

## 5.1 Regulatory Framework and Methodology

Section 4(f) is a section of the USDOT Act of 1966, and aims to minimize the effects of federally sponsored transportation projects on historic resources and publicly owned recreation facilities and wildlife/waterfowl refuges. Section 4(f) applies to the proposed project because the project requires federal approval by the FTA.

### 5.1.1 Regulatory Framework

#### 5.1.1.1 Federal

Section 4(f) of the USDOT Act of 1966, codified at 49 United States Code (USC) Section 303, declares that “[i]t is the policy of the United States government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that “[t]he Secretary [of Transportation] may approve a transportation program or project . . . requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance or land of a historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

- There is no prudent and feasible alternative to using that land, and
- The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

Section 4(f) further requires consultation with the Department of Interior and, as appropriate, the involved offices of the Department of Agriculture and the Department of Housing and Urban Development, as well as relevant state and local officials, in developing transportation projects and programs that use lands that are protected under Section 4(f).

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2003: A Legacy for Users (SAFETEA-LU) amended the existing Section 4(f) legislation to simplify the processing and approval of projects that have only *de minimis* impacts on resources protected by Section 4(f). The simplified process was carried forward in the Moving Ahead for Progress in the 21st Century (MAP-21) Act, the most recent surface transportation funding legislation signed into law in July 2012. Under the simplified process introduced under SAFETEA-LU, a *de minimis* finding refers to a project with little or no influence on the activities, features, and/or attributes of the Section 4(f) resource. This revision states that once USDOT determines that a transportation use of a Section 4(f) property would result in a *de minimis* impact on that property, after consideration of any impact avoidance, minimization, or mitigation or enhancement measures, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is complete for that resource.

The proposed project (and alternatives) under the statute refers to any transportation project that may receive federal funding and/or discretionary approvals through USDOT (i.e., the Federal Transit Administration [FTA]); therefore, documentation of compliance with Section 4(f) is required.

This Section 4(f) evaluation has been prepared in accordance with the FHWA regulations for Section 4(f) compliance codified at 23 Code of Federal Regulations (CFR) Part 774. Additional guidance has been obtained from FHWA Technical Advisory T 6640.8A (1987) and the revised FHWA Section 4(f) Policy Paper (2012).

## **Section 4(f) “Use”**

As defined in 23 CFR Section 774.17, the use of a protected Section 4(f) resource occurs when any of the following conditions are met:

- Land is permanently incorporated into a transportation facility through partial or full acquisition (i.e., “direct use”);
- There is a temporary occupancy of land that is adverse in terms of the preservationist purposes of Section 4(f) (i.e., “temporary occupancy”); or
- There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired (i.e., “constructive use”).

### **Direct Use**

A direct use of a Section 4(f) resource takes place when property is permanently incorporated into a proposed transportation project (23 CFR Section 774.17). This may occur as a result of partial or full acquisition of a fee simple interest, permanent easements, or temporary easements that exceed the regulatory limits noted below (23 CFR Section 774.13[d]).

### **Temporary Occupancy**

Under FHWA regulations (23 CFR Section 774.13[d]), temporary occupancy of a property does not constitute use of a Section 4(f) resource when the following conditions are satisfied:

- The occupancy must be temporary (i.e., shorter than the period of construction) and not involve a change in ownership of the property;
- The scope of work must be minor, with only minimal changes to the protected resource;
- There must be no permanent adverse physical effects on the protected resource, and there must be no temporary or permanent interference with the activities or purposes of the resource;
- The property to be used must be fully restored to a condition that is at least as good as the condition that existed prior to the proposed project; and
- There must be documented agreement among the appropriate officials having jurisdiction over the resource regarding the foregoing requirements.

## Constructive Use

A constructive use of a Section 4(f) resource happens when a transportation project does not permanently incorporate land from the resource, but the proximity of the project results in impacts (e.g., noise, vibration, visual, access, and/or ecological impacts) that are so severe that the protected activities, features, or attributes that qualify the resource for protection under Section 4(f) are substantially impaired (23 CFR Section 774.15). Substantial impairment occurs only if the protected activities, features, or attributes of the resource are substantially diminished. This determination is made through the following practices:

- Identification of the current activities, features, or attributes of the resource that may be sensitive to proximity impacts;
- Analysis of the potential proximity impacts on the resource; and
- Consultation with the appropriate officials having jurisdiction over the resource (23 CFR Section 774.15[d]).

## De Minimis Finding

A *de minimis* finding is a finding that a project will have little or no influence on the activities, features, and/or attributes of a Section 4(f) resource. As stated above, Section 6009(a) of SAFETEA-LU amended the existing Section 4(f) legislation to simplify the processing and approval of projects that have only *de minimis* impacts on resources protected by Section 4(f). This was the first substantive revision of Section 4(f) legislation since passage of the Department of Transportation Act of 1966. Under this revision, once USDOT determines that a transportation use of a Section 4(f) property would result in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required, and the Section 4(f) evaluation process is complete for that resource.

