

## **Appendix A** Section 4(f) Evaluation

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The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 United States Code (U.S.C.) 327.

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## Acronyms and Abbreviations

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APE	Area of Potential Effects
ASR	Archaeological Survey Report
Caltrans	California Department of Transportation
CFR	<i>Code of Federal Regulations</i>
City	City of Ontario
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EIR	Environmental Impact Report
FTA	Federal Transit Administration
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
HPSR	Historic Property Survey Report
HRER	Historical Resources Evaluation Report
I-10	Interstate 10
LOS	Level of Service
LWCF	Land and Water Conservation Fund
NRHP	National Register of Historic Places
PA	Programmatic Agreement
ROW	right-of-way
SHPO	State Historic Preservation Officer
TCE	temporary construction easement
U.S.C.	United States Code
USDOT	United States Department of Transportation

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## **Chapter 1 Introduction**

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Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code (U.S.C.) 303, declares that “it 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 recreational lands, wildlife and waterfowl refuges, and historic sites.”

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

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

Section 4(f) requires consultation with the United States Department of the Interior (DOI) and, as appropriate, the United States Department of Agriculture, and the Department of Housing and Urban Development in developing transportation projects that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer (SHPO) is also needed.

The proposed project is a transportation project that may receive federal funding and/or discretionary approvals through the U.S. Department of Transportation (USDOT) (i.e., Federal Highway Administration [FHWA]); therefore, documentation of compliance with Section 4(f) is required.

The FHWA Section 4(f) Checklist, Attachment B – Park, Recreational Facilities, Wildlife Refuges, and Historic Properties Evaluated Relative to the Requirements of Section 4(f), revised September 2003, represents their recommended “best practices” for compliance with Section 4(f) requirements. Attachment B of the Section 4(f) Checklist indicates that all archaeological and historical sites within the Section 106 Area of Potential Effects (APE) and all public parks, recreational facilities, and wildlife refuges within approximately 0.5 mile of any of the project alternatives should be

included in the evaluation. The entire FHWA Section 4(f) Checklist is provided as Appendix A.<sup>12</sup>

This Section 4(f) analysis provides an overview of parks, recreational facilities, wildlife refuges, and historic properties found within 0.5 mile of the proposed project in accordance with the requirements of Section 4(f).

To determine whether Section 4(f) applies to a federal transportation project, two prerequisites are considered: (1) the project must involve a resource that is protected under the provisions of Section 4(f), and (2) there must be a use of that resource. Resources subject to Section 4(f) consideration include publicly owned lands that are considered part of a public park; or a recreational area of national, state, or local significance, whether publicly or privately owned.

## **1.1 Project Description**

One No Build Alternative and one Build Alternative are being considered for the Grove Avenue Corridor Project. The Build Alternative proposes local street improvements along Grove Avenue and improvements at the Grove Avenue/Holt Boulevard intersection. The Build Alternative is bound on the north by 4<sup>th</sup> Street and on the south by State Street/Airport Drive.

## **1.2 Purpose and Need**

### **1.2.1 Purpose of Project**

The purpose of the proposed Grove Avenue Corridor Project is to accomplish the following objectives:

- To alleviate existing and anticipated future congestion along Grove Avenue between 4<sup>th</sup> Street and Airport Drive;
- To improve traffic operations and mobility to and from Ontario International Airport, existing and future cargo hub facilities near Grove Avenue and Holt Boulevard, and other planned uses; and
- To provide route continuity along Grove Avenue to conform with the City of Ontario General Plan Circulation Element, which identifies Grove Avenue as a six-lane principal arterial.

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<sup>12</sup> Federal Highway Administration. 1997 (revised September 2003). Section 4(f) Checklist.

### **1.2.2 Need for the Project**

Improvements to Grove Avenue are needed to accommodate recent and projected growth in passenger and goods/trucks movement associated with Ontario International Airport and changes in land use since Grove Avenue was originally constructed.

Based on traffic projections and the existing and planned land uses in the vicinity, the existing Grove Avenue facility is forecast to operate at unsatisfactory level of service (LOS) at three intersections within the project limits by 2045 without improvements.

### **1.3 Project Alternatives**

The Grove Avenue Corridor Project considers one No Build Alternative and one Build Alternative to address existing and future projected traffic demands. A summary of the proposed project alternatives is provided below.

#### **1.3.1 No Build Alternative**

The No Build Alternative proposes no improvements within the project area. Grove Avenue would maintain the existing four through lanes, and the existing configuration at the Grove Avenue/Holt Boulevard intersection would be maintained.

#### **1.3.2 Build Alternative**

The Build Alternative includes widening Grove Avenue from four lanes to six lanes between 4<sup>th</sup> Street and State Street/Airport Drive in accordance with the City of Ontario Master Plan. South of 4<sup>th</sup> Street, Grove Avenue would be widened to the west to avoid impacts to the historic Jay Littleton Ballpark. Between I Street and Holt Boulevard, Grove Avenue would be widened to the east, and between Holt Boulevard and State Street/Airport Drive, Grove Avenue would be widened on both sides.

In addition, Holt Boulevard would be widened at the Grove Avenue intersection from two through lanes, two through-right lanes, and one left-turn lane to four through lanes, two through-right lanes, and two left-turn lanes.

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## Chapter 2 Regulatory Setting

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### 2.1 Overview

This evaluation identifies the Section 4(f) resources in the Grove Avenue Corridor Project study area, describes the nature and extent of the potential effects on these properties, evaluates alternatives that would avoid the use of Section 4(f) resources, and describes measures to minimize harm to the affected resources.

### 2.2 Determining Section 4(f) Resources

There are two steps in determining whether Section 4(f) applies to a project:

1. The project must involve a resource that is protected by the provisions of Section 4(f).
2. There must be a “use” of that resource.

