



U.S. Department of Housing and Urban
Development

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Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: CD Project Nos. 3.19.2 – Hart Park Peacock Adobe House Blight and Historic Rehabilitation Improvements; 3.20.2 – Hart Park Peacock Adobe House Blight Historic Rehabilitation Improvements (Phase II)

Responsible Entity: County of Kern

Grant Recipient (if different than Responsible Entity): N/A

State/Local Identifier: CA

Preparer: James Golden, Planner III

Certifying Officer Name and Title: Lorelei H. Oviatt, AICP, Director

Grant Recipient (if different than Responsible Entity): same as above

Consultant (if applicable): N/A

Direct Comments to: James Golden, Planner III (661) 862-5130

Project Location: Northeast section of Hart Park, in Bakersfield, on River Road, east of the intersection of Bison Road and River Road. (APN #093-172-18)

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Hart Park Peacock House Blight and Historic Rehabilitation Improvements Project consists of the historic preservation of the adobe house and structural stabilization for seismic safety, installation of fencing, narrative visitor information board, and related improvements. Phase II includes design, engineering and related studies, installation native landscaping, perimeter fencing and pedestrian walkways.

Historic preservation actions are eligible activities under 24 CFR 570.202(d) as it has been determined that the site is a historic property under Section 106 and eligible for listing on the National Register of Historic Places under Criteria A and listed in a State or local inventory of historic places, or designated as a State or local landmark. The project qualifies as a CDBG assisted project under the Spot Blight National Objective at 24 CFR 570.208(b)(2) for historic preservation.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

The Hart Park Peacock Adobe House is a historic depression era structure built by the WPA (Works Progress Administration) as part of the New Deal programs undertaken under the Franklin Delano Roosevelt Administration. The building is current vacant, blighted and is not seismically stable and will fall further into disrepair if not addressed through rehabilitation. The historic rehabilitation of the property will repurpose the building into a visitor center that will service the park.

Existing Conditions and Trends [24 CFR 58.40(a)]:

The park has been an important community asset for over ninety years and the building rehabilitation will allow the building to serve as an outpost for outdoor educational opportunities and outreach. The Hart Park Peacock House Blight and Historic Rehabilitation Improvements Project is an important step forward to enhance, improve Park amenities, increase public awareness and encourage public pride regarding the park.

Funding Information

Grant Number	HUD Program	Funding Amount
B-19-UC-06-0502	CDBG	\$500,000
B-20-UC-06-0502	CDBG	\$593,166

Estimated Total HUD Funded Amount: \$1,093,166

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: Total Project Budget of \$1,093,166 of in HUD funds

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The site is not located within 2,500 feet of any civilian airport or within 15,000 feet of any military airport (See Map in ERR). No further review for compliance is necessary.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	There are no coastal barrier resources within HUD Region IX, Kern County or the State of California. No further evaluation required for this factor.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The area for project implementation is designated Zone AE, as shown in Federal Insurance Rate Map (FIRM) Panel #06029C1833E and #06029C1834E, effective 9/26/08, and is located within a 100-year flood zone.</p> <p>Consequently, flood insurance would need to be obtained and maintained for the life of the property in accordance with the Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 for any insurable structures modified as a result of the activity.</p> <p>On April 13, 2020, a Flood Analysis Report was completed for the Project site by a third party consultant. The report provided three recommendations for obtaining flood insurance.</p>

		<p>Option 1 includes wet floodproofing the structure and is the most costly option. Option 2 includes dry floodproofing the structure and is the less expensive than the first option but still would be expensive and potentially negatively impact the project budget.</p> <p>Option 3 includes obtaining historic building status for the Project site or Peacock House. Under the historic status, the Peacock House would receive favorable rate treatment and a limitation on improvements costs.</p> <p>In consideration of the building's status under Section 106 as a historic property, Option 3 is the preferred option.</p>
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STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5

<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The Southern San Joaquin Valley Air Pollution Control District (District) was contacted regarding the proposal potential to impact air quality. The District noted that the project related emissions are not expected to exceed District thresholds for project specific emission levels for criteria pollutants NOX, ROG or PM10 and the District concluded that the project will have no significant adverse impact on air quality. The District noted that the project conforms to the EPA approved State Implementation Plan (SIP) and would not be subject to District Rule 9510 (ISR Review).</p> <p>However, the District noted that the project may be subject to the Regulation VIII (Fugitive PM10) and Rule 4102 (Nuisance) rule.</p> <p>Based on the aforementioned District conclusions and with the inclusion of a project condition for compliance with applicable rules and regulations, the Responsible Entity has determined that the project is in compliance with the Clean Air Act.</p>
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		However, the District must be contacted regarding any air permits to be required to ensure the Project activities are undertaken in a manner in compliance with applicable air related standards and/or regulations.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The area of project effect or APE is not located within or in the vicinity of any Coastal Zone Management Area. The nearest coastal zone is more than ninety miles to the southeast of the property and separated by mountain ranges. The project has no potential to effect any Coastal Management area or Plan.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>Due to Hart Park's historically remote location, the building was formally used as a residence for the park ranger. Due to changes in facilities available at the park, the building has been unoccupied for several years and no longer used as a dwelling unit.</p> <p>The building was constructed prior to 1978 and survey for Lead Based Paints (LBP) was conducted for the property. The survey found that the building contains LBP in three areas. However, the building does not meet the definition of a dwelling unit under 24 CFR Part 35.110(2) since the building will not be used as a home or separate living quarters of any persons. Furthermore, the site is not to be utilized or considered a residential property, as defined under 24 CFR Part 35.110, as the building is being rehabilitated for use as a recreational facility and will not be made available for use for occupancy purposes. Planned use of the site is for a park visitor center. Based on the aforementioned findings, regulations found at 24 CFR Part 35 are not applicable to the planned building stabilization and rehabilitation activities on the non-residential building.</p> <p>Under an asbestos survey conducted for the project site, asbestos was detected in at least two locations. Asbestos was detected in the East Addition (estimated at 100 square feet of materials in a finish coat of plaster on the</p>