A finding of *de minimis* impact on a historic site may be made when the following occur:

- The process required by Section 106 of the National Historic Preservation Act of 1966 results in a determination of “no adverse effect” or “no historic properties affected,” with concurrence from the State Historic Preservation Officer (SHPO), if participating in the Section 106 consultation;
- The SHPO is informed of the Federal Transit Administration’s (FTA’s) intent to make a *de minimis* impact finding based on the agency’s written concurrence in the Section 106 determination; and
- FTA has considered the view of any consulting parties participating in the Section 106 consultation.

A transportation project’s use of a park, recreational lands, or a wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if the following criteria are met:

- The transportation use of the Section 4(f) resource, together with any avoidance, minimization, or mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f); The official(s) with jurisdiction over the property is/are informed of FTA’s intent to make the *de minimis* finding based on the agency’s written concurrence stating that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- The public has been afforded an opportunity to review and comment on the impacts of the project on the protected activities, features, and attributes of the Section 4(f) resource.

### 5.1.1.2 State

Section 4(f) is federal law. Public parks, recreation areas, wildlife and waterfowl refuges, and historic sites are subject to additional regulations at the state level. See Appendix T, Parklands and Community Facilities Report, and Appendix S, Historical Resources Impacts Report.

### 5.1.1.3 Local

Section 4(f) is federal law. Public parks, recreation areas, wildlife and waterfowl refuges, and historic sites are subject to additional regulations at the local level. See Appendix T, Parklands and Community Facilities Report, and Appendix S, Historical Resources Impacts Report.

## 5.1.2 Methodology

This section identifies Section 4(f) resources in the project area and evaluates the potential effect of the proposed project on:

- Public parks, recreation areas, and refuges for wildlife and waterfowl, and
- Sites of historical significance

These categories of Section 4(f) properties are considered separately due to differing evaluation methodologies. Evaluation criteria are also based on the July 2012 FHWA Section 4(f) Policy Paper.

### 5.1.2.1 Parks, Recreation Areas, and Wildlife and Waterfowl Areas

Parklands, recreational resources, and refuges were identified using land use maps, aerial imagery, as well as consulting with the websites of Los Angeles Department of Recreation and Parks and the Los Angeles Unified School District (LAUSD). A distance of 1,000 feet from the alignment was established as the study area for the purposes of determining the project's effect on parks, recreation areas, and wildlife and waterfowl refuges. For the purposes of Section 4(f), the 1,000-foot study area allows for identification of any potential Section 4(f) resources that may be permanently or temporarily incorporated into the project and those resources that may experience proximity impacts such as increased noise or access limitations. Any resources located beyond the 1,000-foot radius would be distant enough from the project that any potential for Section 4(f) use can be ruled out. This distance is also consistent with environmental documents from previous Metro transit projects.

Parks, recreation areas, and refuges are protected under Section 4(f) only if they are publicly owned. In addition to being public, these sites must be publicly accessible on a regular basis. For recreational resources identified on public school campuses, phone calls to the schools were made to verify the availability of such resources for use by the public outside of normal school hours. Privately owned parks, recreation areas, and refuges that are open to the public are not considered in this section, as they are not protected properties under the statute.

Impact analysis was determined on the basis on how the proposed project would use a Section 4(f) property, if at all.

### 5.1.2.2 Historic Properties

As described in the August 2015 Historical Resources Impacts Report, both an Area of Potential Effects (APE) and a larger study area were identified for the purposes of the project. For this project, due to its size and linear nature, and due to the minimal potential for effects to historical resources adjacent to or near the project alignment, the FTA and Metro proposed a streamlined approach to evaluating potential historical resources within the approximate 10 miles of the project area and determined the APE to include the roadway only, with the exception of where new stops or stations would be located, in which the APE would be drawn to include one parcel on each corner of the affected intersection. Of the more than 400 parcels within the APE that were more than 45 years of age, 181 met the established criteria for historic evaluation, either as a property requiring individual evaluation or as a property located with a potential district area. An overview of the APE is shown in Figure 5-1.

## 5.2 Affected Environment/Existing Conditions

### 5.2.1 Parks, Recreation Areas, and Wildlife and Waterfowl Refuges

As shown in Table 5-1 and Figure 5-2, there are seven public recreational facilities within a 1,000-foot distance of the project's proposed alignments that are Section 4(f) resources, all of which are under the jurisdiction of either the City of Los Angeles or the City of San Fernando. The aerial photographs 5-1 through 5-3 show the location of those facilities located directly adjacent to the proposed project alignment. The park facilities are outlined in red and the approximate limits of the alignment for the various build alternatives are shown in the dashed gold lines in Photos 5-1 through 5-3. While there are additional recreational resources in the larger area surrounding the project alignment, they are outside of the 4(f) study area for the project. These additional recreational resources are listed below.

#### 5.2.1.1 Facilities not Considered for Section 4(f) Evaluation

There are additional resources in the vicinity surrounding the study area that have a recreational function but are not considered eligible for Section 4(f) protection. The following facilities were not included in the evaluation for the reasons specified below.

Figure 5-1: Area of Potential Effect Overview Map



\*Alignment generalized for this overview map only for clarity at this scale. Detailed alignments for each alternative are included on the map segments.

Source: GPA Consulting; ICF International, 2015.