Protected resources include:

- Public parks
- Recreational areas of national, state, or local significance
- Wildlife or waterfowl refuges
- Historic sites of national, state, or local significance

### 2.3 Section 4(f) Use

As defined in 23 *Code of Federal Regulations* (CFR) 774.17, a “use” of a protected resource occurs when any of the following conditions are met:

- **Direct Use:** Land is permanently incorporated into a transportation facility.
- **Temporary Use:** There is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose as determined by the criteria in 23 CFR 774.13(d).
- **Constructive Use:** There is a constructive use of a Section 4(f) property as determined by the criteria in 23 CFR 774.15.

#### 2.3.1 Direct Use

A direct use of a Section 4(f) resource takes place when part or all of the property designated for protection under Section 4(f) is permanently incorporated into a

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 771.135).

### **2.3.2 Temporary Use**

A temporary use of a Section 4(f) property occurs when there is temporary occupancy of a protected property for construction-related activities and when that temporary occupancy is considered adverse in terms of the preservationist purposes of the Section 4(f) statute.

If the following five conditions set forth in 23 CFR Section 774.13(d) can be satisfied, Section 4(f) does not apply.

1. The duration of the occupancy must be temporary (i.e., shorter than the period of construction) and does not involve a change in ownership of the property.
2. The scope of the work must be minor, with only minimal changes to the protected resource.
3. There are no anticipated permanent adverse physical impacts on the protected resource and no temporary or permanent interference with the activities or purpose of the resource.
4. The land being used must be fully restored to a condition that at least equals the condition that existed prior to the proposed project.
5. There must be documented agreement by the appropriate officials having jurisdiction over the Section 4(f) resource regarding the above conditions.

### **2.3.3 Constructive Use**

A constructive use of a Section 4(f) resource happens when a transportation project does not permanently incorporate land from the resource in the transportation facility, but the proximity of the project to the Section 4(f) property results in adverse proximity impacts (i.e., noise, vibration, visual, access, and/or ecological impacts) so severe that the protected activities, features, or attributes that qualify the property 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 Section 4(f) property are substantially diminished by the indirect adverse impacts of the project (23 CFR Section 774.15(a)). This determination is made through the following process:

- Identification of the current activities, features, or attributes of the resource that may be sensitive to proximity impacts

- Analysis of the potential proximity impacts of the project on the resource
- Consultation with the appropriate officials having jurisdiction over the resource (23 CFR Section 774.15(d))

## 2.4 *De Minimis* Impacts

### 2.4.1 Determining *De Minimis* Impacts to Section 4(f) Resources

A *de minimis* impact to a Section 4(f) resource is a nominal impact that would not be adverse to the activities, features, or attributes of the Section 4(f) resource. A *de minimis* impact finding can be made for some direct uses and temporary uses; however, a *de minimis* impact finding cannot be made for constructive uses.

Under FHWA regulations (23 CFR Section 774.13(d)), temporary occupancy, including temporary construction easements (TCEs), and other temporary project activities are typically considered *de minimis* impacts if they do not exceed the five thresholds discussed above in Section 2.3.2.

Under Section 4(f), *de minimis* impacts to historic resources would be either no impact to the property or a finding of “no adverse effect” under 36 CFR Part 800. For other Section 4(f) protected resources, including publicly owned parks, recreational areas, and wildlife and waterfowl refuges, *de minimis* impacts would be defined as those impacts that do not adversely affect the activities, features, or attributes of the Section 4(f) resource.

The *de minimis* impact finding is based on the level of impact, including any avoidance, minimization, and mitigation or enhancement measures that are included in the project to address the Section 4(f) use. *De minimis* impact findings are expressly conditioned upon the implementation of measures that are relied on to reduce the impact to a *de minimis* level.

As discussed below in Sections 2.4.2 through 2.4.4, to reach a *de minimis* impact finding for properties where a use would occur, the official(s) with jurisdiction over the Section 4(f) resource must provide written concurrence to the California Department of Transportation (Caltrans) that the project would not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). In addition, the public must be afforded the opportunity to review and comment on the effects of the project on the identified Section 4(f) resource(s).

#### **2.4.2 Coordination and Concurrence on *De Minimis* Findings**

As discussed above, the regulations require coordination with officials that have jurisdiction over park and historic resources that may be used by the project prior to the approval of Section 4(f) impact findings. Regulations require written concurrence from these officials prior to:

- Making *de minimis* impact findings
- Applying an exception for temporary occupancies
- Applying an exception for transportation enhancement and mitigation activities

For parks, recreational areas, and wildlife and waterfowl refuges, the officials with jurisdiction over the property must be informed of the intent to make a *de minimis* impact determination, after which an opportunity for public review and comment must be provided. Information on coordination with each jurisdiction is provided in detail in Chapter 4.0.

#### **2.4.3 Public Meeting to Disclose Section 4(f) *De Minimis* Finding**

After initial formal consultation is conducted with the official representing each potentially impacted resource, a meeting must be held to provide the public with an opportunity to review and comment on the draft environmental document. To facilitate public disclosure, notice of the public meeting must be circulated informing agencies and the general public of the time and place of the meeting, project description, and the proposed *de minimis* findings. During the public meeting and circulation of the draft environmental document, the public must be afforded the opportunity to review the environmental document, as well as to comment on the effects of the project on Section 4(f) resources along the project corridor.

#### **2.4.4 Caltrans *De Minimis* Impact Finding for the Grove Avenue Corridor Project**

When seeking a *de minimis* impact determination for a use of Section 4(f) resources, local agencies must work with Caltrans to complete the analysis. Caltrans is responsible for making the *de minimis* impact finding.

After considering any comments received from the public during circulation, and whether the official concurs in writing that the project will not adversely affect the Section 4(f) activities, features, or attributes, then Caltrans finalizes the *de minimis* impact determination on behalf of FHWA. Final Section 4(f) concurrence will be achieved prior to approval of the Finding of No Significant Impact (FONSI).

