responsibility and authority for managing response activities within its jurisdiction. To support these efforts, the City may activate its EOC and Department Operations Centers (DOCs)<sup>1</sup>. The EOC provides agency coordination, provides logistical support, establishes common operating procedures, identifies overarching priorities, and prioritizes available resources. Additionally, the EOC coordinates with the [Mendocino County Operational Area \(OA\) / County EOC](#).

## 3. Operational Area (OA)

- The OA provides response coordination for all political subdivisions within the county's geographic borders. The OA coordinates response activities within the county's geographic area through the County EOC, if activated. The OA also serves as a link to regional level and all other OAs within the region.
- The City of Fort Bragg is part of the Mendocino County OA and coordinates closely with the Mendocino County Office of Emergency Services (OES). The City participates in Mendocino County OA planning and, during a critical incident, coordinates with the OA through either the Mendocino County OES or the Mendocino County EOC, if activated.

## 4. Regional

- The State of California is divided into three regions that each maintain [Regional Emergency Operations Centers \(REOC\)](#) to coordinate resource requests, support mutual aid, and promote situational awareness between their respective OAs. The City of Fort Bragg and the Mendocino County OA are within the [Coastal Administration Region](#).

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<sup>1</sup> A DOC is the same as an EOC except the a DOC is used for specific disciplines such as law enforcement, fire, or Public Works. The DOC reports to the EOC when the EOC is activated.

## 5. State

- When required, [California's State Operations Center \(SOC\)](#) is activated to facilitate state agency response, mobilize mutual aid, and coordinate with other regions, states, and the federal government.

## 6. Federal

- NIMS provides a comprehensive national framework for incident management applicable at all jurisdictional levels and across all functional disciplines. The majority of NIMS requirements applicable to the City of Fort Bragg, including the adoption of ICS, are satisfied by the adoption of SEMS. Additional elements of NIMS outline coordination between federal agencies and the use of federal assets and resources.
- The [National Response Framework \(NRF\)](#) is built upon the premise that incidents are typically handled at the lowest jurisdictional level. The NRF provides the framework for federal interaction with state, local, tribal, private sector, and non-governmental entities in the context of domestic incident management to ensure timely and effective federal support.

## Mutual Aid

The California Mutual Aid System operates within the framework of the [California Master Mutual Aid Agreement \(MMAA\)](#) and under the authority of the California Emergency Services Act. The system allows for the mobilization of resources to and from emergency response agencies, local governments, OAs, regions, and the state with the intent to provide requesting agencies with adequate resources. Mutual aid is utilized by four primary response disciplines:

- Fire and Rescue
- Law Enforcement
- Coroner
- Emergency Management

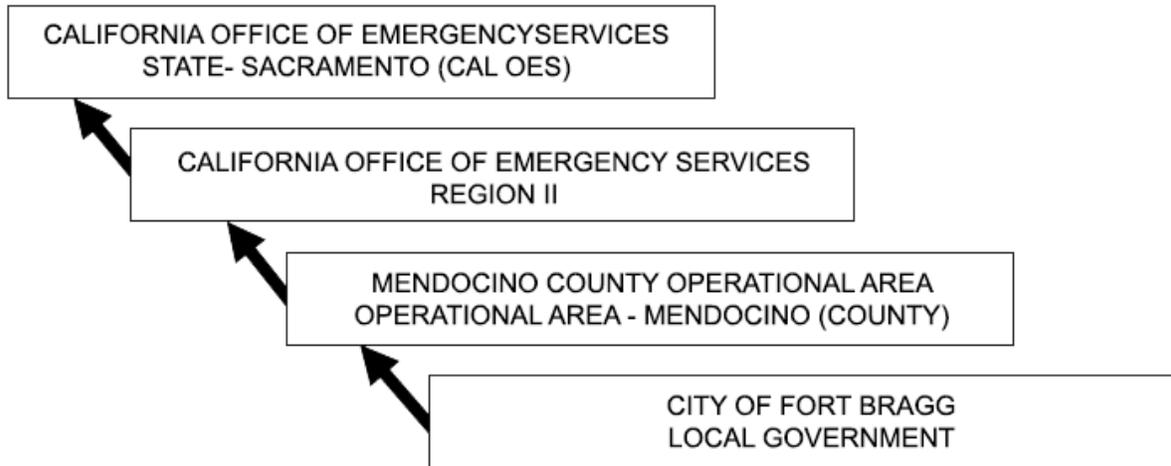
The California Mutual Aid System includes six mutual aid regions in order to facilitate the coordination and flow of mutual aid requests. As part of the Coastal Administration Region, the Mendocino County OA and the City are part of Mutual Aid Region II<sup>2</sup>. The system includes a number of discipline-specific mutual aid systems that operate through designated mutual aid coordinators at the OA, regional, and state levels. Mutual aid requests are coordinated within their geographic area before unfilled requests are

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<sup>2</sup> Mutual Aid Region II is synonymous with Coastal Administration Region

forwarded to the next level. See Figure 1 (Mutual Aid Request Process) on the following page.

**Figure 1**  
**Mutual Aid Request Process**



Mutual aid requests that do not fall into one of the discipline-specific mutual aid systems are handled through the emergency services mutual aid system and by emergency management staff at the local government, OA, regional, and state levels.

The City will assume responsibility for the support of mutual aid personnel and their equipment.

## Phases of Emergency Management

### Mitigation

The mitigation phase includes actions and measures taken to reduce or eliminate the degree of long-term risk from natural and technological hazards. Whereas preparedness activities increase the City's ability to respond to the impacts of a hazard, mitigation activities reduce the potential for those impacts in the future, thereby reducing overall risk.

The City participates in local and regional mitigation activities such as the development of risk assessments and mitigation plans. The County's Local Hazard Mitigation Plan (LHMP) contains detailed hazard assessments and potential mitigation strategies. The City's Comprehensive Plan (General Plan) also includes mitigation approaches and elements.

## Preparedness

The preparedness phase of emergency management includes activities undertaken prior to an emergency in order to improve the City's ability to coordinate, respond, and recover from a critical incident. These activities focus on maintaining or improving capabilities that will be used in the response or recovery phases. The City's preparedness activities emphasize emergency planning, training, and exercises as well as public education and outreach. The City conducts drills and exercises regularly in order to validate ongoing activities, identify areas for improvement, and prioritize or justify future effort and funding. Development of a multi-year exercise plan for City staff is the responsibility of the Assistant Director of Emergency services. The City follows the best practices of the Homeland Security Exercise and Evaluation Program (HSEEP). Training and exercise plans are maintained in the appendices.

## Planning

Emergency planning includes a wide variety of plans at the strategic, operational, and tactical levels. Strategic plans include the EOP and many of its associated hazard-specific or functional annexes, while operational and tactical planning includes more detailed information such as standard operating procedures (SOP), checklists, personnel assignments, notification rosters, resource lists, and forms.

All City departments are required to participate in the development of relevant strategic and operational plans while ensuring that internal tactical planning is sufficient to meet the needs of their outlined roles and assigned objectives. This includes the development of department-specific SOPs required to meet the objectives outlined for each department.

## Response

The response phase includes any actions taken immediately before, during, or directly after a critical incident in order to minimize the potential or existing impacts of the incident.

### Pre-Event Response

Some incidents may provide sufficient warning to allow for pre-event or precautionary measures. Depending upon the probability and likelihood of significant impacts, pre-event response activities may include:

- Public Warning
- Evacuations
- Resource Mobilization
- Staging
- Mutual Aid Requests
- Proclamation of a Local Emergency

## Emergency Response

Emergency response activities are actions taken during, or in the immediate aftermath, of a critical incident to reduce actual impacts. While these activities are most often associated with traditional response agencies including law enforcement, fire protection, EMS, utilities, and public works, the size and complexity of an incident may require robust support from additional governmental agencies, non-government agencies, and other partners.

When coordinating emergency response activities and addressing competing needs and objectives, the City has established the following broad response priorities:

1. Support Life Safety
2. Protect Property and Infrastructure
3. Reduce Impacts to the Environment
4. Economic Recovery
5. Cultural Preservation<sup>3</sup>

Emergency response may also include activities related to short-term recovery and often overlaps with long-term recovery operations.

## Recovery

The recovery phase includes short-term activities focused on returning the community to pre-incident conditions. In some instances when a state or federal disaster declaration has been made, recovery activities include the critical task of identifying, documenting, and quantifying response, and recovery costs eligible for reimbursement.

The City established a task force model for recovery in order to ensure that key aspects of recovery are addressed. The primary task forces that are established that focus on both external and internal recovery operations.

## Damage Assessment

Damage assessment activities involve identifying, recording, compiling, and analyzing damage information in order to determine the type of recovery assistance needed.

Following major disasters, a process known as a Preliminary Damage Assessment (PDA) is used to determine preliminary eligibility for certain state and federal financial assistance and reimbursement programs. More information on Damage Assessment can be found in Annex D: Damage Assessment

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<sup>3</sup> This section was added by SB-160 in 2019

## Disaster Assistance Programs

If the disaster is significant enough to warrant a gubernatorial and a presidential federal disaster declaration, additional state and federal assistance may become available. If determined to be eligible, the City and its residents may be able to participate in state and federal disaster assistance programs for the following:

*Individuals* - may be eligible for loans and grants for housing assistance programs (for homeowners and renters), and uninsured disaster-related necessities (including personal property, medical, dental, and transportation expenses). Other Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) programs including crisis counseling, disaster unemployment assistance, and legal services, may be available.

*Businesses* - may be eligible for low-interest loans to assist with uninsured physical damage through the U.S. Small Business Administration (SBA).

*Government* - assistance may be available through state assistance under the [California Disaster Assistance Act \(CDAA\)](#), as well as several federal programs including the [FEMA Public Assistance \(PA\) Grant Program](#) and the [Hazard Mitigation Grant Program \(HMGP\)](#).

*Non-profit Organizations* - assistance may be available through the state CDAA, as well as several federal programs including FEMA PA Grant Program for eligible non-profit organizations.

## Recovery Documentation

Documentation is the key to recovering eligible emergency response and recovery costs. Damage assessment documentation will be critical in establishing the basis for eligibility of disaster assistance programs. Various state and federal assistance programs require different types of documentation for eligible costs and in addition to structural damage, may include staff time, equipment, and materials used in response to the incident. To support the maximum recovery of eligible reimbursement, City departments and agencies must identify and support internal mechanisms for tracking and documenting appropriate costs.

## After Action Report

As part of the recovery phase, and in accordance with SEMS, the State of California requires any city and/or county proclaiming a local emergency for which the Governor proclaims a State of Emergency, to complete and transmit an after action report (AAR) to the California Office of Emergency Services (Cal OES) within 90 days of the close of the incident period.

## Organization and Assignment of Responsibilities

### Emergency Management Organization

The City of Fort Bragg utilizes a [traditional functional ICS/NIMS format](#) for organizing emergency management.

### Director of Emergency Services

The City Manager serves as the City's Director of Emergency Services and is provided with additional authorities in the event of a proclaimed "[local emergency](#)". During an emergency when the EOC is activated, the City Manager manages and directs all aspects of the City's emergency response and recovery operations and may delegate authority and tasks to staff. In the absence of the City Manager, designated staff may assume that role per the City's [COOP/COG Plan](#).

### Assistant Directors of Emergency Services

The Assistant Director of Emergency Services reports to the City Manager. The Emergency Manager(s) serving in this function, direct the City's day-to-day preparedness activities including associated planning, training, and exercises. The Emergency Manager(s) —with the assistance of Department Directors—assist in developing emergency plans, annexes, operating procedures and other powers and duties as assigned.

To achieve this mandate, the Emergency Manager(s) leads or coordinates planning, intelligence, and coordination, not only internally but also with allied agencies such as the Mendocino County OES, the private sector, and the community to promote, coordinate, and advance the four phases of emergency management: preparedness, response, recovery, and mitigation.

### City Employees

One of the greatest resources the City of Fort Bragg possesses is its employees. California Government Code designates that all public employees are Disaster Services Workers (DSWs). Any employee of the City of Fort Bragg may be assigned to perform activities that promote the protection of public health and safety or the preservation of lives and property. Such assignments may require service at locations, times, and under conditions that are significantly different from the normal work assignment and may continue into the recovery phase of the emergency.

The City has established the following policies for its employees related to their assignment as Disaster Service Workers:

*In the event of a no-notice emergency such as an earthquake during regular business hours, City employees are directed to remain at their workplace until released by the City Manager. Department heads may exercise discretion and release employees on a case-by-case basis in extraordinary circumstances.*

*In the specific instance that an earthquake of magnitude 5.0 or greater occurs during non-business hours and telephone service is disrupted, and if not contacted by mass media or alerting systems, non-public safety City employees are directed to report to work at their next scheduled shift. Employees are directed to check local radio stations, secure their homes, and prepare to report for work.*

*All employees are required to update their address and phone numbers with Human Resources. This allows the City to maintain an alert list should employees need to be recalled during an emergency.*

### City Organization

All City Departments have a role in emergency response. Table 1 (below) details City department responsibilities for key response functions in the EOC, either as a Primary (P) or Secondary (S) responsibility.

Function (P) Primary (S) Secondary	Care Response Unit	City Attorney	City Manager	City Clerk	City Council	Code Enforcement	Community Development	CV Starr	Economic Development	Engineering	Finance	Fire	Human Resources	Information Technology	Police Department	Public Works	Water/Wastewater
Alert & Warning			S									S			P		
Communications														P	S	S	
Situation Analysis			S		S		S		S		S	P		S	P	S	S
Management			P												S	S	
Public Information			P	P					S			S		S	S	S	
Legal Considerations		P	S														
Fire Suppression												P					
Search and Rescue												P			S		
Emergency Medical												P					
Law Enforcement															P		
Movement & Evacuation												S			P		
Access Control															P	S	
Care & Shelter	S							P					S				

Function (P) Primary (S) Secondary	Care Response Unit	City Attorney	City Manager	City Clerk	City Council	Code Enforcement	Community Development	CV Starr	Economic Development	Engineering	Finance	Fire	Human Resources	Information Technology	Police Department	Public Works	Water/Wastewater
Volunteer Coordination	S							S					P				
Construction & Engineering										P							
Supply & Procurement										P							
Personnel Tracking								S			S		P				
Transportation										S						P	
Utilities										S						P	
Finance & Administration											P						
Damage Assessment						S	P									S	S
Debris Clearance												S				P	
Recovery Planning					S		S		P		S						

### Assignment of Responsibilities

The following lists summarize the primary and significant disaster response roles and responsibilities for each City department and stakeholder organization. To the extent resources are available, departments may aid other departments.

#### Adventist Health-Mendocino Coast

- Coordinates with the City EOC as to current capabilities
- Responsible for their own resource requests and emergency operation
- Coordinates with all medical providers

#### Care Response Unit

- Coordinate Social Services
- Support [care and shelter needs](#)
- Support volunteer coordination
- Liaison to special community populations

#### City Attorney

- Support [proclamations of local emergency](#)
- Assess City operations and provide legal counsel as needed

#### City Clerk

- Facilitate and administer proclamations of local emergency
- Oversee preservation of vital records
- Monitor continuity of government
- Administer loyalty oath to Disaster Service Worker volunteers as needed
- Support the City's [Public Information Officer](#) through the consolidation of information and media requests
- Operate the City's [Joint Information Center/Joint Information System \(JIC/JIS\)](#)

#### City Manager's Office

- Coordinate incident management and response efforts
- Establish response priorities
- Authorize proclamations of local emergency
- Direct resources and human capital
- Develop and maintain communication with Mayor and City Councilmembers
- Lead emergency public information
- Manage media and community relations

#### City Council / Mayor

- Support public information efforts as needed
- Support community engagement
- Attend public meetings as needed
- Review potential or threatened litigation as needed
- Serve as a liaison with other city, county, state and/or federal representatives as needed
- Review and approve the Proclamation of Local Emergency
- Visit impacted areas, shelters, and other temporary facilities
- Review requirements for special legislation and development of policy
- Consider [short and long-term recovery](#) recommendations from staff

#### Code Enforcement

- Assist with [damage assessments](#)

### CV Starr

- Coordinate and provide emergency assistance
- Develop and coordinate interim and long-term disaster housing
- Manage [emergency shelter operations](#)
- Liaison with [Humane Society](#) to manage pet care and shelter operations
- Liaison with [Food Bank](#) to coordinate food resources

### Community Development

- Manage and conduct post-event city facility safety assessments
- Manage structural safety assessment function and establish structure re-entry standards
- Coordinate and direct damage assessments
- Assist with recovery planning

### Economic Development

- Serve as an alternate Public Information Officer
- Lead initial planning for long-term recovery
- Generate recovery reports to be presented to the City Manager and City Council
- Assist the City Clerk with operating the Joint Information Center/Joint Information System (JIC/JIS)

### Engineering

- Coordinate contractors
- Provide resource support (facility space, office equipment/supplies, contracting services, etc.)
- Anticipate, obtain, and track resources for city staff, mutual aid resources, and volunteers
- Provide [Geography Information Systems \(GIS\)](#) mapping support as needed
- Provide engineering services and construction management

### Fort Bragg Food Bank (Private)

- Coordinates with the EOC for the distribution of food and goods to citizens

### Fort Bragg Unified School District

- Coordinates with the EOC to determine resources necessary to open schools during emergencies

- The Fort Bragg High School is a Red Cross approved ADA compliant evacuation center
- Coordinates with CV Starr to operate evacuation center
- Maintains the City's primary EOC at the Fort Bragg Middle School

#### Finance

- Provide [emergency procurement support](#) for life-saving and emergency protective measures
- Develop financial mechanisms, procurement vehicles, and contracts to support procurement
- Oversee staff time-keeping
- Oversee compensation and claims
- Provide fiscal oversight and track expenses

#### Fire

- Conduct wildland, rural, and urban firefighting operations
- Conduct EMS operations and liaison with County EMS regarding hospital functions
- Lead mass casualty/fatality management
- Conduct Search and Rescue operations
- Conduct hazardous materials response operations
- Support emergency public warning as needed
- Activate and coordinate EOC operations
- Conduct assessment of facilities with underground storage tanks with fuel
- Conduct assessment of facilities with hazardous materials
- Lead Fire and Rescue Mutual Aid coordination
- [Emergency Management Staff Lead Emergency Management Mutual Aid \(EMMA\)](#) coordination
- Support damage assessment efforts
- Provide incident planning and management support as needed

#### Human Resources

- Protect, restore, and sustain City staff
- Recruit, screen, provide, and track volunteers
- Establish internal City staff communications (i.e. develop procedures to insure staff remains informed)
- Identify any employee needs (ex. childcare, shelter)

### Information Technology

- Protect, restore, and sustain City cyber and information technology resources
- Oversee communications within the incident management and response structures
- Coordinate with telecommunications service providers
- Restore and repair telecommunications infrastructure

### Mendocino Coast Humane Society (Private)

- Responsible for sheltering the pets of evacuees
- Coordinates with outside partners for overflow shelter needs
- Coordinates with the CV Starr Center for resource needs

### Mendocino Transit Authority

- Provides buses for ADA compliant evacuation
- Coordinates with EOC for resource needs

### Parents and Friends, Inc. (Private)

- Coordinates with the EOC for resource needs for the developmentally disabled adult population
- Maintains a day center for developmentally disabled adults for check-ins during emergencies

### Police Department

- Conduct law enforcement operations
- Lead evacuation operations
- Conduct emergency public warning as needed
- Provide facility and resource security
- Establish liaison with Coroner
- Lead Law Enforcement Mutual Aid coordination
- Conduct security planning and technical resource assistance
- Impose and enforce curfew as directed
- Provide public safety and security support
- Provide traffic control
- Provide support to access, traffic management, and crowd control at mass care facilities
- Support damage assessment efforts
- Provide incident planning and management support as needed
- Ensures EOC readiness

## Public Works

- Conduct infrastructure protection and emergency repair
- Conduct infrastructure restoration
- Support evacuation operations including individuals requiring assistance
- Establish and support movement restrictions
- Conduct debris clearance and manage debris operations
- Conduct flood fight operations
- Lead Public Works Mutual Aid coordination
- Provide facility repairs and maintenance in support of mass care and emergency shelter operations
- Coordinate with CalTrans regarding state and federal highways
- Restore transportation infrastructure
- Support damage assessment efforts
- Manage City facilities and coordinate use of non-City facilities
- Supervise transit safety and accessibility
- Support transportation function

## Redwood Coast Senior Center (Private)

- Coordinates with the EOC for resource needs for the senior citizen population
- Maintains and ADA approved evacuation center for senior citizens

## Water/Wastewater

- Coordinate potable water system resources for prioritized public safety operations
- Monitor potable water quality and perform sampling/testing as needed
- Restore/maintain water and wastewater infrastructure
- Restore/maintain wastewater treatment plant operations
- Provide potable water in support mass care operations as possible
- Support damage assessment efforts
- Ensure compliance with regulatory permits

## Direction, Control, and Coordination

### Emergency Operations Center (EOC)

The City of Fort Bragg EOC provides a centralized location where emergency management coordination and decision-making can be supported during a critical incident, major emergency, or disaster. When activated, the EOC provides support for a number of critical

tasks related to communications, coordination, resource management, and executive leadership.