**Table 5-1: Parks, Recreation Areas, and Wildlife Refuges**

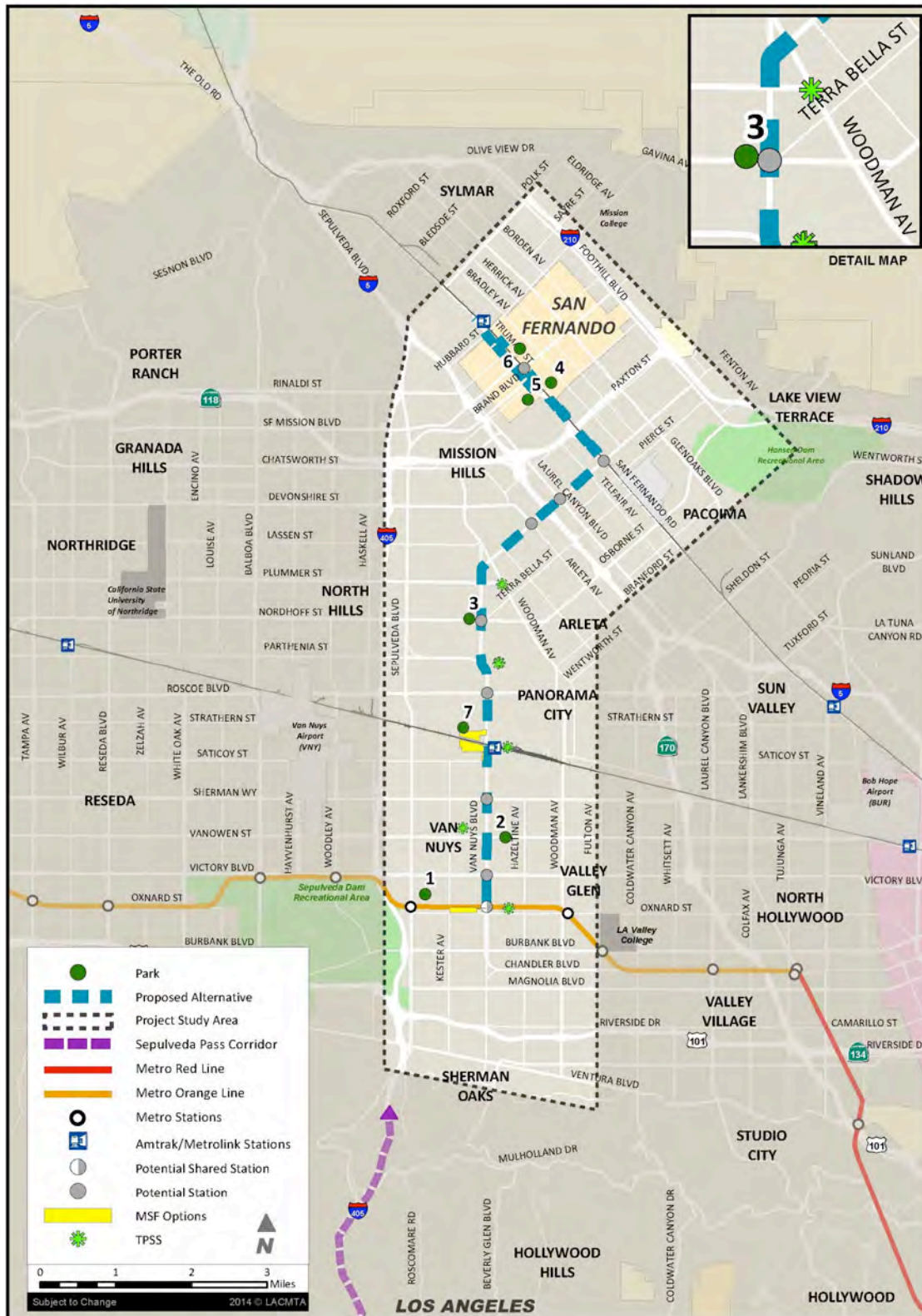
Map ID	Property Name	Address	Type	Description	Distance from Alignment
1	Delano Recreation Center	15100 Erwin Street, Van Nuys	Public park	The center features outdoor athletic fields, an indoor gymnasium, an auditorium and indoor table games.	990 feet
2	Van Nuys Recreation Center	14301 Vanowen Avenue, Van Nuys	Public park	This recreation center features an auditorium/gymnasium, barbecue pits, baseball diamonds, basketball courts, a children’s play area, a community room, handball courts, an indoor gym, picnic tables, a soccer field, and tennis courts.	970 feet
3	Tobias Avenue Park	9122 Tobias Avenue, Panorama City	Public park	Tobias Avenue Park features basketball courts, a children’s play area, and picnic tables.	Adjacent
4	Recreation Park	208 Park Avenue, San Fernando	Public park	The park is comprised of 11 acres of multi-activity sports facilities, including a baseball field, basketball courts, soccer field, and gymnasium. The park provides numerous recreational amenities, including a senior center, meeting rooms, a children’s play area, and picnic area. The aquatics facility is a 3-acre venue housing a year-round, regionally oriented facility that includes a competition pool with three diving boards, an instruction pool with a recreational slide, and a splash area. The aquatics facility also includes a 15,000 square-foot, two-story support building providing offices, dressing rooms, classrooms, locker rooms, and a multipurpose room.	Adjacent
5	Cesar E. Chavez Memorial	30 Wolfskill Street, San Fernando	Public park	This memorial, honoring the legacy and work of the late farm worker leader, is located at the corner of Wolfskill and Truman Street. The memorial consists of four separate art pieces placed in a park setting. A life-size statue of Cesar Chavez is poised in front of a series of ten figures representing the farm workers’ plight and eventual empowerment. Other features include a fountain, seating areas, and a mural.	Adjacent

