

# STATUTORY WORKSHEET

[HUD Region IX Recommended Format -Revised 2011– previous versions are obsolete]

Use this worksheet only for projects that are Categorically Excluded per 24 CFR Section 58.35(a).

(Note: Compliance with the laws and statutes listed at 24 CFR §58.6 must also be documented).

## **24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS**

**PROJECT NAME and DESCRIPTION** - Include all contemplated actions that logically are either geographically or functionally part of the project:

Project consists of the Hospitality Center Homeless Facility Acquisition and Rehabilitation, to include acquisition and minor rehabilitation of existing, vacant 2-story, approx. 12,000 square foot building located on the southern border of the Central Business District at 101 North Franklin Street, Fort Bragg, CA. Structure was original build circa 1892; substantially reconstructed in 1901; and substantially upgraded and remodeled in 1996/1997. Subject property has been substantially vacant for at least 5 years and proposed use is consistent with prior mixed-use per zoning code. Most recent use was as a 15-unit hotel with offices, restaurant and bar. Acquisition and minor rehabilitation for the proposed mixed-use project will use existing offices and convert up to 9 former guest rooms to create office space, interview rooms and community rooms for provision of homeless and mental health supportive services as well as mental health medical services; and convert six former guest rooms to two housing units to contain a total of five transitional housing bedrooms. Exterior work will be limited to removal of a roll-up metal door and wall restoration and painting and canopy restoration in existing colors. Interior work may include temporary partitioning of larger rooms to provide smaller meeting spaces; conversion of one upstairs former guest room and one closet into kitchen facilities; installation of fire sprinkling in 7 former guest rooms and offices; and improvements to wireless internet and security systems.

This proposal is determined to be categorically excluded according to: [Cite section(s)] 24 CFR 58.35(a)(3)(iii) Minor rehabilitation of an existing public facility; 24 CFR 58.35(a)(5) Acquisition of/equity loan on an existing structure; 24 CFR 58.35(a)(3)(i) rehabilitation of building for residential use (1 to 4 units) with no density increase, land use change or building footprint increase; 24 CFR Section 58.35(a)(6) combinations of activities listed in Section 58.35(a).

**DIRECTIONS** - Write "A" in the Status Column when the proposal, by its scope and nature, requires no mitigation or formal consultation in order to be in compliance with the related laws and regulations; OR write "B" if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation. Regardless of whether "A" or "B" is noted, the compliance determination must be recorded and credible, traceable and supportive source documentation must be supplied. (Refer to the "Statutory Worksheet Instructions".)

**Compliance Factors:**

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5

Status

A / B

Compliance Determination & Documentation

Historic Preservation [36 CFR Part 800]	A	A letter with attached documentary evidence requesting SHPO concurrence with the City's determination that the project will not adversely affect historic resources was sent to SHPO on Feb. 20, 2015. SHPO's concurrence with the City's determination was received on March 18, 2015. SHPO correspondence is attached as <b>Exhibit A</b>
Floodplain Management [24 CFR 55, Executive Order 11988]	A	The project is not located in or adjacent to a 100 or 100 year flood plain per FEMA maps. FEMA maps are available in the Community Development Department. A copy of map 060184 1010 F Map revised June 2, 2011, is included as <b>Exhibit B</b> .
Wetland Protection [Executive Order 11990]	A	The project does not involve new construction and is not in or near a wetland per site visit and USFWS maps. A USFWS wetland map is available electronically at the Community Development Department via Google Earth, and a copy is included as <b>Exhibit C</b> .
Coastal Zone Management Act [Sections 307(c), (d)]	A	The project is not located in the Coastal Zone per the Local Coastal Plan map. The Local Coastal Plan map can be found online at: <a href="http://city.fortbragg.com/DocumentCenter/View/1276">http://city.fortbragg.com/DocumentCenter/View/1276</a> and is attached as <b>Exhibit D</b> .

