

Programmatic Categorical Exclusion (PCE)

Project Information		
Project Name:	Federal Project#: NHPP-5104(255)	
Project Number: U000-104-296, C501, P101, R201	Project Type: Construction	
UPC: 109484	Charge Number:	
Route Number: 0	Route Type: Urban	
Project Limit--From: RAY C HUNT DRIVE	To: JEFFERSON PARK AVENUE	
IPM Project Description: #HB2.FY17 FONTAINE AVENUE STREETSCAPE IMPROVEMENTS		
Additional Project Description:	The project will provide a "three lane" roadway with a tree lined median and two dedicated left turn lanes at the Jefferson Park/Fontaine Avenue intersection, a combined 9 foot sidewalk/landscape buffer on both sides of the street, 5 foot bike lanes on both sides of the street, rapid flash beacons at pedestrian crossings and pedestrian scale lighting and address access management issues by combining commercial driveways.	
Purpose And Need:	Fontaine Avenue is a mixed use residential/commercial gateway to Charlottesville and the University of Virginia used by people who walk, bike, drive and use transit. This streetscape project will improve pedestrian and bicycle facilities, safety for all users, and traffic flow.	
District:	City/County:	Residency:
Culpeper	Charlottesville	Charlottesville

The subject project meets the criteria for a Programmatic Categorical Exclusion in accordance with:

X 23 CFR 771.117

Description of PCE Category:

c03 Construction of bicycle and pedestrian lanes, paths, and facilities.

UNUSUAL CIRCUMSTANCES:

NO Significant environmental impacts

Determination: City of Charlottesville, Project Study Area/GIS. The project is to improve existing sidewalk in an urban area with minimal right of way required.

NO Substantial controversy on environmental grounds

Determination: City of Charlottesville, Project Study Area/GIS. The project is to improve existing sidewalk in an urban area with minimal right of way required.

NO Significant impact on properties protected by Section 4(f) of the Department of Transportation Act or Section 106 of the National Historic Preservation Act

Determination: City of Charlottesville, Project Study Area/GIS. VDOT Regional Cultural Resource Staff; The project will not require right of way from properties protected by Section 4(f) of the Department of Transportation Act or Section 106 of the National Historic Preservation Act.

- NO** Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action
Determination: Based on the review of the scope and location of the project no inconsistencies with any Federal, State or local law, requirement or administrative determination are anticipated.

IMPACTS:

- NO** Involves acquisition of more than minor amounts of temporary or permanent right of way acquisition
Determination: City of Charlottesville, Project Study Area/GIS. The project is to improve existing sidewalk in an urban area with minimal right of way required.
- NO** Involves acquisitions that result in more than limited residential and non-residential displacements, based on the context and intensity of the impact
Determination: City of Charlottesville, Project Study Area/GIS. The project is to improve existing sidewalk in an urban area with minimal right of way required.
- NO** Results in capacity expansion of a roadway by addition of through lanes
Determination: City of Charlottesville, Project Study Area/GIS. The project does not involve additional through lanes.
- NO** Involves the construction of temporary access, or the closure of an existing road, bridge, or ramps, that would result in major traffic disruptions, based on the context and intensity of the impact
Determination: City of Charlottesville, Project Study Area/GIS. The project will not disrupt traffic.
- NO** Results in a determination of adverse effect on historic properties pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. §306108)
Determination: VDOT Regional Cultural Resource Staff. The Virginia Department of Historic Resources determined that the project would have no adverse effect to historic properties September 5th, 2017.
- NO** Requires the use of properties protected by Section 4(f) (49 U.S.C. § 303/23 U.S.C. § 138) that cannot be documented with an FHWA de minimis determination, or a programmatic Section 4(f) evaluation signed by FHWA
Determination: City of Charlottesville, Project Study Area/GIS. The project will not require right of way from Section 4(f) properties.
- NO** Requires the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act of 1965 (54 U.S.C. § 200305) or other unique areas or special lands that were acquired in fee or easement with federal public-use-money and have deed restrictions or covenants on the property
Determination: City of Charlottesville, Project Study Area/GIS. The project will not require right of way from Section 6(f) properties.
- NO** Requires a U.S. Army Corps of Engineers Section 404 (33 U.S.C. § 1344 permit other than a Nationwide or a General Permit)
Determination: VDOT Document Staff, Project Study Area/GIS.
- NO** Requires a U.S. Coast Guard bridge permit (33 U.S.C. § 401)
Determination: VDOT Document Staff, Project Study Area/GIS.
- NO** Requires work that will cause an increase of the flood level by more than one foot within a regulatory floodway of water courses or water bodies or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to 23 CFR §650 subpart A
Determination: City of Charlottesville, Project Study Area/GIS.
- NO** Is defined as a "Type I project" per 23 CFR §772.5 and the VDOT noise manual for purposes of a noise analysis
Determination: VDOT CO Noise Staff determined that a Type III Noise Study is not required.
- NO** Is likely to adversely affect federally listed species or designated critical habitat, with the exception of a "may affect, likely to adversely affect" (MALAA) determination for the Northern Long-Eared Bat or Indiana Bat when the project is within the scope of the range-wide programmatic consultation for those species
Determination: VDOT Document Staff. The activity falls within a list of activities that have been determined to have No Effect on Fish, Plant and Wildlife Resources. No additional review required.