The EOC may be a physical location or virtual workspace.

### Primary and Alternate EOC Locations and Government Offices

The primary EOC location will be at the Fort Bragg Middle School Library at 500 N Harold Street. Parking for this EOC will include the 500 Block of N Harold Street and the secured parking to the north of the school accessed from the 500 Block of N Harold Street.

The alternate location for the Emergency Operations Center will be the Fort Bragg Veteran's Memorial Hall in the 300 Block of N Harrison Street.

The alternate EOC will be activated should the primary EOC be unavailable due to structural damage or access issues.

The Veteran's Memorial Hall may also serve as an alternate location for government offices should City Hall be unusable or unsafe. If the Veteran's Memorial Hall is in use as an alternate EOC, the Social Services Building at 764 S Main Street will be used as an alternate location for government offices.

### EOC Activation and Deactivation

The City's EOC remains in a "cold" state when not being used. This means that the EOC is not staffed and that equipment is not in place.

The EOC can be activated in a virtual state for pre-planned events or lower level incidents. A virtual EOC indicates that staff members work from their usual workspaces.

Depending upon the need and circumstances, an official EOC activation may be appropriate to support a number of activities, including:

- Field response
- Pre-planned events
- Local Proclamation of Emergency
- [Governor's Proclamation of Emergency](#)
- [Presidential Declaration of a National Emergency](#)
- [State of War](#)

Detailed EOC activation and notification criteria and procedures are contained in the City of Fort Bragg's EOC Manual.

### EOC Activation Authority

The following City officials may activate the EOC:

- City Manager
- Fire Chief

- Police Chief
- Other City department heads in consultation with the Emergency Manager(s).

### EOC Activation Levels

EOC activation levels are scalable based on the nature of the incident and the evolving needs of the City. Activation may include full or partial staffing as required. The EOC Director establishes activation and staffing levels. When the City's EOC is activated, the Mendocino County OA and other partners will be notified (as practicable). The three levels of EOC activation include:

1. Full Activation: All Command and General Staff positions and support unit positions are filled.
2. Partial Activation: Command and General Staff positions are filled, based on incident need.
3. Monitor: City Emergency Management staff begin setup of the EOC and provide assistance as requested.

The City may also establish Departmental Operation Centers (DOCs) for specific departments (e.g., Public Works, Water, Law etc.), as required to support field operations and coordinate other functions within their respective departments.

Similarly, the deactivation of the EOC will be scaled based on the decreasing needs of the City. Appropriate EOC functions and roles will be demobilized as the situation permits.

### EOC Activation Triggers

The decision points used to determine the level of EOC activation needed are outlined in Table 2 (EOC Activation Triggers) below. These are intended to be guidelines and not necessarily mandates.

Event	Decision Points for EOC Activation
PSPS or Extended Power Outage	<p>The City will activate its EOC if a PSPS occurs. The level of activation will be dependent on the number of customers impacted and any other factors effecting the community at that time. The activation levels are used as a guide to aid in decision-making, and are not precedent setting:</p> <ul style="list-style-type: none"> <li>• EOC Activation Level 3 (Monitor): o Up to 25% of city population without power</li> <li>• EOC Activation Level 2 (Partial): o &gt; 25% of city population without power</li> </ul>
Earthquake	<p>The City may activate the EOC to a Level 1:</p> <ul style="list-style-type: none"> <li>• If an earthquake &gt; M5.0 occurs and/or if there are any reported damages from city departments.</li> </ul>
Slopeslide	<p>The City will activate the EOC to a Level 3 at a minimum:</p> <ul style="list-style-type: none"> <li>• If a slope slide occurs that requires the Public Works DOC to activate.</li> <li>• If a slope slide results in injuries or loss of life.</li> </ul>
Human Caused	<p>The City will activate the EOC to a Level 3 at a minimum:</p> <ul style="list-style-type: none"> <li>• If Fort Bragg Police or Fire Department request mutual aid outside of county resources.</li> </ul>
Water Quality / Water System Issues	<p>The City may activate the EOC:</p> <ul style="list-style-type: none"> <li>• If there were a main break that affects a critical service, such as a hospital.</li> <li>• If there were a main break that has the potential to cause a landslide or enter a roadway.</li> </ul>

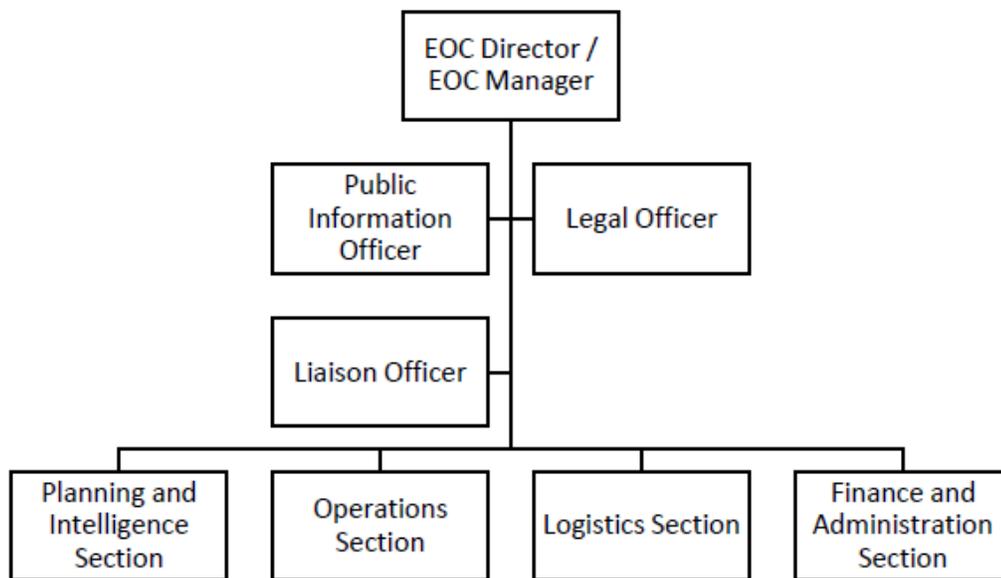
COOP/COG	The City may activate the EOC: <ul style="list-style-type: none"> <li>• If any of the City’s Essential Functions are disrupted.</li> </ul>
Extreme Weather	The City may activate the EOC: <ul style="list-style-type: none"> <li>-If a storm is expected to bring more than 5.0 inches of rain in a 24-hour period</li> <li>-If sustained winds are expected to reach 45 miles per hour (mph) or if gusts are expected to reach 60 mph.</li> </ul>

### EOC Organization

The EOC is organized by the five major functional areas outlined in SEMS:

- [Management](#)
- [Planning and Intelligence](#)
- [Operations](#)
- [Logistics](#)
- [Finance/Administration](#)

**Figure 3: Key EOC Positions**



### City Department Responsibilities for EOC Staffing

Table 3 (City Department EOC Function Responsibilities) below summarizes City department responsibilities for staffing key EOC functions.

**Table Three  
City Department EOC Functions**

Function (P) Primary (S) Secondary	Care Response Unit	City Attorney	City Manager	City Clerk	City Council	Code Enforcement	Community Development	CV Starr	Economic Development	Engineering	Finance	Fire	Human Resources	Information Technology	Police Department	Public Works	Water/Wastewater
<b>Management Section</b>																	
EOC Director			P												S	S	
Public Information Officer			P	S					S								
Emergency Manager															P		
Legal Officer		P															
Safety Officer												S				P	
Access & Functional Needs							P									S	
<b>Operations Section</b>																	
Operations Section Chief												S			S	P	
Fire & Rescue												P					
Law Enforcement															P		
Public Works																P	S
Water																P	S
Care & Shelter	S							P									
<b>Planning &amp; Intelligence Section</b>																	
Planning & Intel Section Chief							P			S						S	S
Situation Analysis							P			S						S	S
Damage Assessment							P			S						S	S
GIS/Mapping										P							
Message Center			P				S										
Advance Planning							S		P								
<b>Logistics Section</b>																	
Logistics Section Chief										P						P	S
Communications														P		S	
Supply/Procurement										P						S	S
Transportation										S						P	S

Function (P) Primary (S) Secondary	Care Response Unit	City Attorney	City Manager	City Clerk	City Council	Code Enforcement	Community Development	CV Starr	Economic Development	Engineering	Finance	Fire	Human Resources	Information Technology	Police Department	Public Works	Water/Wastewater
									S		S		P				
Human Resources									S		S		P				
Volunteers	S							S					P				
Facilities													P			P	
Resources Status													P			P	
Finance & Admin Section																	
Finance & Admin Section Chief							S						P				
Payables							S						P				
Time Keeping / Claims							S						P				
Documentation & Cost							S						P				

### Continuity of Government

The below table represents the lines of succession should key government officials be unavailable or are incapacitated. Individuals appointed to higher position shall have all of the authority of that position for no longer than 30 days, or until approval of the City Council.

Chief Elected Official	City Manager	Police Chief
1. Mayor	1. City Manager	1. Police Chief
2. Vice-Mayor	2. Police Chief	2. Police Captain
3. Councilmember	3. Public Works Director	3. Senior Sergeant

### Vital Record Retention

The retention of vital records is the responsibility of the City Clerk and Information Technology. The majority of records are maintained on a server within City Hall, and backed up a server at the Police Department (separate facility). Additionally, a cloud-based server is used for the bulk of our digital records. Backups occur every 14 calendar days.

Hard copies of records are maintained at City Hall and at the Police Department. A separate plan exists for the evacuation of records in the case of emergency.

## Emergency Powers

### Local Proclamation of Emergency

The State of California Government Code allows a local emergency to be proclaimed by a city council, county, or by an official designated by ordinance adopted by the governing body<sup>4</sup>.

If the City of Fort Bragg determines that the effects of an emergency are, or may become, beyond the capability of local resources, a local emergency can be proclaimed. The Fort Bragg City Council has empowered the City Manager as the Director of Emergency Services to issue a proclamation of local emergency when the City Council is not in session. Such a proclamation of local emergency is invalid after 7 days, unless ratified by the City Council. Proclamations must be made within 10 days of occurrence to qualify for assistance under the [California Disaster Assistance Act \(CDAA\)](#) and must be renewed every 30 days until terminated.

A local proclamation of emergency allows the City Manager and the Director of Emergency Services to take measures necessary to protect and preserve public health and safety, and supports requests for state and federal assistance. A local proclamation clearly communicates to City residents, staff and other stakeholders the severity of the emergency. A proclamation also provides City staff with additional powers and authorities to increase the speed and effectiveness of City response activities.<sup>5</sup>

A local proclamation of emergency does not automatically make the City eligible for state or federal disaster assistance. The City may simultaneously proclaim a local emergency and request a gubernatorial (state) or presidential (federal) disaster proclamation/declaration. See Attachment 1 for sample emergency proclamations.

Mendocino County can proclaim an emergency separately from the City. Their proclamation may also make the City eligible for future participation in state or federal disaster response/recovery efforts.

### State of Emergency

After a proclamation of a local emergency, the governing body of the City, having determined that local resources are not sufficient to mitigate the situation, may request by letter or resolution that the Governor proclaim a state of emergency<sup>6</sup> in the area to fully

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<sup>4</sup> See California Government Code ([Sections 8630-8634](#)) authorizing local government proclamations and Fort Bragg Municipal Code ([Section 2-24.050](#)) authorizing the City Manager or Director of Emergency Services to declare a local proclamation of emergency, if the City Council is not in session.

<sup>5</sup> See [Emergency Proclamations: A Quick Reference Guide for Local Government](#), California OES, 2014

<sup>6</sup> See California Government Code ([Sections 8625-8629](#)) authorizing actions and power of the Governor to declare a State of Emergency.

commit state and mutual aid assistance and provide resources to assist the local government.

To support its request for a gubernatorial proclamation, it is essential that the City forward an estimate of damage and financial loss to Cal OES through the Mendocino County OA as quickly as possible. Estimates of loss are an important part of the criteria that Cal OES considers when making a determination to proclaim a state of emergency and request a presidential declaration of emergency or disaster. A copy of the request for a Governor's proclamation, with the following supporting data, must be forwarded to the Mendocino County OA Coordinator for transmission to the Cal OES Director. The data shall include a copy of the local emergency proclamation and the [Initial Damage Assessment \(IDA\)](#) summary that estimates the severity and extent of the damage.

The Cal OES prepares a recommendation as to the action that should be taken by the Governor. If the action recommends a Governor's proclamation, Cal OES prepares the proclamation. The Governor may also proclaim a State of Emergency without a local request if the safety of persons and property in the state are threatened by conditions of extreme peril, or emergency conditions are beyond the emergency response capacity and capabilities of local authorities.

In addition to declaring a State of Emergency, the Governor can proclaim a State of War Emergency whenever the state or the nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent. The provisions of the Governor granted under a State of War Emergency are the same as those granted under a State of Emergency.

#### [Presidential Declaration](#)

Following the proclamation of a State of Emergency, and with or without the City's request to do so, the Cal OES Director may recommend that the Governor request a Presidential Declaration of a major disaster under the authority of [Public Law 93-288](#). The Governor's request to the President is submitted through the FEMA. Supplementary justification data may be required to accompany the state and local proclamations and initial damage estimate. A Presidential Declaration of Major Disaster is required in order to access the bulk of federal disaster assistance programs.

#### [Other Powers](#)

Other local, state, and federal authorities such as public health emergencies or quarantines may grant broad powers to certain government officials to restrict movement or impose other restrictions in proclaimed emergencies.

## Curfew

The City Council or whomever the City Council has authorized to restrict the movement of people and property during an emergency is primarily responsible for ordering an evacuation, quarantine, curfew, or other restriction on travel. This authorization may be in the form of an ordinance, resolution, or order that the Council has enacted. Curfews may be initiated as a crime prevention measure depending on the intensity of the disaster and the level of damage sustained.<sup>7</sup> The decision to implement a curfew and the duration rests with the City Council, but said curfews should be coordinated through the Mendocino County OA. Curfews may be implemented Citywide, or within specific areas depending on the emergency.

The Chief of Police also has curfew authority: “For the suppression of riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, the chief of police has the powers conferred upon sheriffs by general law and in all respects is entitled to the same protection.” Specifically, “The Sheriff shall prevent and suppress any affrays, breaches of the peace, riots and insurrections which come to his knowledge, and investigate public offenses which have been committed.”<sup>8</sup> The Sheriff also has the responsibility for closing areas to the public and consequently to order an evacuation.<sup>9</sup> Although the regulation uses the term “Sheriff”, the Chief of Police is provided with the same authority.

## Fire Marshal

In accordance with the [California Code of Regulations Title 24, Part 9](#) of the Fire Code, the Fire Marshal is authorized to enforce provisions of the Fire Code and to render interpretations of the Fire Code, and to adopt policies, procedures, rules and regulations in order to clarify the application of those code provisions related to structures, processes, premises and safeguards regarding all of the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials, or devices.
2. Conditions hazardous to life, property, or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy operation.
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

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<sup>7</sup> See [Legal Guidelines for Controlling Movement of People and Property During an Emergency, California Governor’s Office of Emergency Services](#), 1999

<sup>8</sup> [California Government Code Section 26602](#)

<sup>9</sup> [California Penal Code Sections 409, 409.5, 409.6](#)

While the Fire Marshal's authority does not expand in a proclaimed local emergency, their code enforcement efforts may be used to ensure public safety throughout the City with the exception of Single Family Dwellings.

## Information Collection, Analysis, and Dissemination

During emergencies and major disasters, it is recommended that representatives from partnering agencies be present in the EOC to expedite communication. The EOC will incorporate agency representatives from City Department to facilitate interagency communication. Each agency representative will coordinate between the EOC and their respective organizations at both the administration-level and/or with personnel in the field, as required.

### Information Collection

Information collection is crucial for successful emergency operations, for both incident management in the field and the EOC. The EOC and other emergency operations/coordination centers need updated information to assess whether the needs of field personnel are being met. Without this information, those facilities are unable to assist or resupply the needs of an [Incident Commander \(IC\)](#). Conversely, ICs and other field personnel need to know when they can expect requested support. The EOC actively collects information concerning conditions observed throughout the City from all available sources, such as phone calls from residents, updates from impacted communities, and reports from the news media. These information sources help with the initial response, delegating resources, assisting residents, and positioning damage assessment teams. Additionally, the EOC's Planning Section analyzes and compiles information regarding developing conditions and disseminates to stakeholders in order to support the development of incident objectives and decision-making.

## Communications

### Internal Communications and Coordination

Coordination with field elements from the EOC may be coordinated through relevant DOCs or directly with an Incident Commander.

Additionally, the City of Fort Bragg EOC will communicate and coordinate with the Mendocino County OA EOC and other cities within the Mendocino County OA. Each city, including Fort Bragg, will provide situational awareness and relevant resource status to the Mendocino County OA EOC, and in turn, the Mendocino County OA EOC will push aggregated countywide information back to each city.

In some cases, mutual aid for disciplines with other established mutual aid systems (such as law enforcement) will use such systems while in other cases (commonly known as single-point ordering), the requests will go from the City of Fort Bragg EOC Logistics section to the Mendocino County OA EOC.

### External Communications and Coordination

The City EOC will also coordinate with outside agencies such as special districts, public utilities, volunteer organizations and/or private agencies. These agencies will communicate directly with the City and may provide a representative to the City EOC, as outlined in the City of Fort Bragg's EOC manual. The level of involvement of special districts, public utilities, volunteer organizations, and private agencies will vary considerably depending upon the type of incident. EOC staff will make use of existing voice and data systems as available.

The City EOC also utilizes the County's Nixle alert system to provide alert and warning messages to the public within the City limits in the event of an imminent threat requiring the public to take a specific action. Nixle alerts should be issued in English and Spanish to ensure they reach individuals who may not speak English. Details about public alert and warning can be found in Annex B: Alert and Warning.

All attempts should be made to have one bilingual staff member in the EOC to respond to inquiries and concerns or to receive information from Spanish speaking community members.

The Joint Information Center/ Joint Information System (JIC/JIS) is the central distribution point for communicating with the news media and the public. News media channels on radio and television communicate public information provided the JIC. The JIC will also post information to the City's website as available. During incidents where telecommunications may be down, the JIC should post updates on the bulletin board at City Hall, at the Police Department, and at Town Hall.

### Coordination with the Field Responders

In a major emergency, the City EOC may be activated to coordinate and support the overall response while field responders use ICS. The Incident Commander will initially be the most senior officer of the first responding agency. Responding agencies will determine the most appropriate agency and officer to assume Incident Command. Field coordination occurs under the leadership of the Incident Commander at the ICP.

Incident Commanders for transportation/public works, water, fire, and police may communicate with their respective DOC, which in turn will coordinate with the City EOC. Incident Commanders may also report directly to the City EOC, usually to their counterpart

in the Operations Section. When the City EOC is directly overseeing Incident Command teams, the EOC is operating in a centralized coordination and support mode.

### Coordination with the Mendocino County Operational Area

Coordination and communications should be established between the activated City of Fort Bragg EOC and the Mendocino County OA EOC. Mendocino County uses an [Operational Area Multi Agency Coordination System \(MACS\)](#) concept when developing response and recovery operations. When and where possible, Mendocino County will include jurisdictional representatives in planning for jurisdictional support.

## Administration, Finance, and Logistics

### Administration and Finance

Any eligible entity desiring federal disaster assistance is responsible for tracking, compiling, and submitting accurate and complete disaster-related expenditures incurred during the incident period to the EOC Finance Section Chief. The City will add this information to the State's Preliminary Damage Assessment for requesting supplemental federal assistance under the [Robert T. Stafford Disaster Relief and Emergency Assistance Act \(Stafford Act\)](#).

During the disaster recovery process that follows a federal declaration approved under the Stafford Act, the Director of Emergency Services is designated as City of Fort Bragg "applicant agent." As applicant agent, the Director of Emergency Services - or the Chief Financial Officer - as the alternate applicant agent—is authorized to submit incident-related reimbursement requests from eligible entities of county government for federal disaster assistance provided under the Stafford Act.

### Logistics

Resource acquisition and distribution is divided into pre-incident—which is usually preventative, although can also be in anticipation of a specific event—incident specific, and post-incident phases. Grants typically fund pre-incident resource acquisition. Procurement of goods related to pre-incident resource acquisition follow the normal rules for purchases established in City of Fort Bragg centralized procurement policy located in Fort Bragg [Municipal Code 3.20](#).