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Sole Source Aquifers [40 CFR 149]	A	The project is not located within a US EPA-designated sole source aquifer watershed area per EPA Ground Water Office. A copy of a printout from the EPA website, listing all sole source aquifers in California is kept in the Community Development Department in the project file and is included as <b>Exhibit E</b> .
Endangered Species Act [50 CFR 402]	A	The project will have No Effect on any Federally listed threatened or endangered species. The project is not in or near a mapped habitat area. The project is on a developed mixed-use commercial lot and is surrounded by developed commercial and residential buildings. A copy of OS-1, Open Space and Environmentally Sensitive Habitat Areas map from the General Plan is kept in the Community Development Department in the project file and is included as <b>Exhibit F</b> .
Wild and Scenic Rivers Act [Sections 7(b), and (c)]	A	The project area is not within one mile of any designated wild and scenic rivers per the list of California wild & scenic rivers available at the National Wild and Scenic Rivers System website <a href="http://www.rivers.gov/california.php">http://www.rivers.gov/california.php</a> and attached as <b>Exhibit G</b> .
Clean Air Act - [Sections 176(c), (d), and 40 CFR 6, 51, 93]	A	Mendocino County is currently in attainment for all pollutants except Particulate Matter. The Mendocino Air Quality District Particulate Matter Attainment Plan outlines measures to achieve attainment, excerpts attached as <b>Exhibit H</b> . The Plan can be found online at: <a href="http://www.co.mendocino.ca.us/aqmd/pm-attainment.html">http://www.co.mendocino.ca.us/aqmd/pm-attainment.html</a> . Relevant attainment measures include wood burning fireplaces. The facility heating system currently consists of a hydronic heating system and propane-fired boiler. A lobby fireplace and fireplaces in 4 former guest rooms will not be used due to fire concerns, so the project is compliant with Air Quality Standards and non-impactful to Air Quality.
Farmland Protection Policy Act [7 CFR 658]	A	The project is exempt per 7 CFR 658.2(a) because it is located in Fort Bragg city limits on land already in or committed to urban development, as demonstrated on <b>Exhibit I</b> , 2010 Census Urban Cluster Reference Map of Fort Bragg CA.
Environmental Justice [Executive Order 12898]	A	Per the 2010 Census, 23.5% of Fort Bragg citizens live below poverty level. Median Household income at \$36,641 is 60% of the state MHI of \$61,094. The Mendocino Coast serves 42.1% of County homeless population per the 1/24/13 Point in Time Count published by the Mendocino County Continuum of Care. The project will provide services primarily to homeless and mentally ill persons who are members of the low- and moderate-income population, in a centrally located facility located close to public transportation, grocery stores, and other services. Supporting documentation for poverty and homeless counts is provided as <b>Exhibit J</b> .
<b>HUD ENVIRONMENTAL STANDARDS</b> Noise Abatement and Control [24 CFR 51B]	A	The site is located at the intersection of 2 local major collector roads, defined by the General Plan as relatively low-speed streets (25 MPH) that provide access within and between neighborhoods. Noise levels on Franklin Street between Oak and Chestnut streets have been calculated at 60db. There are no airports or facilities producing loud impulsive sounds in

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		the vicinity. The nearest major roadway is Main Street/ Highway One. Uses to be provided in downstairs units are not noise sensitive. Residential units located on the second floor over Franklin Street will not be negatively impacted by 60 db noise levels. Supporting documentation for noise calculations on Franklin Street are provided as <b>Exhibit K</b> .
Explosive and Flammable Operations [24 CFR 51C]	A	There is one facility within 1 mile of the project containing stationary storage tanks of more than 100 g. capacity but current 132,000 gallon total capacity is not in use and empty per property owner. Approvals for a proposed 30,000 g. replacement tank for propane storage are pending and proposed fuel is neither liquid nor an uncommon industrial fuel. Project does not include a hazardous facility. Information about the current and proposed fuel storage facility from City of Fort Bragg Planning Commission March 2015 agenda reports is provided as <b>Exhibit L</b> .
Hazardous, Toxic or Radioactive Materials & Substances [24 CFR 58.5(i)(2)]	A	No on-site or nearby toxic, hazardous, or radioactive substances were located per a search of EPA Superfund or CERCLA lists or within 3000 feet of the facility. Per a building and planning file search, no underground tanks been located in the vicinity. Printouts from the EPA TRI website showing a search for nearby TRI sites is provided as <b>Exhibit M</b> .
Airport Clear Zones and Accident Potential Zones [24 CFR 51D]	A	The project is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. Documentation from the Mendocino County Regional Transportation Program listing nearest airports is provided as <b>Exhibit N</b> .

**DETERMINATION:**

- (X) This project converts to EXEMPT, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); **Funds may be committed and drawn down** for this (now) EXEMPT project; OR
- ( ) This project cannot convert to Exempt status because one or more statutes or authorities require formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain Authority to Use Grant Funds** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down funds; OR
- ( ) The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

PREPARER SIGNATURE:  DATE: 4/22/2015

PREPARER NAME, COMPANY: Jennifer Owen, City of Fort Bragg

RESPONSIBLE ENTITY AGENCY OFFICIAL / SIGNATURE: 

NAME, TITLE: Linda Ruffing, City Manager, City of Fort Bragg DATE: 4.22.15