south wall) and in the Kitchen (estimated at 6 linear feet within cementitious flue). The Asbestos was determined not to currently be friable.

Prior to commencement of any demolition related activities, the contractor shall be responsible for abatement of all hazardous materials and shall be responsible for notifying and obtaining all approvals from the San Joaquin Valley Air Pollution Control District (SJVAPCD).

Prior to commencement any construction related activities, a SJVAPCD Permit copy shall be provided to the County Planning and Natural Resources Department Community Development Division and General Services prior to starting construction.

During all demolition related activities, all demolished materials shall be completely removed from the job site daily and disposed of at a disposal facility approved by the local authority having jurisdiction over the project.

NEPAssist indicates that there are no EPA regulated facilities located within one-half mile of the project site. There is one RCRA identified site located approximately one-mile to the northeast of the project site. The facility is listed in records on file with the California Department of Toxic Substances Control (DTSC) - and State Water Resources Control Board (SWRCB) websites, DTSC Envirostor and SWRCB Geotracker. The area located at approximately one mile from the project site consists of the Eastside Protection Corporation – Eastside Disposal Facility (EPC) – a DTSC Cleanup Site and EPC- Disposal Farm. The Disposal Farm is undergoing closure. Due to the separation distance of more than 3,000 feet from the project site, neither the EPC disposal farm or EPC disposal facility are located in proximity which could pose risk to site occupants. There will be no occupancy in relation with the project and the operations will not conflict with the intended use of the site, as the site

		will be used as a visitor center. Available records do not indicate there are any identified sites of concern located on or near the project site. As a result, no further review for compliance with the factor is required.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>In order to ensure compliance with the Endangered Species Act (ESA), a consultation list was obtained from the US Fish and Wildlife Service using the ECOS tool under Consultation Code 08ESMF00-2019-SLI-2976. In addition to using the ECOS database, both the US Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) were contacted during the early consultation for the project.</p> <p>The Official Species List indicates that area of project effect may contain eleven species protected under the ESA, including seven endangered species (E) and four threatened species (T). Species include the San Joaquin Kit Fox (E), Tipton Kangaroo Rat (E), Southwestern Willow Flycatcher (E), Blunt-nosed Leopard Lizard (E), Giant Garter Snake (T), California Red-Legged Frog (E), Delta Smelt (T), and Vernal Pool Fairy Shrimp (T), Bakersfield Cactus (E), California Jewelflower (E), and San Joaquin Woolly-threads (E). There are no critical habitats located within the project area for any of the listed species.</p> <p>A species included on the list, San Joaquin Kit Fox (SJKF), can be difficult to assess since the species is known to be mobile and adaptable to urban environments and may, on occasion, be found in the area of project effect. The site is currently developed and not designated habitat or considered an area critical to the survival of the species.</p> <p>The project is included in areas covered under the Metro Bakersfield Habitat Conservation Plan, however in compliance with the plan, mitigation will be included with the project to address the potential for presence of protected species within the area of the project.</p>

		<p>Therefore, the following mitigation measure shall be applied to the project to address any potential to impact protected species or their habitats upon implementation.</p> <p><i>*14 to 30 days prior to the commencement of operations or ground disturbing activities, as authorized by this environmental review, the project developer shall ensure that a preconstruction survey, is performed by a qualified biologist, to ensure that no special-status wildlife not covered under the adopted provisions of the Habitat Conservation Plan, to include the San Joaquin kit fox, have occupied the property. The results of the survey shall be summarized in a written report that shall include site-specific recommendations, if found necessary. A copy of the biological report shall be submitted to the Kern County Planning and Natural Resources Department – Community Development Division for transmittal to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, where applicable. Additionally, exclusion zones shall be established and maintained until all construction activities are complete, unless said agencies prefer that any affected special-status species be removed and/or relocated, in accordance with said agencies adopted guidelines or standard procedures.</i></p>
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The project will not result in the development that will increase residential densities or result in a conversion of land use, as the park will remain a recreation building and no permanent occupancy will occur. The planned restoration and building rehabilitation is located in a park and will allow the structure to serve and enhance the recreational needs of the community. Nevertheless, the immediate vicinity of the site was reviewed for aboveground storage containers and there is an aboveground storage tank located approximately 175 feet to the northeast of the property. Staff contacted County of Kern General Services Division</p>