## 2.5 Section 6(f) Resources

In addition to resources protected under Section 4(f), this project is also required to analyze potential impacts to properties protected or enhanced with Land and Water Conservation Fund (LWCF) grants. Section 6(f)(3) of the LWCF Act (16 U.S.C. Section 4601-4) contains provisions to protect federal investments in park and recreational resources and the quality of those resources. State and local governments often obtain grants through the LWCF Act to acquire or make improvements to parks and recreational areas. Section 6(f) of the LWCF Act prohibits the conversion of property acquired or developed with LWCF grants to a nonrecreational purpose without the approval of the DOI's National Park Service. Section 6(f) further directs DOI to assure that replacement lands of equal value, location, and usefulness are provided as conditions to such conversions. Consequently, where conversion of Section 6(f) lands are proposed for roadway and highway projects, replacements will be necessary.

To determine whether LWCF funds were involved in the acquisition or improvement of Section 4(f) resources, State Parks staff and database records of all LWCF-funded parks within San Bernardino County were consulted in April 2015 to determine properties pursuant to Section 6(f).<sup>13</sup> This research revealed that no LWCF funds were utilized for improvements at any sites within 0.5 mile of the proposed project; therefore, there would be no effect on LWCF-funded parks or recreational resources.

## 2.6 Measures to Minimize Harm

As discussed above, there are no prudent and feasible alternatives that would avoid all Section 4(f) resources. The next step is to identify all reasonable measures to minimize harm or mitigate adverse impacts and effects. 23 CFR 774.3(c) provides the following direction:

- (c) If the analysis ... concludes that there is no feasible and prudent avoidance alternative, then the Administration may approve only the alternative that:*
- (1) Causes the least overall harm in light of the statute's preservation purpose. The least overall harm is determined by balancing the following factors:*
    - i. The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property);*

<sup>13</sup> Provided by Cristelle Taillon of California State Parks Grand and Local Services. The report is dated April 1, 2015.

- ii. The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection;*
- iii. The relative significance of each Section 4(f) property;*

This section describes how the project alternatives, and other potential minimization measures, could avoid one or more of the Section 4(f) resources, reduce the impacts to one or more Section 4(f) resources, or potentially mitigate impacts to Section 4(f) resources. This section also evaluates whether these measures would be reasonable.

As outlined in 23 CFR 774.17, *all possible planning*, in evaluating the reasonableness of measures to minimize harm, FHWA and Federal Transit Administration (FTA) consider the preservation principles of the Section 4(f) statute, along with:

- (i) The views of the officials with jurisdiction over the Section 4(f) property,*
- (ii) Whether the cost of the measures is a reasonable public expenditure in light of the adverse impacts of the project on the Section 4(f) property and the benefits of the measure to the property, and*
- (iii) Any impacts or benefits of the measures to communities or environmental resources outside the Section 4(f).*

Based on this analysis, some of the project alternatives and other measures that could minimize harm to Section 4(f) resources are not reasonable; however, because the project is currently in the conceptual design phase, it is not possible to draw conclusions about the reasonableness of all potential measures to minimize harm. Therefore, this Section 4(f) Evaluation carries all reasonable and potentially reasonable measures forward for consideration. These measures will be further considered as the project sponsors identify a locally preferred alternative and move into preliminary engineering and final design. In all cases, measures to minimize harm to Section 4(f) resources will be considered in coordination with the relevant consulting parties for historic resources, and with jurisdictions for City of Ontario (City) park resources along the project corridor.

## Chapter 3 List and Description of Section 4(f) Properties

### 3.1 Identification of Section 4(f) Properties

As noted above, resources subject to Section 4(f) consideration include publicly owned lands such as public parks; recreational areas of national, state, or local significance; wildlife and waterfowl refuges; and historic sites of national, state, or local significance.

Resources in the project study area were identified if they were:

- Existing publicly owned recreational and park resources, including local, regional, and State resources;
- Publicly owned wildlife and water fowl refuges and conservation areas;
- Existing public bicycle, pedestrian, and equestrian trails; or
- National Register of Historic Places (NRHP) listed or eligible historic sites.

Research was conducted to identify publicly owned parks, recreational areas, wildlife and waterfowl refuges, and land from a historic site within 0.5 mile of the project alternatives.

Based on this research, there are 12 properties within 0.5 mile of the project corridor that qualify as Section 4(f) resources, including 5 parks, 6 schools with publicly accessible facilities, 1 historic property, and no archaeological sites. As stated previously, no Section 6(f) resources exist within the project study area.

A summary of the number of identified resources is provided in Table 1. A map of public parks and public schools with recreational facilities is provided as Figure 1.

**Table 1. Summary of Properties Subject to Section 4(f) Consideration**

Type of Property	Geographic Location to Project	Number of Properties Identified
Public Parks	Within 0.5 mile	5
Public Schools with Recreational Areas	Within 0.5 mile	6
Trails	Within 0.5 mile	0
Wildlife and Waterfowl Refuges	Within 0.5 mile	0
NRHP-eligible historic sites	Within 0.5 mile	1
NRHP-eligible archaeological sites	Within 0.5 mile	0

Source: Parsons, 2015.