Grant or FEMA procedures are implemented by centralized procurement staff, utilizing either federal/grant or City policy for procurement, whichever is more restrictive. Incident-specific acquisitions for an impacted entity typically begin with a localized declaration of emergency, resource requests from field personnel such as an Incident Commander, or in anticipation of an event by an authorized official. Procurement of both incident specific (exigent) and post-incident resources may occur through processes allowed via Fort Bragg

Municipal Code 3.20, either by quoted process, direct purchase (from a supplier/vendor) when appropriate, through local government mutual aid, or existing contracts if established with correct terms/conditions for the particular incident.

During EOC activations, the EOC's Logistics Section - under the direction of the EOC Manager - manages resources provided in support of emergency operations. When there are multiple competing resource requests for a limited supply of resources, the EOC Manager prioritizes resource acquisition based on the current situation and under advisement from the Operations Section Chief. The scale or complexity of incident, competing requests, ongoing threats to life safety or property and the environment, current or expected conditions (such as weather), location of the resource relative to the incident scene, and the means of distribution/delivery are several of the factors that can influence prioritization of resource requests.

A general rule should be that competing resource requests be prioritized by:

1. Issues presenting an immediate threat to human life
2. Issues related to the long-term health of community members
3. Property, especially critical infrastructure
4. Environmental Concerns
5. Economic Concerns
6. Cultural Preservation

The EOC will track all resources provided for responding to and recovering from emergencies and major disasters. Whenever possible, resources are returned to their original configuration/condition upon [demobilization](#).

## Plan Development and Maintenance

The City Manager, through the efforts of the City's Emergency Preparedness Manager, is responsible for the review, revision, management, and distribution of the EOP. The EOP will be reviewed on an annual basis but may be modified at any time as a result of a post-incident or post-exercise evaluation, and changes in responsibilities, procedures, laws, or regulations.

This EOP Basic Plan is subject to a formal review and approval by the City Council every three years, whereas the Hazard Specific and Functional Annexes are revised as needed and are not subject to formal review. The annexes are considered an extension of this EOP. The EOP will be distributed to City staff, key stakeholder organizations, and will be posted on the City's website for public reference.

Changes made to the basic plan require approval by the City Council with the exception that temporary changes which may be made for no longer than 7 days. Temporary changes shall expire after 7 days if not approved by the City Council. The intent of temporary changes is to allow this plan to be flexible during emergencies and in light of new and developing information.

This shall be the official “Emergency Operations Plan for the City of Fort Bragg” and shall supersede previous plans. Nothing in this plan shall be construed in a manner that limits the use of good judgment and common sense in matters not foreseen or covered by the elements of the plan or any appendices

## Authorities and References

### Local

- [Fort Bragg Municipal Code, Chapter 2.24](#)
- [Fort Bragg Municipal Code, Chapter 3.20](#)

### Mendocino County

- [Mendocino County Code, Title 2, Chapters 2.28, 2.33](#)
- [Mendocino County Code, Title 5, Chapter 5.12](#)
- [Mendocino County Code, Title 7, Chapter 7.04](#)
- [Mendocino County Code, Title 8, Chapter 8.80](#)
- [Mendocino County Code, Title 9, Chapter 9.05](#)
- [Mendocino County Code, Title 20, Chapters 20.168, 20.020, 20.500, 20.532, 20.720](#)
- [Mendocino County Code, Title 22, Chapter 22.04](#)

### State

State authority is to be found, in part, in the California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the Government Code). California state and local jurisdictions use SEMS as outlined in [Chapter 1 of Division 2 of Title 19 of the California Code of Regulations](#) and the [California Government Code §8607](#) et sec.

The following authorities and references are also applicable:

- Standardized Emergency Management System Regulations: [California Code of Regulations, Title 19, Division 2, Chapter 1](#)
- Disaster Assistance Act Regulations: [California Code of Regulations, Title 19, Division 2, Chapter 6](#)
- Local Emergency Prevention Measures for County Health Official: [California Health and Safety Code §101040](#)

- [California Disaster and Civil Defense Master Mutual Aid Agreement](#)
- [California Disaster Assistance Act](#)
- [SB-160: Emergency Services Cultural Competence](#)
- Orders and Regulations that may be promulgated by the Governor during a State of Emergency or a State of War Emergency

## Federal

Federal authority is found in the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 93-288), Homeland Security Presidential Directive 5, “Management of Domestic Incidents” and Homeland Security Presidential Directive 8, “National Preparedness”. The emergency management system used nationally is NIMS.

The following authorities and references are applicable:

- [Robert T. Stafford Emergency Disaster Relief and Emergency Assistance Act](#) (42 U.S.C. §5121 et seq., as amended)
- [Code of Federal Regulations: Title 44, Part 206](#)
- [Homeland Security Presidential Directive 5, Management of Domestic Incidents, National Incident Management System, February 28, 2003](#)
- [National Response Framework, Second edition, U.S. Department of Homeland Security, July 2014](#)

## Acronym List

<b>ADA</b>	Americans with Disabilities Act
<b>AFN</b>	Access and Functional Needs
<b>CBO</b>	Community Based Organization
<b>COOP/COG</b>	Continuity of Operations Plan / Continuity of Government
<b>COPE</b>	Citizens Organized to Prepare for Emergencies
<b>DOC</b>	Department Operations Center
<b>DSW</b>	Disaster Service Worker
<b>EMMA</b>	Emergency Management Mutual Aid
<b>EMS</b>	Emergency Medical Services
<b>EOC</b>	Emergency Operations Center
<b>EOP</b>	Emergency Operations Plan
<b>FEMA</b>	Federal Emergency Management Agency
<b>ICS</b>	Incident Command System
<b>ICP</b>	Incident Command Post
<b>JIC/JIS</b>	Joint Information Center / Joint Information System
<b>MJHMP</b>	Multijurisdictional Hazard Mitigation Plan
<b>NIMS</b>	National Incident Management System
<b>NRF</b>	National Response Framework
<b>OA</b>	Operational Area
<b>OES</b>	Office of Emergency Services
<b>PSPS</b>	Public Safety Power Shutoff
<b>REOC</b>	Regional Operations Center
<b>SEMS</b>	Standardized Emergency Management System
<b>SOP</b>	Standard Operational Procedure

# EMERGENCY PLAN REVIEW CROSSWALK 2020 LOCAL GOVERNMENT AGENCIES

## Introduction

The California Governor's Office of Emergency Services (Cal OES) maintains the State Emergency Plan (SEP), and the coordination of local emergency plans with the SEP in accordance with:

- **Government Code § 8568** making the State Emergency Plan effective in each of the state's political subdivisions and requiring each governing body to carry out the provisions of that plan.
- **GC § 8569** giving the Governor the responsibility to "coordinate the preparation of plans and programs for the mitigation of the effects of an emergency by the political subdivisions of this state, such plans and programs to be integrated into and coordinated with the State Emergency Plan."
- **GC § 8570 (d)** permitting the Governor to "provide for the approval of local emergency plans".
- **GC § 8586** permitting the Governor to "...assign part or all of his powers and duties under this chapter to the Office of Emergency Services".
- **GC § 8607 (e)** to be eligible for any funding of response-related costs under disaster assistance programs, each local agency shall use the standardized emergency management system.

To assist with this coordination of local emergency plans, Cal OES has developed this checklist (referred to as a crosswalk) of emergency plan elements designed to ensure that the fundamentals of the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) are included in the plan. NIMS concepts may be met by following FEMA's Comprehensive Preparedness Guide (CPG) 101, Version 2.0, which provides guidelines on developing emergency operations plans (EOP).

This crosswalk is not inclusive of all topics that could be addressed in an emergency plan. There is no prescribed format. Users of this crosswalk may alter the sequence or format in any manner that meets their needs and complies with SEMS. The current version of this crosswalk can be found on the [Cal OES](#) web page.

A local government's EOP establishes an emergency management organization to provide a basis for the jurisdiction's coordinated actions before, during and

after a disaster. The primary purpose of the EOP is to outline the jurisdiction's all-hazard approach to emergency operations to protect the safety, health, and welfare of its citizens. The jurisdiction's EOP and Continuity Plan (continuity of operations and continuity of government) complement each other. This crosswalk is designed for reviewing local government EOPs and not continuity plans. More information on continuity planning can be found on the [Cal OES Continuity Planning](#) website.

### **References:**

- [State of California Emergency Plan](#)
- [CA-Emergency Support Functions \(CA-ESF\)](#)
- [Standardized Emergency Management System \(SEMS\)](#)
- [National Incident Management System \(NIMS\)](#)
- [FEMA Developing and Maintaining Emergency Operations Plans - Comprehensive Planning Guide \(CPG 101\), Version 2](#)
- [State of California Alert and Warning Guidelines](#)

### **How to Use This Checklist**

Please submit your EOP with a copy of this crosswalk to your Cal OES Regional Branch. Indicate the page location where that element can be found or state "N/A" if it does not apply to your jurisdiction. Several SEMS and CPG 101 elements overlap. Where that occurs, those elements have been combined in the crosswalk and may be addressed as one element. Cal OES regional staff will review your plan and provide comments or feedback in support of your jurisdiction's emergency planning efforts.

### **Region Contact Information**

Coastal Region: 707-862-2372

Inland Region: 916-657-9107

Southern Region: 562-795-2902

# EMERGENCY PLAN REVIEW CROSSWALK 2019 LOCAL GOVERNMENT AGENCIES

Agency: **City of Fort Bragg**

Plan Name: **City of Fort Bragg Emergency Operations Plan**

Submitted by: **Thomas O'Neal** Date: \_\_\_\_\_

Email: [toneal@fortbragg.com](mailto:toneal@fortbragg.com) Phone Number: **707-961-2800 ext. 203**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Emergency Operations Plan Crosswalk	Page Where Located	Reviewer Comment or Initials
<b>FOREWORD SECTION – INTRODUCTORY MATERIAL</b>		
<p><b>1. Promulgation Document/Signature Page:</b></p> <ul style="list-style-type: none"> <li>• This is a promulgation statement recognizing and adopting the plan as the jurisdiction's all-hazards EOP and signed by the senior elected or appointed official. (CPG 101)</li> <li>• Provide evidence of a dated letter of promulgation or resolution from the governing board. (SEMS)</li> </ul>	3	
<p><b>2. Approval and Implementation:</b></p> <ul style="list-style-type: none"> <li>• Introduces the plan and outlines its applicability. Include a delegation of authority for specific modifications that may be made to the plan without the senior official's signature. (CPG 101)</li> <li>• Provide a foreword, preface or introduction that explains why the plan was developed and how the plan is to be used. (SEMS)</li> </ul>	3	
<p><b>3. Plan Concurrence:</b> Provide evidence that the assigned emergency agencies are in agreement with how the plan describes their tasks. This may be in the</p>	3	

Emergency Operations Plan Crosswalk	Page Where Located	Reviewer Comment or Initials
form of a letter of concurrence or a sign-off sheet. (SEMS)		
<b>4. Record of Changes:</b> <ul style="list-style-type: none"> <li>• Normally a table with fields that track each update or change to the plan. (CPG 101)</li> <li>• Who maintains the emergency plan? What is the process? Detail schedules for modifications, revision list, and who has responsibility for ensuring the plan is kept up-to-date. (SEMS)</li> </ul>	3, 4	
<b>5. Record of Distribution:</b> <ul style="list-style-type: none"> <li>• Normally a table with fields that indicate who received the plan, date of delivery and number of copies. (CPG 101)</li> <li>• Include a distribution method that indicates who received the plan and when. (SEMS)</li> </ul>	5	
<b>6. Table of Contents:</b> <ul style="list-style-type: none"> <li>• Outlines the plan's format, key sections, attachments, charts, etc. Identifies the major chapters and key elements within the EOP. (CPG 101)</li> <li>• List of where significant parts of the plan are located by page number and subsection of the plan. (SEMS)</li> </ul>	6-8	
<b>PART I: BASIC PLAN</b>		
<b>7. Purpose:</b> Describe the purpose for developing and maintaining the EOP. (CPG 101)	9	
<b>8. Scope:</b> Describe at what times or under what conditions the plan will be activated. (CPG 101)	10	
<b>9. Situation Overview:</b> <ul style="list-style-type: none"> <li>• Provide an overview of the steps taken by the jurisdiction to prepare for disasters. This section should include the following: A) Hazard Analysis Summary; B)</li> </ul>	12	

Emergency Operations Plan Crosswalk	Page Where Located	Reviewer Comment or Initials
<p>Capability Assessment; and C) Mitigation Overview. (CPG 101)</p> <ul style="list-style-type: none"> <li>Summarizes the Jurisdictional Hazard Analysis. Includes a description of potential hazards. This could be in a narrative with maps, schematic, or matrix indicating severity potential, affected population estimates, frequency, and geographical characteristics of the jurisdiction. This and other relevant information should be included to provide a rationale for prioritizing emergency preparedness actions for specific hazards. (SEMS)</li> </ul>		
<p><b>10. Planning Assumptions:</b> Identify what are assumed to be facts for planning purposes in order to make it possible to execute the EOP. (CPG 101)</p>	16	
<p><b>11. Concept of Operations:</b></p> <ul style="list-style-type: none"> <li>Explain in broad terms, the jurisdiction's intent with regard to emergency operations. Provide a clear methodology to realize the goals and objectives to execute the plan. This may include a brief discussion of the activation levels identified by the jurisdiction for its operations center, and may touch on direction and control, alert and warning, and continuity matters. (CPG 101)</li> <li>Describe the principles and methods used to carry out emergency operations, including the provision of emergency services by government agencies. (Gov. Code Sec. 8560)</li> </ul>	17	
<p><b>12. Organization and Assignment of Responsibilities:</b></p> <ul style="list-style-type: none"> <li>Provide an overview of the key functions the jurisdiction will accomplish during an emergency. Include roles that federal, state, territorial, tribal, local, regional and private sector agencies will take to support local operations. Pre-designate jurisdictional and/or functional area representatives to the IC or UC whenever possible. (CPG 101)</li> </ul>	20	

<p style="text-align: center;"><b>Emergency Operations Plan Crosswalk</b></p>	<p style="text-align: center;"><b>Page Where Located</b></p>	<p style="text-align: center;"><b>Reviewer Comment or Initials</b></p>
<ul style="list-style-type: none"> <li>• Identify agency roles and responsibilities during disaster situations and include an emergency organization chart. Indicate how the jurisdiction fulfills the five SEMS sections (Management, Plans/Intelligence, Operations, Logistics, and Finance/Administration). (SEMS)</li> </ul>		
<p><b>13. Direction, Control, and Coordination:</b></p> <ul style="list-style-type: none"> <li>• Describe the framework for all direction, control, and coordination activities. Identify who has tactical and operational control of response assets. Discuss multijurisdictional coordination systems and processes. (CPG 101)</li> <li>• Indicate how the Incident Command System (ICS) will be used in the field. This should include the interface between the field Incident Command Post and the EOC. It should also indicate methods of integrating state and federal field activities into local emergency management operations. (SEMS)</li> </ul>	27	
<p><b>14. Information Collection, Analysis and Dissemination:</b> Describe the required critical or essential information common to all operations identified during the planning process. (CPG 101)</p>	36	
<p><b>15. Communications:</b></p> <ul style="list-style-type: none"> <li>• Describe the communications and coordination protocols used between response organizations. (CPG 101)</li> <li>• Indicate how the EOC will coordinate and communicate with field units, operational areas, regions, and other entities. (SEMS)</li> </ul>	36	
<p><b>16. Administration, Finance, and Logistics:</b> Describe administrative protocols including documentation, after-action reporting, cost recovery, and resource management. (CPG 101)</p>	38	

Emergency Operations Plan Crosswalk	Page Where Located	Reviewer Comment or Initials
<b>17. Plan development and Maintenance:</b> Describe the process to regularly review and update the EOP. (CPG 101)	39	
<b>18. Authorities and References:</b> Provide the legal basis for emergency operations and activities. Describe federal, state, and local laws that specifically apply to the plan. List references used to develop the plan. (CPG 101)	40	
<b>BASIC PLAN (Additional SEMS Elements)</b>		
<b>19. SEMS Coordination Levels:</b> Indicate how the jurisdiction coordinates between the different SEMS levels (field, local, operational areas, region, and state), how information is exchanged, and how and when multi/inter-agency coordination and unified command are used. The Operational Area agreement should also be referenced; and the plan should indicate who performs the Operational Area responsibilities.	17-20	
<b>20. Emergency Operations Center Organization:</b> Describe the roles and responsibilities of agencies and departments in the EOC, including who is responsible for ensuring the readiness of the EOC.	20-27	
<b>21. Involvement of special districts, private, and nonprofit agencies:</b> Identify emergency responsibilities of special districts, private, and volunteer agencies, and their roles in the EOC, Incident Command Post, or other emergency facility.	23-28	
<b>22. Essential Facilities-Primary and Alternate EOC:</b> Indicate the location of both the primary and alternate EOC and what conditions would cause the alternate EOC to be activated.	28	

Emergency Operations Plan Crosswalk	Page Where Located	Reviewer Comment or Initials
<p><b>23. Essential Facilities-Activation/Deactivation of EOC:</b> Indicates how, when, and by whom, the Emergency Operations Center will be activated and deactivated.</p>	28-30	
<p><b>24. Field/EOC Direction and Control Interface:</b> Describe the direction and control relationship between the field responders (ICS) and the EOC. This should include the reporting of pertinent information.</p>	17	
<p><b>25. Field Coordination with Department Operations Centers (DOC) and EOCs:</b> Include the use and coordination of DOCs and how they fit into the emergency management organization.</p>	18	
<p><b>26. Essential Facilities-Alternate Government Facilities:</b> Indicate an alternate seat of government to serve as government offices for performing day-to-day functions and a facility that could serve as an alternate emergency operations center.</p>	28	
<p><b>27. Essential Facilities-Americans with Disabilities Act:</b> Identify how shelter facilities, evacuation/movement, warning, etc. procedures accommodate the provisions of the Americans with Disabilities Act.</p>	11	
<p><b>28. Continuity of Government:</b> Provide persons by position to succeed key government officials and members of the emergency management organization. Also indicate the level and duration of authority these individuals would assume (Gov. Code Sec. 8560).</p>	34	
<p><b>29. Vital Record Retention:</b> Indicate how vital records are to be protected in the event of a disaster. Most data storage systems have a back-up system. Identify the system, archiving schedules, and who has responsibility for its maintenance.</p>	43	

Emergency Operations Plan Crosswalk	Page Where Located	Reviewer Comment or Initials
<b>30. Notification and Mobilization:</b> Describe how resources are mobilized and managed (Gov. Code Sec. 8560). Include methods to contact emergency response personnel during normal and after hours. This may be in the form of an alert list.	21, 20-28	
<b>31. Mutual Aid:</b> Include a general description of mutual aid system and processes. (Gov. Code Sec. 8560)	19-20	
<b>32. Emergency Proclamations:</b> Indicate the purpose and process of emergency proclamations (include samples).	34-35, Attch 1	
<b>33. Public Information:</b> Include pre-incident and post-incident public awareness, education, and communications plans and protocols. (Gov. Code Sec. 8560)	38	
<b>34. Recovery Overview:</b> Include a general recovery concept of operations.	22-23	
<b>35. Recovery Organization:</b> Provide a description of the recovery organization along with a diagram.	20-28	
<b>36. Recovery Damage Assessment:</b> Describe the damage assessment organization and responsibilities.	20-28	
<b>37. Recovery Documentation:</b> Describe the documentation process.	37	
<b>38. Recovery After-Action Reports (AAR):</b> Define procedures to submit AAR to Cal OES via Cal EOC.	22, 20-28	
<b>39. Recovery Disaster Assistance:</b> Describe the different programs, their purpose, restrictions, and application process. Include Public Assistance, Individual Assistance, and Hazard Mitigation Grant programs.	22-23	

Emergency Operations Plan Crosswalk	Page Where Located	Reviewer Comment or Initials
<p><b>40. Standard Operating Procedures (SOP)</b>  <b>Development:</b> Ensure emergency response agencies develop and maintain SOPs. Indicate in the plan the relationship and purpose of SOPs to the plan.</p>	21	
<p><b>41. Training and Exercises:</b> Describe the training and exercise programs for the jurisdiction, including who has personal responsibility for the programs. Training should include EOP orientation, SEMS training, a full-scale exercise, and other training as deemed necessary.</p>	20, Attachment	
<b>APPENDICES (SEMS ELEMENTS)</b>		
<p><b>42. Glossary of Terms:</b> Include a glossary of terms that includes all the terms used throughout the plan.</p>		
<p><b>43. References:</b> Identify the references used in developing the plan.</p>		
<p><b>44. Resources:</b> Identify sources for materials and supplies internally and externally.</p>		
<p><b>45. Contact List:</b> Include a list of agencies and personnel not internal to the organization, but critical to emergency operations. May be kept under separate cover.</p>		
<p><b>46. Supporting Documentation:</b> Include material necessary to self-certify compliance with SEMS. This should include evidence of training, planning, exercises, and performance.</p>		
<b>PART II: EMERGENCY SUPPORT FUNCTION ANNEXES (If Applicable) (CPG 101 ELEMENTS)</b>		
<p><b>47. Functional Support Annexes:</b> Include functional annexes that add specific information and directions</p>		

