

## SECTION 3: DISCUSSION OF ENVIRONMENTAL EVALUATION

### I. AESTHETICS

**Thresholds of Significance:** A project may have a significant effect on aesthetics if it adversely affects a scenic vista or scenic highway; it has a demonstrable negative aesthetic effect; or creates obtrusive light or glare.

Would the project:

- a) *Have a substantial adverse effect on a scenic vista?*
- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
- c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*
- d) *Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?*

**No Impact (a-d)** — The renovation of the band shell would not degrade or alter existing views. Currently, the band shell is in a rundown condition, and creates a feeling of blight and deterioration within an otherwise pleasant setting. For safety reasons, the facility is surrounded by a chain link fence, and could not be considered an inviting aesthetic asset to the surrounding area. In addition, the structure is covered with graffiti and other defacements. The renovations would remedy these deficiencies, and would revitalize an existing structure that would otherwise be considered an eyesore.

Existing security lighting would continue to be utilized for the band shell structure and surrounding areas. Lighting during nighttime performances would be installed on the ceiling of the band shell, and would project downward onto the stage, thus capturing the light and preventing it from projecting into the surrounding area.

## II. AGRICULTURAL RESOURCES

**Thresholds of Significance:** A project may have a significant impact on agricultural resources if it were to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses, or conflict with existing zoning for agricultural use, or a Williamson Act contract.

Would the project:

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- c) *Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?*

**No Impact (a-c)** — No agricultural practices are taking place on, in, around, or in the general vicinity of the project site. MacArthur Park is located in an urban area of the City of Los Angeles and is surrounded by roadways and intense urban uses. The band shell project site is entirely located within MacArthur Park and would not result in the conversion of any farmland, prime or otherwise. The project site currently consists of grass areas used for recreational activities, paved walking paths, and the band shell structure itself. No zoning violations will occur with regards to agriculture or a Williamson Act Contracts. The project site is zoned as Open Space (OS-1XL).

### III. AIR QUALITY

**Thresholds of Significance:** A project may have a significant effect on air quality if its construction and/or operations emissions exceed established South Coast Air Quality Management District (SCAQMD) regional significance thresholds for carbon monoxide (CO: 550 lbs/day for construction and operation), oxides of nitrogen (NOx: 100 lbs/day for construction; 55lbs/day during operation), reactive organic compounds (ROC: 75 lbs/day for construction; 55 lbs/day during operation), sulfur dioxide (150 lbs/day during construction and operation), particulates of ten microns or less in size (PM10: 150 lbs/day during construction and operation) and particulates of 2.5 microns or less in size (PM2.5: 55 lbs/day during construction and operation). Additionally, a project may have a significant effect on air quality if construction and/or operations emissions exceed the SCAQMD localized significance thresholds (LSTs) for CO, NOx, PM10 and PM25 as defined in the LST Look Up Tables for the project area published by SCAQMD. Finally, a project may have a significant effect on air quality if it does not comply with SCAQMD Rule 403 performance standards for the generation of fugitive dust (PM10). The urban emission model (URBEMIS) 2005 that was used to estimated project-related air emissions is attached as Appendix A.

Would the project:

- a) *Conflict with or obstruct implementation of the applicable air quality plan?*
- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*
- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?*

**Less Than Significant Impact (a-c)**—The proposed project is the renovation of an existing park facility. This project does not expand the capacity of the existing facility. As such, the proposed project will not generate new vehicle trips or other sources of air pollution once it is in operation. The project does not constitute a change in the City of Los Angeles General Plan, which is the land use information that was the basis for the current Air Quality Management Plan (AQMP). It is also noted that a project-specific evaluation has been conducted and demonstrates that all construction related emissions from the proposed project do not exceed SCAQMD regional or local significance thresholds (Table 1). Finally, the project will comply with SCAQMD Rule 403 to control fugitive dust emissions during construction. For these reasons, it is appropriate to conclude that the proposed project is in compliance

with the AQMP and will not violate any air quality standards or contribute substantially to a violation. CEQA Section 21100(e) addresses evaluation of cumulative effects allowing the use of approved land use documents in a cumulative impact analysis. In addressing cumulative effects for air quality, the AQMP is the most appropriate document to use because it sets forth a comprehensive program that will lead the South Coast Air Basin (SCAB), including the project area, into compliance with all federal and state air quality standards. The AQMP utilizes control measures and related emission reduction estimates based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Since the proposed project is in conformance with the AQMP and is not significant on an individual basis, it is appropriate to conclude that the project's incremental contribution to criteria pollutant emissions is not cumulatively considerable.

