



# Appendix K

## Section 4(f) Documentation

December 2024 FHWA Concurrence

**From:** [Heath, Amanda \(FHWA\)](#)  
**To:** [Kochersperger, Sandra \(VDOT\)](#)  
**Cc:** [CO\\_NEPAPROGRAMS \(VDOT\)](#)  
**Subject:** RE: UPC 110803 Cleveland Street Improvements - De Minimis Request  
**Date:** Tuesday, December 10, 2024 11:14:19 AM  
**Attachments:** [image001.png](#)

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Good morning Sandra,

After reviewing the information provided, I concur with the *de minimis* determination pursuant to Section 4(f) of the Department of Transportation Act for the Cleveland Street Improvements project (UPC 110803). Please coordinate this finding with DHR per 23 CFR 774.5(b)(1)(ii).

If you have any questions, please let me know.

Thank you,  
~Amanda

---

**From:** Kochersperger, Sandra (VDOT) <Sandra.Kochersperger@vdot.virginia.gov>  
**Sent:** Thursday, December 5, 2024 4:19 PM  
**To:** Heath, Amanda (FHWA) <amanda.heath@dot.gov>  
**Cc:** CO\_NEPAPROGRAMS (VDOT) <CO\_NEPAPROGRAMS@vdot.virginia.gov>  
**Subject:** UPC 110803 Cleveland Street Improvements - De Minimis Request

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Good afternoon, Amanda –

As you know, the City of Virginia Beach has a Locally Administered Project, UPC 110803 for improvements to Cleveland Street. The proposed project involves reconstructing the existing roadway from a two-lane undivided road to a three-lane undivided road and constructing new bicycle and pedestrian accommodations for a length of approximately 1.2 miles. The Project will also include curb and gutter, on-street parking, and a roundabout. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road would be realigned and reconstructed to a single-lane roundabout which replaces the existing traffic signal. This would improve safety while also providing a better network alignment for Dorset Avenue to Southern Boulevard for improved and more direct access to I-264 which would improve traffic operations.

A portion of the proposed project is immediately north of the Section 106 resource VDHR ID# 134-5145: Norfolk and Virginia Beach Railroad. The proposed improvements consist of widening Southern Boulevard by 2 feet, constructing sidewalks and installing curb and gutter along the northside of the road (opposite side of the railroad), constructing a 2-foot-wide paved shoulder on the southside, and re-grading portions of a roadside ditch located immediately adjacent to Southern Boulevard

between the existing road and VDHR ID# 134-5145.

Based on this Section 106 resource (VDHR ID# 134-5145: Norfolk and Virginia Beach Railroad) being Eligible for register listing, the locality is anticipating use of a 4(f) resource. However, considering DHR's finding of "no adverse effect" and the proposed improvements in the area of the resource, the locality is seeking a *de minimis* determination from FHWA.

VDOT has reviewed the attached correspondence with DHR and, on behalf of the City of Virginia Beach, is requesting FHWA provide a determination of *de minimis* use under Section 4(f) for impacts to VDHR ID# 134-5145, Norfolk and Virginia Beach Railroad.

Thank you,



**Sandra Kochersperger, PMP**

*Assistant Manager / Environmental*

*Hampton Roads District*

Virginia Department of Transportation

757-218-4746

[Sandra.Kochersperger@VDOT.Virginia.gov](mailto:Sandra.Kochersperger@VDOT.Virginia.gov)

March 2024 DHR Concurrence

## Holmes, Victoria

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**From:** Jennifer Greentree <Jennifer.Greentree@dhr.virginia.gov>  
**Sent:** Thursday, March 21, 2024 2:14 PM  
**To:** Sanne, Jake  
**Cc:** Holmes, Victoria  
**Subject:** Cleveland Street Phase IV Improvements (DHR File No. 2023-4928) | e-Mail #04804  
**Attachments:** 2023-4928 signed concurrence page.pdf

**Categories:** External

Dear Mr. Sanne,

Thank you for requesting comments from the Department of Historic Resources on the referenced project. Please see the attached signed concurrence page and print for your files. No hardcopy will follow. If you have any questions concerning these comments or require any further assistance, please contact me.

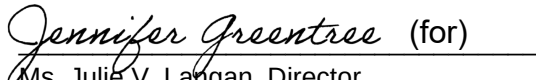
Sincerely,

Jennifer Greentree, Architectural Historian  
Office of Review and Compliance  
Division of Resource Services and Review  
Phone: (804) 482-6090  
Jennifer.Greentree@dhr.virginia.gov

\*\*\*\*\*

**VDHR concurs on the following:**

The Cleveland Street Phase IV Improvement project (UPC# 110803) will have no adverse effect on the Norfolk and Virginia Beach Railroad (VDHR ID# 134-5145).

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

3/21/2024  
Date

## February 2024 Correspondence to DHR



February 20, 2024

Ms. Julie V. Langan, Director  
ATTN: Ms. Jennifer Greentree & Ms. Samantha Henderson  
Virginia Department of Historic Resources  
2801 Kensington Avenue  
Richmond, VA 23221

**Route:** Cleveland Street & Columbus Street from the intersection of Cleveland Street & Witchduck Road to the intersection of Columbus Street & Independence Boulevard (1.2 miles)

**Project:** Cleveland Street Phase IV Improvements; UPC# 110803; CIP# 100123

**City:** Virginia Beach, VA

**Funding:** Federal

**Action Required:** Determination of Effect

Dear Ms. Greentree and Ms. Henderson,

We are writing in reference to the Cleveland Street Phase IV Improvements project which involves the reconstruction of the existing roadway to a three-lane undivided roadway between Witchduck Road and Independence Boulevard in Virginia Beach, VA. This project is a locally administered (City of Virginia Beach) federally funded project and compliance with the National Environmental Policy Act (NEPA) is required. We are submitting this project to the Virginia Department of Historic Resources (VDHR) in accordance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations.

### **Project Description**

The proposed Cleveland Street Phase IV Improvement project would consist of the following elements:

- **Reconstruction/realignment** – The project will include the construction of a three-lane undivided roadway within a variable width of 70-foot to 80-foot right-of-way between Witchduck Road and Independence Boulevard for a distance of approximately 1.2 miles. The intersection of Cleveland Street, Dorset Avenue, and Euclid Road will be realigned and reconfigured to a single-lane roundabout aligning Dorset Avenue to Southern Boulevard. The existing aerial utilities will be relocated to a new overhead location and LED streetlights will be provided throughout the corridor.

The proposed improvements will also include replacement of the traffic signal at Kellam Road and the emergency traffic signal at Virginia Beach Fire Station #7, as well as traffic signal modifications at Witchduck Road and Independence Boulevard.

- **Typical Section** – The proposed improvements will provide 4-foot to 5-foot on-road bicycle lanes and 6-foot to 8-foot sidewalks on both sides of Cleveland Street west of the roundabout and 8-foot to 12-foot wide shared-use paths along both sides of Cleveland Street east of the roundabout, as well as aesthetic improvements including a landscaped verge area to enhance the roadway corridor.
- **Stormwater Management** – The existing stormwater infrastructure is deficient in some areas along the corridor and portions of the project area experience localized flooding. The project would construct a new drainage network with increased storage, upsize some of the existing drainage pipes, and construct a level 2 wet pond on the parcels easterly adjacent to Aragona Boulevard to manage stormwater and alleviate flooding. Additionally, the foreslope of the existing roadside ditch located immediately north of VDHR ID# 134-5145 and south of Southern Boulevard will be regraded due to the slight widening and elevation change on Southern Boulevard.
- **Right-of-Way Acquisition** – The project requires full acquisition of 12 parcels for right-of-way. The 12 parcels proposed for full acquisition consist of 10 parcels with 12 industrial or commercial tenants; one parcel consisting of a mobile home community with 10 residential tenants, and one parcel that is vacant and not occupied. In addition, the project will require partial acquisition from most of the parcels within the project area for permanent and temporary easements.

### Summary of Historic Properties

In September 2023, Commonwealth Heritage Group, LLC dba Chronicle Heritage completed an Architectural Survey for the project. The report, titled *Architectural Survey Cleveland Street Phase IV Project, City of Virginia Beach, Virginia*, dated October 2023, identified the Norfolk and Virginia Beach Railroad (VDHR# 134-5145), which was determined eligible for the National Register of Historic Places (NRHP) in 2008 and recommended to remain eligible. The APE consists of urban development including commercial buildings and paved parking areas suggesting extensive disturbance, no archaeological survey was conducted for the current undertaking. On January 24, 2024, VDHR concurred with our eligibility recommendations.

### Determination of Effect

In accordance with 36 CFR 800.5(a), the City of Virginia Beach has applied the criteria of adverse effect to historic properties within the APE. The regulations implementing Section 106 of the National Historic Preservation Act define an effect as an “alteration of 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)). Based on the cultural resource investigations within the APE, it is recommended that the proposed project will have no adverse effect on the Norfolk and Virginia Beach Railroad

(VDHR# 134-5145). Therefore, the City intends to use this finding to support FHWA in making a *de minimis* determination pursuant to Section 4(f) of the Department of Transportation Act.