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<p>to the EOP. These annexes focus on specific responsibilities, tasks, and operational actions that pertain to the performance of emergency support functions to include:</p> <ul style="list-style-type: none"> <li>• CA-ESF 1 – Transportation</li> <li>• CA-ESF 2 – Communications</li> <li>• CA-ESF 3 – Construction and Engineering</li> <li>• CA-ESF 4 – Fire and Rescue</li> <li>• CA-ESF 5 – Management</li> <li>• CA-ESF 6 – Care and Shelter</li> <li>• CA-ESF 7 – Resources</li> <li>• CA-ESF 8 – Public Health and Medical</li> <li>• CA-ESF 10 – Hazardous Materials</li> <li>• CA-ESF 11 – Food and Agriculture</li> <li>• CA-ESF 12 – Utilities</li> <li>• CA-ESF 13 – Law Enforcement</li> <li>• CA-ESF 14 - Recovery</li> <li>• CA-ESF 15 – Public Information</li> <li>• CA-ESF 17 – Volunteers and Donation Management</li> <li>• CA-ESF 18 – Cyber Security</li> </ul>		
<b>PART III: FUNCTIONAL ANNEXES (SEMS ELEMENTS)</b>		
<p><b>48. Management Section:</b> Include the following activities and responsibilities:</p> <ul style="list-style-type: none"> <li>• Overall EOC management</li> <li>• Public information assignment</li> <li>• Identification of a media center</li> <li>• Rumor control</li> <li>• Public inquires</li> <li>• Provision for public safety communications and policy</li> <li>• Identification of a Safety Officer</li> <li>• Facility security</li> <li>• Agency liaison</li> <li>• State/Federal field activity coordination</li> </ul>		

<p style="text-align: center;"><b>Emergency Operations Plan Crosswalk</b></p>	<p style="text-align: center;"><b>Page Where Located</b></p>	<p style="text-align: center;"><b>Reviewer Comment or Initials</b></p>
<p><b>49. Operations Section:</b> Include the following activities and responsibilities:</p> <ul style="list-style-type: none"> <li>• General warning</li> <li>• Special population warning</li> <li>• Authority to activate Emergency Alert System</li> <li>• Inmate evacuation</li> <li>• Traffic direction and control</li> <li>• Debris removal</li> <li>• Evacuation</li> <li>• Evacuation and care for pets and livestock</li> <li>• Access control</li> <li>• Hazardous materials management</li> <li>• Coroner operations</li> <li>• Emergency medical care</li> <li>• Transportation management</li> <li>• Crisis counseling for emergency responders</li> <li>• Urban search and rescue</li> <li>• Disease prevention and control</li> <li>• Utility restoration</li> <li>• Flood operations</li> <li>• Initial damage assessments</li> <li>• Safety assessments</li> <li>• Shelter and feeding operations</li> <li>• Emergency food and water distribution</li> </ul>		
<p><b>50. Planning/Intelligence Section:</b> Include the following activities and responsibilities:</p> <ul style="list-style-type: none"> <li>• Situation status</li> <li>• Situation analysis</li> <li>• Information display</li> <li>• Documentation</li> <li>• Advance planning</li> <li>• Technical services</li> <li>• Action planning</li> <li>• Demobilization</li> </ul>		

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<p><b>51. Logistics Section:</b> Include the following activities and responsibilities:</p> <ul style="list-style-type: none"> <li>• Field incident support</li> <li>• Communications support</li> <li>• Transportation support</li> <li>• Personnel</li> <li>• Supply and procurement</li> <li>• Resource tracking</li> <li>• Sanitation services</li> <li>• Computer support</li> </ul>		
<p><b>52. Finance/Administration Section:</b> Include the following activities and responsibilities:</p> <ul style="list-style-type: none"> <li>• Fiscal management</li> <li>• Timekeeping</li> <li>• Purchasing</li> <li>• Compensation and claims</li> <li>• Cost recovery</li> <li>• Travel request, forms, and claims</li> </ul>		
<p><b>PART IV: SUPPORT ANNEXES (CPG 101 ELEMENTS)</b></p>		
<p><b>53. Support Functions:</b> Describe critical operational functions and who is responsible for carrying them out. They may include:</p> <ul style="list-style-type: none"> <li>• Continuity of Government/Operations</li> <li>• Warning</li> <li>• Population Protection</li> <li>• Financial Management</li> <li>• Mutual aid/Multijurisdictional Coordination</li> <li>• Private Sector Coordination</li> <li>• Volunteer and Donations Management</li> <li>• Worker Safety and Health</li> <li>• Prevention and Protection</li> </ul>		

Emergency Operations Plan Crosswalk	Page Where Located	Reviewer Comment or Initials
<b>PART V: HAZARD, THREAT, or INCIDENT SPECIFIC ANNEXES</b>		
<p><b>54. Threat Specific Appendices:</b> The EOP should address response activities that are specific to all hazards that pose a threat to the jurisdiction. Describe any emergency response strategies that apply to a specific type of hazard. These may include:</p> <ul style="list-style-type: none"> <li>• Avalanche</li> <li>• Severe Storm</li> <li>• Earthquake</li> <li>• Tsunami</li> <li>• Volcanic Activity</li> <li>• Tornado</li> <li>• Floods</li> <li>• Dam Failure</li> <li>• Hazardous Materials Incident - Incorporate or reference the Hazardous Materials Area Plan</li> <li>• Power Disruption (e.g., Public Safety Power Shutoff (PSPS))</li> <li>• Radiological Incident</li> <li>• Biological Incident</li> <li>• Terrorism Incident</li> <li>• Other hazards, threat, or incidents</li> </ul>		
<b>ADDITIONAL SEMS ELEMENTS FOR CONSIDERATION</b>		
<p><b>55. Dams:</b> If there are dams in the area, the plan should have or reference inundation maps that indicate what areas could flood, the time the flood wave arrives at specific locations, and when the water will recede. Operational information necessary to carry-out an evacuation of all potentially flooded areas should be indicated for each dam. The information required for each dam should include shelter locations, location of critical facilities such as government center hospitals, nursing homes, schools,</p>		

<p style="text-align: center;"><b>Emergency Operations Plan Crosswalk</b></p>	<p style="text-align: center;"><b>Page Where Located</b></p>	<p style="text-align: center;"><b>Reviewer Comment or Initials</b></p>
<p>day care centers, etc. Each dam evacuation plan should also indicate other facilities with large concentrations of people with disabilities, persons that lack their own transportation, or persons requiring special assistance.</p>		
<p><b>56. Recent Legislation</b></p> <p>Upon the next update of their emergency plan, jurisdictions are to implement the following legislative requirements:</p> <ul style="list-style-type: none"> <li>• AB 2311 – Access and Functional Needs (Brown)</li> <li>• AB 477 – Access and Functional Needs (Cervantes)</li> <li>• SB 160 – Cultural Competence (Jackson)</li> </ul>		

**Comments:**



# EMERGENCY PLAN

Approved by City Council  
January 11, 2016

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Office of the City Manager  
City of Fort Bragg  
416 N. Franklin Street  
Fort Bragg, CA 95437  
(707) 961-2823

January 11, 2016

All Fort Bragg Residents and Visitors:

Keeping our city safe, healthy, and thriving are responsibilities that we all share. By working together, we can more easily meet these responsibilities and achieve successful outcomes. One example of shared responsibilities and collaboration is the work that we do to manage emergencies.

Often behind the scenes and in addition to our day-to-day duties, many people and organizations in our community, both public and private, regularly prepare for, respond to, and aid in recovery from emergencies. We all face a number of risks ranging from natural disasters like earthquakes, droughts and tsunamis, to human-caused disasters like fires, hazardous materials spills, and transportation accidents. No one is immune from disaster and everyone can help. In fact, everyone must help if we are to do our best.

I am pleased to introduce this revision of the City of Fort Bragg Emergency Plan. This plan creates a renewed focus on what emergencies can happen here and how we can best respond to them – together. Please join me in both supporting our emergency management organizations and committing to do our part to increase our disaster resilience at home, at work, and for our community.

Looking forward,

Linda Ruffing  
City Manager

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## Plan Approval

This plan was presented to and approved by the Fort Bragg City Council on the January 11, 2016 by Resolution No. 3881-2016. Approval of this plan remains in effect until a change to this plan is presented to and approved by the City Council.

Maintenance of this plan is also hereby assigned to the Chief of Police and the Administrative Services Director, under the general direction of the City Manager. For the purpose of efficiently maintaining this plan and its associated appendices, City Council approval is required only of the base plan (not plan appendices). Any change to the base plan or appendices, however, must be cooperatively developed with and communicated to appropriate plan stakeholders.

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## Plan Distribution

Upon approval of this plan and completion of any subsequent changes, the City of Fort Bragg will transmit a copy of the plan to all City Departments and the following agencies:

American Red Cross  
California Department of State Parks  
California Department of Transportation  
CalFire  
California Highway Patrol  
Fort Bragg City Council  
Fort Bragg Fire Protection Authority  
Fort Bragg Unified School District  
Mendocino Coast District Hospital  
Mendocino Coast Humane Society  
Mendocino County Department of Transportation  
Mendocino County Health and Human Services Agency  
Mendocino County Office of Education  
Mendocino County Office of Emergency Services  
Mendocino County Sheriff's Office  
Mendocino County Operational Area Fire Coordinator  
North Coast Opportunities, Inc.  
United States Coast Guard – Noyo River Station

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## Record of Changes

The following table describes changes made to the plan since it was introduced:

Date	Description of Change	Page or Section

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## Acronyms

AAR	After Action Report
ARES	Amateur Radio Emergency Service
CalEMA	California Emergency Management Agency
CalFire	California Department of Forestry and Fire Protection
CalCord	California On-Scene Emergency Coordination System
CalTrans	California Department of Transportation
CDPH	California Department of Public Health
CHP	California Highway Patrol
CDC	U.S. Centers for Disease Control and Prevention
CUEA	California Utilities Emergency Association
CEO	Mendocino County Chief Executive Officer
CESRS	California Emergency Services Radio System
CLEMARS	California Law Enforcement Mutual Aid Radio System
COG/COOP	Continuity of Government/Continuity of Operations
EAP	Emergency Action Plan
EAS	Emergency Alert System
EMAC	Emergency Management Assistance Compact
EMPG	Emergency Management Performance Grant
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EP	Emergency Plan
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
Hazmat	Hazardous Materials
HHSA	Mendocino County Health and Human Services Agency
HSEEP	Homeland Security Exercise and Evaluation Program
HSGP	Homeland Security Grant Program
IAP	Incident Action Plan
ICS	Incident Command System



IPAWS	Integrated Public Alert and Warning System
LHMP	Local Hazard Mitigation Plan
MCC	Mendocino County Code
MCSO	Mendocino County Sheriff's Office
NALEMARS	National Law Enforcement Mutual Aid Radio System
NIMS	National Incident Management System
NOAA	National Oceanic and Atmospheric Administration
NRF	National Response Framework
NWS	National Weather Services
OASIS	Operational Area Satellite Information System
OES	Mendocino County Office of Emergency Services
PDA	Preliminary Damage Assessment
RACES	Radio Amateur Civil Emergency Service
REHIT	Redwood Empire Hazardous Incident Team
RFC	NOAA River Forecast Center
RIMS	Response Information Management System
SEMS	Standardized Emergency Management System
SOP	Standard Operating Procedure
TBD	To Be Determined
TICP	Tactical Interoperable Communications Plan
USFS	U.S. Forestry Service
USGS	U.S. Geological Survey



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## 1. Introduction

Some natural and human-caused hazards pose unavoidable risk to public health and safety in and around the City of Fort Bragg. One important role of the city is to mitigate this risk to the extent possible by anticipating hazards; mitigating vulnerability; and preparing for, responding to, and recovering from emergencies and disasters that cannot be mitigated. This emergency plan serves as the primary guide for mitigating risks within the city. It complies with local ordinances, state law, and state and federal emergency planning guidance. To promote the maximum coordination of emergency management effort possible within the county, the City of Fort Bragg Emergency Plan was developed along with emergency plans for Mendocino County and the cities of Point Arena, Ukiah, and Willits.

Several factors influenced the revision of this plan. The United States continues to experience catastrophic disasters that overwhelm government response capability. These disasters appear to be happening with increased frequency and severity. At the same time, the nation has experienced a significant economic downturn that has dramatically reduced the capabilities of government. This concomitant reality necessitates a review of how government deals with emergency management.

The world has also witnessed explosive growth in the use of social media and mobile telephone devices, which has created new expectations for better public health and safety information. The public's view of community involvement in emergency management and the ways public information is managed during an emergency has dramatically changed and continues to do so.

The nation continues to evolve a framework for homeland security that permeates all interagency public health and safety response activities. As the last iteration of this plan was developed, the National Incident Management System (NIMS) was being introduced. Use of NIMS has since become a requirement of all jurisdictions using homeland security grant funding.

This revised Emergency Plan addresses each of these major changes.

Specific to the increased demands on government and decreased capability nationwide, the Federal Emergency Management Agency (FEMA) has introduced two nationwide initiatives: Whole Community and Resilience. Whole Community recognizes the limited capacity of governments to completely mitigate disaster risk, immediately respond when disaster strikes, and help disaster victims fully recover after a disaster. The Whole Community initiative calls for the engagement of all parts of a community to manage disasters before, during, and after they occur. The City of Fort Bragg, as well as the county and other cities within the county, wholeheartedly embraces this collective approach to managing risk. Consequently, this plan reflects several new relationships



with non-governmental organizations that will now be integral to our emergency management efforts.

FEMA's Resilience initiative complements Whole Community activity by reinforcing that disaster risk can be viewed as cyclical and is therefore somewhat predictable and easier to manage. Emergencies and disasters need not be surprises. By anticipating and carefully preparing for them, communities can reduce their impact and shorten the time it takes to recover from them.

As entities come together to perform this work, the City of Fort Bragg will strive each time to pick-up where we left off, avoiding restarting an activity from scratch, and always learning from previous mistakes, whether they were made here or elsewhere. In this way, each action taken to reduce disaster risk is an investment in increased disaster resilience.

Going forward, the City of Fort Bragg will use this emergency plan as a means to implement emergency management policy. This plan provides an introduction in Section 1, presents the concept of operations in Section 2, describes the continuity of operations in Section 3, and addresses plan maintenance in Section 4.

Section 1 presents the purpose and scope of the plan, describes the area in which the City of Fort Bragg is situated, lists the authorities for this plan, provides assumptions used in the development of this plan, and discusses plan development and organization.

### **1.1. Purpose**

This plan satisfies the following emergency management program requirements for the city:

- A state requirement to create and maintain an emergency plan.
- Specification of policies, roles, resources, and practices of the city and partner agencies as they conduct work before, during, and after an emergency.
- Acknowledgement of city adoption of the Standardized Emergency Management System (SEMS) and National Incident Management System (NIMS).

### **1.2. Scope**

This plan applies to any extraordinary situation, regardless of cause, when conditions constituting a "State of Emergency" exist, as defined by state law. When it becomes necessary to implement this plan, individuals and organizations operating within the city are expected to execute this plan with maximum coordination, efficiency, and effect. Because this plan also provides a broad framework for coordination of any emergency activity, individuals, businesses, community-based



organizations, and other governments are encouraged to familiarize themselves with this plan and its use within the city. In this sense, it is a comprehensive emergency plan. It defines and guides emergency management activities before, during, and after disaster, for a multitude of hazards, and for all involved individuals and agencies.

### **1.3. Situation**

The City of Fort Bragg is located approximately 165 miles north of San Francisco and 188 miles west of Sacramento. The City occupies 2.7 square miles of land along the Pacific coast, most of which is between the Noyo River on the south and Pudding Creek to the north. Fort Bragg is the largest city on the Mendocino coast and is a regional service and retail center. The mild climate, picturesque coastline, and historic downtown shopping district make the city a popular tourist and recreational destination.

The U. S Census reported a population of 7,273 in 2010, 3.4% more residents than were recorded in 2000. State Highway 1 is the predominant north-south transportation route through the city, and State Highway 20 is the predominant east-west route.

Fort Bragg is most vulnerable to earthquake, disease outbreak, fire, flood, landslide, severe winter storm, and transportation accident. Effectively managing risk and emergencies within the city is challenging because of the city's limited resources, rural setting, and vulnerable access—and thus requires close collaboration by entities within the city and, at times, help from outside the city.

### **1.4. Authorities**

The following local, state, and federal statutes authorize emergency management activity and form the basis for this plan:

#### City of Fort Bragg

- Fort Bragg Municipal Code, Chapter 2.24

#### Mendocino County

- Mendocino County Code, Title 2, Chapters 2.28, 2.33
- Mendocino County Code, Title 5, Chapter 5.12
- Mendocino County Code, Title 7, Chapter 7.04
- Mendocino County Code, Title 8, Chapter 8.80
- Mendocino County Code, Title 9, Chapter 9.05
- Mendocino County Code, Title 15, Chapter 15.32



- Mendocino County Code, Title 20, Chapters 20.168, 20.020, 20.500, 20.532, 20.720
- Mendocino County Code, Title 22, Chapter 22.04

#### State of California

- California Emergency Services Act
- California Disaster Assistance Act
- California Code of Regulations, Title 19
- California Code of Regulations, Title 2
- California Disaster and Civil Defense Master Mutual Aid Agreement
- Governor's Executive Order W-9-91

#### Federal

- Title 44, Code of Federal Regulations
- Federal Civil Defense Act of 1950 (Public Law, as amended)
- Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 93-288, as amended)
- U.S. Army Corps of Engineers Flood Fighting (Public Law 84-99)
- Homeland Security Presidential Directive 5, 2005, National Incident Management System
- Homeland Security Policy Directive 8, 2011, National Preparedness

### **1.5. Assumptions**

The following assumptions were deemed necessary during development of this plan:

- Any extraordinary set of circumstances that meets the definition of “State of Emergency” under state law is referred to in this plan as an “emergency.” The terms “disaster” and “emergency” are considered synonymous.
- Normal systems of public health and safety response (i.e., law enforcement, fire and rescue, and emergency medical assistance) will respond according to their respective authorities and procedures. The focus of this plan is to facilitate coordination among agencies when resources are exhausted or severely limited, or when extraordinary multi-agency coordination is required.
- All jurisdictions, agencies, and personnel responding to a bona-fide emergency will do so in a manner consistent with statutes, policies, plans, and procedures, including SEMS and NIMS.
- The city will lead responses to emergencies that occur within the city. The county or state may lead the response to nearby incidents that lie outside of city boundaries. The county,



however, will be integral to city response. Other cities will provide support when requested, if they are able to do so.

- The city will exhaust or expect to soon exhaust resources available before asking for assistance.
- The city will implement this emergency plan before requesting extraordinary assistance.
- Each jurisdiction asked to provide mutual aid to another will do so, without promise of reimbursement, as long as this provision of aid does not jeopardize the health, safety, and security of a jurisdiction.

## **1.6. Plan Development and Organization**

This plan has been designed for ease of reading, implementation, and maintenance. It can be read within 30 minutes which will help those unfamiliar with the city's emergency management program to facilitate or otherwise support a timely, effective, response to emergency.

The pages that precede the Table of Contents demonstrate plan approval, plan distribution, a record of plan changes, and acknowledgement of plan authors. The appendices are intended as complementary documents to be maintained by organizations within the city. The numbered sections of the plan provide policy and guide emergency-related activities common to all organizations within the city. The appendices are intended as specific tools for carrying out these activities.

The Fort Bragg City Clerk serves as the custodian of all emergency planning documents. A copy of any emergency planning document should be sent to:

Fort Bragg City Clerk  
416 N Franklin Street  
Fort Bragg, CA 95437  
(707) 961-1694  
jlemos@fortbragg.com



## 2. Concept of Operation

The City of Fort Bragg Municipal Code (FBMC) Chapter 2.24 established the Office of Director of Emergency Services and designated the City Manager as the Director. The FBMC further designates the Chief of Police as the Assistant Director.

No professional emergency management staff are assigned to this office. In practice, the City Manager attends to program management issues and the Chief of Police serves as the city's emergency services coordinator. The Fort Bragg Police Department maintains the city's Emergency Operations Center (EOC). The City Manager and Police Chief routinely work to address emergency management and work as a team.