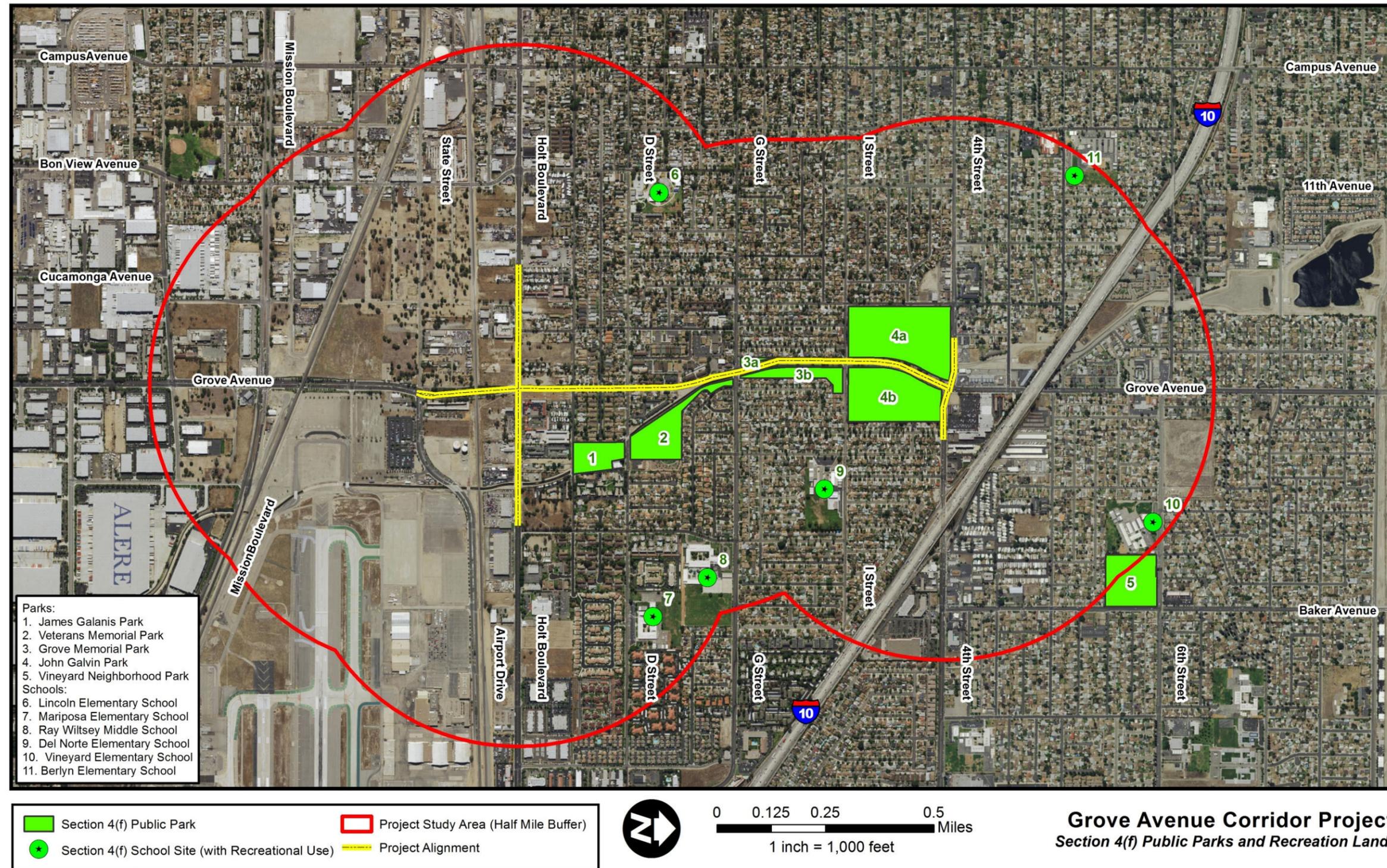
### 3.2 Public Parks and Recreational Facilities

Eleven (11) publicly owned lands that contain parks and recreational areas are within 0.5 mile of the project corridor, as shown in Figure 1. Of these 11 properties, 6 are public schools with outdoor playgrounds and other recreational facilities, which are assumed to be open to the general public. The remaining 5 properties are outdoor parks. Tables 2 and 3 provide a summary of all 11 properties by type (i.e., school and park), including information on location, ownership, facilities available at each property, and whether the property is subject to Section 4(f) protection.

**Table 2. School Facilities within the Study Area**

Property Name	Location	Current Ownership	Facilities	Subject to Section 4(f) Protection?
Lincoln Elementary School	440 N. Allyn Avenue Ontario, CA 91764	Ontario Montclair School District	Playground; basketball courts; soccer field; large multiple use area	Yes
Mariposa Elementary School	1605 E. D Street Ontario, CA 91764	Ontario Montclair School District	Multiuse playground; blacktop play area; swing set; multiuse turf area; baseball backstop; basketball courts	Yes
Ray Wiltsey Middle School	1450 E. G Street Ontario, CA 91764	Ontario Montclair School District	Basketball courts; tennis courts; large multiuse turf area; baseball backstop; soccer field	Yes
Del Norte Elementary School	850 N. Del Norte Avenue Ontario, CA 91764	Ontario Montclair School District	Basketball courts; multiuse turf area; soccer field; swings; playground; baseball backstop	Yes
Vineyard Elementary School	1500 E. 6 <sup>th</sup> Street Ontario, CA 91764	Ontario Montclair School District	Basketball courts; tennis courts; multiuse turf area; baseball backstop; playground; swings	Yes
Berlyn Elementary School	1320 N. Berlyn Avenue Ontario, CA 91764	Ontario Montclair School District	Multiuse playground; blacktop play area; swing set; large multiuse turf area; baseball backstops; basketball courts	Yes

Source: Parsons, 2015.



Sources: GeoEye Aerial Imagery (2012); Parsons (2015).