### Effect Recommendations

Based on the cultural resource investigations within the APE, the following is recommended:

Norfolk and Virginia Beach Railroad (VDHR ID# 134-5145) – the portion of the proposed project located along Southern Boulevard is immediately north of the Norfolk and Virginia Beach Railroad (VDHR ID# 134-5145). The proposed improvements consist of widening Southern Boulevard by 2 feet, constructing sidewalks and installing curb and gutter along the northside of the road (opposite side of the railroad), constructing a 2-foot-wide paved shoulder on the southside, and re-grading portions of a roadside ditch located immediately adjacent to Southern Boulevard between the existing road and VDHR ID# 134-5145. The ditch will be re-graded from the existing Dorset Avenue intersection up to 650-feet to the west. The proposed project will not require right-of-way acquisition from the parcel on which VDHR ID# 134-5145 is located. However, the project will require minor encroachment south of the existing road into the parcel on which VDHR ID# 134-5145 is located for construction of the 2-foot-wide paved shoulder and to re-grade the existing ditch. The edge of pavement for the existing road is located  $\pm 25$  feet from the railroad centerline and the proposed edge of pavement for the reconstruction will be located  $\pm 23$  feet from the railroad centerline. The ditch centerline will remain in the current location and all re-grading is limited to the ditch foreslope adjacent to the road. The Architectural Survey Form for this resource describes the railroad line as retaining the rail bed, wood ties, and metal rails. None of these elements will be impacted by the proposed project.

Therefore, it is recommended that the proposed project will have no adverse effect on the Norfolk and Virginia Beach Railroad (VDHR ID# 134-5145). A depiction of the proposed improvements along Southern Boulevard and Dorset Avenue in relation to VDHR ID# 134-5145 are depicted on Figure 1 in **Attachment A** and the plan sheets are provided in **Attachment B**.

We invite you to concur with the effect recommendations by completing the attached signature block on Page 4 and returning it to my attention within 30 days of receipt of this letter. Please contact me at (757) 350-6669 or Victoria.Holmes@kimley-horn.com should you have any questions or concerns.

Sincerely,

**KIMLEY-HORN**



Victoria Holmes, WPIT  
Environmental Scientist

### ATTACHMENTS

Attachment A – Proposed Improvements Figure  
Attachment B – Proposed Improvements Plan Sheet

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**VDHR concurs on the following:**

The Cleveland Street Phase IV Improvement project (UPC# 110803) will have no adverse effect on the Norfolk and Virginia Beach Railroad (VDHR ID# 134-5145).

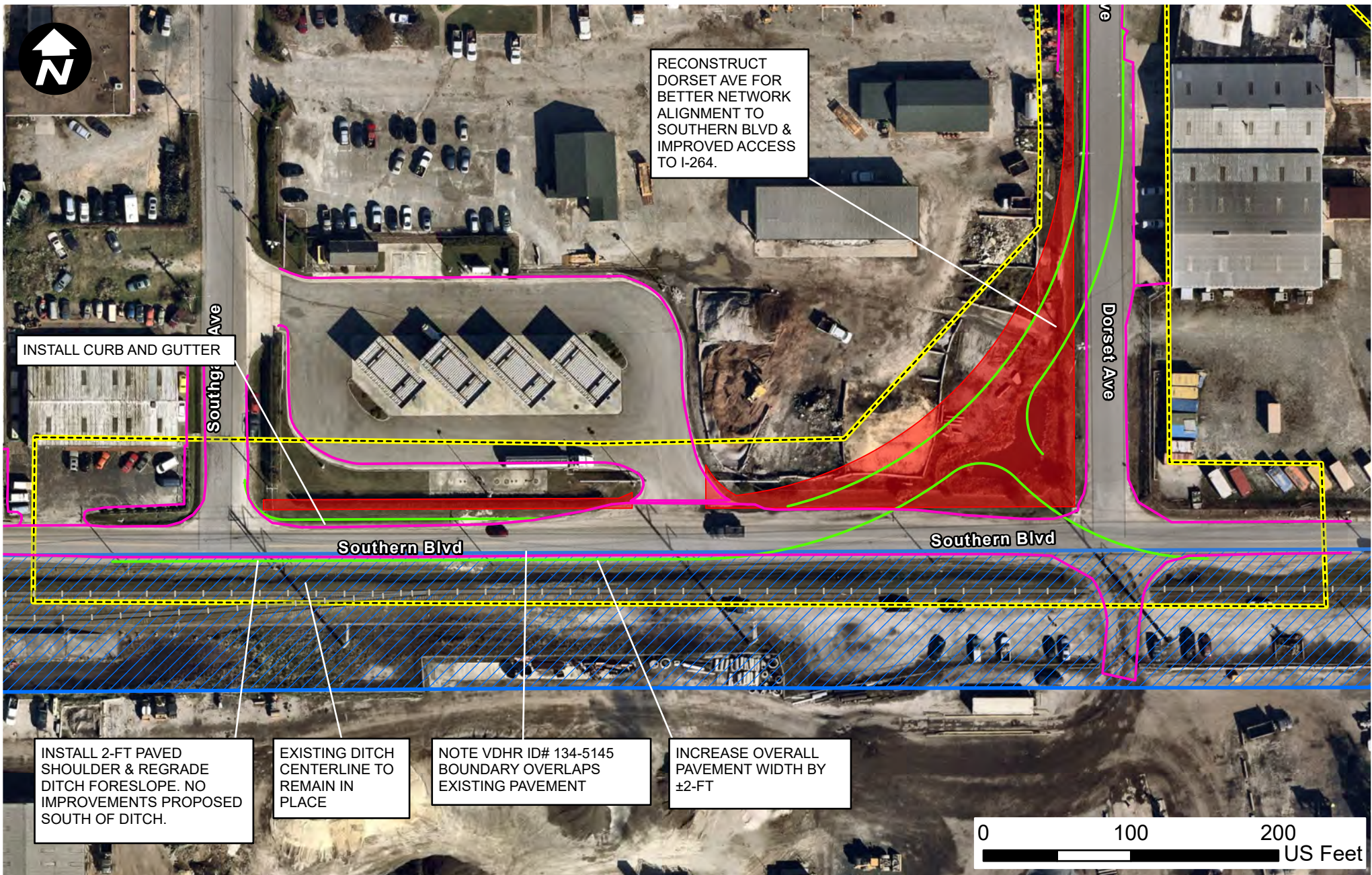
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Ms. Julie V. Langan, Director  
Virginia Department of Historic Resources

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Date

## **Attachment A – Proposed Improvements Figure**



#### LEGEND

- APE (±35.7 AC)
- PROPOSED RIGHT-OF-WAY ACQUISITION
- VDHR ID# 134-5145
- PROPOSED EDGE OF PAVEMENT
- EXISTING EDGE OF PAVEMENT