**Table 1: Project Emissions and SCAQMD Thresholds**

Emissions Source	NOx	CO	ROC	SOx	PM <sub>10</sub>	PM <sub>25</sub>
Demolition (lbs/day)	72.26	61.16	8.44	0.02	6.52	3.67
Construction (lbs/day)	73.40	85.62	10.83	0.00	2.91	2.88
Regional Thresholds	100 lbs/day	550 lbs/day	75 lbs/day	150 lbs/day	150 lbs/day	55 lbs/day
Local Thresholds (LST)	162 lbs/day	663 lbs/day	NA	NA	8 lbs/day	8 lbs/day
Exceed Thresholds?	No	No	No	No	No	No
Notes: NOx = oxides and nitrogen CO = carbon monoxide ROC = reactive organic compounds SOx = oxides of sulfur PM10 = particulate matter of 10 microns or smaller Source: Project Emissions Estimates: Urban Emissions Model, (see Appendix A) Regional Thresholds: SCAQMD "CEQA Air Quality Handbook"; <a href="http://www.aqmd.gov/ceqa/hdbk.html">http://www.aqmd.gov/ceqa/hdbk.html</a> Local Thresholds (LST): SCAQMD "Final Localized Significance Threshold Methodology" Appendix C, Mass Look-Up Tables for 2-acre site in Central L.A. at 25 ft from source.						

- d) *Expose sensitive receptors to substantial pollutant concentrations?*
- e) *Create objectionable odors affecting a substantial number of people?*

**Less Than Significant Impact (d-e)**—The proposed project is the renovation of the existing facility and will not generate new sources of long-term air pollution and short-term emission are below all SCAQMD thresholds of significance. Table 1 shows the expected short-term emissions from construction of the project, based on

the California Air Resources Board (CARB) URBEMIS, version 8.7 computer model (see Appendix A). Project generated emissions are below the SCAQMD's Localized Significance Thresholds which demonstrates that sensitive receptors in the vicinity of the project will not be exposed to substantial pollutant concentrations.

The project will cause no substantial increase of exposure to odors by attendees of the band shell performances, by passersby, or by neighbors of MacArthur Park. Although fugitive dust from construction efforts may occur, levels are not expected to exceed air quality thresholds due to the limited size of the project and the small amount of demolition (Approximately 8,500 square feet of concrete slab and walkways removed or 400 cubic yards of debris material). The project will not create any significant new source of odors.

#### IV. **BIOLOGICAL RESOURCES**

**Thresholds of Significance:** A project may have a significant effect on biological resources if it will result in a loss of individuals, populations, or habitat of a federal or state designated threatened, endangered, or rare species; a loss of locally designated species, such as heritage trees; a loss of locally designated natural communities, such as vernal pools; a loss of wetland habitat; or an interference with wildlife dispersal or migration corridors.

Would the project:

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

**No Impact**—The site is an improved park facility and contains only landscaped plants, walkways, and the band shell structure itself. No native vegetation occurs onsite. None of the ornamental plant species identified on the project site are sensitive or protected species. None of the wildlife species that could utilize the project site are protected under the Endangered Species Act. Native bird species are protected in general under the federal Migratory Bird Act. Compliance with the Act at time of land disturbance will be necessary; however, no special permit or approval is required.

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service.*

**No Impact**—No sensitive natural communities exist on the project site. The project site is comprised of landscaped grass areas, paved pathways, large non-native trees, and the band shell structure itself. Project construction will not adversely affect any area waterways.

- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**No Impact (c, d)**—No naturally occurring sources of flowing or standing water are present at the band shell itself. MacArthur Park, the site of the band shell, also contains MacArthur Park Lake, a man-made water body. MacArthur Lake begins well southwest of the band shell, and it is primarily located southwest of Wilshire Boulevard. MacArthur Park Lake is not considered to be a wetland.

An irrigation system provides water to the landscaped areas and would be modified as necessary to provide water to any additional or relocated landscaping resulting from the project. Therefore, no impact to federally protected wetlands will occur. The site does not serve as a wildlife corridor or nursery site, and it is regularly disturbed by human activity. No impacts to the movement of any native resident or migratory fish or wildlife species will occur.

- e) *Conflict with any local applicable policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

**No Impact (e-f)**—With the exception of several landscaping plants that might need to be removed during reconfiguration of the lawn and seating area, no other trees or plants will be removed or otherwise affected prior to, during, or following construction. Some new trees and/or landscaping plants may need to be installed as part of the renovation. Therefore, no local policies or ordinances protecting biological resources would be violated.

## V. CULTURAL RESOURCES

**Thresholds of Significance:** A project may significantly impact cultural resources if it disrupts or adversely affects a prehistoric or historic archaeological site or a property of historic significance to a community, ethnic or social group, or a paleontological site except as part of a scientific study.

Would the Project:

- a) *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

**Less than Significant Impact**—Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally, a resource is considered to be “historically significant” if it meets one of the following criteria listed:

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. Is associated with the lives of persons important to local, California, or national history;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (§15064.5).