Figure 1. Section 4(f) Public Parks and Recreation Lands

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**Table 3. Parks and Recreational Resources within the Study Area**

Property Name	Location	Current Ownership	Facilities	Subject to Section 4(f) Protection?
James Galanis Park	1259 E. D Street Ontario, CA 91764	City of Ontario	5.10 acres; turf area – multiuse	Yes
Veterans Memorial Park	1259 E. D Street Ontario, CA 91764	City of Ontario	8.90 acres; community center; restrooms; tot lot; basketball courts; picnic tables; barbecues; soccer, football, softball fields; pedestrian/bike paths; drinking fountains	Yes
Grove Memorial Park	800 Block of Grove Avenue Ontario, CA 91764	City of Ontario	<u>Western Portion:</u> 0.48 acre; two benches; horseshoe-shaped walking path <u>Eastern Portion:</u> 3.84 acres; standard curb for pedestrians	Yes
John Galvin Park	900 Block of Grove Avenue Ontario, CA 91764	City of Ontario	<u>Western Portion:</u> 19.71 acres; baseball field; tennis courts; playgrounds; horseshoe pits; picnic shelters and BBQs <u>Eastern Portion:</u> 15.23 acres; Jay Littleton Ballpark; two additional baseball fields; picnic shelters and BBQs; basketball courts	Yes
Vineyard Neighborhood Park	1530 E. 6 <sup>th</sup> Street Ontario, CA 91764	City of Ontario	9.60 acres; pool; restrooms; tot lot; basketball courts; picnic tables; barbecues; turf area/multiuse; benches; drinking fountains	Yes

Source: Parsons, 2015.

### 3.3 Historic and Archaeological Sites

Many efforts have been undertaken to identify historic properties, including a Historical Resources Evaluation Report (HRER) and an Archaeological Survey Report (ASR) to support the findings of the project's Historic Property Survey Report (HPSR). These studies included cultural resource records and literature searches, Native American consultation, a reconnaissance survey and intensive pedestrian (Phase I) surveys of the project APE, archival research, and consultation with historical societies and local government agencies.

As part of these studies, 85 parcels containing buildings, groups of buildings, and structures were identified within the APE; of these, only 8 parcels contained historic-period resources that required evaluation. These included 8 historic architectural properties and no historic archaeological sites. The remaining parcels within the APE were either vacant, contained buildings constructed after 1964, or contained buildings exempt from evaluation in accordance with Attachment 4 of the Section 106 Programmatic Agreement (PA) among FHWA, the Advisory Council on Historic Preservation, the SHPO, and Caltrans regarding compliance with Section 106 of the National Historic Preservation Act. Properties listed in or determined eligible for listing in the NRHP are provided in Table 4. Locally significant properties determined to not be eligible for the NRHP are provided in Table 5.

**Table 4. Properties Listed in or Determined Eligible for Listing in the National Register of Historic Places**

Property Name	Address/Location	Listed in the National Register of Historic Places?	Details
Jay Littleton Ballpark	John Galvin Park	No	Found eligible as a result of the HRER completed for this project

Source: Parsons, 2015; National Register, 2015.

**Table 5. Locally Significant Properties Determined to Not be Eligible for the National Register of Historic Places\***

Property Name	Address/Location	Community	Section 4(f) Resource?
1130 E. Holt Boulevard	1130 E. Holt Boulevard	Ontario	No
1101 E Holt Boulevard	1101 E Holt Boulevard	Ontario	No
*Eligibility for listing in the National Register is determined on an individual basis. These properties have been evaluated in detail on Department of Parks and Recreation Historical Resources Inventory Forms (Series DPR 523) in Appendix A of the HRER (2015).			

Source: Parsons, 2015; National Register, 2015.

As a result of this study, the project APE is known to contain one historic property listed in or eligible for the NRHP. The project cultural studies found that Jay Littleton Ballpark appears eligible for listing in the NRHP under National Register Criterion A and C, with a period of significance from 1937 to 1955.

No historic archaeological sites were found eligible for listing in the NRHP. Three historic archaeological resources are present within the project APE and were determined by qualified archaeologists to meet Property Type 1 as defined in PA Attachment 4 (Properties Exempt from Evaluation).

Based on current design plans for the project, no adverse effects to any of these resources are anticipated. All historic properties identified along the project corridor are outside of the direct impact footprint and would not be affected by the Build Alternative. No indirect effects are anticipated. With no historic properties being affected, there would be no constructive use of historic properties. Therefore, no further analysis of historic and archaeological Section 4(f) resources would be required.

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## Chapter 4 Impacts on Section 4(f) Properties

This section describes which Section 4(f) resources may be affected if the proposed project is implemented.

Although not discussed in detail in this chapter, every Section 4(f) resource within the study area was analyzed for potential direct and indirect impacts under both alternatives. Of the five public parks and recreational facilities discussed in Chapter 3, potential impacts are discussed in this evaluation for the two properties where impacts are anticipated under the Build Alternative.

A summary of potential effects is provided in Table 6. Later in this chapter, additional analysis follows for each resource with the potential to be impacted by the Build Alternative. In each instance, an assessment has been made as to whether any permanent or temporary occupation of the property would occur, and whether the proximity of the project would cause any access, visual, air quality, noise, vibration, biological, or water quality effects that would substantially impair the features or attributes that qualify the resource for protection under Section 4(f).

**Table 6. Section 4(f) Impact Summary for Build Alternative**

Property Name	Direct Use?	Temporary Use?	Constructive Use?	Comments
Grove Memorial Park	Yes	Yes	No	0.06-acre direct use; 0.48-acre temporary use
John Galvin Park	Yes	Yes	No	0.06-acre direct use; 0.20-acre temporary use

Source: Parsons, 2015.

The analysis of potential effects on Section 4(f) resources that follows includes discussion of how the proposed project would affect each Section 4(f) resource and whether the effects would result in a use of the resource.

### 4.1 Potential Section 4(f) Uses by the No Build Alternative

There would be no uses of park, recreational, or historic resources subject to Section 4(f) provisions with the No Build Alternative.

## 4.2 Potential Section 4(f) Uses by the Build Alternative

The following sections describe each resource where a potential *use* may occur, provide aerial photos with proposed project improvements for each property, and describe the potential Section 4(f) *uses* for the Build Alternative.

In summary, the Build Alternative would require direct use and temporary use of two Section 4(f) resources. No direct use, temporary use, or constructive use of Section 4(f) resources would be required for the No Build Alternative.