### 2.1. Mitigation

Mitigation activities are designed to eliminate or reduce vulnerability before an emergency occurs. Mendocino County maintains a Local Hazard Mitigation Plan (LHMP) referred to as a "community" plan because it addresses all incorporated and unincorporated areas of the county. The county develops this plan collaboratively with the cities and other stakeholders and submits it to the California Emergency Management Agency (CalEMA) and Federal Emergency Management Agency (FEMA) for approval every 5 years. FEMA requires a LHMP plan for the county to remain eligible for certain post-disaster funds. These funds are used for reducing repetitive disaster loss and mitigating future risk. Without the plan, the county might forego a grant that may equal up to 15% of all FEMA-funding made available after a disaster.

The Mendocino County Multi Hazard Mitigation Plan was approved by FEMA on December 29, 2014 and adopted by the Fort Bragg City Council on December 14, 2015. This five-year plan incorporates Whole Community engagement and principles of Resilience to reduce the potential impacts of disasters.

The process of LHMP development involves an assessment of all natural hazards in the county and development of strategies to eliminate or reduce the vulnerability to those hazards. The plan identifies mitigation projects and establishes a work plan necessary to accomplish projects over the plan lifecycle. One added value of the mitigation planning process is that it yields detailed information about hazards, vulnerabilities, and impacts that might affect each city and the county.



For instance, past planning indicates that the Fort Bragg area is most susceptible to the following hazards:

- Communication failure
- Drought
- Earthquake
- Explosion
- Extreme weather
- Hazardous material spill
- Public health crisis
- Transportation accident
- Tsunami
- Wildland interface fire

The LHMP is predominantly focused on natural hazards. To address additional threats, four other organizations routinely examine hazards and risk. The Redwood Empire Hazard Incident Team (REHIT) facilitates hazardous material (hazmat) spill planning and response. The Mendocino County Health and Human Services Agency (HHSA) provides planning and response for public health disasters. The Fort Bragg Police Department and Fort Bragg Fire Protection Authority also regularly assess hazards and their potential disaster impacts. These inputs are considered by emergency planners and solutions are proposed to county grant managers who determine how grant funds will be used.

The LHMP and the Homeland Security Grant Program (HSGP) are the two emergency management programs that contribute the most to mitigation. Given the limited reach of these programs, however, the city encourages all parties to consider risk reduction activities while making other investments. These mitigation activities can include promoting effective land use, implementing new building codes, relocating at-risk structures, creating barriers of protection around vulnerable properties, and increasing disaster awareness and preparedness through outreach campaigns.

## **2.2. Preparedness**

Preparedness activities are designed to anticipate and prepare for response to an emergency that cannot be entirely mitigated. This section describes the planning, training, exercising, equipping, and supplying activities associated with preparedness.



### **2.2.1. Planning**

Emergency planning typically involves the development of emergency operations plans and procedures for responding to an emergency. These include:

- Emergency Operations Plan (EOP) – A document that describes the conduct of emergency operations throughout the city.
- Standard Operating Procedures (SOP) – Documents that describe the roles, responsibilities, resources, and activities of people and organizations assigned to emergency management positions at an emergency operations center, incident command post, or other location. An SOP is included in Appendix A.5.
- Continuity of Government/Continuity of Operations Plan (COG/COOP) – A document that describes how essential government services will continue despite an emergency. The elements of a basic city COG/COOP are included in Section 3 of this plan.

Other emergency planning routinely occurs within and among other agencies. Representatives of those departments should be contacted directly regarding their respective plans. Their contact information appears in Appendix A.10. To maximize interagency coordination, the City of Fort Bragg strives to maintain a copy of all emergency planning documents at the EOC, and planners are encouraged to forward a copy of all plans and procedures related to multi-agency response to the Fort Bragg Police Department.

Because many qualified and ready individuals are necessary to implement emergency operations well, all City employees must also be prepared at home with individual and family disaster plans. Appendix A.15. includes a planning template that all employees can use to complete this personal planning.

### **2.2.2. Training**

Training familiarizes people who will be involved in response with the policies, plans, tools, and procedures of conducting response activity. Because the City of Fort Bragg considers the knowledge and experience employees gain from training and exercises critical to a successful response, the city maintains an annual training plan. The plan recommends the training for each type of responder and specifies when and where that training will be available. Each department that employs staff in an emergency is responsible for providing them with adequate training in anticipation of response activities.

A description of required training and a summary of the annual training plan are attached as Appendices A.12 and A.13, respectively. The city strives to retain an adequate record of all



emergency management training, so city departments place training certificates in individual personnel files and notify the Administrative Services Department when training has been completed.

### **2.2.3. Exercising**

Exercising is an important complement to training that allows individuals and organizations to practice what they have learned and to maintain proficiency. The City of Fort Bragg conducts drills and exercises (table-top, functional, and full-scale) according to the U.S. Homeland Security Exercise and Evaluation Program (HSEEP). HSEEP presents a standard method for designing, conducting, and evaluating exercises. The city maintains a multi-year exercise plan that incorporates HSEEP methodology. A summary of that plan is included in Appendix A.14.

Within 90 days following an exercise or real-world disaster event, the Chief of Police develops an after-action report (AAR). The purpose of the AAR is to note strengths and weaknesses in city response, and to identify opportunities for improvement. After completion of AARs, the city retains copies for a minimum of 5 years so these reports may be used for subsequent planning, training, and exercising.

### **2.2.4. Equipping and Supplying**

Various equipment and supplies are typically needed during an emergency. Necessary equipment can range from generators to front loaders and dump trucks. Supplies include batteries for handheld radios and emergency supplies of food and water for those who may have to work at remote locations during an emergency or for residents who may be isolated from normal means of supply.

Many pieces of equipment and supplies needed during emergencies are used day-to-day; others are obtained and stored for use during emergencies (e.g., mass casualty trailers and the medical supplies on-board these trailers). The city works with different agencies to identify and track the locations of key equipment and supplies that might be needed in an emergency. This catalog of equipment and supplies is attached as Appendix A.6. Each agency is responsible for maintaining their own equipment and supplies to ensure that these are adequately prepared or stocked.

## **2.3. Response**

Response activities immediately follow an emergency, or occur when an imminent emergency requires immediate action. Response begins with notifications to response agencies and dispatching of their responders. Emergencies that meet the definition of a "State of Emergency" can



overwhelm available local resources and can necessitate extraordinary coordination. This section details how the city will provide the extraordinary level of direction, control, coordination, and communication necessary during States of Emergency.

### **2.3.1. California Standardized Emergency Management System**

SEMS was enacted as a state law following the Oakland Hills fire in 1992. SEMS is intended to standardize, and thereby make more efficient, coordination of multi-agency response. SEMS includes:

- Incident Command System (ICS) – Common terminology and standard processes and tools. Local governments are required to use SEMS, which include the ICS, to be eligible for state reimbursement of certain response costs and to access to certain federal grant funds.
- Mutual Aid – A California tradition of neighbor jurisdictions helping each other in times of need, without promise of reimbursement. The California Master Mutual Aid Agreement dates back to the 1950s and has been signed by nearly all cities and counties. This concept of mutual aid remains prevalent in California despite the nation-wide introduction of the Emergency Management Assistance Compact (EMAC), a fee for service form of mutual aid.
- Operational Area Model – A concept that outlines a responsibility and hierarchy of response—presuming that all emergencies are local or have a local component, and that local governments are responsible for managing these with their field responders. As the needs of an emergency exceed the capabilities of local governments, requests to Operational Areas (counties), the state, or federal government are made.

The City of Fort Bragg has worked to comply with SEMS regulations since 1996. Individuals with questions about SEMS, NIMS, or ICS compliance should contact the Administrative Services Department

### **2.3.2. National Response Framework**

The National Response Framework (NRF) consists of federal-level policies, plans, and tools for homeland security and emergency management. Sufficient for the purpose of this plan, these federal-level policies, plans, and tools include:

- National Preparedness Goal – A document that describes a vision of emergency management, defines core capabilities, and identifies key scenarios for which the nation should be prepared.
- NIMS – Policy, practices, and tools that effectively make ICS adoption national in scope.



- Numerous plans, appendices, guides, and resources – Tools to help local and state emergency management organizations conduct their work.

The City of Fort Bragg has been required as part of the HSGP and other grant programs to comply with parts of the NRF since 2006 and to participate in quarterly and bi-annual reporting of progress. Questions about NRF compliance and compliance with emergency management grant funding should be directed to the Administrative Services Director.

### **2.3.3. Essential Facilities**

The City of Fort Bragg manages emergencies from the city's EOC. The EOC provides city-wide executive-level policy, information sharing, and coordination. The EOC may provide this in support of one or more Incident Command Posts (ICP) established by response agencies. ICPs and their Incident Commanders are delegated legal authority to command and control responses in the field. The EOC does not direct response but rather ensures that all ICPs are supported well and operating in conformance with city policy. Other facilities essential to emergency management activities also exist with the county. These include:

- Ukiah/Fort Bragg Dispatch
- Emergency Medical Services (EMS) Dispatch
- Fire Dispatch (all but Little Lake Valley)
- Sheriff's Office Dispatch
- County EOC
- Public Health Department Operations Center

Additional information regarding essential facilities appears in Appendix A.2.

### **2.3.4. Alerts, Notification, and Warning**

Hallmarks of successful emergency management programs include around-the-clock awareness of emergency conditions throughout the city, the ability to communicate emergency information to key individuals and organizations, and the capability to respond quickly and effectively. Therefore, the city has designated the Ukiah/Fort Bragg dispatch facility as such a location, operating continually (24 hours per day/7 days per week/365 days per year) and from which timely emergency notifications can be relayed to response agencies, leaders, and (when necessary) the public. Any critical information intended for emergency management agencies should be directed to the facility using the contact information in Appendix A.2 or, in life-threatening situations, by



calling 9-1-1. The Ukiah/Fort Bragg dispatch facility operates in lieu of an emergency management duty officer. The facility maintains a comprehensive emergency management contact directory similar to that included in Appendix A.2 of this plan.

### 2.3.5. Activation Levels

Depending on the circumstances of an emergency, the City Director of Emergency Services (City Manager or his/her designee) may activate the EOC to provide city-level leadership, support, and coordination during an emergency. The Fort Bragg Police Department is responsible for ensuring readiness of the EOC. EOC activation will occur at one of the following activation levels:

- Level 1 EOC Activation – Provision of minimum staffing when the EOC is monitoring a situation. This level of activation may also be supported from a remote location (e.g., when a duty officer is working at another duty location or on-call from home.) At this level of activation, only one or two individuals are typically activated as EOC staff.
- Level 2 Activation – Provision of an intermediate number of staff to operate the EOC when an emergency is imminent or otherwise less than severe or catastrophic. This level of activation typically involves continuous briefings and updates to ICS Command and General Section staff (approximately 5-10 individuals).
- Level 3 Activation – Implementation of full EOC capability and the full use of city resources. All ICS positions are filled (approximately 10-20 people). Alternate EOC teams may be assembled to relieve one another during 24-hour and multi-day activations.

Regardless of the level of EOC activation, persons are assigned to ICS positions. Operational periods (EOC shifts) are typically over 12 hours (except during a Level 1 Activation, when the period is typically 24 hours), and incident action plans are developed for each operational period. These and other EOC activities are conducted according to the Standard Operating Procedures included in Appendix A.5.

### 2.3.6. Communications

Communication activities are one of the two categories that most affect emergency management outcomes. To ensure effective communications with agencies external to the city, the EOC maintains all of the forms of communication listed below. This capability is tested on a quarterly basis (typically the last day of January, April, July, and October each year, or the last work day of those months, if the last day falls on a weekend). This communication capability includes:

- CalCord
- Fire Red (Command)
- RACES/ARES radio set



- CESRS
- CLEMARS 1-3
- Commercial Internet
- Commercial telephone
- EAS Encoder
- Fire Blue (Dispatch)
- Fire Tactical
- Fire White 1-3
- IPAWS
- Med 10
- NALEMARS
- OASIS network connection
- Video teleconferencing
- VCALL10
- VTAC 11-14
- 

Detailed information about each communication system the city may use during emergencies, as well as other capability like communication vehicles and interoperability devices, can be found in the county's Tactical Interoperable Communications Plan (TICP), which is maintained by the Mendocino County Office of Emergency Services (OES).

### **2.3.7. Roles, Responsibilities, and Assignments**

The Director of Emergency Services (City Manager) assigns individuals to EOC positions according to operational need, experience, and availability. Individuals assigned to work in the EOC must complete a minimum level of ICS training that includes ICS 100, 200, 700, and 800. EOC Command and General Staff must also complete ICS 300 and 400. Each individual assigned to the EOC will be a member of one of two teams. The EOC A-Team will be the first to activate the EOC. The EOC B-Team will staff the other 12-hour operational period or serve as the relief team. Individuals assigned to each EOC team are listed in Appendix A.2. Their roles are described in Standard Operating Procedures (Appendix A.5.).

The EOC organization includes a Director, Assistant Director, Public Information Officer, Safety Officer, Legal Counsel and Liaison Officer who, collectively, comprise the command staff. EOC general staff consist of section chiefs who lead Operations, Planning and Intelligence, Logistics, and Finance and Administration.

Types of EOC activity cover a total of 12 separate emergency functions (e.g., fire and rescue, law enforcement, public health) and each type is assigned a department or organization to lead it. Each assignment of emergency function is described in more detail in Appendix A.4. Typically, individual EOC assignments resemble the following organizational chart:



Figure 1 - City of Fort Bragg EOC Organization



The overall operation of the EOC involves three primary functions:

1. Managing emergency policies (e.g., declare emergencies, order evacuations, prioritize limited resources)
2. Sharing information with emergency organizations, elected leaders, and the public
3. Brokering resources (e.g., requesting outside assistance and directing it to local response agencies))

Each of these EOC functions is described in this section.

### 2.3.8. Managing Policy

Although field-level management (command and control) of incident response does not typically occur at the EOC, the EOC plays a critical role in managing emergencies. Sharing information, coordinating resources, issuing formal declarations of emergency, ordering mandatory evacuations, and determining priorities are all activities that fall within the domain of EOC activity.

Generally, the EOC first establishes priorities and objectives during an action planning process. Typically, EOC priorities are to protect:

1. Life
2. Human health and safety
3. Property, especially critical infrastructure
4. Environment
5. Economy

The action planning process results in an incident action plan (IAP) each operational period. The process follows NIMS and is often described as the “Planning P.” Annex A.7 contains forms used to create IAPs.

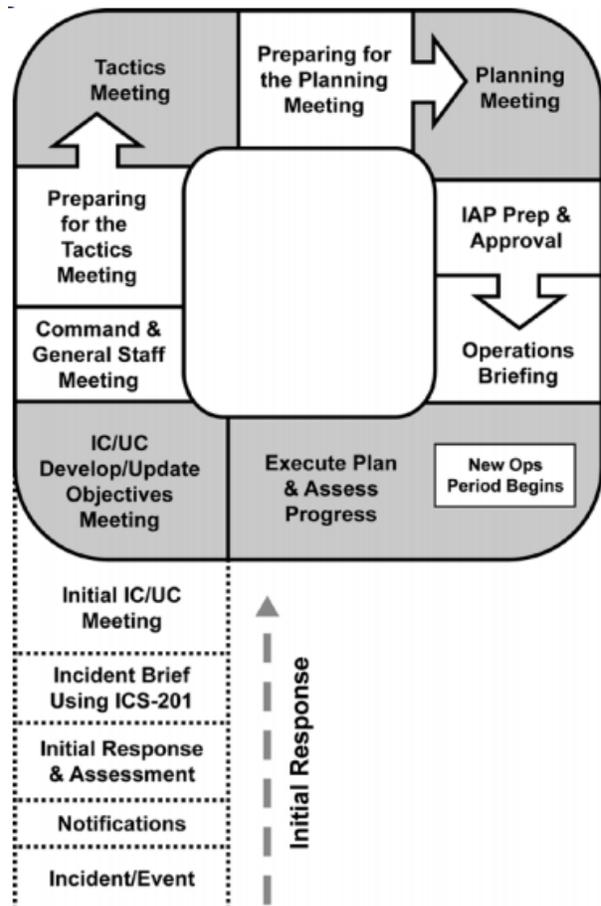


Figure 2 - The Planning "P"



### **2.3.9. Sharing Information**

The second of the three important EOC roles is sharing information about emergency with agencies, government leaders, and the public. Conveyance of information to the public occurs most often through media outlets. To effectively share information, the EOC maintains robust communication capabilities described earlier in Section 2.3.6 of this plan. The EOC also uses traditional paper message forms (e.g., ICS 213) and information technology such as the state's Response Information Management System (RIMS) to share critical information about the incident.

Collecting accurate, timely information from responders is necessary for the EOC to meet response agency requirements for support. Sharing this information from the EOC with other agencies, especially those able to provide resources to support an emergency in the city, is essential to obtaining additional help. Continuously collecting, confirming, and sharing intelligence is vital to the safety, efficiency, and overall effectiveness of response activities. A Public Information Officer is assigned to the EOC to develop and coordinate information sharing with the media and, ultimately, the public.

All EOC staff members are trained in the use of information-sharing tools as part of their EOC orientation. During additional training and exercising, they have opportunities to practice using these tools before an EOC activation. Responsibilities, tools, and processes for sharing of information are described in Standard Operating Procedures (Appendix A.5.).

### **2.3.10. Resource Management**

The third of the three important roles of the EOC is to broker resources. A city emergency may require a dispatch of city resources. Depending on the circumstances, but especially if needed resources are scarce, the EOC may have to carefully manage the assignment of resources to several emergency scenes or from one department to another. At other times, the EOC may facilitate movement of resources to or from the city (e.g., facilitating support between the cities of Fort Bragg and Willits). In these cases, the EOC serves as the conduit for resources requests.

To best manage resources, the EOC maintains a current emergency resource catalog (Appendix A.6), an emergency contact directory (Appendix A.2), and at least one active RIMS terminals that can be used to coordinate resource requests. The tools and processes for accomplishing this work are described further in Standard Operating Procedures.



## **2.4. Recovery**

The final area of city emergency management activity is recovery. Recovery is the process of returning to normal an area affected by a disaster. Recovery may sometimes occur within a matter of hours—for example, restoration of electricity and telephone service. After major disasters, recovery can take years. Two activities essential to effective recovery are to complete a plan for recovery before an emergency occurs and to begin recovery as soon as possible after an emergency. Sometimes, recovery activities begin before response activities conclude. In any case, recovery begins with damage assessment, followed by short-term and long-term recovery activities. These three activities are described in the sections below.

### **2.4.1. Damage Assessment**

Damage assessment activities involve identifying, recording, compiling, and analyzing damage information in order to determine the type of recovery assistance needed. Following major disasters, a process known as a Preliminary Damage Assessment (PDA) is used to determine to what extent state and federal assistance may be available. Several resources are available within the city to perform a PDA. The American Red Cross conducts cursory assessments sometimes called windshield surveys. Windshield surveys are named as such because they are performed by one or more individuals driving through neighborhoods and collecting information from inside the vehicle. The City of Fort Bragg contracts with Mendocino County for building inspectors who can perform comprehensive damage assessments. When additional help is needed, a form of statewide mutual aid is also available to provide assistance.

Damage assessments must occur quickly and accurately in order to obtain timely assistance from state and federal agencies. For this reason, the City Manager assigns damage assessment responsibilities to the Advance Planning Branch of the EOC Planning and Intelligence Section. Tools and processes used for conducting damage assessments are described in Appendix A.5 and A.7, respectively.

### **2.4.2. Short-Term Recovery**

The establishment of priorities is just as important in recovery as in response to ensure a timely and orderly restoration. Short-term recovery objectives are typically established in the EOC while response is winding down. These recovery objectives usually include:

- Opening transportation routes
- Restoring utility service
- Securing damaged areas



- Removing hazardous materials and debris
- Providing temporary housing
- Accomplishing cost recovery
- Establishing long-term recovery objectives
- Implementing immediate environmental protection measures

### **2.4.3. Long-Term Recovery**

Attainment of long-term recovery objectives generally does not occur until long after closure of an EOC. Long-term recovery activities include:

- Performing environmental assessments
- Rebuilding infrastructure (e.g., highways, bridges)
- Rebuilding homes
- Restoring industry and commerce
- Restoring the natural environment

Tools and processes associated with recovery activity are described in Appendix A.5 and A.7.



### **3. Continuity**

Emergencies can threaten to destroy or delay the ability of government to carry out executive functions and provide essential services. This section summarizes the Continuity of Government and Continuity of Operations planning for the City of Fort Bragg.

#### **3.1. Continuity of Government**

State law requires appointment of a standby officer for each member of a governing body. This law also applies to officers who head departments responsible for maintaining law and order, or that provide public services relating to health and safety. The law requires procedures to ensure continued operation of political subdivisions in the event the governing bodies, including stand-by officers, are unavailable to serve.