Section 15064.5 defines a substantial adverse change in the significance of a historical resource as any action affecting the resource or its immediate surroundings such that the significance would be materially impaired. Material impairment is further defined as the alteration of those physical characteristics of the resource that convey its historical significance and/or justify its inclusion in, or eligibility for inclusion in, any of the aforementioned historical resource lists.

MacArthur Park was created in the late 1880s. Over the years, a wide variety of major recreational facilities have been developed in the park, including the boathouse, the playground facilities, and a variety of other amenities. The current band shell was constructed in 1957.

As part of the evaluation of the proposed improvements under consideration for MacArthur Park, the City contracted with Greenwood and Associates in 1999 to prepare a Historical Resources Impact Assessment. Greenwood's assessment included the following determinations in regards to the band shell:

“The band shell is less than 50 years old and lacking in significant design attributes or historical associations. The band shell is not considered a contributing element of historic MacArthur Park. It does not meet the criteria for quality of design or craftsmanship, nor were historical associations uncovered that would justify a statement of overriding significance, which would be necessary for a structure less than 50 years old to be considered important under CEQA or eligible for the California Register of Historical Resources. Improvements to the building need not be guided by the Secretary of the Interior's Standards for Rehabilitation and the State Historic Building Code does not apply.”

Although the band shell is approaching 50 years of age, the facility still would not meet the criteria for quality of design, craftsmanship, or historic association that would make it historically significant. Owing to the structure's lack of historical association and significance, the project will not have a substantial adverse effect upon any historically significant resources, and therefore will have a less than significant impact.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*
- d) Disturb any human remains, including those interred outside of formal cemeteries?*

**No Impact (b-d)**—The MacArthur Park band shell was constructed in 1957 and is not considered to be a site containing highly sensitive archeological or paleontological resources. The site has been completely disturbed by previous construction, and no cemetery was ever located onsite. Due to the shallow depth of excavation planned for this project, it is unlikely that the implementation of the project will disturb any archaeological or human remains. Therefore, there will be no impacts to archaeological and paleontological resources.

## VI. GEOLOGY AND SOILS

**Thresholds of Significance:** A project may have a significant effect in relation to geology and soils if it will expose people or occupied structures to geologic or soils hazards (including fault rupture, ground shaking, liquefaction, subsidence, landslides, erosion, and expansive soils) or facilitate damage to, or the destruction of, unique geologic features.

Would the project:

- a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
  - i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
  - ii. *Strong seismic ground shaking?*

**Less Than Significant Impact (i-ii)**—Per the City of Los Angeles General Plan Safety Element, the proposed project is not located in an Alquist-Priolo Study Zone nor is it located in an area that would be susceptible to strong seismic ground shaking. However, as is the case with most regions in Southern California the proposed project site may on occasion be subjected to moderate amounts of earth movement.

- iii. *Seismic-related ground failure, including liquefaction?*

**Less Than Significant Impact**—The proposed project site is not located in a liquefaction zone per the City of Los Angeles General Plan Safety Element. Therefore, the project will not significantly expose people to risk, loss, injury or death due to liquefaction caused by seismic-related events.

- iv. *Landslides?*

**No Impact**—Per the City of Los Angeles General Plan Safety Element the proposed project site is not located in the vicinity of a designated landslide region. No

topographical features that could potentially create landslides are located within the immediate vicinity of the proposed project site.

b) *Result in substantial soil erosion or the loss of topsoil?*

**Less Than Significant Impact**—The proposed project site is not located in a region that contains waterways, natural drainage channels or open loose topsoil. The project site is surrounded by established grass groundcover and concrete walking paths. The project will install additional grass areas in front to the stage area. While the project may remove some grass areas during construction activities, the affected areas will be reseeded immediately upon completion. The City will install standard erosion control measures during construction (i.e., standard Stormwater Pollution Prevention Plan) consistent with its municipal stormwater permit for water quality from the Los Angeles Regional Water Quality Control Board. Therefore, impacts will be less than significant.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?*

d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

**Less Than Significant Impact (c-d)**—Per the City of Los Angeles General Plan Safety Element the project site is not located in an area that is susceptible to unstable geologic formations that would result in offsite landslide, lateral spreading or collapse. The project site is not located within a potential liquefaction zone, and no habitable structures are proposed as part of the project. Park visitors will not be placed in a potentially significant hazardous area.

A geotechnical and soils evaluation of the site will be performed as part of the engineering design for the project to ensure that the band shell renovations will comply with the Uniform Building Code.

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

**No Impact**—No septic tanks, sewers or wastewater systems will be constructed as a result of the proposed project.

## VII. HAZARDS AND HAZARDOUS MATERIALS

**Thresholds of Significance:** A project may cause significant hazards and hazardous materials impacts if it will create a potential public health hazard or involve the use, production or disposal of materials, which pose a hazard to people or animal, or plant populations in the area affected, or, interfere with emergency response plans or emergency evacuation plans.