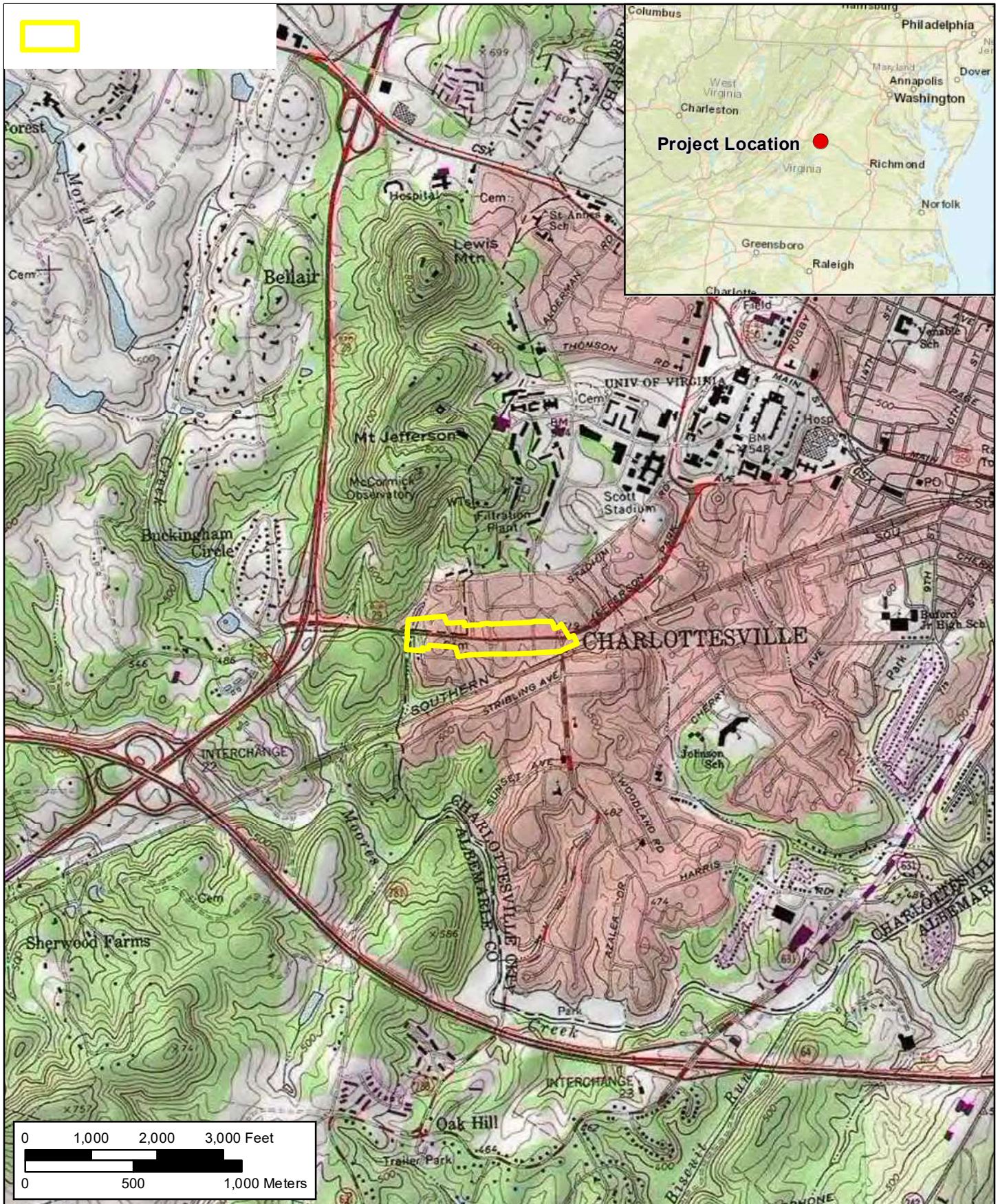
- NO** Involves any known or potential hazardous materials issues that represent a substantial liability or require substantial regulatory negotiation to resolve. Sites representing substantial liability would not include minor issues such as low-level petroleum impacts or minimal solid waste
Determination: City of Charlottesville
- NO** Does not meet the provisions of the "Planning Documents and NEPA Approvals" document. In accordance with 23 CFR §450 and the FHWA/VDOT/Federal Transit Administration/Virginia Department of Rail and Public Transportation MOA Statewide Transportation Improvement Program (STIP) Procedures MOA, actions listed in 23 CFR §771.117(c) and 23 CFR §771.117(d) may be grouped
Determination:
- NO** Causes disproportionately high and adverse effects on any minority or low-income populations
Determination: City of Charlottesville, VDOT Document Staff. This was determined by the completion of the Environmental Justice Analysis using prescribed methodology.
- NO** Involves consideration of multiple NEPA alternatives
Determination: City of Charlottesville, Project Study Area/GIS.
- NO** Is an action listed in 23 CFR §771.115(a)
Determination: VDOT Document Staff
- NO** Involves unusual circumstances, pursuant to 23 CFR §771.117(b)
Determination: VDOT Document Staff