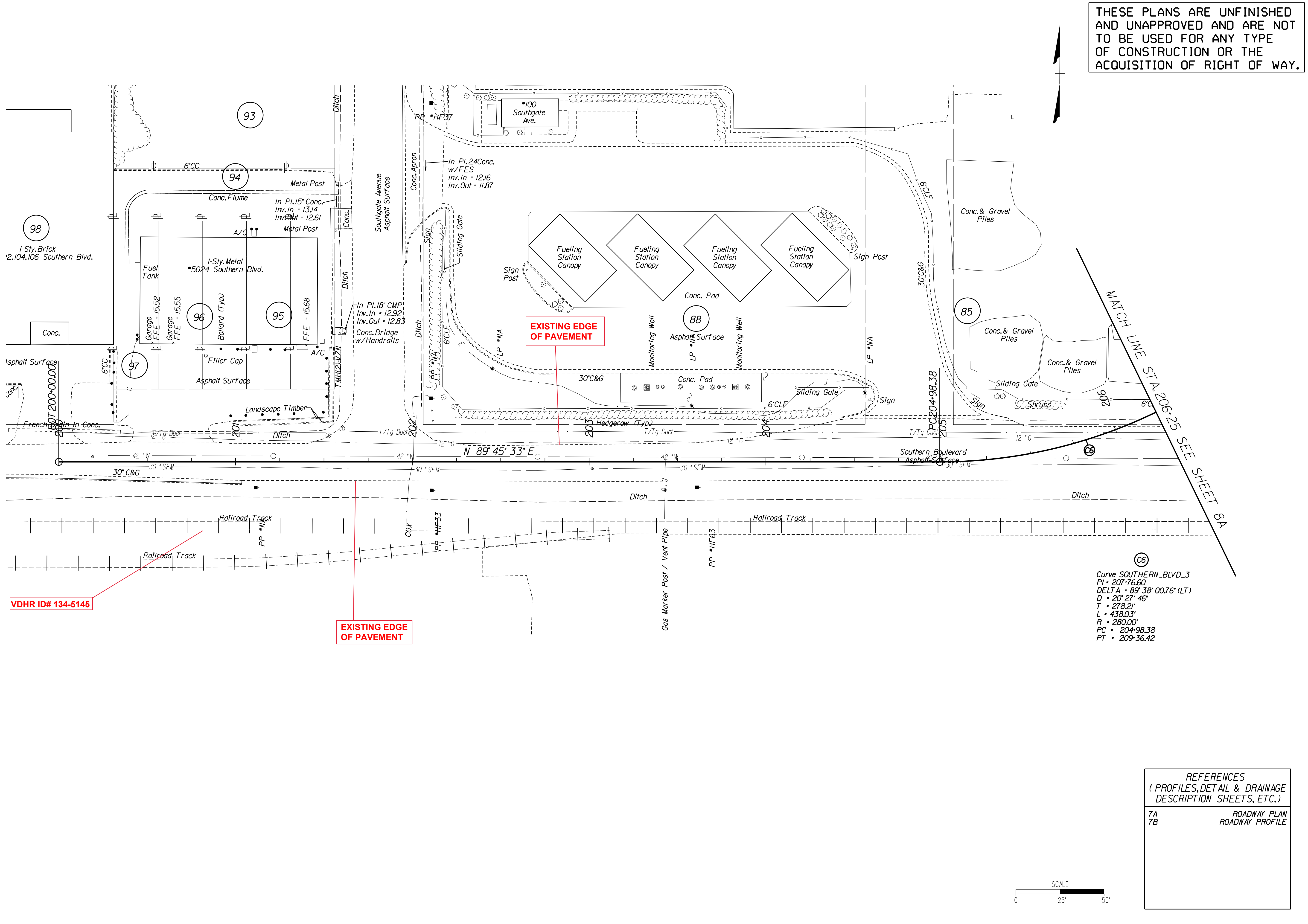


CITY OF  
**VIRGINIA  
BEACH**

**CLEVELAND STREET IMPROVEMENTS  
PHASE IV - CITY OF VIRGINIA BEACH, VA  
(U000-134-859, CIP 2-135, UPC 110803)**

**PROPOSED IMPROVEMENTS  
SOUTHERN BLVD DETAIL**

## **Attachment B – Proposed Improvements Plan Sheets**



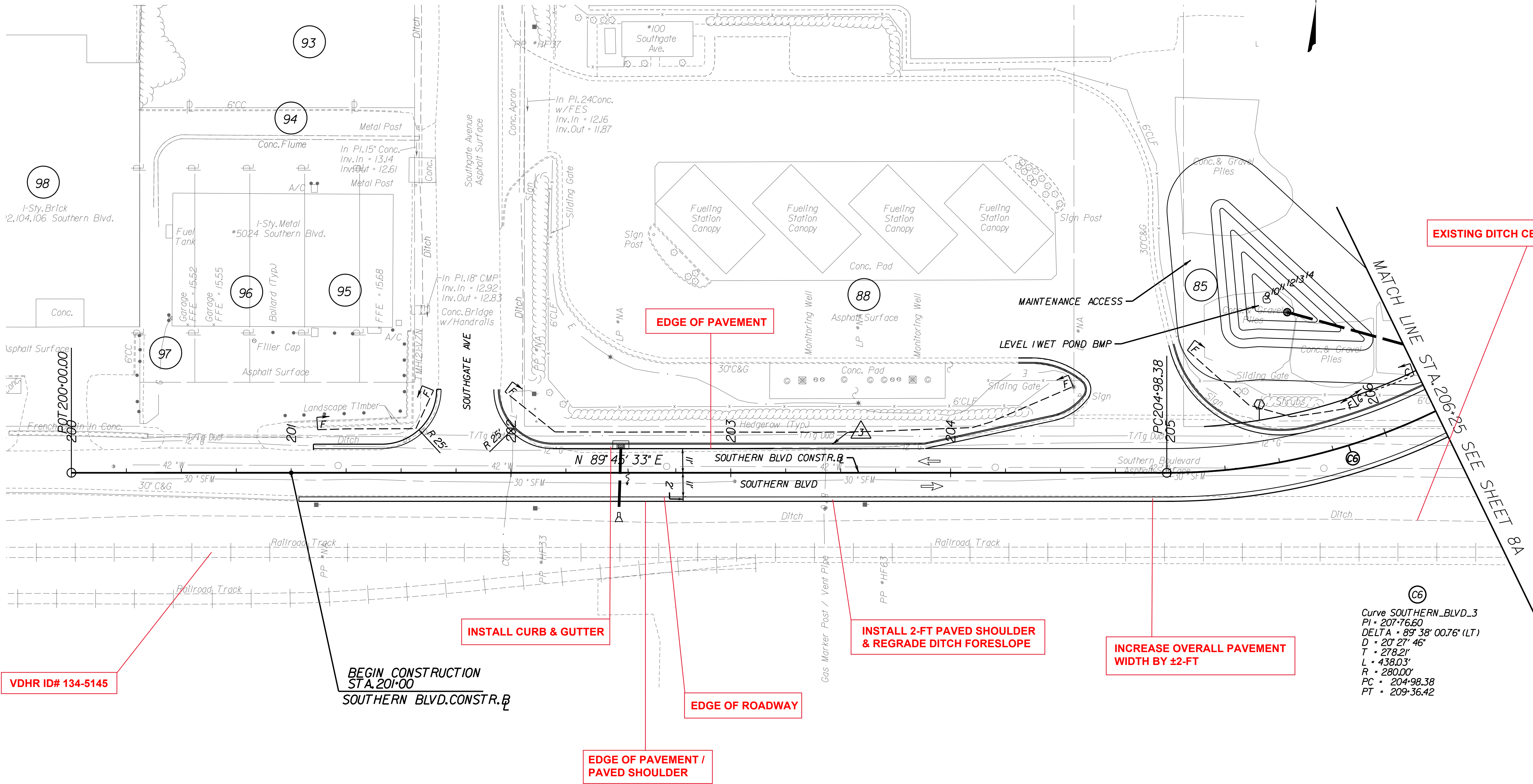
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Plotted By: kevin.puninske

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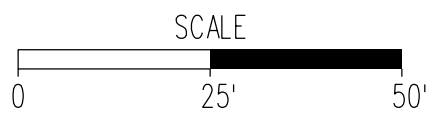
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|  | PROP.MILLING AND OVERLAY   |  | ST'D.CG-3 REQ'D           |  | SHARED SIDE PATH                |
|  | PROP.CONC.ITEMS            |  | ST'D.CG-6 REQ'D           |  | ST'D.MS-1 REQ'D                 |
|  | DENOTES PROP.FILL LINE     |  | ST'D.CG-12 TYPE A REQ'D   |  | ST'D.MS-2 REQ'D                 |
|  | DENOTES PROP.CUT LINE      |  | ST'D.CG-12 TYPE B REQ'D   |  | ST'D.HRPDC CLIO REQ'D           |
|  | PROP.R/W                   |  | ST'D.CG-12 TYPE R12 REQ'D |  | CONCRETE TRUCK APRON            |
|  | PROP.PERM.DRAIN.EASEMENT   |  | ST'D.CG-12 TYPE M2 REQ'D  |  |                                 |
|  | PROP.PERM.UTILITY EASEMENT |  |                           |  |                                 |
|  | PROP.TEMP.CONSTR.EASEMENT  |  |                           |  |                                 |

SEE CROSS SECTION +203 50 FOR  
REGRADE DITCH FORESLOPE  
DETAIL (PAGE 10 / SHEET 81)

REFERENCES  
(PROFILES, DETAIL & DRAINAGE  
DESCRIPTION SHEETS, ETC.)