Would the project:

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*
- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

**Less Than Significant Impact (a, c, e, f)**—The proposed project involves the renovation of the band shell and the installation of grassy areas in front of the stage. The project would not involve the routine use, transport, or disposal of hazardous materials; therefore, it would not create a risk of accidental explosion or release of hazardous substances, nor create any health hazard or create any potential health hazard. People working, residing, or attending school in the area will not be adversely affected by the construction of the proposed project. The project site is not located within two miles of a public or private airport.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

**Less Than Significant Impact**—The project will not involve the use of substantial quantities of hazardous materials that would create a hazard from an accidental release. Construction activities may involve the temporary use of small quantities of potentially hazardous materials associated with construction equipment that could create a localized hazard if a spill (i.e., vehicular fluids, paint, etc.) were to occur.

However, this is a normal risk for any type of construction project. The construction contractor will be required to have a standard Stormwater Pollution Prevention Plan for the project site during construction, which requires the use of standard best management practices that minimize the risk of spills. Any spills that may occur would be cleaned up immediately by the contractor in accordance with standard procedures, and reported to the City for investigation and inspection after cleanup.

The project site is located in an area that has been identified as a methane buffer zone due to its proximity to methane gas sources such as landfills, oil wells, oil fields and underground gas storage facilities. The locations of these methane gas sources are based on data from the California Division of Oil, Gas and Geothermal Resources and the City of Los Angeles Department of Environmental Affairs. The renovation of the band shell structure may be required to comply with development regulations that relate to the measures necessary to mitigate methane gas hazards based on the site's proximity to the methane gas. These regulations to control methane gas hazards will be imposed upon the project at the issuance of the building permit by the Los Angeles Department of Building and Safety. Therefore, the impact of hazards would be less than significant.

The following protocols will ensure that potential sources of methane would not create a significant hazard to the public or the environment through the release of hazardous materials into the environment, and impacts would be less than significant.

- Site testing will need to be conducted using the protocol established by the Los Angeles Department of Building and Safety to determine the concentration and pressure of the subsurface methane gas for the design of methane hazard mitigation systems.
- The project related building renovations will implement all required measures imposed by the Los Angeles Department of Building and Safety under Division 71 of the Los Angeles Municipal Code (LAMC) for the purpose of mitigating potential methane hazards.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

**Less Than Significant Impact**— As part of the development of the Charles White Elementary School across South Park View Avenue from the band shell site, a variety of environmental assessment investigations were conducted in the surrounding area. During those investigations, an arsenic and lead contamination site was found within MacArthur Park. That site was remediated to appropriate standards in April, 2002. No other recognized environmental conditions are known to exist within a reasonable distance of the project site. Therefore, no risk of significant hazard to the public or the environment would occur with project implementation.

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**Less Than Significant Impact**—The proposed project will not physically interfere with an adopted emergency response plan because all construction activities will be contained within the boundaries of the MacArthur Park facility and temporary impact to surrounding roads and public facilities will be negligible. If an emergency vehicle should have to respond within the park, multiple ingress/egress points are available within the park to allow necessary access.

- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

**Less Than Significant Impact**—The construction of the project will not induce future residential growth or represent an increased fire hazard. Per the City's General Plan Safety Element, the site is not located in an area that is susceptible to wildland fire. Therefore, it will not expose people or structures to local wildland fire hazard.

## VIII. HYDROLOGY AND WATER QUALITY

**Thresholds of Significance:** A project may be deemed to have a significant effect on hydrology if it will significantly affect absorption rates, drainage patterns, the rate/amount of surface runoff, the quality and/or quantity of surface or public water supply, the course or direction of surface and/or groundwater movements, or would expose people or property to water-related hazards such as flooding. Thresholds of significance for water quality are typically interpreted in relation to specific standards of regional, state, and/or federal agencies.

Would the project:

- a) *Violate any water quality standards or waste discharge requirements?*

**Less than Significant Impact**—The project will not change the overall drainage or runoff characteristics of the site since it will not substantially change the amount of permeable to non-permeable surfaces. The project will include landscaping that integrates tree wells and permeable open beds of vegetation with the walkways and other hardscape. Runoff from landscaped areas will be effectively captured and absorbed into the underlying soil. It is not anticipated that any of the runoff from the project will affect the surrounding park environs.

MacArthur Park Lake is over 350 feet south of the band shell, and it is lower in elevation than the band shell. The lake will not adversely impact reconstruction of the band shell. Overall, the proposed project will have a less than significant impact on water quality standards or waste discharge requirements.