		(CKGSD) regarding contents and/or use of the aboveground tank. On December 6, 2019, CKGSD confirmed that the aboveground storage tank was abandoned. Based on the aforementioned review, no further review for compliance with this factor is necessary.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The site is located in an area which has been used as a park for over ninety years. According the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the area of the project consists of soil map unit 306 – <i>Xerofluvents, occasionally flooded – Riverwash complex – 0 to 5 percent slopes</i> , and classified as not prime farmland. Furthermore, the proposal will not impact any areas presently farmed, as the park land has already been committed to serve the recreational needs of the urban Metro Bakersfield area. The structure to be rehabilitated is intended to serve as a visitor center for the park.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The building is located in an area designated Zone AE (areas subject to inundation by the 1-percent-annual-chance), as shown in Federal Insurance Rate Map (FIRM) Panel #06029C1833E and #06029C1834E, effective 9/26/08. The surrounding area is located within a 100-year flood zone for Kern River. It is noted that the structure for rehabilitation was designed and constructed during the late 1930's and early 1940's and has been evaluated for listing as a designated historic structure.</p> <p>On November 7, 2019, the Federal Emergency Management Agency (FEMA) was sent a letter of consultation requesting comment on the project. On November 14, 2019, FEMA responded to the consultation letter providing a summary of National Flood Insurance Program (NFIP) building requirements. As to the FEMA comments:</p> <ul style="list-style-type: none"> • No new building will be constructed in relation to the improvements proposed

- As only minor alterations for ADA accessibility to the structural footprint are proposed, there is no evidence the modifications will increase the base flood elevations in the area of the project.
- Due to the minor modifications proposed limited to ADA accessibility, the proposed actions will not alter or amend existing SFHA areas.

Since the site is located within 100-Year floodplain, the Eight Step process was undertaken. As required under the Eight Step process, two separate notices to the public were published. In accordance with Citizen Participation requirements, notices were included in three different newspapers that target separate populations within Bakersfield. The newspapers used include the Bakersfield Californian, Bakersfield News Observer and El Popular (Spanish Edition). On October 30, 2019, Staff published the early notice, which allowed for comment until November 14, 2019, as required under Step No. 2; and, the second and final notice beginning on December 13, 2019 and ending on December 26, 2019, as required under Step No. 7.

The Eight Step review evaluated the proposal and two alternatives. Under the Eight Step evaluation the project and Alternative No. 2, or preferred alternative, are the same. The responsible entity determined that the action must take place in a floodplain since the structure's historic place is been located within area designated as being in a floodplain and other alternatives considered may either alter, damage or destroy the affect the historic value of the building, historic setting or leave the building in disrepair or blight.

Other alternatives to the proposal considered for the required review include: 1) relocation of the building; and, 2) the "no project"

alternative. The first alternative was rejected because the relocation of the building would alter the historic setting of the building and could compromise the structural integrity of the building causing potential damage or loss of the entire structure. The second "no project" alternative was rejected because the option would not increase the stability or safety of the building and the building may need to be demolished.

Mitigation measures proposed are as follows:

- a) In order to prevent further risk posed by development within the flood effected areas, other than those requirements necessary for compliance with other relevant provisions of law, as applicable, e.g. American's with Disabilities Act (ADA), no expansion of the structure or its footprint shall be undertaken unless further study is undertaken to ensure that no adverse impacts to the 100-Year Floodplain will occur.
- b) Any additional fencing to be constructed and/or replaced within twenty feet of the building to be rehabilitated shall be designed and constructed in a manner which will not to further impede flood flows and/or raise base flood elevation levels in the area of the project which could pose additional risk to surrounding properties.
- c) Prior to grading or improvement of land for development or the construction, expansion, conversion or *substantial improvements of a structure*, the development shall comply with the relevant provisions of the Floodplain Management Ordinance (Chapter 17.48) and federal regulations found at 24 CFR Part 55.2(b)(10).

Based on the aforementioned review, any comments received and with adherence to the mitigation measures noted above, the responsible entity has determined the project

		will not have a significant effect on the beneficial values of the floodplain.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The Adobe House is part of the Hart Park complex. The structure was built as part of a WPA project in Kern County under President Roosevelt's New Deal program. Since the structure is older than fifty years in age and to ensure compliance with Historic Preservation requirements, a Cultural Resources Records Search was conducted by the California Historic Resources Information System (CHRIS) under Record Search 19-325. CHRIS recommended that the structure be recorded and evaluated by a professional consultant.</p> <p>In addition to CHRIS, the NAHC was contacted and a Sacred Inventory List of potentially affected tribes was received. All tribes included on the inventory list were notified of the project. One response was received as a result of the notification from Samantha McCarthy Cultural Resources Specialist II of the Santa Rosa Rancheria Tachi-Yokut Tribe. The responsible agency's Staff (RE) contacted the agency representative by phone and email and the RE noted that any information was available for the review and comment. At the time of writing, no further tribal inquiries were received.</p> <p>In response to the CHRIS comments, the RE obtained the services of a professional consultant to assist in the evaluation under Section 106 and with SHPO. Under documentation prepared by the consultant, the RE and County General Services Officer requested SHPO concur with the findings of the DOE and the determination of resource eligibility under Criterion A and Historic Property under Section 106.</p> <p>On June 18, 2020 SHPO concurred with the evaluation and subsequent determination of eligibility as a historic property and thus the property is considered eligible for listing in the National Register under Criterion A and</p>