## 4.3 Grove Memorial Park

### 4.3.1 Description of Grove Memorial Park

The 4.32-acre Grove Memorial Park, which is owned by the City, is located on the west and east sides of Grove Avenue, generally located between G Street and I Street in Ontario. Representative site photographs are provided in Appendix B.

Western Portion: The 0.48-acre western portion of Grove Memorial Park is located at the northwest corner of Grove Avenue and G Street. Amenities at this section of the park include two benches, a horseshoe-shaped walking path, dense tree coverage, and drought-tolerant shrub cover. The existing walking path connects to the sidewalk along G Street, because currently there is no sidewalk along the western portion of Grove Avenue between G Street and I Street. There is no dedicated parking for Grove Memorial Park.

Eastern Portion: The 3.84-acre eastern portion of Grove Memorial Park is located along the eastern edge of Grove Avenue between G Street and I Street. Within this section of the park, there are no recreational amenities, such as benches, playgrounds, and/or ball fields. As such, recreational use of this park is generally limited to users walking and jogging along the sidewalk. Although it is identified as a park by the City, the eastern portion of Grove Memorial Park resembles a parkway, landscaped with mature trees and turf grass, and a standard sidewalk along the length of the park. There is no dedicated parking for this section of the park.

There are many other parks near Grove Memorial Park, including John Galvin Park and Veterans Memorial Park, which are both less than 0.25 mile away. Compared to Grove Memorial Park, these other parks in close vicinity provide a much wider range of recreational amenities, including baseball fields, basketball courts, playgrounds,

BBQs, and picnic shelters. Therefore, the primary use of this section of John Galvin Park is to commute (jog/walk) from one park to the other.

In 2015, consistent with the City of Ontario General Plan Circulation Element, which identifies Grove Avenue as a six-lane principal arterial, the City adopted a roadway easement along Grove Avenue to accommodate the ultimate six-lane facility and clarify the edge of the existing Grove Memorial Park. The current park boundary is delineated in Figure 2. Information related to the easement is provided in Appendix C.

### **4.3.2 Project Effects at Grove Memorial Park**

#### **No Build Alternative**

Because there are no project activities proposed under the No Build Alternative, no impacts to Grove Memorial Park would result from this alternative.

#### **Build Alternative**

##### ***Direct Use***

The Build Alternative would require acquisition of 0.06 acre (2,393 square feet) of Grove Memorial Park on both sides of Grove Avenue, which represents approximately 1.4 percent of the park's pre-project acreage.

At the western portion of Grove Memorial Park, acquisition would be necessary to accommodate a modified curb return and a connection with the proposed new sidewalk, which would connect this side of the park with John Galvin Park just 0.2 mile to the north. As such, the proposed project would help increase usage of this section of the park and would provide improved pedestrian connectivity between Grove Memorial Park and John Galvin Park.

At the eastern portion of Grove Memorial Park, partial acquisition would be necessary to extend the covered portion of the existing West Cucamonga Creek concrete channel. Given that this park has no active use areas, this minor proposed direct use is not anticipated to impair recreational values of the park.

The direct use areas described above would not adversely affect any of the recreational activities, features, or attributes within the park. Although the acquisition area would minimally reduce the overall size of the park, it would not inhibit existing recreational activities within the park. In fact, given that this park is primarily used by walkers and joggers, improving pedestrian connectivity along the western side of Grove Avenue through this park would help to increase its utility for neighborhood residents.

### ***Temporary Use***

Under the Build Alternative, a 0.48-acre TCE would be required at Grove Memorial Park to allow for construction of curb returns, new sidewalks on both sides of Grove Avenue, and to extend the covered portion of the existing West Cucamonga Creek concrete channel, as shown in Figure 2. Although this TCE would temporarily reduce the overall park area during construction, it would not affect existing recreational activities, features, or attributes in the park. Pedestrian connectivity along Grove Avenue through Grove Memorial Park would be maintained at all times during project construction. Construction of the proposed project would not result in a temporary use of the park because recreational activities within this park would not be impeded.

### ***Constructive Use***

The Build Alternative would not result in a constructive use of Grove Memorial Park. An indirect impact would be considered a constructive use under Section 4(f) if the impact were so severe that the public did not have access to the park and/or recreational activities occurring within the park were severely affected by the project's impacts. Potential indirect impacts related to the Build Alternative are discussed below.

### ***Accessibility***

Vehicular and pedestrian access to Grove Memorial Park would be maintained at all times during construction and operation of the Build Alternative. No designated parking exists for Grove Memorial Park; therefore, no impacts to parking for Grove Memorial Park would result from the Build Alternative.

No sidewalk currently exists along the southbound side of Grove Avenue between I Street and G Street, just north of the western portion of Grove Memorial Park. As illustrated in Figure 2, a new sidewalk along the southbound side of Grove Avenue would be constructed under the Build Alternative, which would provide improved access to the park once the project is constructed.

### ***Visual***

Visual impacts during construction would be typical of roadway construction projects, including construction fencing, construction equipment, material stockpiles, and vegetation removal, which would collectively temporarily disturb the park's existing landscape aesthetic. Temporarily disturbed areas would be returned to pre-project conditions once construction is completed; therefore, the minor visual changes associated with the Build Alternative would not be considered a Section 4(f) constructive use.