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

**Less Than Significant Impact**—The proposed project is not expected to utilize more water to irrigate the small lawn area and other landscaping improvements. Currently the project site contains grass areas, trees, and paved concrete walkways. The construction of the proposed project will not create an increased demand in area water supplies. Therefore, the amount of water used for irrigating the proposed landscaping will not have an adverse impact on groundwater supplies or interfere with

groundwater recharge because it will be the same or less than the current amount of water being utilized.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?*
- d) *Substantially alter the existing drainage pattern of the site or area, including through the alternation of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding onsite or offsite?*
- e) *Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*
- f) *Otherwise substantially degrade water quality?*

**Less Than Significant Impact (c-f)**—The proposed project would not substantially alter the existing drainage pattern of the project site or surrounding areas or create additional runoff. No streams or rivers occur onsite. The MacArthur Park Lake is located across Wilshire Boulevard from the project area, and there is little hydrological connectivity between the project site and the lake. Currently the project site consists of grass areas, trees, and concrete walkways. With implementation of the required water quality devices to control runoff during construction, no erosion or siltation or adverse effect on water quality will occur from the implementation of the project.

- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- h) *Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?*

- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*
  
- j) *Inundation by seiche, tsunami, or mudflow?*

**Less than Significant Impact (g-j)**—MacArthur Park is not located within a 100-year flood zone. In addition, the project would not be subject to any other related water hazards such as seiche, tsunami, or mudflow.

## IX. LAND USE AND PLANNING

**Thresholds of Significance:** A project may have a significant effect on land use and planning if it will conflict with adopted general plans, policies, goals and/or zoning ordinances; is incompatible with surrounding land uses; or will physically divide or disrupt an existing community.

Would the project:

- a) *Physically divide an established community?*

**No Impact**—The project will be constructed completely within the MacArthur Park facility, a municipal park that is an integral part the downtown Los Angeles area. MacArthur Park is a long established component of the surrounding area. The band shell renovation will enhance the park’s amenities, and be an asset to the surrounding community. Therefore, no adverse impact to the existing community will occur.

- b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the LRDP, general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

**No Impact (b-c)**—MacArthur Park is within the Westlake Community Plan of the City’s General Plan. The park is zoned Open Space (OS1-XL). In regards to parks and recreation, the Community Plan contains the following policies and objectives:

- To provide adequate recreation and park facilities that meet the needs of the residents in the community.
- To conserve, maintain, and better utilize existing recreation and park facilities that promote the recreational experience.
- Preserve and improve the existing recreation and park facilities and park space.

The renovation of the band shell would be compatible with the above goals and policies of the Community Plan. The park and band shell are long established facilities that do not conflict with existing or surrounding land uses. The project will not necessitate an amendment to the General Plan,

the Westlake Community Plan, or any Specific Plan, nor a zone change. There are no other applicable planning documents or programs that will affect the project.

## **X. MINERAL RESOURCES**

**Thresholds of Significance:** A project may have a significant effect upon mineral resources if it will result in the loss of a known mineral resource of value to the state, region or loss of a locally important mineral resource recovery site delineated on a local general plan.

Would the Project:

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

**No Impact (a-b)**—MacArthur Park is zoned for Open Space and has been functioning as a park and playground area for over a century. Mineral resource extraction is a use that is incompatible with such a heavily used park in a densely developed urban area. There are no known minerals onsite that are of economic value, and renovation of the band shell will not result in the loss of an important mineral recovery site. The proposed project has no adverse impacts related to mineral extraction.

## XI. NOISE

**Thresholds of Significance:** A project may have a significant noise impact if it generates interior/exterior noise levels at nearby sensitive receptors (especially residences) that exceed the limits identified in the Noise Element of the City of Los Angeles General Plan and Noise Ordinance.

In accordance with the City's Noise Element of the General Plan, the park is conditionally acceptable to an exterior level of 65 dBA. In addition, City standards require that exterior noise levels in all single-family residential land use areas should not exceed 65 dBA.

Section 41.40 of the Los Angeles Municipal Code indicates that no construction or repair work shall be performed between the hours of 9:00 p.m. and 7:00 a.m. of the following day on any weekday, since such activities would generate loud noises and disturb persons occupying sleeping quarters in any adjacent dwelling, hotel, or apartment or other place of residence. No person, other than an individual homeowner engaged in the repair or construction of his single family dwelling, shall perform any construction or repair work of any kind before 8:00 a.m. or after 6:00 p.m. on any Saturday or at any time on any Sunday. The ordinance sets a 50-dBA daytime standard for ambient noise in a residential area, and notes that a significant increase would be 5 dBA over the ambient level.

Section 112.05 of the Los Angeles Building Code specifies the maximum noise level of powered equipment or powered hand tools. Any powered equipment or powered hand tool that produces a maximum noise level exceeding 75 dBA at a distance of 50 feet from construction and industrial machinery shall be prohibited. However, the above noise limitation shall not apply where compliance is technically infeasible. Technically infeasible shall mean that the above noise limitation cannot be complied with despite the use of mufflers, shields, sound barriers and/or any other noise reduction device or techniques during the operation of equipment.