Map ID	Property Name	Address	Type	Description	Distance from Alignment
6	Layne Park	120 North Huntington Street, San Fernando	Public park	Layne Park is 0.80 acre and houses a basketball court, picnic area, and a children's play area.	860 feet
7	Blythe Street Park	14740 Blythe Street, Van Nuys	Public park	Also known as Andres and Maria Cardenas Recreation Center, Blythe Street Park includes a children's play area, picnic tables, a small grass area, and a 4,500 sq. ft. skate park.	Approximately 180 feet north of MSF Option C

Source: Google, Inc. & Parklands and Community Facilities Impacts Report, 2015.



Figure 5-2: Map of Parks, Recreation Areas, and Wildlife Refuges



Source: ICF International, 2015.

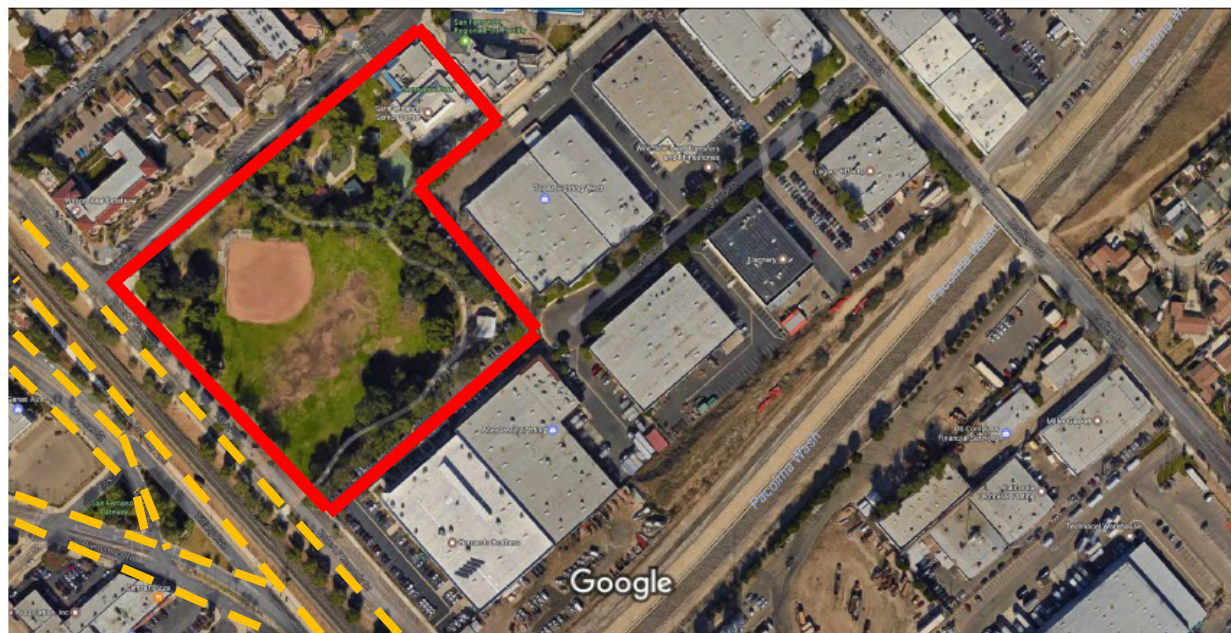


**Photo 5-1: Tobias Avenue Park**



Source: Google, 2017.

**Photo 5-2: Recreation Park**



Source: Google, 2017.



**Photo 5-3: Cesar E. Chavez Memorial**



Source: Google, 2017.

### **Recreational Facilities Within the Study Area**

Within the study area there are a number public schools whose campuses include outdoor recreational areas. According to the FHWA's 2012 Section 4(f) Policy Paper, recreational facilities, such as school play areas, are only considered protected under Section 4(f) if they are open to the general public and serve either organized or a substantial walk-on recreational purpose determined to be significant. Based on this criteria, the following seven public schools and their associated play areas, while they serve a physical education and recreational purpose, were determined not to be protected by Section 4(f) because they are not open to the public outside of school hours and therefore, are not recreational facilities for public use.

- Van Nuys Middle School (500 feet)
- Van Nuys Elementary School (650 feet)
- Panorama High School (adjacent)
- Arleta High School (adjacent)
- San Fernando Valley Middle School (adjacent)
- Liggett Street Elementary (800 feet)
- Pacoima Middle School (800 feet)

## Metro Orange Line Bike Path

One Class I bikeway, the Metro Orange Line Bike Path, crosses Van Nuys Boulevard at a signal-controlled, at-grade intersection. According to the FHWA Section 4(f) Policy Paper, shared use paths (including bike paths) that primarily serve a recreational purpose are protected under Section 4(f), while those whose primary purpose is transportation are not considered Section 4(f) resources. The bike path follows the Orange Line corridor, which indicates that it was developed and functions primarily as a non-motorized transportation facility. As stated in the City of Los Angeles 2010 Bicycle Plan, Class I bikeways are popular for both utilitarian and recreational riding and further states that the Metro Orange Line Bike Path provides valuable connections to mass transit and facilitates commutes for all types of riders (City of Los Angeles, 2011). Given that the Metro Orange Line Bike Path follows a route parallel to the Metro Orange Line Busway, and recreation is not identified as a primary purpose of the bike path, the Metro Orange Line Bike Path is not considered to be protected under Section 4(f). Furthermore, no incorporation of land from the bike path into the project would result from any of the project alternatives and the existing function and use of the bike path would be maintained throughout construction and operation of the project.