7 TOPOGRAPHIC SURVEY  
7B ROADWAY PROFILE



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ROADWAY PLAN SOUTHERN BOULEVARD  
STA. 200+00 TO STA. 206+25

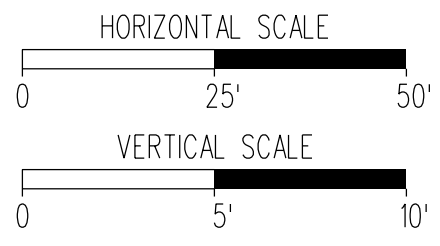
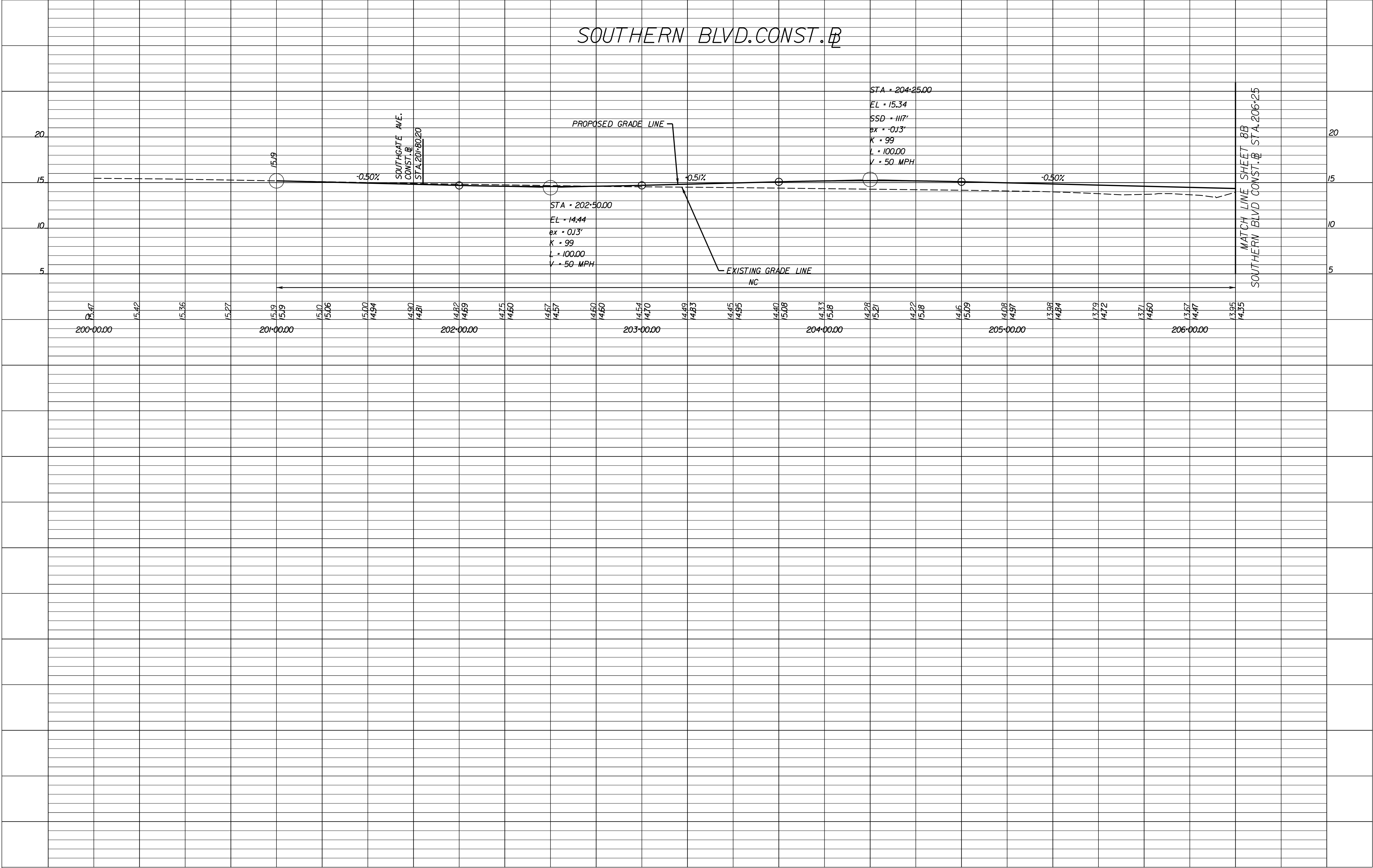
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(CIP 2-105)