		<p>Historic under Section 106 of the National Historic Preservation Act of 1966, as amended. The site is considered eligible for its association with the WPA and Franklin Delano Roosevelt's New Deal Program. The SHPO noted that the site retains its integrity of location, design, setting, materials and workmanship, feeling and association.</p> <p>Under the Assessment of Effects, the RE concluded with the assistance of a third party consultant that the project meets the the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. As a result, the a finding of "No Adverse Effect for the proposed undertaking" was made. On August 28, 2020 the SHPO concurred with the RE finding based on review by the Architectural Review Unit (ARU). The SHPO ARU noted the following in an effort to further improve the rehabilitation project:</p> <ul style="list-style-type: none">• Keep the non-contributing addition as simple as possible and do not install new wood horizontal siding on the east gable.• Do not consider the proposed galvanized steel picket fence alternate, if there is no historic precedence for it in the park, if new fencing is desired to replace the existing.• Submit any revisions to the proposed structural scope of work if further structural analysis requires any visible work. <p>The added comments were considered recommendation and that no additional response was required. Based on the eligibility determination and concurrence by SHPO, the site is considered a historic property and will be treated in accordance with Section 106 and the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings.</p>
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<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>As to noise present in the immediate vicinity of the project, the improvement of the structures present no direct community related concerns. The project is located within a large and rural community park that is not exposed to excessive noise from non-ambient sources. The nearest source of traffic related noise is from Round Mountain Road, an infrequently used roadway located more than 700 feet northeast of the property. The site is separated from Round Mountain Road by the Kern River. Any occasional noise present from Alfred Harrell Highway is buffered as the road is located more than 1,900 feet from the area of the Project.</p> <p>During construction, ambient noise levels in the immediate vicinity of the project site are expected to rise. However, since there is no residential properties in the immediate vicinity, the project presents no concerns as a source of noise in the area of the project.</p>
<p>Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No sole source aquifers have been identified by the Environmental Protection Agency within Kern County or in the vicinity of the project site. No further review for compliance with this factor is necessary</p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is not within any designated wetland. However, the site is located between two riverine designated wetland areas which are confined to banks. As the project will not expand the current footprint of the structure and related improvements are limited to additional fencing, there is no evidence that implementation would result in any direct impact to the nearby riverine designated wetland areas as there will no modifications or other actions within the areas denoted as wetlands.</p>
<p>Wild and Scenic Rivers</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project is located on the Kern River, however, the project is not near any stretch of the Kern River which has been designated as Wild and Scenic (WSR). The nearest section of the Kern River designated as a WSR is the South Fork of the Kern River, located in</p>

		Tulare County. Consequently, no further evaluation for the WSR factor is required.
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project is located in a community park that is commonly used by persons from all demographic and income related groups from the County. The improvements and amenities proposed will eliminate blight, make new amenities available to the public, and provide improvements to accessibility. For these reasons, the project presents no concerns as to environmental justice.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	3	<p>The adobe house structure is located in an area classified as Floodplain Primary (FPP) District, and any further development shall be subject to the special review procedures and development standards for that district which include Chapter 17.48.</p> <p>The rehabilitation activities proposed for the Hart Park Peacock Adobe House within the area affected by the 100-Year Floodplain. Under the local Kern County Zoning Ordinance, the site is zoned FPP or Floodplain Primary</p>

		<p>District and designated under the Kern County General Plan (KCGP) as 3.1/2.5 - Park and Recreation Areas/Flood Hazard. As to related potential actions, under the Map Code 2.5 - Physical Constraints Overlay District, the following provisions are included to best utilize flood affected properties:</p> <ul style="list-style-type: none"> • Encourage the preservation of the floodplain's flow conveyance capacity, especially in floodways, to be <i>open space/passive recreation areas</i> throughout the County. • Designated flood channels and water courses, such as creeks, gullies, and riverbeds, will be preserved as resource management areas or in the case of urban areas, as linear parks whenever practical. • Compliance with the Floodplain Management Ordinance prior to grading or improvement of land for development or the construction, expansion, conversion or <i>substantial improvements</i> of a structure is required. <p>The project is needed to protect the health of safety of park patrons. Under the Map Code 3.1 Parks and Recreational Facilities the following provision is included:</p> <ul style="list-style-type: none"> • Seek to provide recreational facilities where deficiencies have been identified. <p>Furthermore, the project is located within the administrative boundaries of Land Use Element of the Metro Bakersfield General Plan which encourages the following:</p> <ol style="list-style-type: none"> 1) The revitalization of deteriorated land uses and buildings; and, 2) the upgrading of historic structures.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	3	<p>The site is located on an area that is occasionally subject to flooding. The USDA NRCS Web Soil Survey provides a soil classification of 306 – <i>Xerofluvents, occasionally flooded – Riverwash complex – 0 to 5 percent slopes</i> within the area of the project. As to soil suitability, the risk to corrosion of concrete is low. The project is not located on an edge of a slope and slopes in the immediate vicinity are stable at zero to five percent. The erosion hazard for soil unit 306 is slight and erosion is unlikely under ordinary climatic conditions.</p> <p>Second phase improvements may include installation of additional native landscaping in and around the site and pedestrian walkways. Installation of walkways and other impervious surfaces may affect drainage patterns and increase</p>