Would the project result in:

- a) *Exposure of persons to or generation of noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies?*
- b) *Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?*

**Less Than Significant Impact (a-b)**—Generation of noise associated with the proposed project would occur predominately from short-term demolition and construction activities. The project is the renovation of the existing amphitheater and will not increase the capacity of the facility. Therefore, the project will not generate any increase in long-term ambient noise levels.

Noise levels associated with construction activities have the potential to be higher than the ambient noise levels. Two types of noise effects could occur during the construction phase. First, the transport of workers and equipment to the construction site would incrementally increase noise levels along site access roadways. Even though there could be a relatively high single event noise exposure potential with passing trucks (a maximum noise level of 86 dBA at 50 feet), the increase in noise would be less than 1 dBA when averaged over a 24-hour period, and would therefore have a less than significant effect on noise receptors along the truck routes.

The second type of effect is related to noise generated by onsite construction operations where local residents and other sensitive land uses would be subject to elevated noise levels due to the operation of this equipment. Construction activities are carried out in discrete steps, each of which has its own unique mix of equipment, and consequently its own noise characteristics. These various sequential phases would change the character of the noise levels surrounding the construction site as work progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow noise ranges to be categorized by work phase. Typical construction noise levels for the proposed project will be between 88 and 91 dB at approximately 50 feet from the noise source.

The demolition and site preparation phase tends to create the highest noise levels, because the noisiest construction equipment is found in the earthmoving equipment category. This category includes excavating machinery (backfillers, bulldozers, draglines, front loaders, etc.) and earthmoving and compacting equipment (compactors, scrapers, graders, etc.). Typical operating cycles may involve 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings. Noise levels at 50 feet from earthmoving equipment range from 73 to 96 dBA while Leq noise levels range up to about 89 dBA. However, during the vast majority of the construction period, noise levels could be 30 to 40 dBA lower due to lower power settings. This range of noise levels is considered acceptable during daytime hours. Ambient noise levels in the action vicinity would increase during construction phase, but would drop considerably after construction of the proposed facility is completed.

As mentioned above, the City's Noise Ordinance restricts construction noise to between the hours of 7:00 a.m. and 9:00 p.m. No construction within 500 feet of residences is allowed before 8:00 a.m. or after 6:00 p.m. on any Saturday or public holidays. No construction within 500 feet of residences is allowed at all on Sundays.

Compliance with the City's noise control ordinance is mandatory and as such does not constitute mitigation.

Another potential effect of construction is that of vibration. Groundborne vibration is typically associated with blasting operations and potentially, the use of pile drivers, neither of which would be necessary during project construction or operations. As such, no excessive groundborne vibrations would be created by the proposed project and any effect would be less than significant.

Finally, it must be noted that the project area already has elevated ambient noise levels from traffic on Wilshire Boulevard and Alvarado Street, and noise from construction will cease once the project is completed.

- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

**Less Than Significant Impact**—The project is the renovation of the existing amphitheater and will not increase capacity of the facility or create any new noise sources. Upon completion of project construction, noise levels will return to the pre-project ambient noise levels. No significant long-term noise impacts are expected from implementation of this project.

- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

**Less Than Significant Impact**—The band shell faces South Park View Street. The band shell is about 20 feet below street level, and this will muffle the transmission of sounds from performances somewhat. The band shell has speakers mounted on the arch (the highest point of the band shell) and these speakers could easily be directed downward or redirected away from South Park View Street if noise were to become a problem. In addition, there are numerous trees and shrubs in front of and around the band shell and these will muffle the sound from performances, somewhat.

The closest potential sensitive receptors to the band shell are the Park Plaza Hotel and an elementary school, both of which are on South Park View Street between West 6<sup>th</sup> Street and Wilshire Boulevard. Musical performances taking place at the band shell will not impact the school, as performances will not begin until 7:00 p.m.;

performances will only take place during the summer season; and school will not be in session on summer evenings. The Park Plaza Hotel is an Art Deco architectural landmark which is currently being used as a movie set and filming location. The Hotel is being renovated and is expected to reopen as a hotel in December 2007. The great majority of hotel guests are expected to stay for less than a two week period, thus they will not be exposed to noise from band shell performances for a long period of time. In addition, most hotel guests are likely to consider the performances to be an amenity rather than a nuisance. Any adverse noise-related impacts associated with the project are expected to be less than significant.

Construction noise will be temporary and limited to daytime hours. Temporary construction noise impacts to ambient noise levels are considered less than significant.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*
- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

**No Impact (e-f)**—The project site is not located within 2 miles of a public or private airport (i.e., Burbank Airport is the closest - over 5 miles northwest). Park patrons, band shell construction workers, and MacArthur Park maintenance personnel will not be exposed to excessive airport-related noise levels.

## **XII. POPULATION AND HOUSING**

**Thresholds of significance:** A project may be deemed to have a significant effect on population and housing if it will induce substantial growth or concentration of population, or, displace a large number of people.