## San Fernando Road Bike Path

The San Fernando Road Bike Path is located adjacent to San Fernando Road and the railroad tracks and extends from Roxford Street in the community of Sylmar, south through the City of San Fernando, through the community of Sun Valley and up to the Burbank city limits. Similar to the Metro Orange Line Bike Path, the San Fernando Road Bike Path runs alongside Metrolink's Antelope Valley Line, including the Sylmar/San Fernando Metrolink Station and the Sun Valley Metrolink Station. Based on its proximity to existing transit facilities it the bike path functions primarily as a non-motorized transportation pathway. Similar to the Metro Orange Line Bike Path, the San Fernando Road Bike Path provides valuable connections to mass transit and facilitates commutes for all types of riders, and even runs similarly to the Interstate 5 corridor, connecting the community of Sylmar, City of San Fernando, the communities of Pacoima and Sun Valley, and the City of Burbank. Accordingly, the San Fernando Road Bike Path is considered primarily as a transportation facility and was not considered in the Section 4(f) analysis as a result. Furthermore, no incorporation of land from the bike path into the project would result from any of the project alternatives and the existing function and use of the bike path would be maintained throughout construction and operation of the project.

## 5.2.2 Historic Sites

As mentioned, a total of 181 properties were identified within the APE that met the project team's potential historic property evaluation criteria. Of these, the 10 individual properties listed below have either been previously evaluated or evaluated for this project and given a status code of 3S or 2S2. A 3S status code indicates that a property appears eligible for the National Register of Historic Places (NRHP) as an individual property through a survey evaluation. A 2S2 status code indicates that it is an individual property determined eligible for the NRHP by a consensus through the Section 106 process. As a result, these properties are protected under Section 4(f).

### 5.2.2.1 14601-3 Aetna Street – 3S

14601-3 Aetna Street was identified for further study as an example of PWA Moderne architecture and early infrastructure in the San Fernando Valley. It is listed in the California Historic Resources Information System (CHRIS) with a 2S2 status code from March 20, 2002. The South Central Coastal

Information Center (SCCIC) was contacted on July 24, 2015 for additional documentation and information regarding this previous evaluation. Michelle Galaz, Assistant Coordinator at the SCCIC responded on July 27, 2015 to say that there was no documentation for this address in their office, or for its alternative address, 14603 Aetna Street. SCCIC made a request to the State Office of Historic Preservation (OHP) for additional documentation and information. The property was individually re-evaluated for listing on the NRHP and California Register of Historic Resources (CRHR) as part of this study, but on August 13, 2015, the information from the prior evaluation was received from SCCIC. The evaluation determined that the property appears to be significant at the national and state level as a rare example of a pre-war DWP facility in the San Fernando Valley, and as an excellent example of the PWA Moderne style; the property retains sufficient integrity to convey its association with that trend and architectural style. As a result of this evaluation, the property was assigned a 3S status code, “Appears eligible for NRHP as an individual property through survey evaluation.”

#### **5.2.2.2 130 N. Brand Boulevard – 2S2**

130 N. Brand Boulevard was identified for further study due to its Classical Revival architecture on the junior high campus. It was previously evaluated in 1995 as part of a Section 106 survey of earthquake-damaged properties. It was given a status code of 2S2, “Individual property determined eligible for NRHP by a consensus through Section 106 process.” Listed in CRHR as an excellent example of Classical Revival architecture. Therefore, it was subsequently listed on the CRHR. The project team reviewed the previous evaluation and after field inspection determined that the existing 2S2 status code is still valid.

#### **5.2.2.3 1140 San Fernando Road – 3S**

1140 San Fernando Road was identified for further study as a unique example of a J.C. Penney department store in a commercial strip, as opposed to a shopping mall. The property was individually evaluated for listing on the NRHP and CRHR. The evaluation determined that the property appears to be eligible for the NRHP and CRHR at the local level of significance for its association with the commercial development of the City of San Fernando and for its architectural style; it retains sufficient integrity to convey those associations. As a result of this evaluation, the property was assigned a 3S status code, “Appears eligible for NRHP as an individual property through survey evaluation.”

#### **5.2.2.4 1601 San Fernando Road – 3S**

1601 San Fernando Road was identified for further study as an example of a Googie-style car wash on San Fernando Road. The property was individually evaluated for listing on the NRHP and CRHR. The evaluation determined that the property is significant under Criterion C as exemplifying a Googie car wash and that it retains sufficient integrity for listing. As a result of this evaluation, the property was assigned a 3S status code, “Appears eligible for NRHP as an individual property through survey evaluation.”