		<p>storm water runoff in the areas where impervious surfaces area provided or modified.</p> <p><i>In order to ensure storm water runoff and ponding is reduced in the area of the project effect, drainage swales or other minor drainage related improvements shall be provided means of conveyance to native or other planned landscaping areas to reduce the need for artificial irrigation and reduce ponding in the area surrounding the Adobe House.</i></p>
Hazards and Nuisances including Site Safety and Noise	3	<p>The project is needed to address hazards and site safety related issues present in the structure non-rehabilitated state. The actions are intended to remove the hazard by stabilizing the building and bring the building to current seismic code.</p> <p>Noise, including construction related noise, has previously been addressed under the Noise Abatement and Control section of this evaluation.</p>
Energy Consumption	2	<p>Although the site is in a remote location, the original building plans indicate that power poles are located nearby to supply power to the building. Based on the planned use of the building, any associated energy usage is anticipated to be minimal.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	<p>The project is primarily related to the restoration of a historic recreational building and the project is not expected to induce economic growth or result in the creation of new job opportunities.</p>
Demographic Character Changes, Displacement	1	<p>As stated in the environmental justice section, the project is located in a community park that is commonly used by persons from all demographic and income related groups from the County. Improvements are intended to restore a community asset and historic building suffering from age and general disrepair. Once restored, the building will be available to persons from a broad spectrum of demographic and income related categories. The project will in no way result in the displacement of any persons or existing services.</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	1	<p>The rehabilitated building is proposed to serve as a local resource for educational outreach and public information. Consequently, educational and cultural facilities will be benefitted by the undertaking.</p>

Commercial Facilities	2	The project is for rehabilitation of a historic structure and the building is intended to serve and enhance recreational needs of the community. The project is not related to the development of any new commercial facilities.
Health Care and Social Services	2	The project is for rehabilitation of a historic structure and the building is intended to serve and enhance recreational needs of the community. The project is not related to the development of any new health care or social services.
Solid Waste Disposal / Recycling	2	The project is located within an existing park and includes the restoration of a historic building. Large solid waste receptacles are currently distributed throughout the park for public use. Furthermore, there is a large community picnic area in Section 7 area of the park (immediately west of the building) that has many receptacles available for public use.
Waste Water / Sanitary Sewers	2	Due to its remote location, the building is not connected to any established sewer system. However, original building plans indicate that there is an existing septic system already in place located approximately 200 feet north of the building planned for rehabilitation.
Water Supply	2	Although the site is in a remote location, the original building plans and later revisions indicate an existing water delivery system already in place to supply water to the building. Based on the planned use of the building, there is no evidence in the record to suggest that any associated water usage would be of a significant nature.
Public Safety - Police, Fire and Emergency Medical	2	There is no evidence in the record that planned use of the building would have an impact on critical response services or increase the need for these services in any measurable way.
Parks, Open Space and Recreation	1	The proposal is intended to rehabilitate a historic building within an existing park and therefore will have a beneficial impact on community parks, open space and recreation services in the community. While other enhancements to the parks facilities are proposed within Hart Park and near the building in question, the scope of any activities is not known at the time of writing.
Transportation and Accessibility	1	Since traffic volumes in the vicinity of the project are generally low, the rehabilitation and structural stabilization of the building will not result in any new congestion in the area. As awareness grows and improvements are completed, the rehabilitation will allow park assets and other nearby resources to be better utilized and more accessible by the public.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		

Unique Natural Features, Water Resources	1	Once the structural stabilization and historic rehabilitation of the building is completed, the project site is located near Kern River and will highlight the unique resources of the park for visitors.
Vegetation, Wildlife	3	<p>The rehabilitation of the existing building will not have any direct impact on vegetation as implementation of the activities will not alter the established footprint of the building.</p> <p>The area is located along Kern River and native vegetation has beneficial effects to riverine environments, provides new habitat and can help to reduce the proliferation of invasive species.</p> <p>The site is called the Peacock Adobe House due to the local peacocks that have become residents of the area and considered part of the area's heritage.</p> <ol style="list-style-type: none"> 1) Wherever possible, where new vegetation is planned in accordance with the final landscaping plan, native plants shall be incorporated to reduce the need for irrigation. 2) Whenever possible, during the implementation of the construction related activities, peacocks that are known to inhabit the area of the project shall remain undisturbed and/or any contact minimized.
Other Factors	1	<p>The project will rehabilitate a historic property that is located in an existing park with a new use. The planned new use will not include permanent occupancy by any residents. The new life of the structure will help revitalize the Hart Park area, which has historically been a source of pride and a valuable recreational resource to persons of all incomes and backgrounds from communities throughout incorporated and unincorporated areas of Bakersfield and the larger area of the County of Kern. On weekends, residents seeking to spend time with family and friends use the park. The park improvements proposed will enhance the activities and provide context to the park as an area to receive and share information regarding park facilities and resources with residents.</p>

Additional Studies Performed:

- 1) Flood Analysis Report for the Peacock House at Hart Memorial Park, Kern County General Services. Porter & Associates, Inc., Engineering and Surveying. 13 Apr. 2020.
- 2) Determination of Eligibility, Hart Park Adobe House (Services Building) Hart Memorial Park (Kern River Park) Bakersfield, California. Chattel, Inc., Historic Preservation Consultants, 13 May. 2020.