Would the project:

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

**No Impact (a-c)**—The proposed project will be constructed/ rehabilitated within the footprint of the existing MacArthur Park Band Shell. The project does not require the acquisition, construction, demolition, or removal of any commercial or residential properties, and, therefore, will not cause the displacement of any housing units or businesses. Likewise, it will not result in the dislocation of any people.

The project represents a relatively small-scale improvement to aging infrastructure within the City's Parks system, so there will be no significant change in the demographic characteristics or economic conditions of the community as a result of the project.

### **XIII. PUBLIC SERVICES**

**Thresholds of significance:** A project may significantly impact public services if it requires an alteration or expansion of service delivery system components.

Would the Project:

*Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

- a) Fire Protection?*
- b) Police Protection?*
- c) Schools?*
- d) Parks?*
- e) Other public facilities?*

**No Impact (a-e)**—The proposed project will have no adverse impact on fire and/or police protection services in MacArthur Park or the surrounding communities. Fire and police protection to the site are provided by the City of Los Angeles. Emergency access to the project site for fire protection, police protection, and emergency medical services will be maintained at all times during construction. The proposed project is not expected to create an increase in the need for additional fire, police, and emergency medical services above historic levels.

Given the nature of the project, it will not have a significant effect on schools, social services, or health care facilities, nor result in a demand for these services. Once the project is constructed, it is anticipated that the City will conduct all required maintenance on the facility as is needed. Impacts associated with public services are expected to be less than significant.

#### **XIV. RECREATION**

**Thresholds of significance:** A project may have a significant effect on recreation if it increases demand for neighborhood parks, regional parks, open space, or other recreational facilities; or affects existing recreational opportunities.

Would the project:

- a) *Increase the use of existing neighborhood and regional Parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*

**Less Than Significant Impact (a-b)**—The construction of the proposed project will benefit the facilities at the MacArthur Park. The project site encompasses 40 acres including many walking paths, benches, play areas, picnic areas, trees, shrubs, an Arts and Crafts building, a lake, and a boathouse, in addition to the band shell itself, which has been vandalized, spray-painted with graffiti, and which has fallen into disuse and disrepair.

No recreational facilities or uses will be lost as a result of the project, and the use of the band shell will increase as a result of the proposed improvements. The project will improve the City's recreational resources; therefore, the impact to recreational uses will be beneficial. The pathway in front of the band shell will be taken out and replaced with a rounded pathway that will be more functional and will enhance the identity of the band shell.

A marginal increase in usage of MacArthur Park may result from the project, but this additional use will occur during summer evenings and is not expected to exceed the capacity of the park or the band shell. The evening performances will be sponsored by the non-profit Levitt Foundation and are not set up for comedy, theater, or other art performances, but only for musical performances.

The band shell may also be used in the summer months as the site of a summer camp program for theater practice and performance. Another potential use of the band shell might be as a venue for showing a "Movie in the Park" a few times each year. Attendance for the 50 summer evening performances is expected to range between 200 and 650, although a couple performances each season may draw as many as 1,200 listeners.

Improvement of the band shell is not expected to create an adverse impact to the surrounding park areas in regards to physical deterioration of the facilities. The increase in park visitors will occur in the evenings, during off-peak hours, and will relieve demand upon other City recreational facilities rather than adding a burden to other community park and recreation facilities. Adverse impacts from the band shell renovation will be less than significant.

## **XV. TRANSPORTATION/TRAFFIC**

**Thresholds of Significance:** A project may have a significant effect on transportation and traffic if it will cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system, result in substantial safety risks and hazards, or result in inadequate emergency access, or parking capacity.

Would the project:

- a) *Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?*
- b) *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*

**Less Than Significant Impact (a-b)**—Any additional traffic generated by the proposed project would not coincide with weekday peak hours (i.e., commuter traffic), but would rather occur almost exclusively during summer evenings on weekends as well as week days. There should be no impact upon morning or evening peak hour traffic. The earliest musical concerts scheduled for the band shell will begin at 7:00 p.m. – after evening peak hour traffic.

Alvarado Street is a heavily trafficked roadway. It connects in the north (northeast) to the Hollywood Freeway (Route 101), and in the south (via Hoover Street) to Santa Monica Boulevard (Route 10). Wilshire Boulevard connects to I-110 (the Pasadena Freeway/ Harbor Freeway) about one mile to the east of MacArthur Park; and proceeds westward to the Miracle Mile and San Vicente Boulevard.

The band shell is being renovated but is not being expanded in any way. The proposed project does not involve any parking lot work or roadway improvements. There should be no increases in traffic associated with the project, and no level of service standards for nearby intersections or roadways will be changed as a result of the project. Traffic related impacts of the band shell renovation will be less than significant.

- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?*

**No Impact**—The proposed project is not located within two miles of a public or private airport and, therefore, will not change the volume or location of air traffic patterns. Existing air traffic patterns will not be changed and will not create substantial safety risks in relation to the proposed project.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- e) *Result in inadequate emergency access?*

**No Impact (d-e)**—Reconstruction of the MacArthur Park band shell will not alter the traffic safety and engineering features of the streets or intersections surrounding the park. Therefore, no hazardous conditions or impediments to emergency access will be created as a result of the project. No adverse impacts to emergency access or driving hazards will be created as a result of the project.

- f) *Result in inadequate parking capacity?*

**Less Than Significant Impact**— MacArthur Park has 182 metered parking spaces immediately adjacent to MacArthur Park. Of these, there are 40 spaces on each side of Wilshire Boulevard (between Park View Street and Alvarado Street); 30 spaces on 6<sup>th</sup> Street (between Park View and Alvarado); 28 spaces along Park View Street (between Wilshire Boulevard and 7<sup>th</sup> Street); 29 spaces along Park View (between Wilshire Boulevard and 6<sup>th</sup> Street); and 15 spaces along the northwest side of Park View Street near the Park Place Hotel (between Wilshire Boulevard and 6<sup>th</sup> Street). Additional parking is available on numerous other side streets within a block or two of the band shell. No additional parking is needed to resume musical programs that have take place on the site for decades.

With the Metro Rail station for the red line located adjacent to the park and the numerous nearby bus routes and bicycle paths, the renovations of the band shell should not create excessive demands upon parking. Impacts to parking that result from the renovation of the band shell are expected to be less than significant.

- g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

**No Impact**— MacArthur Park is easily accessed by pedestrians on foot, as well as by bicyclists and those using mass transit. Several local buses travel along Wilshire Boulevard (which bisects the park) and along Alvarado Street (along the southeastern edge of the park) and there are numerous bus stops in the project area. In addition, there is a Metro rail station for the Red Line located just 100 yards from MacArthur Park near the intersection of Wilshire Boulevard and Alvarado Street. The project will not cause adverse impacts related to policies, plans, or programs supporting alternative transportation.

## **XVI. UTILITIES AND SERVICE SYSTEMS**

**Thresholds of Significance:** A project may have a significant impact on utilities and service systems if the project results in a violation of solid waste standards, encourages activities which will utilize large amounts of resources, or expands the capacity and network of service systems to serve new development.

Would the project:

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*
- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- e) *Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

**Less Than Significant Impact (a, b, e)**—Any wastewater associated with the project will be handled by existing restroom facilities located within MacArthur Park, and no adverse impacts are expected to occur. No significant increase in demand on the area's wastewater treatment facilities is expected to occur as a result of the proposed project. In addition, no new water lines will be required. The project will not increase water consumption, either during construction or during future use, so the project is not expected to reduce the availability of existing water supplies. The proposed project is not expected to induce or create the need for additional water distribution facilities or new sources of water.

- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

**No Impact (c-d)**—Otherwise, no new storm drain facilities or expansion of existing storm drain facilities will be required for the renovation or maintenance of the band shell. Runoff water from the band shell area will not be altered by the proposed

renovations. Currently runoff drains from the band shell area and flows naturally into the center of the park. The center of the park is lower in elevation than any of the streets around it. In addition, no new demand for water will occur as a result of the project; therefore, no entitlements or expanded entitlements will be needed.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*
- g) Comply with applicable federal, state, and local statutes and regulations related to solid waste?*

**Less Than Significant Impact (f-g)**—The project will not have any impacts upon solid waste disposal. Construction debris, if any, will be properly disposed of in accordance with federal, state, and local statutes and regulations. No significant impacts would occur.

## **XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

Would the project:

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Less Than Significant Impact:**—No adverse biological impacts will occur as a result of the proposed project. There are no fish or endangered animal species whose habitat would be impacted by reconstruction of the band shell over a short period of time. The band shell is located in an urban park that is surrounded by extensive infrastructure such as roadways, subways, civic buildings, hotels, and apartment buildings. No sensitive habitats or species occur onsite; therefore, no adverse effect will result.

MacArthur Park is not thought to contain highly sensitive archaeological or paleontologic resources. Reconstruction efforts will be limited primarily to above ground activities. In places where the ground will be broken for grading, the removal of band shell seating, or the reconstruction of walkways, these activities will all be conducted within a few feet of the ground surface and the potential to disturb onsite archaeological or paleontological resources onsite is less than significant.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

**Less Than Significant Impact**—No cumulative impacts associated with past and/or other current projects were identified. The proposed project is not expected to increase traffic or parking demands in the area – it merely involves the renovation of a deteriorated structure. The analysis in this IS/ND indicates that no significant individual or cumulative impacts to cultural resources will result from the proposed project.

- c) *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

**No Impact**—Overall, the impacts of renovating the deteriorating and vandalized band shell project are considered to be advantageous to users of the park and to the surrounding neighbors. No impacts that would be substantially adverse on human beings, either directly or indirectly, were identified in this IS.