Crofford, Richard O

Environmental Manager, CE Determination

12/18/2017

Date



CLIENT	Virginia Department of Transportation
PROJ	Fontaine Avenue Streetscape Improvements
SCALE	1:24,000
SOURCE	ESRI 2017
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	TITLE	Project Location in City of Charlottesville, Virginia
		12420 Milestone Center Dr. Germantown, MD 20876
	PROJ NO	60540361
	FIGURE	1



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

87 Deacon Road
Fredericksburg, Virginia 22405

Charles A. Kilpatrick, P.E.
Commissioner

August 16, 2017

Ms. Julie V. Langan, Director
ATTN: Mr. Marc Holma, Architectural Historian
Division of Review and Compliance
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, Virginia 23221

VDOT Project No.: U000-104-296, P101, C201, C501; UPC 109484

VDHR File No. 2017-0165

County: Charlottesville City

Funding: Federal

Action Required: Eligibility and Effect Determination

Dear Mr. Holma;

The Virginia Department of Transportation (VDOT), along with the Federal Highway Administration (FHWA), is evaluating the proposed improvements being considered along Fontaine Avenue in the City of Charlottesville, Virginia. On behalf of the FHWA, the VDOT is coordinating this Locally Administered Project (LAP) project with your office and other interested/consulting parties pursuant to the requirements of Section 106 of the National Historic Preservation Act and its implementing regulations in 36 CFR Part 800. This letter constitutes a formal request for concurrence with our identification of historic properties and effect determination for this project.