- 3) Finding of Effect, Hart Park Adobe House (Services Building) Hart Memorial Park (Kern River Park) Bakersfield, California. Chattel, Inc., Historic Preservation Consultants, 24 Jul. 2020.
- 4) Asbestos Survey Report, Peacock House, Hart Park, Bakersfield, CA. AKRI Corporation, 2 Jun. 2020.
- 5) Lead-based Paint Survey Report, Peacock House, Hart Park, Bakersfield, CA. Lead-based Paint Survey Report, Peacock House, Hart Park, Bakersfield, CA. AKRI Corporation, 2 Jun. 2020.
- 6) Preliminary Seismic Assessment & Retrofit Plan Review Hart Park Adobe (Service Building) Hart Memorial Park, Structural Focus, 23 Jun. 2020.

Field Inspection (Date and completed by): November, 2019 and April, 2020; James Golden, Planner III; Chattel Inc. April, 2020

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

- 1) NEPAassist. EPA, Environmental Protection Agency, 23 Dec. 2019, <https://www.epa.gov/nepa/nepassist>. Accessed 13 August 2019.
- 2) EnviroStor. Department of Toxic Substances Control, 2020, <https://www.envirostor.dtsc.ca.gov/public/>. Accessed 31 August 2020.
- 3) GeoTracker. State Water Resources Control Board, 2020, <https://geotracker.waterboards.ca.gov/>. Accessed 31 August 2020.
- 4) Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014),
- 5) Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, CD Project No. 3.19.2 - Hart Park - Peacock Adobe House Blight
- 6) Rehabilitation Improvements Project, Kern County, James Golden, 13, Sep. 2019.
- 7) US Department of the Interior US Fish and Wildlife Service. IPAC, Information for Planning and Consulting, 2020, <https://ecos.fws.gov/ipac/>. Accessed 9 September 2019.
- 8) US Department of Agriculture Natural Resources Conservation Service. Web Soil Survey, 2020 <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed 1 September 2020.
- 9) Gia, Gilbert - One Hundred Years at the Park 1890-1990 Historic Bakersfield and Kern County. Gilbert P. Gia "One Hundred Years at Hart Park, 1890-1990"

<https://www.historicbakersfieldandkerncounty.com/community>. Accessed 1 September 2020.

10) Hart Park Adobe House (Service Building) Preservation Rehabilitation Project Located Within Hart Memorial Park, Bakersfield, CA. Julianne Polanco, State Historic Preservation Officer, 28 Aug. 2020.

11) Hart Park Adobe House (Service Building) Preservation Rehabilitation Project Located Within Hart Memorial Park, Bakersfield, CA. Julianne Polanco, State Historic Preservation Officer, 18 Jun. 2020.

Agencies Consulted Include:

Kern River Parkway Committee; Kern Equestrians for Preservation of Trails; Kern Wheelmen; US Postal Service; Bureau of Land Management - Bakersfield Office; US Fish & Wildlife, Sacramento Office; U.S. Department of Agriculture; Environmental Protection Agency; Kern County General Services – Parks; Kern County Engineering Survey and Permit Services (ESPS-Floodplain); Kern County Environmental Health Services; Kern County ESPS (Surveyor); Kern County Sheriff; Kern County ESPS (Roads); Kern County ESPS (Waste Management); Golden Empire Transit District; Kern Mosquito and Vector Control District; Kern County Superintendent of Schools; Kern County Water Agency; San Joaquin Valley Unified APCD; AT&T California, OSP Engineering/ROW; Pacific Gas & Electric (Bakersfield); Sierra Club; CalTrans District 6; California Dept. of Conservation - DOGGER (Bakersfield); California Reg. Water Quality Control Board - Central Valley; California Dept. of Fish and Game; California Dept. of Conservation; Southern San Joaquin Archaeological Information Center

Tribal Consultations include:

Native American Heritage Commission; Native Amer. Heritage Preservation Council, Kern Co; Kern Valley Indian Council Big Paiute Tribe of the Owens Valley: James Rambeau, Sr. Chairperson, Sally Manning, Environmental Director, Danelle Gutierrez, THPO; Chumash Council of Bakersfield: Julio Quair, Chairperson; Kern Valley Indian Community: Julie Turner, Secretary, Robert Robinson, Chairperson, Brandy Kendricks; Kitanemuk and Yowlumne Tejon Indians: Delia Dominguez; San Manuel Band of Mission Indians: Lee Clauss, Director-CRM Dept., Lynn Valbuena, Chairwoman; Santa Rosa Rancheria Tachi Yokut Tribe: Rueben Barrios Sr., Chairperson; Tejon Indian Tribe: Octavio Escobedo, Chairperson, Colin Rambo, Cultural Resource Specialist; Tubatulabals of Kern Valley: Robert L. Gomez Jr., Tribal Chairperson; Tule River Indian Tribe: Neil Peyron, Chairperson; Wukache Indian Tribe/Eshom Valley Band: Kenneth Woodrow, Chairperson

List of Permits Obtained: TBD

Public Outreach [24 CFR 50.23 & 58.43]:

FY 2019-20 Annual Action Plan Meeting

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain – October 30, 2019

Final Notice and Public Explanation of Proposed Activity in a 100-Year Floodplain – December 13, 2019