The Fort Bragg City Council and the City Manager have developed and continue to maintain a continuity plan that identifies a primary and alternate location for the vital city operations, and a line of succession should one or more members of City Council and the City Manager become unavailable during an emergency. Copies of this plan are kept in the City Council chambers, in the City Manager's office, and in the EOC. This plan is exercised every 3 years.

#### **3.2. Continuity of Operations**

Each city department has also developed plans to restore essential department services following an emergency interruption. These plans are exercised each year and include:

- A line of succession for department leadership
- A list of essential services and descriptions of acceptable tolerance for interruption
- A strategy to mitigate interruption of each essential service
- A strategy to restore each essential service, should it become interrupted
- Definition of a continuity team for the department with assignments for each member
- A list of vital records and a strategy for preserving and maintaining access to vital records
- A record of training and exercises performed to maintain department plans

Because continuity of operations is vital to most departments, the city incorporates continuity of operations objectives during design and implementation of each annual emergency management exercise.



#### **4. Plan Maintenance**

This plan will be maintained by the Chief of Police and the Administrative Services Director and reviewed by the City Manager annually. As changes are needed to plan appendices, the Administrative Services Director will facilitate these changes, coordinating and communicating this work with appropriate stakeholders. When changes are needed to the basic plan (not including appendices), these changes will be directed, reviewed, and approved by the City Council.

Annual training will be provided either as a new orientation or refresher training to all city staff that may be expected to participate in an emergency response. A record of this training will be retained in employee records.

An annual exercise should be conducted to maintain the ability to execute this plan well. The Chief of Police will facilitate design, execute, and evaluate these exercises, drawing support from other agencies as it may be required. The exercises may take the form of a table-top, functional, or full-scale exercise, although a functional exercise will occur at least every 3 years.

Each year, an annual report of emergency management program accomplishments, needs, and improvement planning shall be presented to the City Council by the Chief of Police and/or the City Manager.



## Appendices and Annexes

- A.1. General Flow of Response
- A.2. Emergency Operations Contact List
- A.3. Hazard-Specific Procedures
  - A.3.1. Communication Failure
  - A.3.2. Drought
  - A.3.3. Earthquake
  - A.3.4. Explosion
  - A.3.5. Extreme Weather
  - A.3.6. Hazardous material spill
  - A.3.7. Public Health Crisis
  - A.3.8. Transportation Accident
  - A.3.9. Tsunami
  - A.3.10. Wildland/Urban Interface Fire
- A.4. Emergency Functions
- A.5. Standard Operating Procedures
- A.6. Resource Catalog
- A.7. Emergency Forms
  - A.7.1. Incident/Situation Reporting
  - A.7.2. Incident Command System Forms
  - A.7.3. Emergency Proclamation
  - A.7.4. Resource Ordering/Tracking
  - A.7.5. Initial Damage Assessment
  - A.7.6. After-Action Reporting
- A.8. Continuity of Operations/Continuity of Government
- A.9. Hazard Identification and Risk Assessment
- A.10. Emergency Planning Contact List (non-responders)
- A.11. Annual Work Plan
- A.12. Recommended Training Courses
- A.13. Annual Training Plan
- A.14. Three-Year Emergency Exercise Plan
- A.15. Employee Emergency Preparedness Handbook

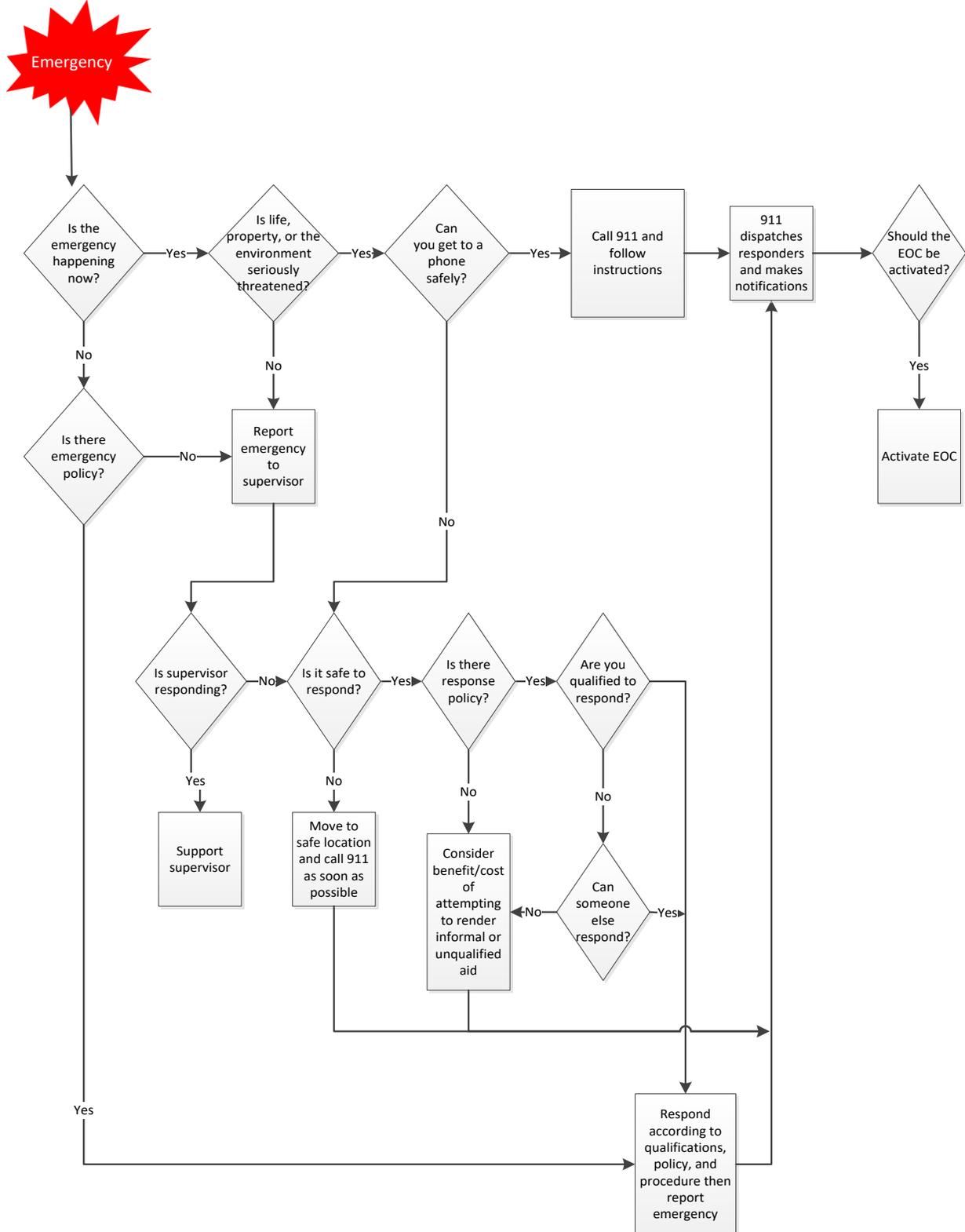


A.16. Access and Functional Needs

A.17. Maps



### A.1. General Flow of Response





### A.2. Emergency Operations Contact List

#	Name	EOC Role	Agency	Title/Role	Home Address	Office Phone	Cell Phone	Home Phone	Email
1.									
2.									
3.									
4.									
5.									
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21.									
22.									
23.									

Primary EOC staff
Secondary EOC staff



## A2.2 Essential Facility Contact List

Essential Facility	Primary Location	Alternate Location
Fort Bragg Emergency Operations Center	250 Cypress Street Fort Bragg, CA 95437	Fort Bragg Town Hall
County Emergency Operations Center	951 Low Gap Road Ukiah, CA 95482	17500 N. Highway 101 Willits, CA 95490
Sheriff's Dispatch	589 Low Gap Road Ukiah, CA 95482	17501 N. Hwy 101 Willits, CA 95490
EMS Dispatch	17501 N. Hwy 101 Willits, CA 95490	TBD
Fire Dispatch (All but Little Lake Valley)	17501 N. Hwy 101 Willits, CA 95490	TBD
Fire 2 Dispatch (Little Lake Valley)	125 E. Commercial, #150 Willits CA 95490	589 Low Gap Road Ukiah, CA 95482
Ukiah/Fort Bragg Dispatch	300 Seminary Ave. Ukiah, CA 95482	125 E. Commercial, #150 Willits, CA 95490
Willits Dispatch	125 E. Commercial #150 Willits, CA 95490	589 Low Gap Road Ukiah, CA 95482
Public Health Department Operations Center	1120 South Dora St. Ukiah, CA 95482	TBD



### **A.3. Hazard-Specific Procedures**

- A.3.1. Communication failure
- A.3.2. Drought
- A.3.3. Earthquake
- A.3.4. Explosion
- A.3.5. Extreme weather
- A.3.6. Hazardous material spill
- A.3.7. Public health crisis
- A.3.8. Transportation accident
- A.3.9. Tsunami
- A.3.10. Wildland interface fire



**Scenario:** Communication failure

- Priorities:**
1. Assess need for and activate EOC, if necessary
  2. Implement alternate communications
  3. Test communications with all potentially affected areas
  4. Dispatch damage assessment team
  5. Activate ARES/RACES staff, if necessary
  6. Request mutual aid (i.e. communications vehicle, mobile repeater)
  7. Implement cost accounting system
  8. Prepare to receive program support (local/state/federal)

- Issues to expect:**
1. If communications are quiet, is this because there is nothing happening or because communications are not working?
  2. What is the critical path to restoring communications? Is it recovery of a system or migration to another system?
  3. Will mutual aid be available during the incident duration? If not, what are the costs and source of funds to maintain support?

- Organizations to call for support:**
1. County OES
  2. Operational Area Fire Coordinator
  3. Operational Area Law Enforcement Coordinator



**Scenario:** Drought

- Priorities:**
1. Define situation, including least and worst-case scenarios
  2. Develop mitigation strategies to limit the effects of drought before health and safety impacts result
  3. Collaborate with other agencies to maximize effect
  4. Define plans for response before health and safety impacts are imminent
  5. Communicate threat, impact, mitigation and response activities to the public

- Issues to expect:**
1. What help will the city need to respond?
  2. What sources of funding are available to manage an emergency before health and safety threats are imminent?

- Organizations to call for support:**
1. County OES
  2. U.S. Department of Agriculture, National Resource Conservation Service



**Scenario:** Earthquake

- Priorities:**
1. Assess need for and activate EOC, if necessary
  2. Establish communications with affected areas
  3. Monitor and ready for tsunami threat
  4. Provide initial and continuous emergency public information
  5. Identify additional response requirements
  6. Assess condition of major transportation routes
  7. Request mutual aid
  8. Activate mass care and shelter
  9. Mobilize damage assessment teams
  10. Implement cost accounting system
  11. Prepare to receive program support (local/state/federal)

- Issues to expect:**
1. What help will the city need to respond?
  2. Is our house/building safe?
  3. How will we sustain 24/7 operations
  4. What should earthquake victims do? Shelters?

- Organizations to call for support:**
1. County OES
  2. Coastal Region Fire and Rescue Mutual Aid Coordinator
  3. U.S. Geological Survey (USGS)



**Scenario:** Explosion

- Priorities:**
1. Secure the affected area
  2. Treat the injured
  3. Assess need for and activate the EOC, if necessary
  4. Facilitate mutual aid, if necessary
  5. Provide initial and continuous emergency public information
  6. Initiate accident or criminal investigation

- Issues to expect:**
1. Was this a criminal act or accident? If a criminal act, what should you tell the public without jeopardizing an investigation?
  2. Are we safe from additional threat?
  3. What sources of funding are available to manage this incident?

- Organizations to call for support:**
1. County OES
  2. Coastal Region Law Enforcement Mutual Aid Coordinator



**Scenario:** Extreme Weather

- Priorities:**
1. Participate in National Weather Services (NWS) and River Forecast Center (RFC) weather briefings
  2. Warn people to prepare for storm
  3. Activate sheltering for those in need
  4. Place response staff on alert and pre-position resources
  5. Assess condition and restore major transportation routes damaged by weather
  6. Provide initial continuous emergency public information
  7. Establish contact and coordinate with the California Utilities Emergency Association (CUEA)
  8. Identify additional response requirements
  9. Request mutual aid
  10. Activate mass care and shelter
  11. Mobilize damage assessment teams
  12. Implement cost accounting system
  13. Prepare to receive program support (local/state/federal)

- Issues to expect:**
1. What help will the city need to respond?
  2. How will we sustain 24/7 operations?
  3. What sources of funding are available to manage this incident if it does not become a federally-declared major disaster?

- Organizations to call for support:**
1. County OES
  2. California Utilities Emergency Association (CUEA)



**Scenario:** Hazardous Material Spill

- Priorities:**
1. Determine the nature, extent, and impact of the spill
  2. Assess need for and activate EOC, if necessary
  3. Ensure REHIT dispatch and support
  4. Establish communications with affected surrounding areas
  5. Implement shelter-in-place or evacuation
  6. Provide initial and continuous emergency public information
  7. Identify additional response requirements
  8. Request mutual aid
  9. Prepare to receive program support (local/state/federal)

- Issues to expect:**
1. What help will the city need to respond?
  2. Are some people evacuating and other sheltering-in-place? If so, why?
  3. Are people safe in their homes and businesses?

- Organizations to call for support:**
1. County OES
  2. CalEMA Coastal Region Fire and Rescue Mutual Aid Coordinator
  3. U.S. Environmental Protection Agency (EPA)



**Scenario:** Public Health Crisis

- Priorities:**
1. Determine the nature, extent, and impact of the public health event
  2. Assess need for and activate EOC, if necessary
  3. Establish communications with affected areas
  4. Define mitigation and response strategies
  5. Engage and collaborate with all appropriate agencies
  6. Provide initial and continuous emergency public information
  7. Identify additional mitigation and response requirements

- Issues to expect:**
1. What are the nature, extent, and impact of the event?
  2. What help will the city need to respond?
  3. How will we sustain continuous EOC operations?
  4. What sources of funding are available to manage this incident if it does not become a federally-declared major disaster?

- Organizations to call for support:**
1. California Department of Public Health (CDPH)
  2. County OES
  3. U.S. Centers for Disease Control and Prevention (CDC)



**Scenario:** Transportation Accident

- Priorities:**
1. Determine the nature, extent, and impact of the accident
  2. Facilitate or support Mass Casualty Incident (MCI) operations
  3. Assess need for and activate EOC, if necessary
  4. Establish communications with affected surrounding areas
  5. Provide initial and continuous emergency public information
  6. Identify additional response requirements
  7. Request mutual aid
  8. Prepare to receive program support (local/state/federal)

- Issues to expect:**
1. What help will the city need to respond?
  2. What transportation routes are affected and what detours have been established?
  3. How long will transportation routes be closed?
  4. What sources of funding are available to manage this incident?

- Organizations to call for support:**
1. County OES
  2. CalTrans



**Scenario:** Tsunami

- Priorities:**
1. Monitor for Alaska and Pacific Tsunami Warning Center messages following reports of a major earthquake within the Pacific Rim
  2. Assess need for and activate EOC, if necessary
  3. Establish communications with potentially affected areas
  4. Activate public warning
  5. Place emergency staff on stand-by and pre-stage resources
  6. Implement evacuation of low-lying coastal areas
  7. Provide initial and continuous emergency public information
  8. Monitor tsunami impacts
  9. Identify additional response requirements
  10. Assess condition of major transportation routes
  11. Request mutual aid
  12. Activate mass care and shelter
  13. Mobilize damage assessment teams
  14. Implement cost accounting system
  15. Prepare to receive program support (local/state/federal)

- Issues to expect:**
1. What help will the city need to respond?
  2. Will there be more tsunami waves?
  3. How do I reconnect with friends and family thought to be in tsunami inundation area?
  4. Where should I go as a resident or business if I need assistance?
  5. What sources of funding are available to manage this incident if it does not become a federally-declared major disaster?

- Organizations to call for support:**
1. County OES
  2. NOAA
  3. USGS



**Scenario:** Wildland/urban interface fire

- Priorities:**
1. Determine the nature, extent, and impact of the fire(s)
  2. Assess need for and activate EOC, if necessary
  3. Establish communications with affected areas
  4. Convene conference call of Operational Area Fire Chiefs to discuss threat, priorities, and strategy
  5. Establish liaison with incident and/or area commanders
  6. Provide initial and continuous emergency public information
  7. Identify additional response requirements
  8. Request mutual aid
  9. Assess need and issue order evacuation, if necessary
  10. Activate mass care and shelter
  11. Implement cost accounting system
  12. Prepare to receive program support (local/state/federal)

- Issues to expect:**
1. Will evacuations be necessary?
  2. What help will the city need to respond?
  3. Is our house/building safe?
  4. How will we sustain 24/7 operations?

- Organizations to call for support:**
1. County OES
  2. Coastal Region Fire and Rescue Mutual Aid Coordinator
  3. USFS



#### A.4. Emergency Functions

This table represents the assignment of organizations to Emergency Functions and their related activity in the Fort Bragg EOC during a State of Emergency.

	<b>Emergency Function</b>	<b>Lead</b>	<b>Concept of Operation</b>
1.	Care and Shelter	American Red Cross (ARC)	The City of Fort Bragg and ARC will sign a Memorandum of Agreement (MOA) that formalizes the ARC's role in managing mass care and shelter operations during emergencies. In coordination with the Mendocino Health and Human Services Agency (HHSA), ARC pre-identifies shelter locations and organizes, trains, exercises shelter teams. During emergencies, the ARC will staff the county's Emergency Operations Center (EOC). The Mendocino County Department of Social Services (DSS) provides a care and shelter Branch Director for the Operations Section of the EOC and directs all county support for care and shelter activities. Depending on need, the city's EOC may request an ARC representative to coordinate care and shelter activities within the city



	<b>Emergency Function</b>	<b>Lead</b>	<b>Concept of Operation</b>
2.	Finance	Fort Bragg Finance Department	In order to effectively manage emergency expenditures and maximize emergency and disaster cost recovery, the Finance Director will assign and train a minimum of two individuals to finance and recover the costs of emergency operations. The requisite knowledge and training of these individuals will include understanding (1) emergency funding authorization; (2) local, state, and federal disaster response and recovery programs; (3) managing finances during an emergency as the EOC's Finance and Administration Section Chief; and (4) the National Incident Management System. In order to staff all section activities, these individuals may also be required to provide just-in-time training and to supervise additional staff.
3.	Fire and Rescue	Fort Bragg Fire Protection Authority	The Fort Bragg Fire Protection Authority (or their qualified designee) will assign a Fire and Rescue Branch Director to the city EOC. In this capacity, the individual will facilitate coordination of city-wide fire and rescue resources as well as the integration of other, local, state, and federal fire and rescue resources, typically as the Fire and Rescue Branch Director of the EOC Operations Section.
4.	Law Enforcement and Evacuation	Fort Bragg Police Department	The Fort Bragg Police Department (FBPD) will assign a Law Enforcement Branch Director at the city EOC. In this capacity, the individual will facilitate coordination of citywide law enforcement and evacuation activities as well as the integration of other, local, state, and federal law enforcement resources, typically as the Law Enforcement Branch Director of the EOC Operations Section.



	<b>Emergency Function</b>	<b>Lead</b>	<b>Concept of Operation</b>
5.	Legal Counsel	Fort Bragg City Attorney	The Fort Bragg City Attorney will serve as counsel during emergencies. The attorney will serve as the main consultant for all city emergency-related activities and report to the EOC Director. The requisite knowledge and training of this individual includes understanding (1) local, state, and federal emergency powers; and (2) proclamations of local emergency. During EOC activations, this individual may facilitate development or execution of emergency proclamations; therefore the City Attorney will anticipate and develop, in advance, any documents that may be required.
6.	Logistics	Fort Bragg Public Works Department	The Fort Bragg Public Works Department will identify, train, and otherwise prepare to deploy all staff members who could be necessary to provide the EOC with general service and facility support during emergencies. This support may include providing equipment, supplies, telecommunications and information technology, transportation, personnel management, facilities, and other logistical support. The Public Works Director (or their qualified designee) will assign and train a minimum of two individuals who can serve as EOC Logistics Chief.
7.	Management	City Manager	The City Manager (or his/her qualified designee) will serve as EOC Director and work directly on behalf of the City Council during an emergency.