Project Description and Area of Potential Effects

The proposed undertaking seeks to improve pedestrian and multi-modal transportation. Improvements include streetscape, pedestrian accessibility, bike lanes, lighting, landscaping and consolidation of traffic patterns. The project will provide a three lane roadway with a tree lined median and two dedicated left turn lanes at the Jefferson Park Avenue intersection. A combined 9-ft sidewalk/landscape buffer and 5-ft wide bike lanes will be constructed on both sides of the street. Rapid flash beacons and pedestrian scale lighting will be placed at pedestrian crossings. Commercial access will be improved by combining driveways.

The Area of Potential Effects (APE) is defined as the "geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist" (36 CFR 800.16(d)). Specifically, the APE for direct effects (archaeological resources) for this project includes the area that would be directly and physically impacted by land-disturbing activities (e.g. new Right of Way and easements), which is anticipated to require 10-ft on either side of the existing corridor.

The APE for indirect effects (architectural resources), e.g. buildings, structures, objects, architectural districts, battlefields, other historic landscapes, has been defined to encompass the project area that extends 150-feet to all sides of the existing Right of Way (ROW) or to the limits of any adjacent National Register of Historic Places (NRHP)-listed or eligible properties. A total of 44 architectural properties met these criteria.

Identification of Historic Properties

The VDOT and its consultant, AECOM, examined the project APE for properties eligible or potentially eligible for the NRHP. In May 2017, AECOM performed Phase I architectural survey of the project. Please find 1 copy of the architectural report entitled, *Fontaine Avenue Streetscape Improvements Architectural Survey Final Report Charlottesville, Virginia*. The report meets the Secretary of the Interior's Standards and Guidelines (1983), as well as the VDHR Guidelines for cultural resources reports (2011). The VDOT agrees with the recommendations provided in the Phase I report.

Archaeology Resources

The APE for archaeology was inspected by the VDOT district archaeologist. The APE adjacent to the existing VDOT ROW is located in areas with considerable residential development/disturbance, utility installation, has steep slopes, is heavily eroded, or landscaped. There is little to no potential for NRHP eligible archaeological deposits to be located in this APE, and no archaeological survey is warranted in this regard.

Architectural Resources

The APE for architecture was surveyed and a total of 44 resources were recorded and examined. The age criteria for the architectural survey was 50 years or older by the year 2020. One previously recorded resource is Fry's Spring Service Station, built ca. 1929 as a filling station. This resource was previously determined eligible by the DHR for the NRHP in 2006 for its association to Criteria A, and C. The VDOT agrees with this previous determination and recommends no change.

Forty-three previously unrecorded resources in the APE are: **104-5229; 104-5230; 104-5231; 104-5232; 104-5233; 104-5234; 104-5235; 104-5236; 104-5237; 104-5238; 104-5239; 104-5240; 104-5241; 104-5242; 104-5243; 104-5244; 104-5245; 104-5246; 104-5247; 104-5248; 104-5249; 104-5250; 104-5251; 104-5252; 104-5253; 104-5254; 104-5255; 104-5256; 104-5257; 104-5259; 104-5260; 104-5261; 104-5262; 104-5263; 104-5264; 104-5265; 104-5266; 104-5267; 104-5268; 104-5269; 104-5270; 104-5271; and 104-5272.** AECOM recommends

these properties as not individually eligible for the NRHP in relation to Criteria A, B, and C (Criterion D does not apply) due to a lack of noteworthy associations or architectural significance. The structures have also lost integrity through modern alterations over time. The VDOT agrees with this recommendation.

In addition to the survey of individual properties, the potential for the individual resources to contribute to an existing historic district was also evaluated during the survey. The 44 resources located in the APE are recommended not eligible for the NRHP as contributing resources to any historic district. An established district does not exist within the APE. No historic district is present within the APE, and the resources in the APE do not contribute to an historic district if one were to be identified.

Battlefields

The project APE is not located within any American Battlefield Protection Program (ABPP) identified potential National Register (PotNR) eligible battlefields.