SHEET NUMBER

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PROFILE SOUTHERN BLVD.  
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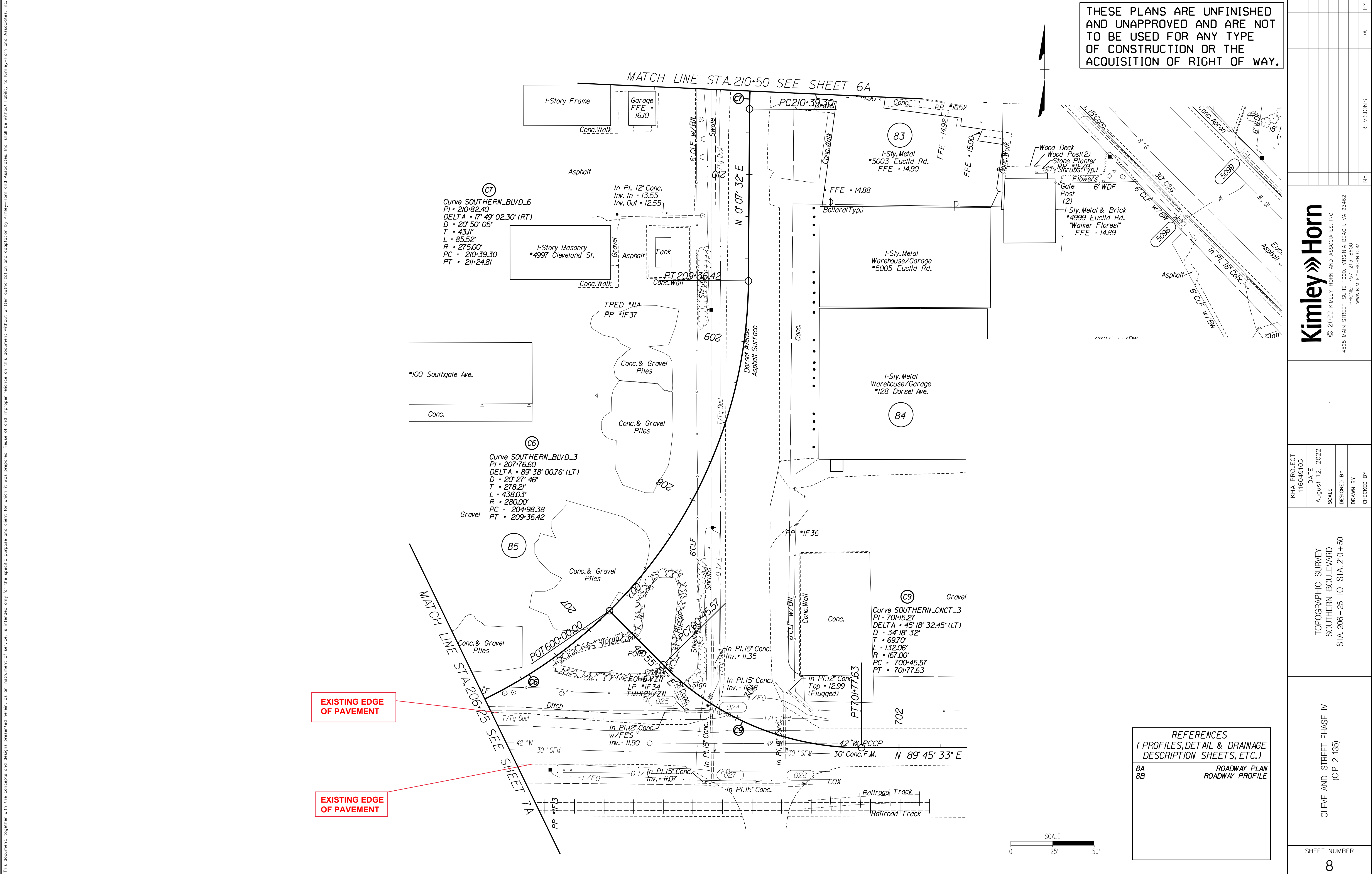
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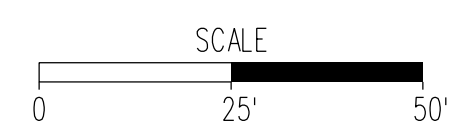
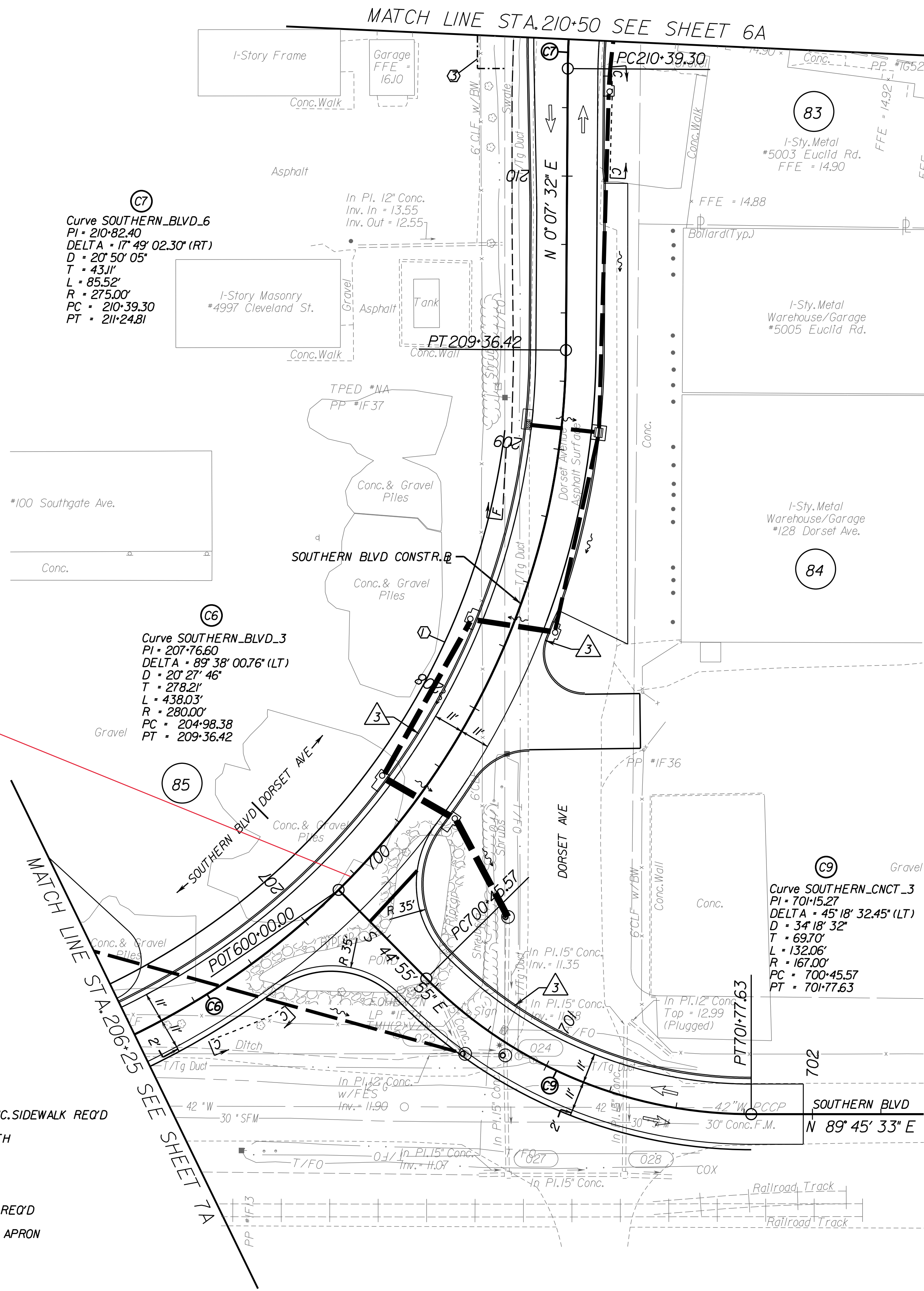
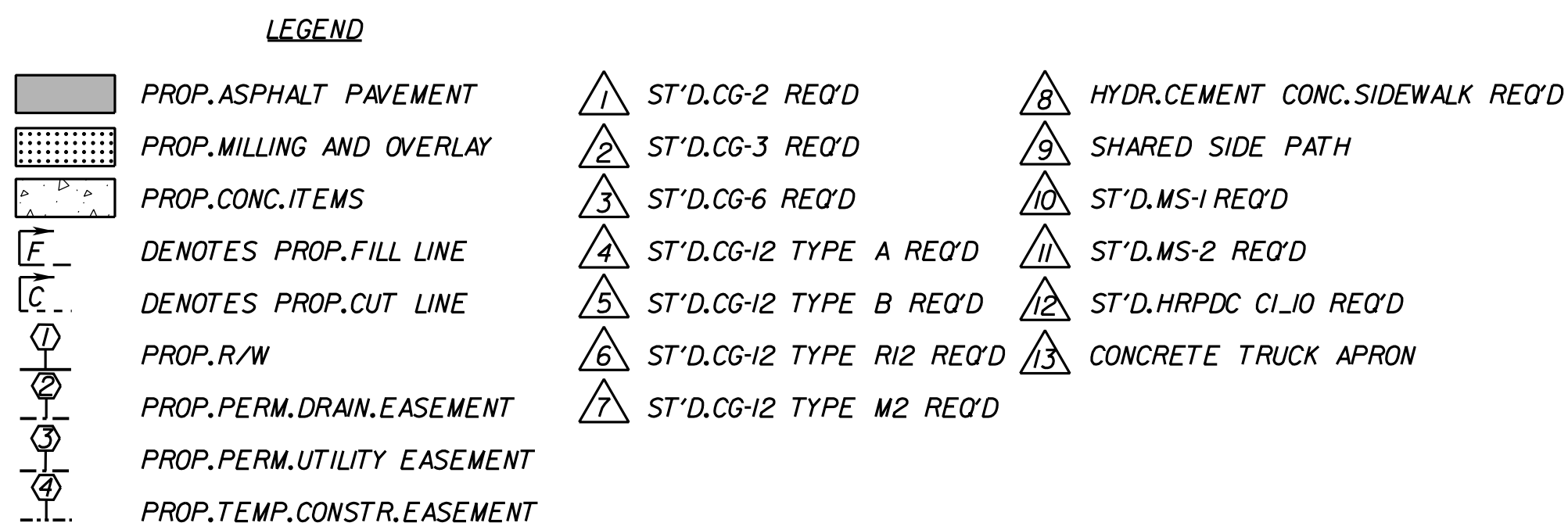
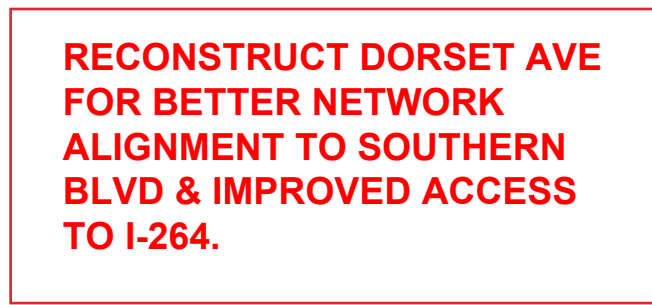
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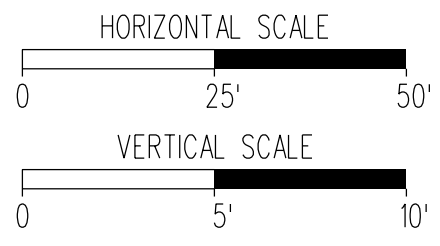
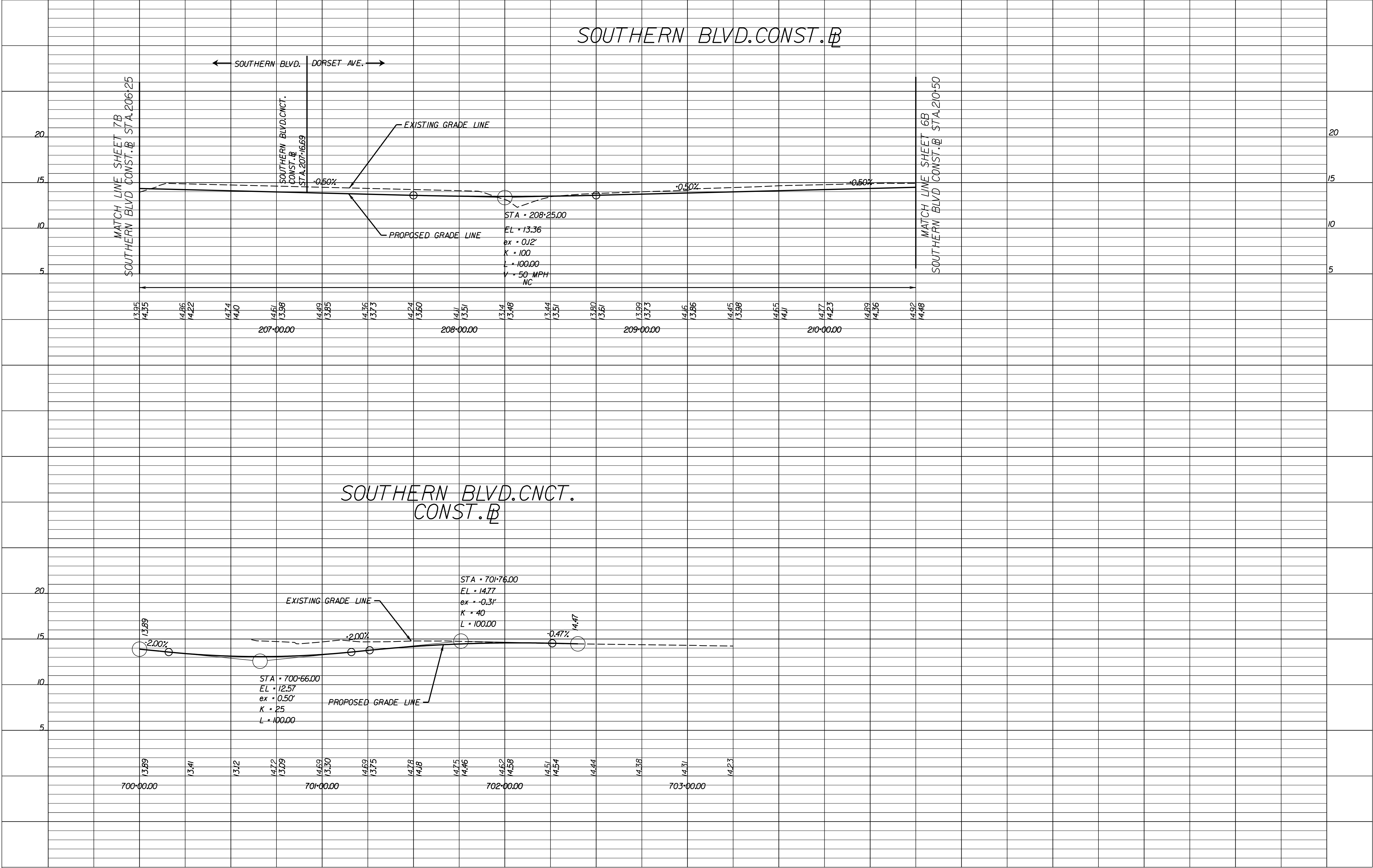
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| <p style="text-align: center;">REFERENCES<br/>(PROFILES, DETAIL &amp; DRAINAGE<br/>DESCRIPTION SHEETS, ETC.)</p> |                    |
| 8                                                                                                                | TOPOGRAPHIC SURVEY |
| 8B                                                                                                               | ROADWAY PROFILE    |