Stakeholder Meetings March 6, 2020 and May 1, 2020

Cumulative Impact Analysis [24 CFR 58.32]:

When complete, the proposed rehabilitated building will serve as a visitor center of yet to be finalized park facility enhancement project. The project is part of the larger effort by the County of Kern to revitalize the park and improve facilities in the area which has been of both great interest and support from the public. As of writing, there has been efforts to define the project through both envisioning and public consultation. However, the scope of future planned park facilities and activities is not known and the actions cannot be assessed for the purposes of this document. Consequently, should further activities be proposed to be assisted under HUD program this document may need to be updated to consider any future project impacts.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

Alternative No. 1 - Under the select an alternate site option, a suitable site would need to be identified within Hart Park that is located outside the 100-Year Floodplain for the Kern River. If relocation was undertaken, the site would be at less risk from flood damage; however, the site would be a greater imminent risk. The relocation of the structure could potentially compromise the structural integrity of the building, causing the structure to become damaged or all together destroyed beyond repair. Furthermore, building relocation would forever alter the historic setting of the structure, a change that could result in an “Adverse Effect” determination under Section 106 of the National Historic Preservation Act of 1966. The change would likely affect the building’s eligibility under Criteria A for listing on relevant historic resource databases due to the change in integrity and setting of the building and jeopardize the finding of effect (FOE) determination under the Secretary of Interior Guidelines. The planned rehabilitation improvements are intended to prolong the life, restore the structural integrity and adapt the building for future enjoyment as a publicly owned asset. Based on the aforementioned concerns, the relocation alternative was rejected.

Alternative No. 2 – Under this alternative, the project would remain at its present location and no building relocation to a site outside of the floodplain would occur. There would be little risk of any increase in base flood elevations in the vicinity of the project as the site is located within the floodplain and building modifications will not result in the expansion of the footprint. The rehabilitation would not impact property values in the immediate vicinity of the project as the footprint of the structure would remain unchanged. The project would remain eligible under the National Historic Preservation Act of 1966 and the project finding of effect “no adverse impact to historic properties” would continue to be valid as no relocation would occur. Risk or damage or loss of the structure would be minimized during implementation and once completed the risk would be significantly reduced.

No Action Alternative [24 CFR 58.40(e)]: Under the No Action Alternative, no new activities would be authorized to be undertaken within the project area and/or affected 100-Year floodplain and the structure would not be rehabilitated. The “No Action” alternative was reviewed and considered by the County, however; the No Action alternative would not achieve any objectives of the existing proposal or meet the identified needs of the community. The County has received strong public support for the proposal and restoration of the Park and Park facilities. If not rehabilitated and improved, the structure will continue to present an increasing hazard to the public and may ultimately need to be removed and/or demolished. The structure has been evaluated and determined to be eligible for listing as an individual resource in the National Register of Historic Place under Criteria A as Based on the aforementioned considerations, the no project alternative was rejected.

Summary of Findings and Conclusions: The structure is presently at risk to damage or loss from seismic activity. The proposed improvements will both rehabilitate and prolong the building’s life by seismically stabilizing the structure. The project will also rehabilitate the building, which the RE has determined to be Historic under Criteria A, since it was built as part of WPA activities undertaken during the New Deal era. All rehabilitation activities are to be undertaken in compliance with the Secretary of Interior’s Standards for Historic Preservation. Based on review by the historic preservation consultant, the Responsible Entity has determined that the proposed undertaking will have no adverse effect on the historic structure and SHPO has concurred with the methods of evaluation and findings. The site is located within a floodplain but the proposed modifications will not pose new risk to surrounding properties and residents as there will be no additional expansion of the existing building improvements. Where applicable, policies included in the Kern County General Plan have been incorporated as measures of mitigation for the protection of structures and property in the vicinity of the project. Mitigation has been incorporated into the project to minimize the effects from site drainage and storm water runoff. The project is located within the boundaries of the Metropolitan Bakersfield Habitat Conservation Plan, and all activities shall be undertaken in compliance with plan guidelines for the protection of listed species. Based on the considerations and mitigation discussed above and in this evaluation, the RE has found that the project will have a less than significant effect on the environment.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Flood Insurance	<p>Flood insurance would need to be obtained and maintained for the life of the property in accordance with the Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 for any insurable structures modified as a result of the activity:</p> <ol style="list-style-type: none"> 1) Option 1 includes wet flood proofing the structure and is the most costly option.