#### **5.2.2.5 6353 Van Nuys Boulevard – 3S**

6353 Van Nuys Boulevard was identified for further study as an example of Streamline Moderne architecture that represents an early period of commercial development in the San Fernando Valley. The property was individually evaluated for listing on the NRHP and CRHR. The evaluation determined that the property appears to meet the NRHP and CRHR Criteria at the local level of significance as a rare example of pre-World War II commercial development in the San Fernando

Valley, as well as exemplifying the Streamline Moderne style; the property retains sufficient integrity to convey this significance. As a result of this evaluation, the property was assigned a 3S status code, “Appears eligible for NRHP as an individual property through survey evaluation.”

#### **5.2.2.6 6551 Van Nuys Boulevard – 3S**

6551 Van Nuys Boulevard was identified for further study as an example of New Formalist architecture and the work of Millard Sheets. The property was individually evaluated for listing on the NRHP and CRHR. The evaluation determined that the property appears to be eligible for the NRHP and CRHR as a good example of New Formalism in the San Fernando Valley. As a result of this evaluation, the property was assigned a 3S status code, “Appears eligible for NRHP as an individual property through survey evaluation.”

#### **5.2.2.7 8201 Van Nuys Boulevard – 3S**

8201 Van Nuys Boulevard was identified for further study as a rare example of Expressionist architecture. The property was individually evaluated for listing on the NRHP and CRHR. The evaluation determined that the property appears to meet the NRHP and CRHR Criteria for its architecture and as the work of W.A. Sarmiento, who was pivotal to the shift in bank design during the twentieth century, and that it retains sufficient integrity to convey that significance. As a result of this evaluation, the property was assigned a 3S status code, “Appears eligible for NRHP as an individual property through survey evaluation.”

#### **5.2.2.8 8324 Van Nuys Boulevard – 3S**

8324 Van Nuys Boulevard was identified for further study as part of a planned commercial strip for the successful post-war suburb of Panorama City. The property was individually evaluated for listing on the NRHP and CRHR. The evaluation determined that the property appears to be eligible for the NRHP and CRHR at the local level for its association with the planned development of Panorama City, and it retains sufficient integrity to convey that significance. As a result of this evaluation, the property was assigned a 3S status code, “Appears eligible for NRHP as an individual property through survey evaluation.”

#### **5.2.2.9 9110 Van Nuys Boulevard – 3S**

9110 Van Nuys Boulevard was identified for further study as part of a planned commercial strip for the successful post-war suburb of Panorama City, and as the work of master architect William Pereira. The property was individually evaluated for listing on the NRHP and CRHR. The evaluation determined that the property was not an important example of Pereira’s work, but that it appears to meet the NRHP and CRHR Criteria at the local level for its association with Panorama City, and it retains sufficient integrity to convey that significance. As a result of this evaluation, the property was assigned a 3S status code, “Appears eligible for NRHP as an individual property through survey evaluation.”

#### **5.2.2.10 San Fernando Road – 3S**

A portion of San Fernando Road was identified for further study due to its historic alignment, dating from as early as 1871. It was previously evaluated in 2013 as part of a CEQA review process. Segments of the road were given a status code of 3S, “Appears eligible for NRHP as an individual property

through survey evaluation.” One of the segments is included within the APE. The project team reviewed the previous evaluation and after field inspection determined that the existing 3S status code appears to still be valid.

## 5.3 Environmental Consequences

### 5.3.1 No-Build Alternative

#### 5.3.1.1 Public Parks, Recreation Areas, and Refuges for Wildlife and Waterfowl

##### Direct Use

Since no new transportation infrastructure would be built as part of the proposed project, the No-Build Alternative would not require any permanent displacement or acquisition of public parks, recreation areas, or refuges for wildlife and waterfowl. Therefore, there would be no direct use of Section 4(f) resources.

##### Temporary Occupancy

Since no new transportation infrastructure would be built, the No-Build Alternative would not require the temporary occupancy of public parks, recreation areas, or refuges for wildlife and waterfowl that are protected property under Section 4(f).

##### Constructive Use

The No Build Alternative includes no new project facilities that would increase noise levels in the study area or result in any visual changes to the project corridor. The No-Build Alternative would not cause new impacts to the ecosystem and local and regional connectivity and access to parklands and community facilities in the project study area would remain unchanged. Thus, the No-Build Alternative would not result in impacts so severe that the protected activities, features, or attributes that qualify the resources for protection under 4(f), listed in Table 5-1, would be substantially diminished or impaired and no constructive use would occur.

#### 5.3.1.2 Historic Sites

##### Direct Use

Since no new construction is proposed under the No-Build Alternative, no historic sites would be affected. Therefore, there would be no direct use of Section 4(f) resources.

##### Temporary Occupancy

Since no new construction is proposed under the No-Build Alternative, it would not require the temporary occupancy of any historic sites that are protected property under Section 4(f).

## Constructive Use

The No-Build Alternative would not result in impacts so severe that the protected activities, features, or attributes that qualify the resources for protection under 4(f) previously mentioned, are substantially diminished or impaired. Thus, no constructive use or other indirect impacts would occur.

### 5.3.2 TSM Alternative

#### 5.3.2.1 Public Parks, Recreation Areas, and Refuges for Wildlife and Waterfowl

##### Direct Use

Permanent acquisition of property would not be required to construct or implement and operate the TSM Alternative. Therefore, no public parks, recreation areas, and refuges for wildlife and waterfowl would be permanently incorporated into a transportation facility through partial or full acquisition and no direct use of Section 4(f) resources would occur under this alternative.