	<b>Emergency Function</b>	<b>Lead</b>	<b>Concept of Operation</b>
8.	Health and Emergency Medical Services	Mendocino County Health and Human Services Agency	The Mendocino County Health and Human Services Agency (HHS) will identify and train at least two people to staff the county EOC and to facilitate and coordinate (1) Emergency Medical Services; (2) Hazardous Material Response; (3) Disaster Public Health; (4) Disaster Behavioral Health; and (5) Emergency Pet and Animal Care. Any of the staff may serve as the Operations Section Branch Director to coordinate EOC activity in their domain of expertise. Due to certain domain activities (i.e., emergency medical services, hazardous material response) performed by outside organizations, HHS may delegate responsibility for coordinating one or more domain-related activities to an appropriate organization. The City of Fort Bragg may request one or more HHS representatives to support city EOC activities.
9.	Planning & Intelligence, Mitigation and Recovery	Fort Bragg Community Development Department  Mendocino County Department of Planning & Building	<p>During emergencies, the Fort Bragg Community Development Department will staff the city EOC Planning and Intelligence Branch where individuals will coordinate damage assessment and recovery planning. Following closure of the EOC, the department works on behalf of the city to coordinate all recovery field activities. The City of Fort Bragg may request one or more County Planning and Building Department representatives to support city EOC activities.</p> <p>The Mendocino County Department of Planning &amp; Building will lead all hazard identification and pre-event mitigation of emergencies caused by natural and/or technological disasters. This work will be performed while developing and maintaining the Mendocino County Community Local Hazard Mitigation Plan.</p>



	<b>Emergency Function</b>	<b>Lead</b>	<b>Concept of Operation</b>
10.	Preparedness and Response	Chief of Police  Fort Bragg Administrative Services Department	The Chief of Police will maintain the EOC and all emergency-related planning, facilitate training, and administer all exercise and emergency management program development activities. The Administrative Services Department will assist with coordination of training, updating the Emergency Plan, etc. During activations of the EOC, the Administrative Services Director will also typically serve as the Public Information Officer.
11.	Public Works	Fort Bragg Public Works Department	The Fort Bragg Public Works Department will identify and train at least two people to staff the city EOC to facilitate and coordinate (1) debris removal and (2) restoration of transportation infrastructure. Any of these individuals may serve as an Operations Section Branch Director to coordinate EOC activity in their domain of expertise.
12.	Volunteer and Donations Management	North Coast Opportunities, Inc. (NCO)	The City of Fort Bragg and North Coast Opportunities, Inc. (NCO) will sign a Memorandum of Agreement (MOA) that will formalize the NCO role in managing all volunteer and donations management activity on behalf of the city during disaster. A representative of NCO will staff the city's Logistics Section during activation. The Chief of Police will serve as the day-to-day emergency planning contact for NCO.



**A.4. Summary of Emergency Function Assignments for the City of Fort Bragg**

	American Red Cross	Fort Bragg Finance Department	Fort Bragg Fire Protection Authority	Fort Bragg Police Department	Fort Bragg City Attorney	Fort Bragg Public Works Department	Fort Bragg City Manager	Mendocino County Health and Human Services Agency	Fort Bragg Community Development Department	Fort Bragg Administrative Services Dept	North Coast Opportunities
Care and Shelter	X							X			
Finance		X									
Fire and Rescue			X								
Health and Emergency Medical Services								X			
Law Enforcement and Evacuation				X							
Legal Counsel					X						
Logistics						X					
Management				X			X			X	
Planning & Logistics, Mitigation and Recovery									X		
Preparedness and Response				X			X			X	
Public Works						X					
Volunteers/Donations											X



## **A.5. Standard Operating Procedures**



### A.6. Resource Catalog

#	Resource	Description	Quantity Available	Location	Owner/ Operator	Office Phone	Cell Phone	Home Phone	Email	Notes
1.										
2.										
3.										
4.										
5.										
6.										
7.										
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21.										
22.										
23.										



## **A.7. Emergency Forms**

- A.7.1. Incident/Situation Reporting
- A.7.2. Incident Command System Forms
- A.7.3. Emergency Proclamation
- A.7.4. Resource Ordering/Tracking
- A.7.5. Initial Damage Assessment
- A.7.6. After-Action Reporting



## A.8. Continuity of Operations/Continuity of Government

### Succession of Leadership

Chief Elected Official	City Manager	Police Chief
1. Mayor	1. City Manager	1. Police Chief
2. Vice-Mayor	2. Administrative Services Director	2. Police Lieutenant
3. Councilmember	3. Police Chief or Public Works Director	3. Most Senior Sergeant

### Essential Functions

Priority	Function	Continuity Goal	Continuity Strategy	Assigned To
1.	Public Safety	Immediate	Ensure public safety	Police Chief
2.	Water treatment-storage tanks & plant	Immediate	All staff on hands to assess	PW Director
3.	Water distribution system	Immediate	All staff on hands to assess	PW Director
4.	Utilities (Power, propane, etc.)	Immediate	Operate generators/assess	Asst PW Director
5.	Communications	Immediate	Access to internet, emergency personnel	Admin Services Director
6.	Roadway Emergency Access	Immediate	Assess/Coordinate with outside agencies	PW/Police/CalTrans
7.	Raw water supply	Immediate	Assess/Respond/Implement	PW water personnel
8.	Financial systems	2 days	Assess/Respond/Implement	City Treasurer
9.	Recordkeeping	2 days	Assess/Respond/Implement	City Clerk
10.	Access to remote high value locations (lift stations, outfall)	3 days	Assess/Respond/Implement	Asst PW Director
11.				
12.				

### Vital Records

Record	Location	Protection Strategy	Assigned To
1.	Municipal Code	Online, City Hall	City Clerk
2.	GIS Maps, Land Records	Online, City Hall	Comm Dev Director
3.	Permits/Licenses	???	????



4.	Payroll, A/P, A/R	Off-site back-up, City Hall, online access	City Treasurer
5.			

## A.9. Hazard Identification and Risk Assessment





### A.11. Annual Work Plan

#	Project	Purpose	Duration	Budget	Project Manager	Notes
1.	Complete Plan	Prepare for emergencies			Admin Services Dir	Complete by 12/31/17
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						



## A.12. Recommended Training Courses

Course	Type	Location	Pre-requisite	This course allows people to	Who takes this
ICS-100	Self-guided	www.fema.gov	None	Provides the foundation for higher-level ICS training. Describes the history, features and principles, and organizational structure of the system. This course also explains the relationship between ICS and NIMS.	All
ICS-200	Self-guided	www.fema.gov	ICS 100	Enables personnel to operate efficiently during an incident or event within the ICS. Provides training and resources for personnel who are likely to assume a supervisory position within the ICS.	Management, Section Chiefs, Unit Leaders
ICS-300	Classroom	www.fema.gov	ICS 100, ICS 200	Provides training and resources for personnel who require advanced knowledge and application of the ICS. Expands upon information covered in ICS-100 and ICS-200.	Command and General Staff, Unit Leaders
ICS-400	Classroom	www.fema.gov	ICS 100, ICS 200, ICS 300,	Provides training and resources for personnel who require advanced application of ICS. Expands upon information covered in ICS-100 through ICS-300.	Command and General Staff, Unit Leaders
IS-700	Self-guided	www.fema.gov	None	Introduces the NIMS concept. NIMS provides a consistent nationwide template to enable all government, private-sector, and non-governmental organizations to work together during domestic incidents.	All
IS-800	Self-guided	www.fema.gov	IS-700	Introduces participants to the concepts and principles of the NRF.	All



**A.13. Annual Training Plan**

Course	Targeted Audience	Purpose/Value of Training	Estimated Date of Delivery	Course Provider	Course Manager	Notes
ICS 100, 200, 700	All staff not already certified		Sept 2016	County EOS	Rick Ehlert	
ICS 300, 400	Management not already certified		Oct 2016	County EOS	Rick Ehlert	
CPR Training	All Non- PD Staff		Sept & Oct 2016	City of Fort Bragg	Rick Davis	
ICS 100, 200, 700	All Staff not already certified		Nov 2016	County EOS	Rick Ehlert	
EOC Management Training	Management		Jan 2017	County EOS	Rick Ehlert	
ICS 100, 200, 700	All staff not already certified		Feb 2017	County EOS	Rick Ehlert	
ICS 300, 400	Management not already certified		March 2017	County EOS	Rick Ehlert	
Tsunami and Shelter Training			March 2017	County EOS	Rick Ehlert	
EOC Management Training	Management		March 2017	County EOS	Rick Ehlert	
ICS 100, 200, 700	All staff not already certified		April 2017	County EOS	Rick Ehlert	
EOC Specific Training			May 2017	County EOS	Rick Ehlert	
EOC Position Section Training	Management		May 2017	County EOS	Rick Ehlert	
ICS 100, 200, 700	All staff not already certified		Aug 2017	County EOS	Rick Ehlert	



**A.14. Three-Year Emergency Exercise Plan**

Estimated Month/Year of Exercise	Exercise Type	Scenario	Objectives	Agencies Involved	Exercise Director	Notes
Oct 2016	Great Shakeout				County EOS	
May 2017	HAM Exercise				County EOS	
Aug 2017	EOC Tabletop Exercise				County EOS	
Oct 2017	Great Shakeout				County EOS	
Nov 2017	EOC Tabletop Exercise				County EOS	



## **A.15. Employee Emergency Preparedness Handbook**

### **Section i - introduction**

#### **A. GENERAL PROCEDURES**

The Employee Emergency Preparedness Handbook is written to comply with Title 8, Section 3220 of the California Code of Regulations. Its purpose is to provide guidelines for employee involvement in emergency preparedness by providing the following:

Written procedures for emergency procedures and escape routes.

Written procedures for employees who remain to operate critical plant operations before they evacuate.

Written procedures to account for employees after emergency evacuation has been completed.

Rescue and first-aid duties for employees who are qualified to perform them.

Preferred method for reporting fires and other emergencies.

Names or job titles of personnel to contact for more information.

Training requirements for this plan.

#### **B. Responsibility**

All employees are responsible for:

Becoming familiar with, and following the procedures outlined in this Plan.

Assisting with an immediate emergency response in their work area consistent with the training received.

Notifying the proper authorities of an emergency situation as outlined in this Plan.

### **Section ii - ELEMENTS**

#### **A. EMERGENCY ESCAPE PROCEDURES AND ROUTES**

Should it become necessary to evacuate the facility, the order will be given via local alarm, radio, or runner.

Upon receiving the order to evacuate, everyone will immediately shut down only those machines appropriate to do so and leave by the nearest exist. A copy of the exit plan for each City facility is posted throughout the buildings. Only designated evacuation routes and exits should be used since they were designed for this purpose. In the event that employees are working with large equipment when the evacuation order is received, the employee should place the equipment in a location so as to not interfere with the evacuation of others.



All employees will report to their supervisors at the designated evacuation area. The designated evacuation area for each facility is listed below:

Facility	Designated Evacuation Area
City Hall	Just south of the Franklin Street entrance to the parking lot
Corporation Yard	East gated entrance next to dumpsters
Police Department	Northwest parking lot
Water Treatment Facility	East gated entrance next to dumpsters
Wastewater Treatment Facility	At gate to facility

During the evacuation, all employees are to follow the general safety considerations below:

No employees will remain inside.

Roll call will be taken at the designated evacuation site.

Do not block access routes for emergency vehicles.

Avoid interference with emergency response personnel.

When instructed to, leave the area immediately. Do not stop to take any item with you. The main purpose of the evacuation alarm is to clear the building as soon as possible. No item is worth the chance that you could be trapped inside.

Supervisors and other designated individuals should position themselves at the exits to ensure that everyone continues to move to the outside and the exit way remains open.

Personnel will need to assist visitors in the facility – help those who might not know our evacuation procedures. Everyone is responsible to assist their own visitors during the evacuation.

## **B. PROCEDURES FOR EMPLOYEES WHO REMAIN TO OPERATE CRITICAL PLANT OPERATIONS BEFORE THEY EVACUATE**

### **Public Works Department**

The Public Works yard has no critical operations that need to be addressed in an evacuation.

In the event of fire:

If time permits, shut power off to the building. The power shut off is located on the north wall of the ground floor, just east of the entry door.

If the fire is small and not located in the vehicle storage area, and if time permits, drive the Camel Vac. Truck, Backhoe, and Service truck out of the building.

## **C. PROCEDURES TO ACCOUNT FOR ALL EMPLOYEES AFTER EVACUATION HAS BEEN COMPLETED**



Once employees arrive in the assembly area, they should not leave it until told to do so by emergency personnel. Supervisors will account for their respective employees as well as others who are evacuated.

#### **D. RESCUE AND MEDICAL DUTIES FOR THOSE EMPLOYEES WHO ARE TO PERFORM THEM**

Employees who are trained and certified to administer first aid should administer first aid to injured employees and/or visitors **after** calling 9-1-1.

#### **E. PREFERRED MEANS OF REPORTING FIRES & OTHER EMERGENCIES**

The prompt and accurate reporting of an emergency is often a key factor in how well that emergency is handled. A delay in calling for help, or providing inaccurate information, can sometimes make the difference between life and death.

**FOR ANY EMERGENCY – DIAL 9-911** (9 is required to get an outside line) **AND STAY ON THE LINE!**

You should be prepared to provide the emergency operator with the following information:

Type of emergency

Scope of emergency (number of people involved, size of problem).

Location of the emergency (be as specific as possible).

Your name and the phone number you are calling from.

Any other details emergency response personnel should be aware of.

Be prepared to stay on the line until the emergency operators indicate that they have all the necessary information. Let the emergency operators be the first to hang up.

#### **ADDITIONAL TELEPHONE NUMBERS:**

##### **LOCAL PUBLIC SAFETY**

FIRE DEPARTMENT 9-911

PARAMEDICS/AMBULANCE 9-911

POLICE 9-911 or 9-964-0200



## **FIRE ALARM COMPANY**

<b>Company</b>	<b>Phone Number</b>
Deep Valley Alarm	(707) 462-5200

## **MEDICAL ASSISTANCE**

### **Emergency – Dial 9-911**

**Mendocino Coast District Hospital – 24 hours**  
700 River Drive  
Fort Bragg, CA 95437  
707-961-1234

## **F. PERSONS TO BE CONTACTED FOR FURTHER INFORMATION OR EXPLANATION OF DUTIES UNDER THE PLAN**

Contact your Supervisor or the Employee Safety Coordinator for further information regarding this Plan.

### **Section iii – alarm system**

The City of Fort Bragg utilizes an alarm system monitored by Deep Valley Alarm in several of the City's facilities. Said alarm system complies with Article 165 (Employee Alarm Systems) of Group 27 (Fire Protection) of Subchapter 7 (General Industry Safety Orders of Title 8 Code of Regulations, in that it:

Has a distinctive and recognizable signal to notify employees of the need to evacuate the work area.

Provides manual pull box alarms for employee use in an emergency.

Is monitored and tested by Deep Valley Alarm Company.

If an alarm system is available, employees should pull the manual pull box alarm to notify other employees of the emergency situation and should then follow evacuation procedures.

If an alarm system is not available at a specific facility, the intercom system or a runner should be used to notify employees of the emergency.

## **Section IV – evacuation PROCEDURES**

### **A. Earthquake**



## EARTHQUAKE PREPAREDNESS AND RESPONSE

Earthquakes occur without warning and can be of any magnitude. For this reason, they can be very frightening. There are precautions that can be taken to lessen an earthquakes effects:

Ensure that cabinets are stable and anchored. Spread the material throughout the drawers evenly.

Ensure that paper, books, etc. are not stacked on top of cabinets.

Ensure that boxes, electrical cords, etc., will not become tripping hazards in case the lights fail.

### DURING THE EARTHQUAKE

#### **IF YOU ARE INSIDE**

Try to take cover under a table or other sturdy furniture. Kneel, sit or stay close to the floor. Try to hold onto furniture legs for balance. Be prepared to move with your cover.

Doorways may not be the safest location for protection. Violent motion could cause doors to slam against your body, crush your fingers, or inflict other serious injuries. More importantly, while standing in a doorway, you could become a target for flying objects.

Move away from large windows, bookcases, and unsecured heavy objects.

Stay inside if you are inside. Do not try to run outside.

#### **IF YOU ARE OUTSIDE**

Move to an open area away from buildings, power lines, poles, and large limbed trees.

Seek available shelter to avoid falling objects. If there is no safe open area, get low to the ground and balance yourself.

#### **IF YOU ARE IN A CAR OR OTHER VEHICLE**

Stop the vehicle as safely as possible

Try not to stop under bridges or power lines. Try not to drive over bridges that may be damaged.

Stay in the vehicle during and after the earthquake.

Listen for radio reports.

### AFTER THE EARTHQUAKE

After a major earthquake, emergency services like fire, police, and medical services may be unavailable for an extended period of time.

Think before moving. Remain in a safe position until shaking stops. Move slowly and carefully.

Immediately check for injured and/or trapped people.

Immediately check for fire; extinguish with a fire extinguisher if possible, and if trained in the use of fire extinguishers.



Check for spilled industrial or office chemicals.

Check phones; they may be out of service or knocked off their cradles during the earthquake. After the earthquake, make sure all phones are properly hung up. **DO NOT USE THE TELEPHONE EXCEPT FOR EMERGENCIES.**

Evacuate with caution. Use alternate routes if primary exit is blocked. Meet at designated evacuation area.

## **B. Fire**

### HAZARDS OF FIRE & SMOKE

Fires in buildings produce extreme heat and toxic gases and smoke. Most deaths are directly attributed to the inhalation of the gases and smoke; even small amounts of gases and smoke can be fatal and must be avoided.

### FIRE SCENE PRIORITIES

**Evacuate** – Remove anyone in immediate danger following the Emergency Escape Procedures and Routes in Section II-A.

**Report** – Dial 9-911, give location and facts regarding the fire. Activate the building alarm if applicable or give verbal warning.

**Confine** – Confine the fire by closing all doors and windows in the affected area, if possible.

**Extinguish** – Attempt only if trained and can be done safely.

## **C. person with weapon**

Seek cover or leave the room.

Call 9-911; stay on the line with the 911 operator.

State that there is a person with a weapon

State the location of the building

Give a description of the person and weapon

Give your name

Give a callback telephone number

Advise the operator of the subject's movements

Warn others in immediate area.

Close and lock doors and alert others to do the same.

Stay in protected office area.

Advise Police of additional information as it becomes available.



## **SECTION V – training**

### **A. Frequency of Training**

Before implementing the Emergency Action Plan, the City shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees. Additionally, the City shall advise each employee of his/her responsibilities under the plan at the following times:

Initially when the plan is developed;

Whenever the employee's responsibilities or designated actions under the plan change; and

Whenever the plan is changed.

The City shall review with each employee upon initial assignment those parts of the plan which the employee must know to protect the employee in the event of an emergency. The written plan shall be kept at the workplace and made available for employee review.



## **A.16. Access and Functional Needs**



## A.17. Maps

**RESOLUTION NO. 4776-2024**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING  
UPDATED CITY OF FORT BRAGG EMERGENCY OPERATIONS PLAN**

**WHEREAS**, the City of Fort Bragg, together with many partner agencies, shares responsibility for managing risks and responding to emergencies ranging from natural disasters such as earthquakes and droughts, to human-caused disasters like hazardous materials spills and other accidents; and

**WHEREAS**, the City of Fort Bragg is committed to increasing its community disaster resilience; and

**WHEREAS**, the City has adopted the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS) and maintains an Emergency Operations Plan that specifies the policies, roles, resources and practices of the City and partner agencies before, during and after an emergency; and

**WHEREAS**, the updated Emergency Operations Plan was prepared in accordance with recent legislation and guidance including utilizing a Whole Community Approach, the Pet Evacuation and Transportation Standards Act, and SB-160: Emergency Services Cultural Competence; and

**WHEREAS**, the threats analysis in the plan includes those threats identified in the Local Hazard Mitigation Plan prepared with the City of Fort Bragg and the County of Mendocino developed in 2020; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the updated City of Fort Bragg Emergency Operations Plan (March 2024).

**The above and foregoing Resolution was introduced by Councilmember, Peters seconded by Councilmember Rafanan, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on March 28, 2024, by the following vote:**

**AYES:** Councilmembers Albin-Smith, Peters, Rafanan, Vice Mayor Godeke, Mayor Norvell.  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.  
**RECUSED:** None.