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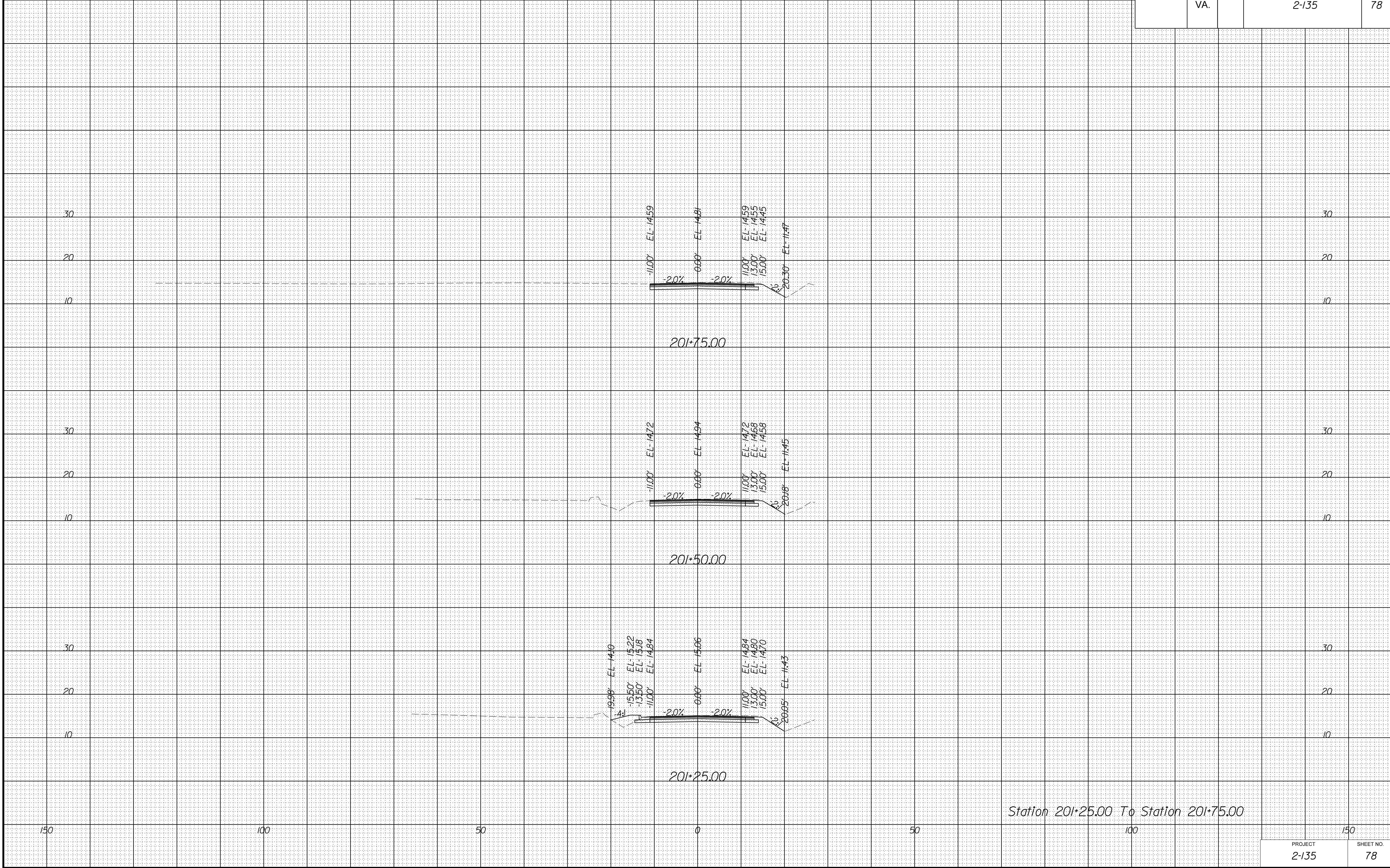
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DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurark, Inc., 7/8/2022 -----

CROSS SECTIONS

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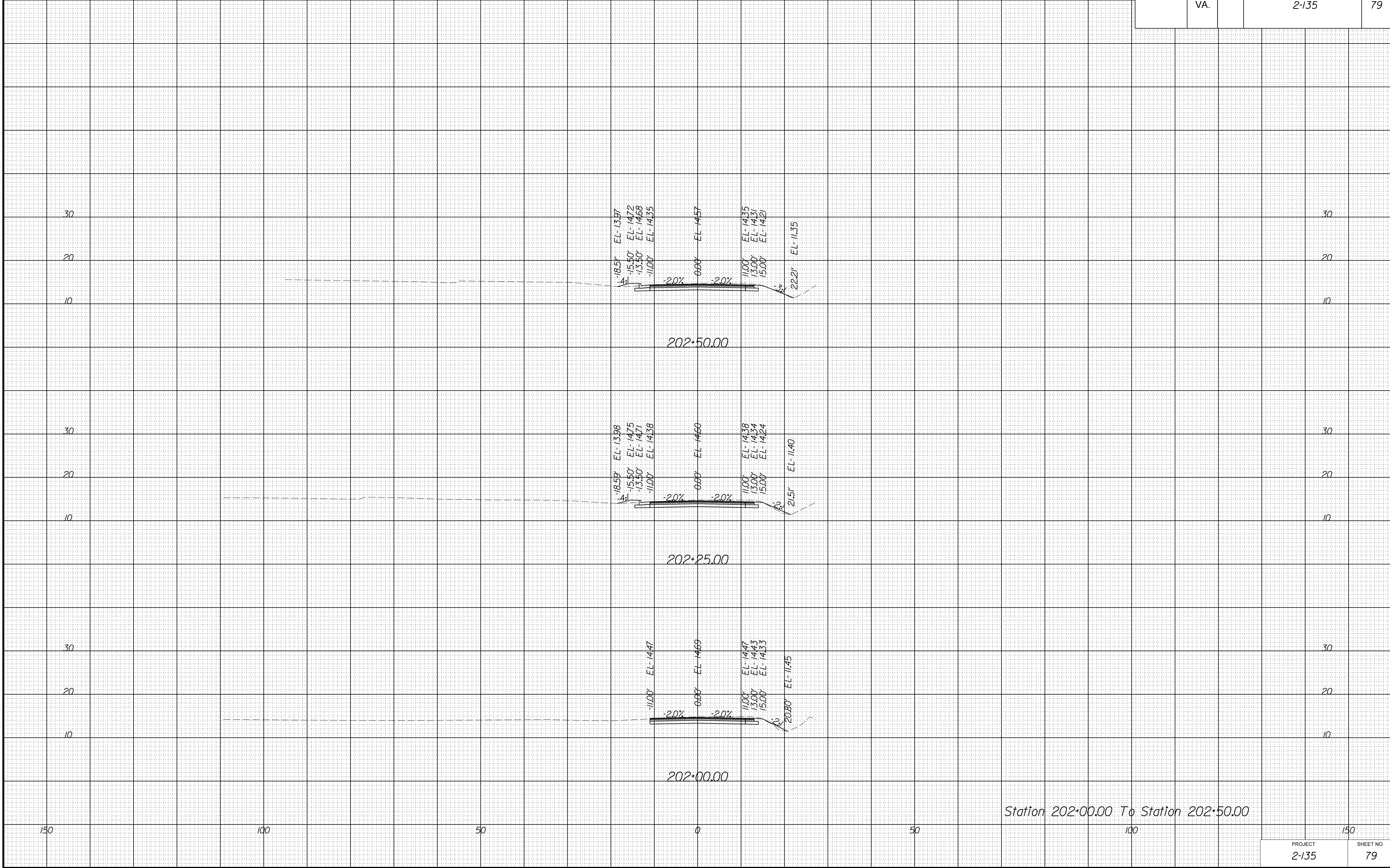


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SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
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SUBSURFACE UTILITY BY, DATE Accurmark, Inc., 7/8/2022 -----