Effects on Historic Properties

In accordance with 36 CFR 800.5(a), the VDOT has applied the criteria of adverse effect to historic properties within the project's APE. The regulations implementing Section 106 of the National Historic Preservation Act define an effect as an "alteration to the characteristics of a historic property qualifying it for inclusion in or eligible for the National Register" [36CFR800.16(i)]. The effect is adverse when the alteration of a qualifying characteristic occurs in a "manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association" [36CFR800.5(a)]. The VDOT believes that the undertaking will have **no adverse effect** on historic properties.

Fry's Spring Station (104-0061)

Fry's Spring Station, (104-0061) is located at the northeast corner of Jefferson Park Avenue and Fontaine Avenue (see Figure 1). Originally constructed to only sell fuel, it was later used to service automobiles. The building is brick, 1-story, with an elaborate Classical Revival style roof over the fueling island. In ca. 1930-1940 service bays were added to the north side of the building. The station building now serves as a restaurant. The property is considered to be locally significant under Criteria A (Commerce/Transportation) and Criteria C (Architecture) with a period of significance of 1929-1945. The property is adjacent to the eastern terminus of the current undertaking; however, the proposed project will primarily upgrade Fontaine Avenue on the opposite side of the existing intersection. The historic feeling and setting of the property have been previously diminished by improvements to the adjacent intersection and Fontaine Avenue. Additionally, sidewalk and pedestrian crossings were constructed in 2010 along Jefferson Park Avenue and Maury Avenue adjacent to this property. The City of Charlottesville has confirmed to VDOT that there will be no ROW or permanent easements needed from this property. Although there may be some limited alterations to the surroundings of this property along Jefferson Park Avenue, the undertaking will not diminish any of the characteristics that make

this property significant for listing in the NRHP. The project will have **no adverse effect** on historic properties.



Figure 1: Existing Conditions near 104-0061

The VDOT invites you to review the enclosed information (Phase I architectural report and VCRIS forms) and concur with our findings by signing the signature block below and returning the original signature to my attention within 30 days. If you or any of the consulting parties copied on this letter have any questions or need additional information about this project, please do not hesitate to contact me at (540) 654-1737 or Raymond.Ezell@vdot.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Raymond Ezell'.

Raymond Ezell, RPA
District Archaeologist

Enclosures


cc: /Margaret Maliszewski, Department of Community Development
/Steven G. Meeks, Albemarle Charlottesville Historical Society

CONCURRENCE

VDOT Project No.: U000-104-296, P101, C201, C501; UPC: 109484
VDHR File No. 2017-0165

The Virginia Department of Historic Resources (DHR) concurs with the Virginia Department of Transportation's (VDOT):

- 1) definition of the project's Area of Potential Effects (APE);
- 2) efforts to identify historic properties;
- 3) finding that the previously recorded property **104-0061** has been previously determined eligible for the National Register of Historic Places (NRHP).
- 4) finding that newly recorded architectural properties: **104-5229; 104-5230; 104-5231; 104-5232; 104-5233; 104-5234; 104-5235; 104-5236; 104-5237; 104-5238; 104-5239; 104-5240; 104-5241; 104-5242; 104-5243; 104-5244; 104-5245; 104-5246; 104-5247; 104-5248; 104-5249; 104-5250; 104-5251; 104-5252; 104-5253; 104-5254; 104-5255; 104-5256; 104-5257; 104-5259; 104-5260; 104-5261; 104-5262; 104-5263; 104-5264; 104-5265; 104-5266; 104-5267; 104-5268; 104-5269; 104-5270; 104-5271; and 104-5272** are not individually eligible for the NRHP, nor do they contribute to an historic district;
- 5) determination that the project is not located within the American Battlefield Protection Program's (ABPP) identified potentially National Register (PotNR) eligible battlefields; and
- 6) recommendation that the project will have **no adverse effect** on historic properties.


Ms. Julie V. Langan
Director, Virginia Department of Historic Resources
Virginia State Historic Preservation Officer

5 Sept 17
Date

2017-0165