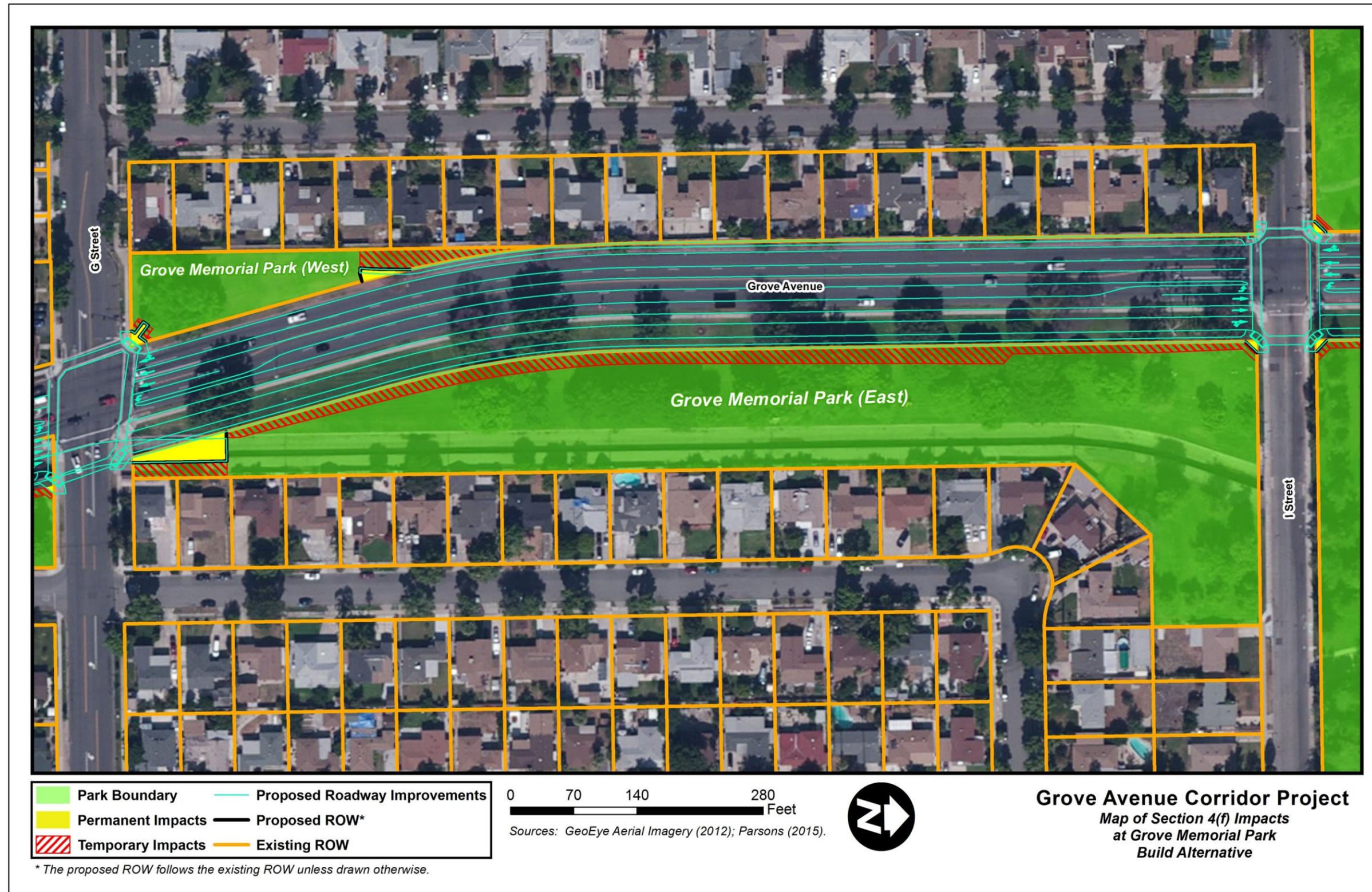


Figure 2. Build Alternative Impacts at Grove Memorial Park

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### ***Air Quality and Noise***

Indirect air quality and noise impacts as a result of the Build Alternative are not expected to result in a constructive use of Grove Memorial Park. As discussed in the project's *Air Quality Study* (February 2017) and *Noise Study Report* (December 2017), the park is currently subject to indirect air quality and noise impacts due to its proximity to the existing Interstate 10 (I-10) mainline and Grove Avenue, and due to the park's location in a built-out suburban environment. The incremental increase in noise and air quality impacts during construction and once the proposed project is in operation would not inhibit existing recreational functions in the park that are already subject to noise and air quality. The proposed project would not result in a Section 4(f) constructive use of the park due to indirect noise and air quality impacts.

### ***Vibration***

Vibration impacts as a result of the Build Alternative would not result in a constructive use of Grove Memorial Park. Vibration generated by construction equipment can result in varying degrees of ground vibration, depending on the equipment. The operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance from the piece of construction equipment. These impacts would be short term and would not inhibit recreational use of the site during construction. During operation of the Build Alternative, ground-borne vibration impacts are not anticipated beyond the impacts currently experienced as a result of vehicles traveling through the study area. Therefore, there would be no vibration impacts at Grove Memorial Park that would result in a Section 4(f) constructive use.

### ***Vegetation and Wildlife***

Grove Memorial Park is located in a built-out suburban area; there are no wildlife corridors or substantial vegetation communities adjacent to the park that would be indirectly impacted by the project; therefore, there would be no vegetation or wildlife impacts at the park resulting in a Section 4(f) constructive use.

### ***Water Quality***

Construction of the Build Alternative has the potential to affect water quality. Potential pollutant sources from the building phase of this alternative include construction activities and materials expected at the project site, such as vehicle fluids; concrete and masonry products; landscaping and other products; and contaminated soils. Similarly, operation of this alternative has the potential to affect water quality. Potential pollutant sources associated with operation of this alternative include motor vehicles, highway maintenance, illegal dumping, spills, and landscaping care; however, with

minimization measures, short- and long-term water quality impacts associated with the Build Alternative would not substantially impair the activities, features, and/or attributes that qualify the park for protection under Section 4(f).

### **4.3.3 Applicability of Section 4(f)**

The Build Alternative would result in direct and temporary use of Grove Memorial Park. No constructive use of this resource is anticipated under the Build Alternative.