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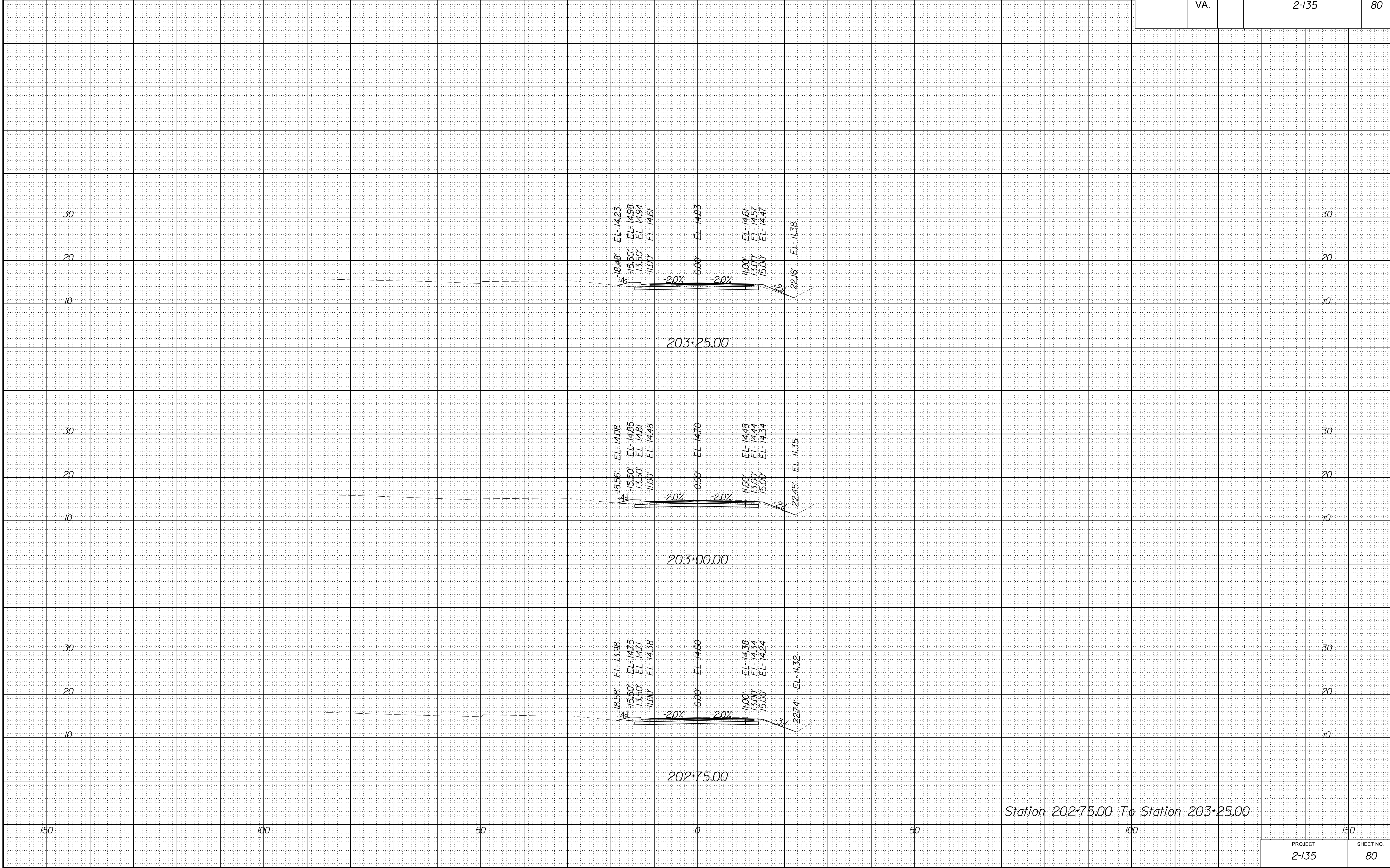
PROJECT MANAGER Stephen Hallard (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurark, Inc., 7/8/2022 -----

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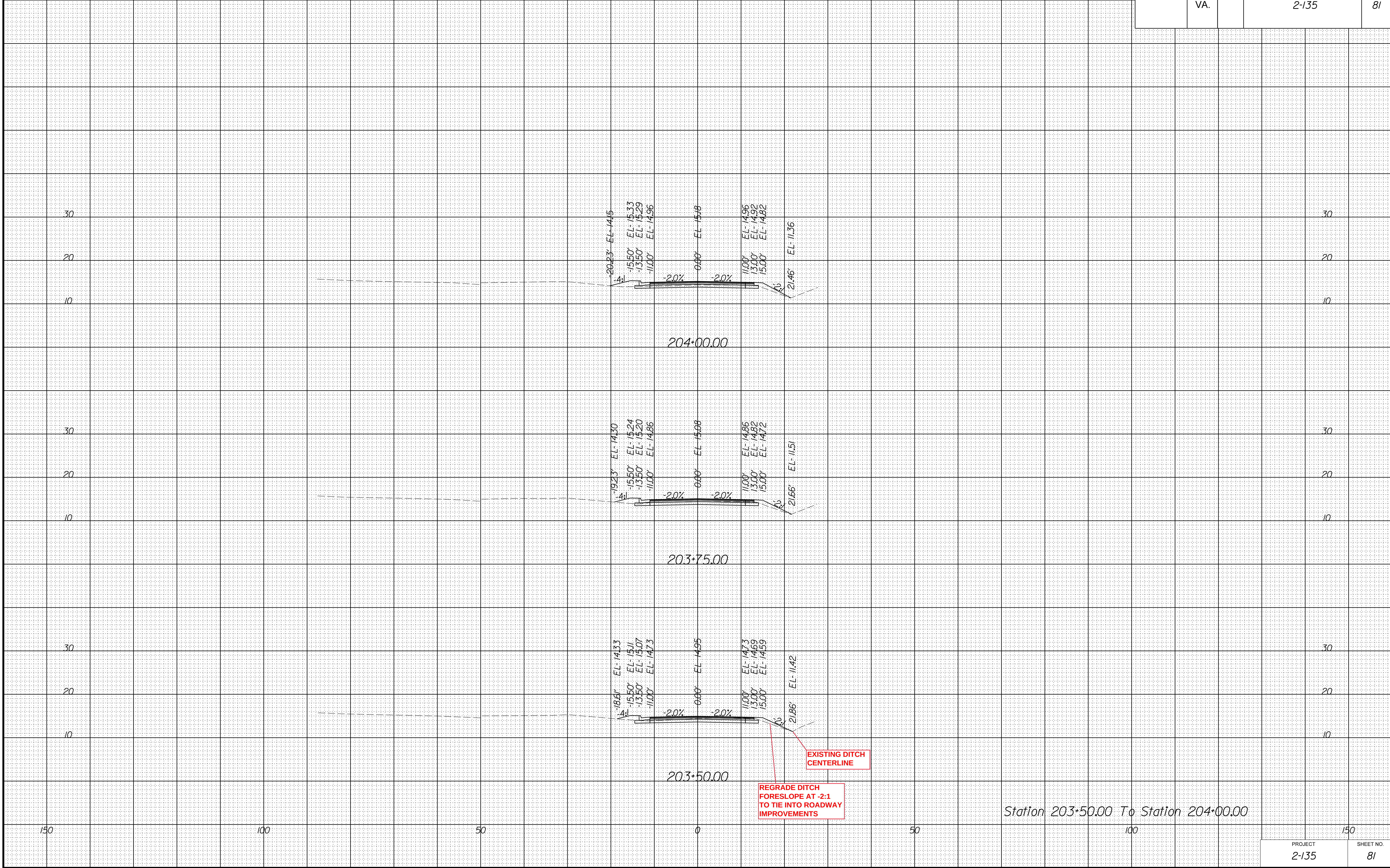
PROJECT MANAGER Stephen Halladay (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurmark, Inc., 7/28/2022 -----

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| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 81        |



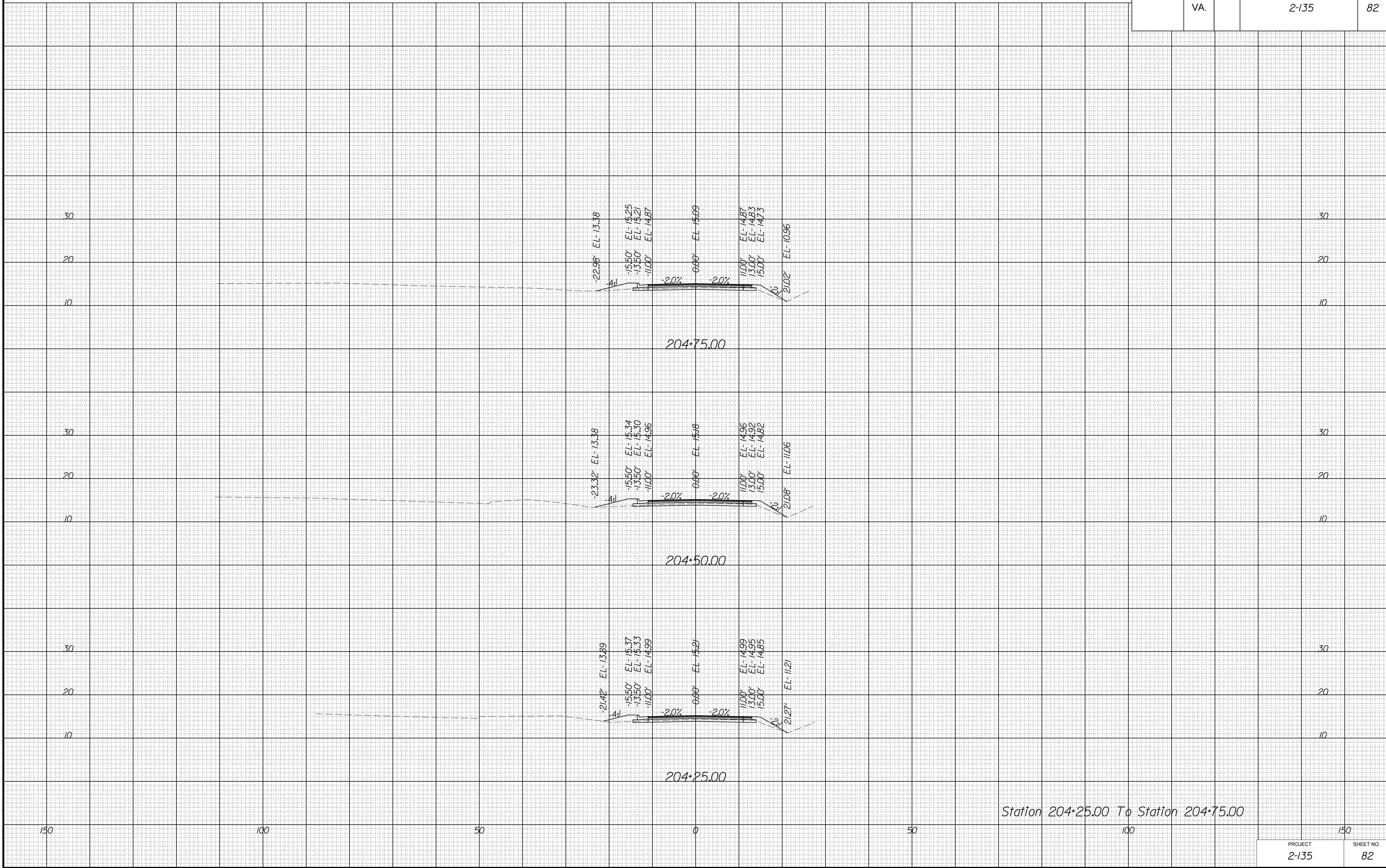
Station 203+50.00 To Station 204+00.00

PROJECT MANAGER Stephen Halladay (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurmark, Inc., 7/8/2022 -----