##### Temporary Occupancy

Construction of any facilities associated with the TSM alternative is not anticipated to require temporary occupancy of any Section 4(f) protected properties. All construction staging, equipment movement, and other activities associated with construction would take place outside the property limits of Section 4(f) protected properties. Therefore, there is no potential for use to result from any temporary occupancy of Section 4(f) property.

##### Constructive Use

The TSM Alternative would add 20 additional buses to the existing Metro Local 233 and Metro Rapid 761 bus routes. To determine constructive use, the potential for significant impacts to occur in resource areas such as noise, access, ecological intrusion, and aesthetics are considered as they relate to the activities, features, or attributes that qualify the resources for protection under Section 4(f). The TSM Alternative would include relatively low-cost transit service improvements such as increased bus frequencies or minor modifications to the roadway network. Changes in noise levels as a result of the TSM Alternative would not exceed the FTA severe or moderate noise impact thresholds or the CEQA significance threshold at any sensitive receivers, including parks and recreational facilities. Minor visual changes resulting from traffic signalization improvements and bus stop amenities/improvements would not be expected to result in substantial changes to the existing visual character or quality in the project corridor. Implementation and operation of this alternative would not result in new impacts to the ecosystem because no operational activities would take place that would alter the existing ecological environment. Similarly, local and regional connectivity and access to parklands and community facilities in the project study area would remain relatively unchanged. Thus, operation of this alternative would not result in impacts so severe that the protected activities, features, or attributes of the Section 4(f) resources listed in Table 5-1 would be substantially diminished or impaired. As a result, the TSM Alternative would not result in the constructive use of public parks, recreation areas, or refuges for wildlife and waterfowl that are protected property under Section 4(f). Officials with jurisdiction over these resources at the Cities of Los Angeles and San Fernando were consulted to ensure that all 4(f) resources within 1,000 feet of the proposed project alignment were evaluated for the applicability of the requirements of Section 4(f). The correspondence is shown in Appendix U.



### 5.3.2.2 Historic Sites

#### Direct Use

Any construction required under the TSM Alternative would be minor and limited to the public right-of-way. Consequently, no adverse impacts to adjacent or nearby historic resources would occur and, as a result, direct use of those properties would not occur. Although, it is possible some minor physical improvements could occur under the TSM Alternative along the historic portions of San Fernando Road (e.g., bus stop improvements), these improvements would not affect or change the alignment of San Fernando Road and consequently would not result in an adverse effect on the historic roadway.

#### Temporary Occupancy

As mentioned, construction of any facilities associated with the TSM alternative is not anticipated to require temporary occupancy of any Section 4(f) protected properties. All construction staging, equipment movement, and other activities associated with construction would take place outside the property limits of Section 4(f) protected properties. Therefore, there is no potential for use to result from any temporary occupancy of Section 4(f) property.

#### Constructive Use

As mentioned, to determine constructive use, the potential for significant impacts to occur in resource areas such as noise, access, ecological intrusion, and aesthetics are considered as they relate to the activities, features, or attributes that qualify the resources for protection under Section 4(f). Any changes resulting from traffic signalization improvements and bus stop amenities/improvements during implementation and operation of this alternative would be minimal and are not expected to result in new impacts. The existing environmental setting in the project study area would remain relatively unchanged. Thus, the TSM Alternative would not result in impacts so severe that the protected activities, features, or attributes of the Section 4(f) resources would be substantially diminished or impaired. As a result, the TSM Alternative would not result in the constructive use of historic sites that are protected property under Section 4(f).

### 5.3.3 Build Alternatives 1, 2, 3, and 4

#### 5.3.3.1 Public Parks, Recreation Areas, and Refuges for Wildlife and Waterfowl

##### Direct Use

The proposed project would not require the full or partial acquisition of any of the Section 4(f) properties listed in Table 5-1 including those adjacent to the project alignment, or require a permanent easement; therefore, the proposed project would not result in a direct use.

##### Temporary Occupancy

Construction of any facilities associated with the any of the Build Alternatives is not anticipated to require temporary occupancy, including temporary easements, of any Section 4(f) protected properties. All construction staging, equipment movement, and other activities associated with construction would take place outside the property limits of Section 4(f) protected properties along

existing transportation right-of-way or within the non-Section 4(f) protected property that would be acquired to accommodate proposed stations or maintenance facilities. Therefore, there is no potential for use to result from any temporary occupancy of Section 4(f) property.

### **Constructive Use**

Project elements such as bus or rail vehicles, station structures, and associated ancillary facilities located in the vicinity of Section 4(f) resources would result in minor proximity impacts such as minimal increases in noise and visual changes. In the vicinity of station platforms or shelters, proximity impacts would be limited to visual changes due to the presence of station entrances and associated signage or other station related infrastructure. While changes to the existing noise environment would result from operation of any of the build alternatives as new vehicles (bus or rail) would be introduced and traffic operations would be altered, such changes would not affect the existing activities, features, or attributes of any of the Section 4(f) resources identified in Table 5-1 as none of these resources have been identified as noise sensitive or requiring tranquil or quiet surroundings as features are attributes that qualify the resources for protection under Section 4(f). In terms of access, all of the build alternatives would increase local and regional connectivity and access to parklands and community facilities in the project study area during project operations, and no adverse effects on access to individual Section 4(f) properties are anticipated. Thus, none of the build alternatives would result in impacts so severe that the protected activities, features, or attributes that qualify the resources listed in Table 5-1 for protection under Section 4(f) are substantially diminished or impaired. As a result, no constructive use of Section 4(f) resources would occur under this alternative.