The Build Alternative would require direct use of 0.06 acre (2,393 square feet) of Grove Memorial Park in the form of permanent acquisition, which represents 1.4 percent of the park's pre-project acreage. According to the FHWA guidance provided in the Environmental Review Toolkit for Section 4(f) Evaluations, to be considered a *de minimis* impact, the amount of land to be acquired from any Section 4(f) site must not exceed 10 percent of the site. Given that this direct use is below the threshold set forth in the statute, the proposed 0.06-acre acquisition at Grove Memorial Park is eligible to be considered as a *de minimis* impact. In addition, the area to be acquired is primarily unused landscaped and mulch-covered space, which does not contribute to the walking path or park benches that qualify Grove Memorial Park as a resource under Section 4(f). Given that the five conditions set forth in 23 CFR Section 774.13(d) are satisfied, and the proposed acquisition would not adversely affect the activities, features, or attributes of Grove Memorial Park, Section 4(f) does not apply.

In addition, the Build Alternative would result in temporary use of 0.48 acre of Grove Memorial Park; however, work would be minor in scope, and there are no anticipated permanent adverse physical effects or other interference with the activities or purpose of the resource. Temporarily disturbed areas would be fully restored to pre-project conditions once temporary impacts are complete; therefore, Section 4(f) does not apply for this temporary use.

### **4.3.4 Documentation of Consultation**

Since the scoping period, staff members from the City of Ontario Public Works, Planning, and Parks Departments have coordinated internally with the City Manager regarding potential project impacts and potential avoidance and minimization measures to be implemented during construction at Grove Memorial Park. Meetings and further correspondence between City departments will continue to occur throughout development of the Draft Environmental Impact Report (EIR)/Environmental Assessment (EA).

Formal consultation with the City of Ontario City Manager to confirm the *de minimis* finding will occur during public review of the Draft EIR/EA. Thereafter, correspondence with the official with jurisdiction over Grove Memorial Park will be added to Appendix C.

## **4.4 John Galvin Park**

### **4.4.1 Description of John Galvin Park**

The 34.90-acre John Galvin Park, which is owned by the City, is located on both sides of Grove Avenue, generally between 4<sup>th</sup> Street and I Street in Ontario. Representative site photographs are provided in Appendix B.

Western Portion: The 19.71-acre western portion of John Galvin Park is located west of Grove Avenue between 4<sup>th</sup> Street and I Street. Amenities at this section of the park include a volleyball court, baseball field, tennis courts, playgrounds, and an area with BBQs, tables, and shelters. An Army National Guard post and a City water purification facility are also located within the park. The City recently built a dog park in John Galvin Park near the corner of I Street and Cucamonga Avenue, which includes a new lot for parking.

The western portion of John Galvin Park is accessible to pedestrians from 4<sup>th</sup> Street, Cucamonga Avenue, I Street, and Grove Avenue. Existing vehicular parking and access for the western section of John Galvin Park is located at the southwest corner of 4<sup>th</sup> Street and Grove Avenue. In addition, a smaller parking lot is located at the southeast corner of 4<sup>th</sup> Street and Cucamonga Avenue, which primarily serves the three tennis courts in this section of the park. Automobile parking is also widely available along surface streets adjacent to the western portion of John Galvin Park, including along I Street and Cucamonga Avenue.

Eastern Portion: The 15.23-acre eastern portion of John Galvin Park is located along the eastern edge of Grove Avenue between 4<sup>th</sup> Street and I Street. Within this section of the park, there are two baseball stadiums, one smaller baseball field, two basketball courts, several playgrounds, a concession stand, picnic shelters with BBQs, and restrooms. This eastern portion of John Galvin Park is generally landscaped with turf grass and scattered mature trees.

The eastern portion of John Galvin Park is accessible to pedestrians from sidewalks and crosswalks along 4<sup>th</sup> Street, I Street, and Grove Avenue. Existing vehicular parking for the eastern portion of John Galvin Park is located at the southeast corner of 4<sup>th</sup> Street

and Grove Avenue. Parking is also available throughout the interior of the park. This parking can be accessed from Grove Avenue and I Street.

There are many other parks in the vicinity within a short walk, including Grove Memorial Park and Veterans Memorial Park, which are both less than 0.25 mile from John Galvin Park. Despite the presence of other parks in the vicinity, the eastern portion of John Galvin Park is important for providing large spaces and facilities for groups, and large-scale baseball facilities for local and regional users. To a lesser extent, the western section of John Galvin Park is significant compared to other regional parks for its tennis courts and meandering walking paths, with less utility for use by large groups or organized sports leagues.

In 2015, consistent with the City of Ontario General Plan Circulation Element, which identifies Grove Avenue as a six-lane principal arterial, the City adopted a roadway easement along Grove Avenue to accommodate the ultimate six-lane facility and clarify the edge of the existing John Galvin Park. The current park boundary is delineated in Figures 3 and 4. As stated previously, information related to the easement is provided in Appendix C.

#### **4.4.2 Project Effects at John Galvin Park**

##### **No Build Alternative**

Because there are no project activities proposed under the No Build Alternative, no impacts to John Galvin Park would result from this alternative.

##### **Build Alternative**

###### ***Direct Use***

The Build Alternative would require acquisition of a total of 0.02 acre (740 square feet) of John Galvin Park on both sides of Grove Avenue, which represents 0.06 percent of the park's pre-project acreage.

At the western portion of John Galvin Park, partial acquisition would be necessary to accommodate two curb returns and to accommodate widening of the 4<sup>th</sup> Street Culvert, as shown in Figure 3.

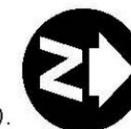


	Permanent Impacts		Proposed ROW*
	Temporary Impacts		Proposed Roadway Improvements
	Existing ROW		Park Boundary

\* The proposed ROW follows the existing ROW unless drawn otherwise.



Sources: GeoEye Aerial Imagery (2012); Parsons (2015).



**Grove Avenue Corridor  
Widening Project**  
Map of Section 4(f) Impacts  
at John Galvin Park  
Build Alternative

Figure 3. Build Alternative Impacts at John Galvin Park – West

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