	<p>2) Option 2 includes dry flood proofing the structure and is the less expensive than the first option but still would be expensive and potentially negatively impact the project budget.</p> <p>3) <i>Option 3 includes obtaining historic building status for the Project site or Peacock House. Under the historic status, the Peacock House would receive favorable rate treatment and a limitation on improvements costs.</i></p>
Clean Air	<p><u>Prior to commencement of operations</u>, the San Joaquin Valley Air Pollution Control District shall be contacted regarding any air permits needed to ensure the above noted activities are completed in compliance with the applicable air related standards and/or regulations.</p> <p><u>Prior to construction related activities</u>, all required permits shall be obtained unless otherwise permitted by District.</p> <p><u>At all times during the development of the site</u>, the project, the developer, contractors and subcontractors shall comply with applicable requirements of the San Joaquin Valley Air Pollution Control District. All activities undertaken shall be completed in compliance with the applicable air quality rules and all permits issued for the project.</p>
Contamination and Toxic Substances	<p><u>Prior to commencement of any demolition related activities</u>, the contractor shall be responsible for abatement of all hazardous materials and shall be responsible for notifying and obtaining all approvals from the San Joaquin Valley Air Pollution Control District (SJVAPCD).</p> <p><u>Prior to commencement any construction related activities</u>, a SJVAPCD Permit copy shall be provided to the County Planning and Natural Resources Department Community Development Division and General Services prior to starting construction.</p> <p><u>During all demolition related activities</u>, all demolished materials shall be completely removed from the job site daily and disposed of at a disposal facility approved by the local authority having jurisdiction over the project.</p>
Endangered Species	<p>No more than fourteen to thirty days prior to the commencement of operations or ground disturbing activities whichever comes first, as authorized by the Environmental Review Record (ERR), the project developer shall ensure that a preconstruction survey, is performed by a qualified biologist, to ensure that no special-status wildlife not covered under the adopted</p>

	<p>provisions of the Habitat Conservation Plan, to include the San Joaquin kit fox, have occupied the property. The results of the survey shall be summarized in a written report that shall include site-specific recommendations, if found necessary. A copy of the biological report shall be submitted to the Kern County Planning and Natural Resources Department – Community Development Division for transmittal to the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service, where applicable. Additionally, exclusion zones shall be established and maintained until all construction activities are complete, unless said agencies prefer that any affected special-status species be removed and/or relocated, in accordance with said agencies adopted guidelines or standard procedures.</p>
Floodplain Management	<ul style="list-style-type: none"> • <u>Prior to grading or improvement of land for development or the construction, expansion, conversion or substantial improvements of a structure</u>, the development shall comply with the relevant provisions of the Floodplain Management Ordinance (Chapter 17.48) and federal regulations found at 24 CFR Part 55.2(b)(10). • Excluding those improvements necessary for compliance with other relevant provisions of law, as applicable, e.g. American's with Disabilities Act (ADA), no expansion of the structure or its footprint shall be undertaken unless further study is undertaken to ensure that no adverse impacts occur to the 100-Year Floodplain. • Any additional fencing to be constructed and/or replaced within twenty feet of the building to be rehabilitated shall be designed and constructed in a manner, which will not to further impede flood flows and/or raise base flood elevation levels in the area of the project, which could pose additional risk to surrounding properties.
Historic Preservation	<p>Undergo all design and engineering related activities in accordance with findings and recommendations of Consultant, the DOE, FOE, Section 106 standards, to ensure compliance with Secretary of Interior's Standards and Guidelines and for Archeology and Historic Preservation and continued SHPO concurrence with the determination that the project not have an adverse effect on historic properties. Wherever possible, the SHPO Architectural Review Unit recommendations as noted below shall be considered for inclusion in any final</p>

	<p>design considerations to minimize impact on the historic structure:</p> <ul style="list-style-type: none"> • Keep the non-contributing addition as simple as possible and do not install new wood horizontal siding on the east gable. • Do not consider the proposed galvanized steel picket fence alternate, if there is no historic precedence for it in the park, if new fencing is desired to replace the existing. • Submit any revisions to the proposed structural scope of work if further structural analysis requires any visible work.
Soil Suitability/Slope/Erosion/Drainage/Storm Water Runoff	In order to ensure storm water runoff and ponding is reduced in the area of the project effect, drainage swales or other minor drainage related improvements shall be provided means of conveyance to native or other planned landscaping areas to reduce the need for artificial irrigation and reduce ponding in the area surrounding the Adobe House.
Vegetation and Wildlife	<p>1) Wherever possible, where new vegetation is planned in accordance with the final landscaping plan, native plants shall be incorporated to reduce the need for irrigation.</p> <p>2) <u>During the implementation of the construction related activities</u>, wherever possible the peacocks that are known to inhabit the area of the project shall remain undisturbed and/or any required contact shall be minimized in order to avoid conflicts between birds and work crews or result in injury to birds.</p>

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: _____ Date: 9/1/2020

Name/Title/Organization: James Golden, Planner III, Kern County Planning and Natural Resources – Community Development Division

Certifying Officer Signature: _____ Date: 9/1/2020

Name/Title: Lorelei H. Oviatt, AICP, Director, Planning and Natural Resources Department

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Appendix

- I. CEQA – Notice of Exemption**
- II. Mitigation Monitoring Plan**
- III. Site Related Maps**
- IV. State of California SHPO Comments FOE and DOE Letter**
- V. County of Kern Determination of Eligibility Letter**
- VI. California Historical Resources Information System (CHRIS) Letter**

NOTE: Due to the size of the environmental studies related to the Project and the current Covid-19 Pandemic, all studies will be made available on a request basis at goldenj@kerncounty.com or may be contacted directly at (661) 862-5130. For quicker response and review, environmental studies may be requested through email and an electronic copy will be provided electronically. If another format is requested, please allow minimum five working days for receipt and processing of the request:

- 1. Finding of Effect (Historic)**
- 2. Determination of Eligibility (Historic)**
- 3. Flood Analysis Report (Hydrology)**
- 4. 8 – Step Evaluation (Flood and Hydrology)**