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**BERNIE NORVELL**  
Mayor

**ATTEST:**

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**DIANA SANCHEZ**  
City Clerk

**From:** City Clerk  
**Subject:** FW: Emergency Operations in Fort Bragg  
**Date:** Tuesday, March 26, 2024 11:15:40 AM

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**From:** [ajregister@yahoo.com](mailto:ajregister@yahoo.com) <[ajregister@yahoo.com](mailto:ajregister@yahoo.com)>

**Sent:** Monday, March 25, 2024 12:36 AM

**To:** O'neal, Thomas <[toneal@fortbragg.com](mailto:toneal@fortbragg.com)>

**Cc:** [CityofFortBragg@public.govdelivery.com](mailto:CityofFortBragg@public.govdelivery.com) <[CityofFortBragg@public.govdelivery.com](mailto:CityofFortBragg@public.govdelivery.com)>; Norvell, Bernie <[bnorvell2@fortbragg.com](mailto:bnorvell2@fortbragg.com)>; Peters, Lindy <[lpeters2@fortbragg.com](mailto:lpeters2@fortbragg.com)>; Godeke, Jason <[JGodeke@fortbragg.com](mailto:JGodeke@fortbragg.com)>; Albin-Smith, Tess <[talbinsmith@fortbragg.com](mailto:talbinsmith@fortbragg.com)>; Rafanan, Marcia <[mrafanan@fortbragg.com](mailto:mrafanan@fortbragg.com)>; Cervenka, Neil <[Ncervenka@fortbragg.com](mailto:Ncervenka@fortbragg.com)>; [mgmcarter@outlook.com](mailto:mgmcarter@outlook.com) <[mgmcarter@outlook.com](mailto:mgmcarter@outlook.com)>; Whippy, Isaac <[iwhippy@fortbragg.com](mailto:iwhippy@fortbragg.com)>

**Subject:** Emergency Operations in Fort Bragg

Dear Captain O'Neal:

In response to the EOC presentations that you have made to the Planning Commission and the Mid-Year Budget Workshop, I agree with Councilman Peters that our community is isolated and probably way down the list when it comes to relief should a widespread catastrophe strike (if I heard him correctly, the audio was weak).

My thoughts are that emergency management and preparation is like insurance policy premiums. Here, we are insuring ourselves to protect against the day of trouble.

Your presentations were basically directed to the EOC/Emergency Operations Center. In considering emergency operations, I hope you will also consider the following.

When I was working with the local CERT group, my understanding became that there are 3-4 predictable disasters either separately or together. These are:

1. Earthquake;
2. Tsunami;
3. Flood/Rain; and
4. Fire.

These can occur in tandem save that we won't have rain and fire at the same time, but rain after fire can wash away a lot of topsoil and create flooding and landslide risks for denuded soil.

There is also an unpredictable element for unforeseen disasters, such as a

medical emergency on the order of the Covid pandemic but much more compressed in time or something even as unlikely (I hope) as an errant North Korean missile.

I am concerned about the reliance on IT resources for the VEOCI system. Such software systems are purely synthetic in that they are constructed by people and a pretty interface does not necessarily make for a good system. My experience has been that salespeople will say anything and never say that a system is not seamless. Without actual stress-tested use, such systems can be more of a burden than an asset.

Further, my experience has been that there are three, and only three, components to shared software systems like the VEOCI system: the database, the engine, and the interface. All three need to be optimized and tailored to the goals involved. Further, server capacity and available bandwidth can be crippling issues if they don't perform as planned or needed.

Lastly, my belief is that emergency preparation should include a significant civilian component and to this end, the CERT program administered under FEMA seems to be a good and reliable resource. CERT allows people to help themselves and others. It also provides instruction regarding the ICS system. There is also the hubs and routes system/group that I have seen information on from time to time in this area. Additionally, ham radio is a tested and reliable resource for communication that generally does not need special resources in order to operate very effectively. MACS and WARS/Willits Area Radio Society are local organizations focussed on civilian radio communications.

The Mendocino Auxiliary Communications Service (MACS) is the Mendocino County Office of Emergency Services amateur radio organization. Mike Carter, KC6MGM, is the MACS coordinator for the county. Mike is retired Los Angeles Police Department and is familiar with emergency operations. He was also the CERT coordinator for the county for five years. If you would like to integrate ham radio into the emergency operations center, you can contact Mike at [mgmcarter@outlook.com](mailto:mgmcarter@outlook.com) or 707-984-8404.

Thank you for your time and your service.

Best Regards,

Andrew Jordan  
Fort Bragg, CA

# REVIEW OF EMERGENCY OPERATIONS PLAN

CITY COUNCIL MEETING  
MARCH 25, 2024

THOMAS O'NEAL

CAPTAIN WITH THE FORT BRAGG POLICE DEPARTMENT  
EMERGENCY MANAGER FOR THE CITY OF FORT BRAGG



# PRESENTATION OVERVIEW

- What is the goal of tonight's presentation?
  - Overview of Emergency Operations Plan
  - Identify customized sections of the EOP
  - Presentation of key questions to City Council
  - Receive feedback from City Council



# TONIGHT'S GOALS

- Approve the EOP as presented
- Provide feedback for the plan to come back at a future meeting
- Provide guidance for future revisions
- Identify potential issues with the plan from historical knowledge



# ADMINISTRATIVE SECTIONS

- Promulgation and Approval (5)
  - Signed by the head elected official
  - Designates how changes may be made
- Record of Distribution (7)
- How to review the plan (12)
- Whole Community Concept

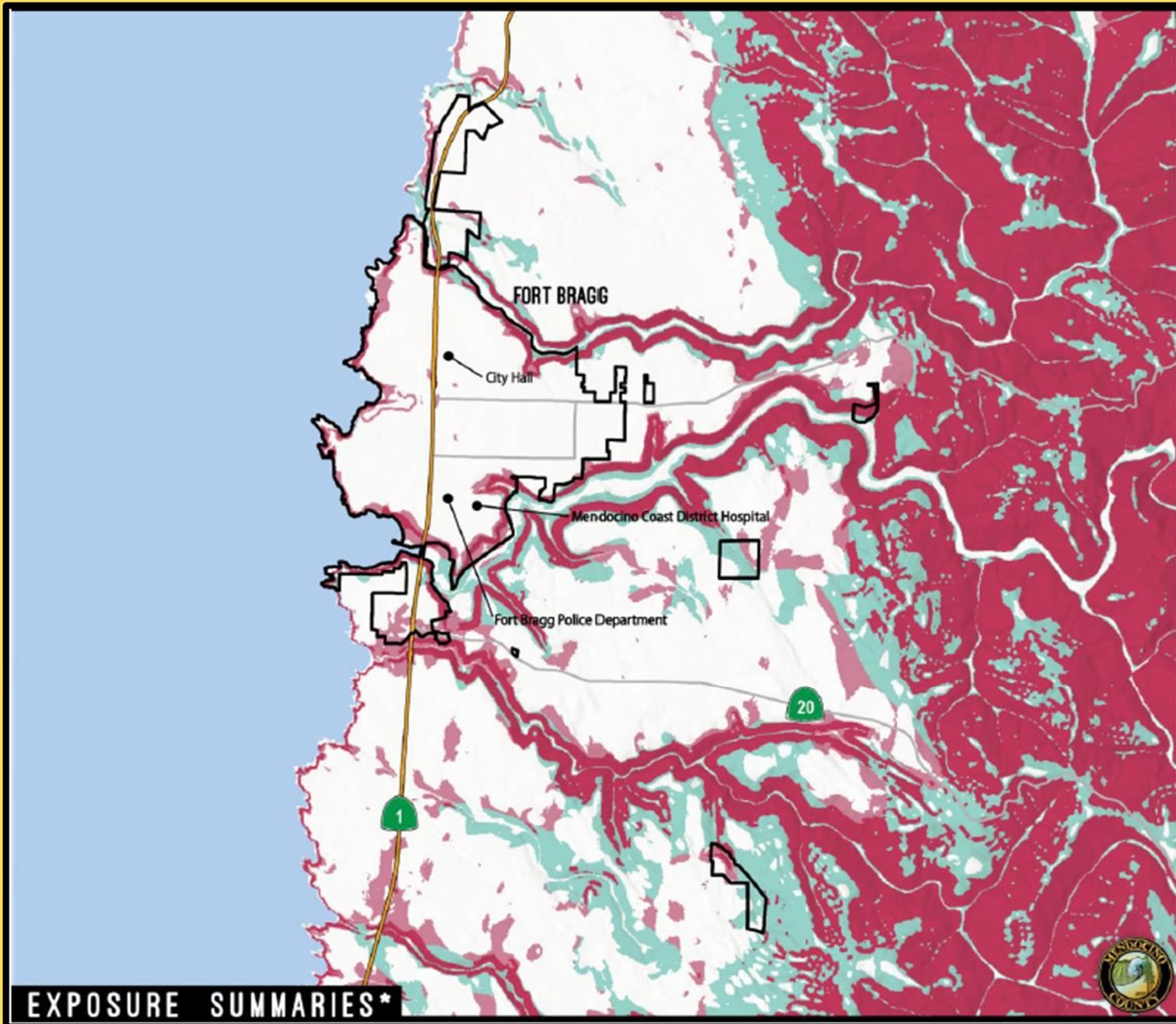


# SITUATION OVERVIEW

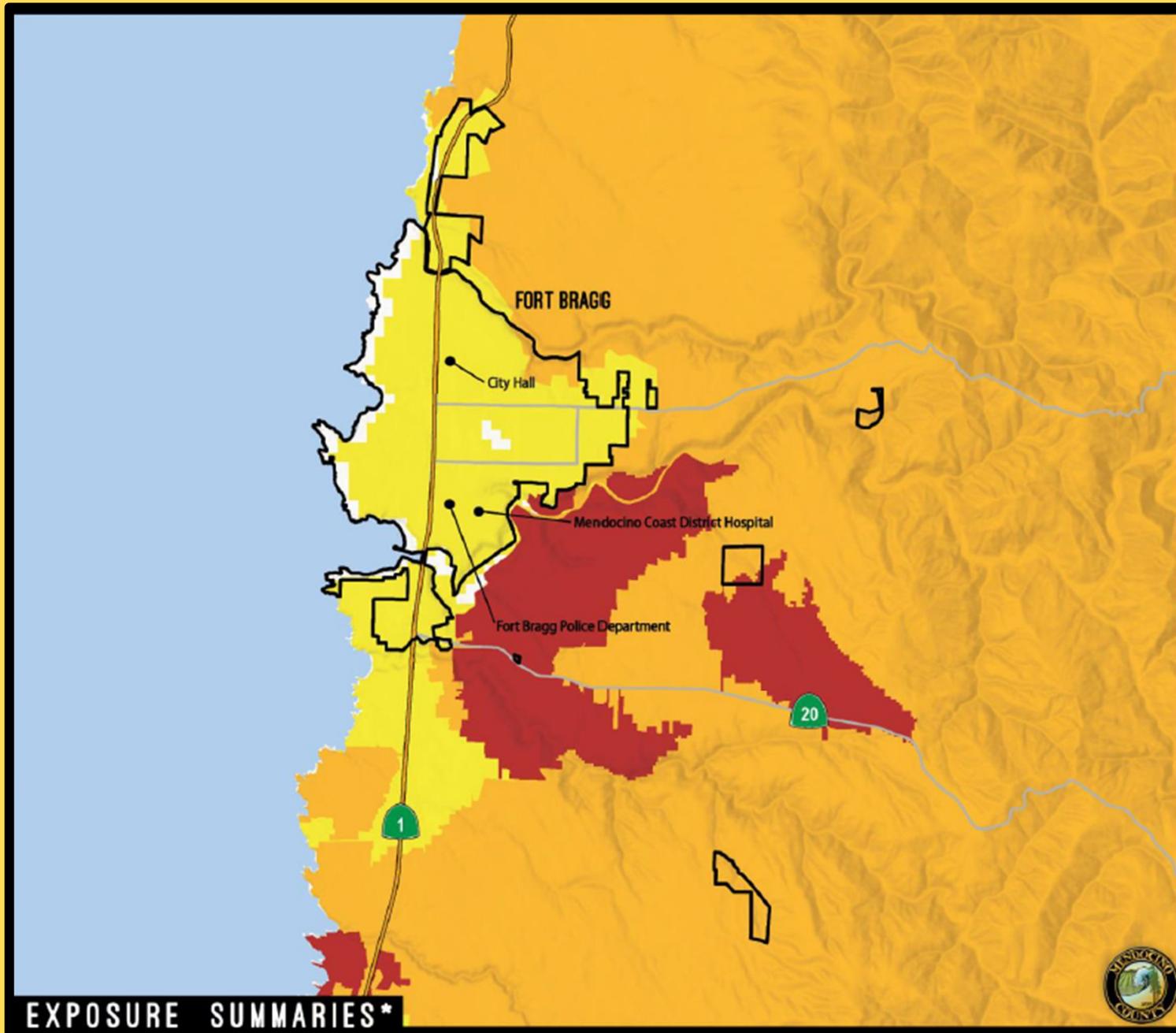
- Situation Overview (15-17)
- Hazards, Threats and Vulnerabilities (17-19)
- LHMP (16)

City of Fort Bragg Risk Matrix					
IMPACT					
	Minor	Limited	Critical	Catastrophic	
PROBABILITY	Highly Likely	Medium	 EXTREME WEATHER	  SLOPE FAILURE    WILDFIRE	Extreme
	Likely	 SOIL HAZARD	 FLOOD	 DROUGHT	Extreme
	Possible	Low	Medium	High	 EARTHQUAKE
	Unlikely	 DAM FAILURE	Low	Medium	Medium

# SLOPE SLIDES

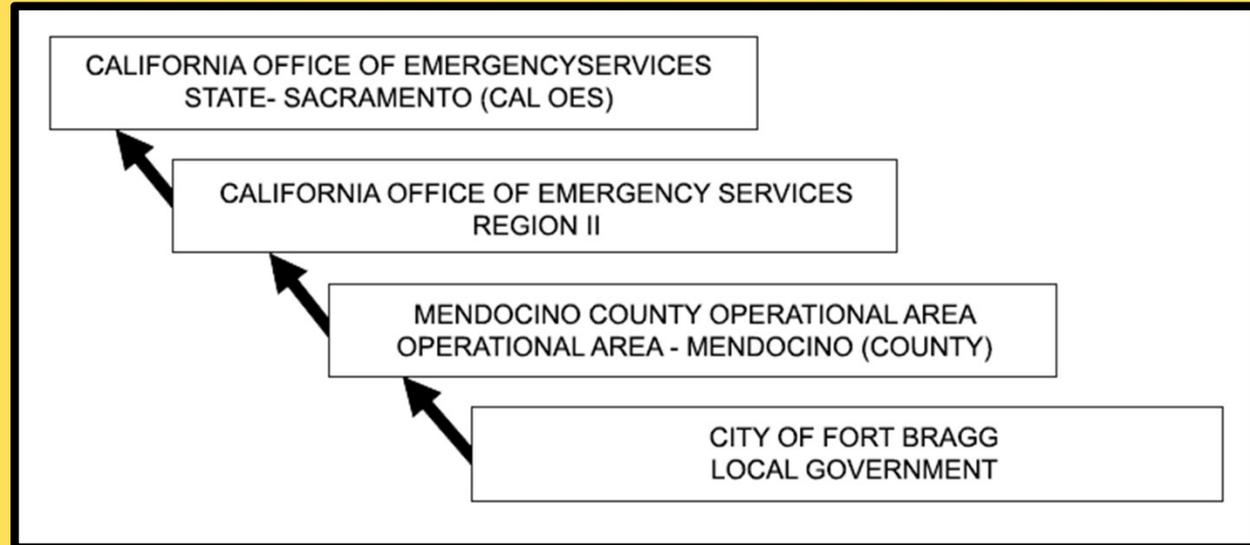


# WILDFIRE RISK



# ICS/SEMS OVERVIEW

- Planning Assumptions (19)
- Mutual Aid (22)
- SEMS Levels (20)
- Phases of Emergency Management (23)
- Emergency Response Priorities (25)
- Disaster Assistance Programs (26)
- Recovery Documentation (26)



# ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

- Emergency Management Titles (27)
- City Organization (28-34)
  - P3 (Public/Private Partnerships)
- Departmental Responsibilities
  - Mass Care



# DIRECTION, CONTROL, AND COORDINATION

- Emergency Operations Center (EOC) Locations (35)
- Alternate City Hall location (35)
- Who can activate the EOC? (35-36)
- Possible EOC Activation Triggers (37-38)
- EOC Roles (39-40)



# CONTINUITY OF GOVERNMENT

- Lines of Succession (40)
  - 2.24.080 FBMC
  - 30-day requirement
- City Council vacancies
  - 2.24.080 FBMC
  - Lacks clarity
- **Vital Record Retention (40)**



# CONTINUITY OF GOVERNMENT

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  - 2.24.080 FBMC
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  - Lacks clarity
- **Vital Record Retention (40)**



# EMERGENCY POWERS

- City Manager Declarations of Emergency (41)
  - Currently states “next regularly scheduled meeting”
  - Ukiah and Mendocino County (7 days)
- Types of Emergencies
- Spending Limits (46)
  - Reference to resource priorities



# PLAN MAINTENANCE AND AUTHORTIES

- The EOP will be reviewed annually.
  - Record of Changes
  - Consent Calendar Item
- Authorities and References
  - Local, State and Federal levels



# CITY COUNCIL FEEDBACK

- Temporary changes for seven days? (4)
- Required to be reviewed annually? (4)
- Are there any other hazards or threats you would like to have added? (17)
- Emergency response priorities? (25)
- Are there other potential EOC Activation Triggers you would like to see added? (37)
- Do you want to add the City Council vacancy to the plan? (40)

# CONCLUSION

Questions?

Want to provide stakeholder input?

Thomas O'Neal  
[toneal@fortbragg.com](mailto:toneal@fortbragg.com)





# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

**File Number: 24-654**

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**Agenda Date:** 3/25/2024

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 8C.

Resolution of the Fort Bragg City Council Approving Contract Change Order with with Akeff Construction, Inc. for the Bainbridge Park Playground Replacement Project, City Project No. PWP-00096 and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$88,624.00)

**RESOLUTION NO. 4777-2024**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING CONTRACT CHANGE ORDER WITH AKEFF CONSTRUCTION, INC. FOR THE BAINBRIDGE PARK PLAYGROUND REPLACEMENT PROJECT, CITY PROJECT NO. PWP-00096 AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT (AMOUNT NOT TO EXCEED \$88,624.00)**

**WHEREAS**, on February 13, 2023, the City of Fort Bragg (“City”) entered into a Contract (“Contract”) in the amount of \$62,775.00 with Akeff Construction, Inc. for the installation of the Wiggly Giggly Playground, Playground Replacement Project No. PWP-00096 (the “Project”); and

**WHEREAS**, the project was bid at a lump sum price for services including the removal of the existing playground and installation of new equipment; and

**WHEREAS**, in order to perform these services, items not listed in the contract documents including removal and replacement of existing filter fabric and chip surfacing material were necessary additions to the scope of work; and

**WHEREAS**, the cost of these additional services was \$25,849.00, bringing the new contract total to \$88,624.00; and

**WHEREAS**, there are still sufficient funds budgeted in the 23/24 Fiscal Year Capital Improvement Program using Prop 68 Grant funds to cover these additional activities; and

**WHEREAS**, per Fort Bragg Municipal Code Section 3.20.050, the City Manager’s signing authority for change orders may not exceed 10% of the approved contract cost;

**WHEREAS**, this Project is exempt from CEQA, 14 CCR Section 15301(d) which allows for the restoration or rehabilitation of deteriorated facilities; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the contract amendment with Akeff Construction, Inc., Project PWP-00096, and authorize the City Manager to execute same (Amount Not to Exceed \$88,624.00).

**The above and foregoing Resolution was introduced by Councilmember Rafanan, seconded by Councilmember Peters, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 25<sup>th</sup> day of March, 2024, by the following vote:**

- AYES:** Councilmembers Albin-Smith, Peters, Rafanan, Vice Mayor Godeke, Mayor Norvell.
- NOES:** None.
- ABSENT:** None.
- ABSTAIN:** None.
- RECUSED:** None.

**ATTEST:**

\_\_\_\_\_  
Diana Sanchez  
City Clerk

\_\_\_\_\_  
BERNIE NORVELL Mayor  
Mayor

**From:** [Jacob Patterson](#)  
**To:** [City Clerk](#)  
**Cc:** [Whippy, Isaac](#)  
**Subject:** Public Comment -- 3/25/24 CC Mtg., Item No. 8C, Wiggly Giggly Issues  
**Date:** Monday, March 25, 2024 11:05:09 AM

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City Council,

You should obviously approve this contract amendment because the work was performed at staff's request and we need to pay Akeff for the work they performed. However, this expense is objectionable and should have never been incurred. We are paying an unnecessary and frankly quite problematic \$25,849.00 for playground chips that will need to be removed in short order to install the required accessible playground surface. This project was completely mismanaged by the City not simply because of the manufacturing issues--something we should seek compensation for from the supplier, including consequential damages possibly even this chip expense--but also because of improper phasing of the playground project.

The California Building Code and various relevant disability-related laws like the ADA require the City to provide accessible facilities at each phase of a project. Frankly, the playground should have never been opened without the accessible surfaces already installed and doing so exposes the City to potentially significant legal liability as a violation of the law. Now we are being asked to pay for chips that shouldn't have been installed because they do not provide an accessible surface and none of the accessible equipment can be accessed or used by visitors with different mobility needs.

The community deserves better than this from our City team. Don't get me wrong, I appreciate the great new playground and it is certainly getting a lot of use, provided you aren't in a wheelchair, but everyone deserves to be able to play in and use our updated playground and this project should have been implemented to ensure that all phases were fully accessible when opened.

Regards,

--Jacob