## **5.3.3.2 Historic Sites**

### **Direct Use**

The build alternatives have been designed to avoid acquisition of historic properties including those protected under Section 4(f). No land from a Section 4(f) protected historic site would be acquired or otherwise incorporated into the project. Therefore, there is no potential for a direct use of Section 4(f) protected historic sites to occur.

### **Temporary Occupancy**

As mentioned, construction of any facilities associated with the build alternatives is not anticipated to require temporary occupancy of any Section 4(f) protected properties, including historic sites. All construction staging, equipment movement, and other activities associated with construction would take place outside the property limits of Section 4(f) protected properties. Therefore, there is no potential for use to result from any temporary occupancy of Section 4(f) property.

### **Constructive Use**

As discussed above, there are 10 historic sites within the APE that are protected under Section 4(f). Based on the evaluations in the Historical Resources Impacts Report (see Appendix S), none of the build alternatives would result in atmospheric or audible elements that could diminish significant historic features, nor would it cause an adverse effect on any historic properties. Therefore, proximity impacts associated with the build alternatives have no potential to result in a constructive use.

## 5.4 Maintenance and Storage Facility Sites

The candidate MSF site would be approximately 25 to 30 acres in order to provide enough space for storage of the maximum number of train vehicles, and associated operational needs such as staff offices, dispatcher workstations, employee break rooms, operator areas, collision/body repair areas, paint booths, and wheel truing machines.

Due to the space needs for the MSF, the acquisition of between 37 and 62 parcels, depending on the MSF site selected, would be required. A majority of the property that would be acquired at these alternative MSF sites consists of light manufacturing and commercial property, most of which contain businesses oriented toward automobile repair and supplies, raw materials supply and manufacturing, and other general commercial retail uses.

### 5.4.1 MSF Site – Options A, B, and C

#### 5.4.1.1 Public Parks, Recreation Areas, and Refuges for Wildlife and Waterfowl

##### Direct Use

None of the MSF Options would require the full or partial acquisition of any of the Section 4(f) properties listed in Table 5-1, or require a permanent easement; therefore, the proposed project would not result in a direct use.,

##### Temporary Occupancy

Construction of any of the MSF options would not require temporary occupancy, including temporary easements, of any Section 4(f) protected properties. Therefore, there is no potential for use to result from any temporary occupancy of Section 4(f) property.

##### Constructive Use

In general, proximity impacts associated with the operation of any of the MSF Options would be related to changes in noise levels associated with operation of MSF collision/body repair areas, paint booths, and wheel truing machines and changes to the visual character of a Section 4(f) resource. The only park in close proximity to any of the MSF Options is Blythe Street Park, which is, located approximately 180 feet north of the proposed MSF Option C. At this location, severe noise impacts are not anticipated and the parks activities, attributes, and features do not require a quiet environment to function. The proposed MSF option C would be cited in an area that already has substantial industrial uses in the immediate vicinity of the Blythe Street Park; therefore, introduction of the MSF is not anticipated to affect the visual character of the park to a degree that the activities, attributes, or features of the park would be adversely affected. Thus, operation of any of the MSF Options would not result in impacts so severe that the protected activities, features, or attributes that qualify the resources for protection under Section 4(f) listed in Table 5-1 are substantially diminished or impaired. No constructive use of Section 4(f) parkland, recreation areas, or wildlife or waterfowl refuges would occur under any of the MSF Options.

### 5.4.1.2 Historic Sites

#### Direct Use

Each of the MSF Options have been designed to avoid acquisition of historic properties including those protected under Section 4(f). No land from a Section 4(f) protected historic site would be acquired or otherwise incorporated into the project. Therefore, there is no potential for a direct use of Section 4(f) protected historic sites to occur.

#### Temporary Occupancy

As mentioned, under all MSF Options, construction would not require temporary occupancy, including temporary easements, of any Section 4(f) protected properties. Therefore, there is no potential for use to result from any temporary occupancy of Section 4(f) property.

#### Constructive Use

Under MSF Option A, a one historic site, 14601-3 Aetna Street, is located in close proximity to the proposed MSF site. However, according to the Historical Resources Impacts Report (see Appendix S), none of the MSF Options, including Option A, would result in atmospheric or audible elements that could diminish significant historic features, nor would it cause an adverse effect on any historic properties. Accordingly, proximity impacts associated with the MSF Options would have no potential to result in a constructive use.

## 5.5 Agency Coordination and Consultation

Officials with jurisdiction over public parks, recreation areas, or refuges for wildlife and waterfowl at the Cities of Los Angeles and San Fernando were consulted to ensure that all 4(f) resources within 1,000 feet of the proposed project alignment were evaluated for the applicability of the requirements of Section 4(f). The correspondence is shown in Appendix U.