CROSS SECTIONS  
SCALE 1 IN. = 10 FT

DESIGN FEATURES RELATING TO CONSTRUCTION  
OR TO REGULATION AND CONTROL OF TRAFFIC  
MAY BE SUBJECT TO CHANGE AS DEEMED  
NECESSARY BY THE DEPARTMENT

| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 82        |

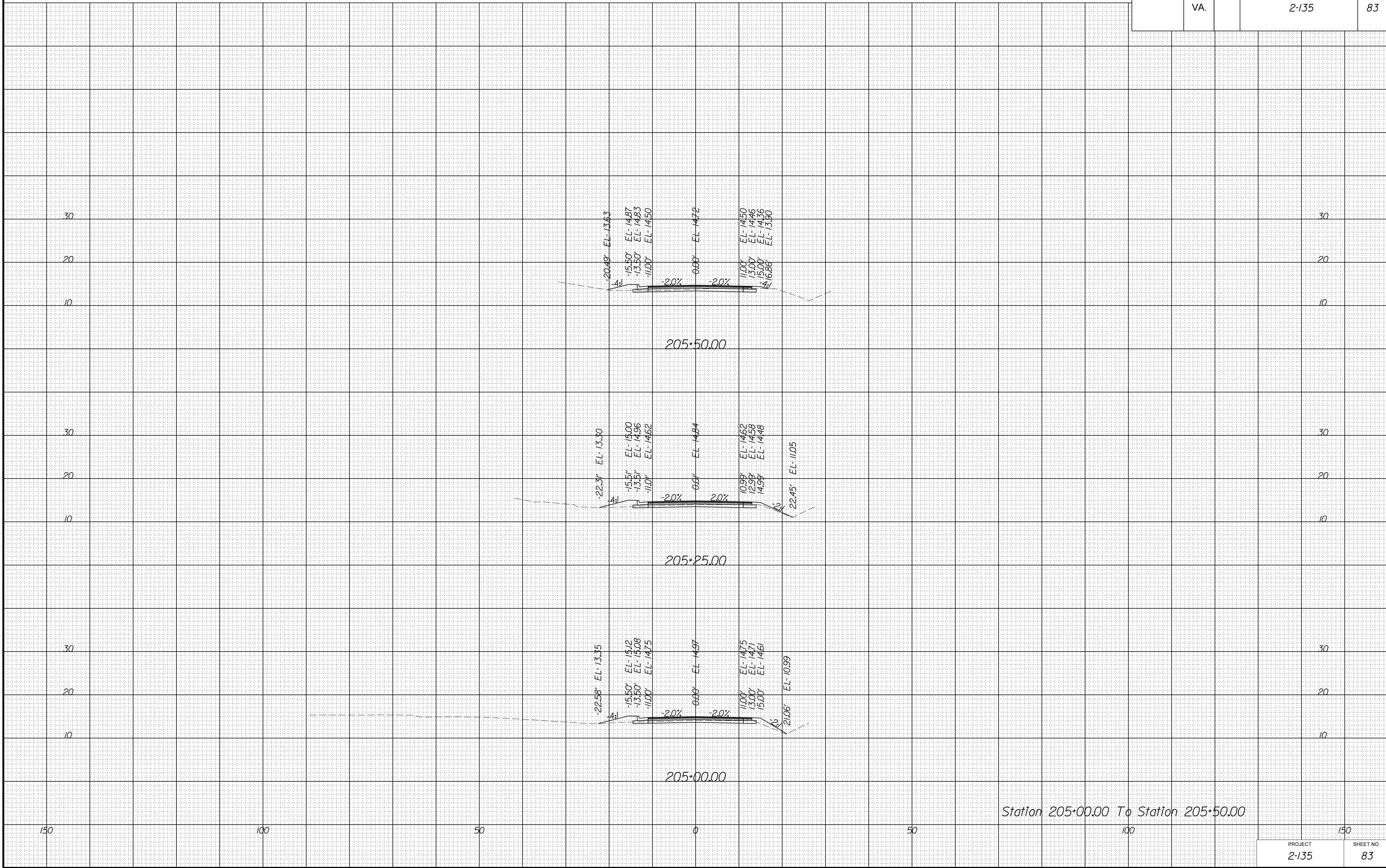


PROJECT MANAGER Stephen Halladay (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurark, Inc., 7/8/2022 -----

CROSS SECTIONS  
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| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 83        |



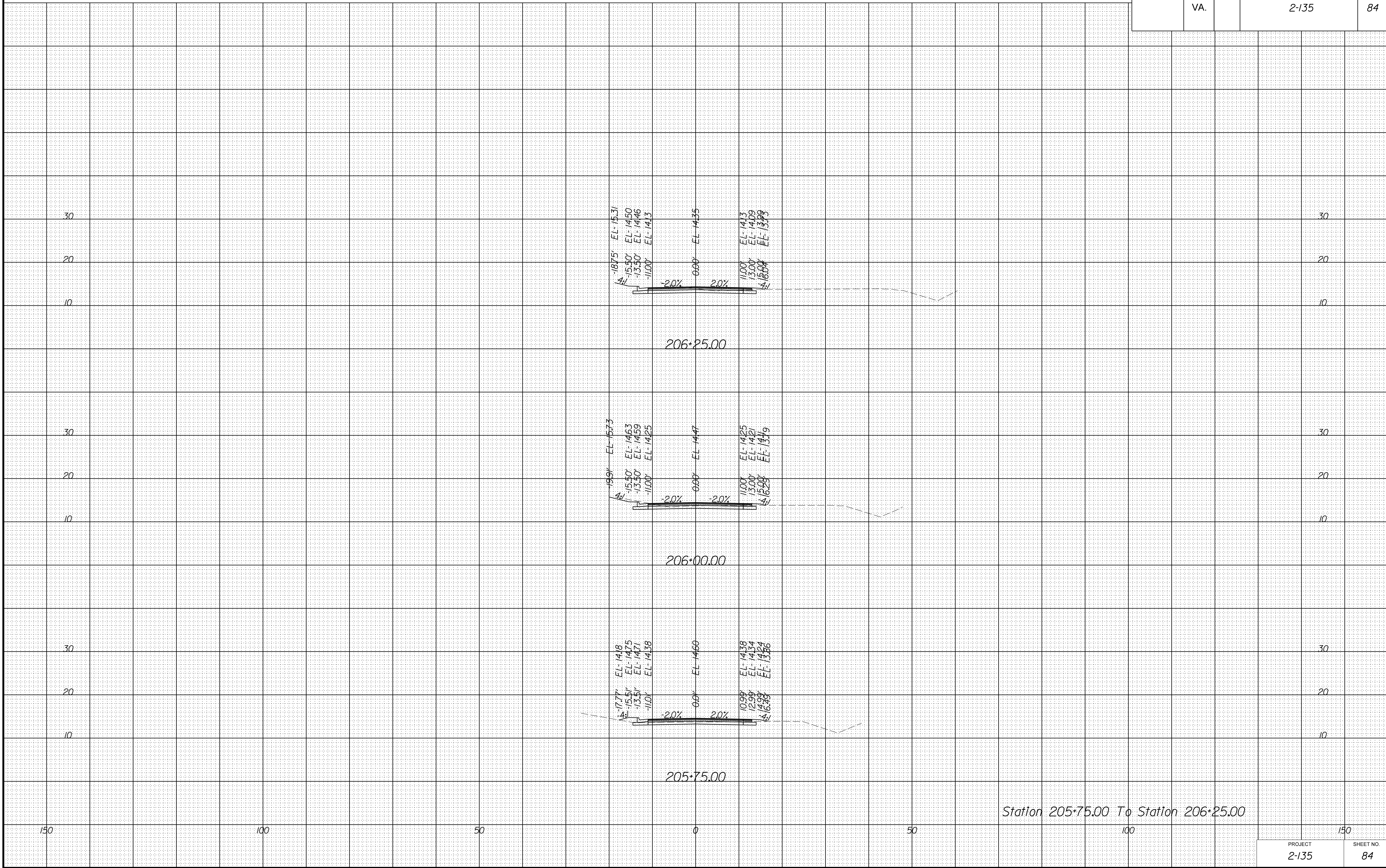
PROJECT MANAGER Stephen Halladay (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurark, Inc., 7/8/2022 -----

CROSS SECTIONS

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| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 84        |



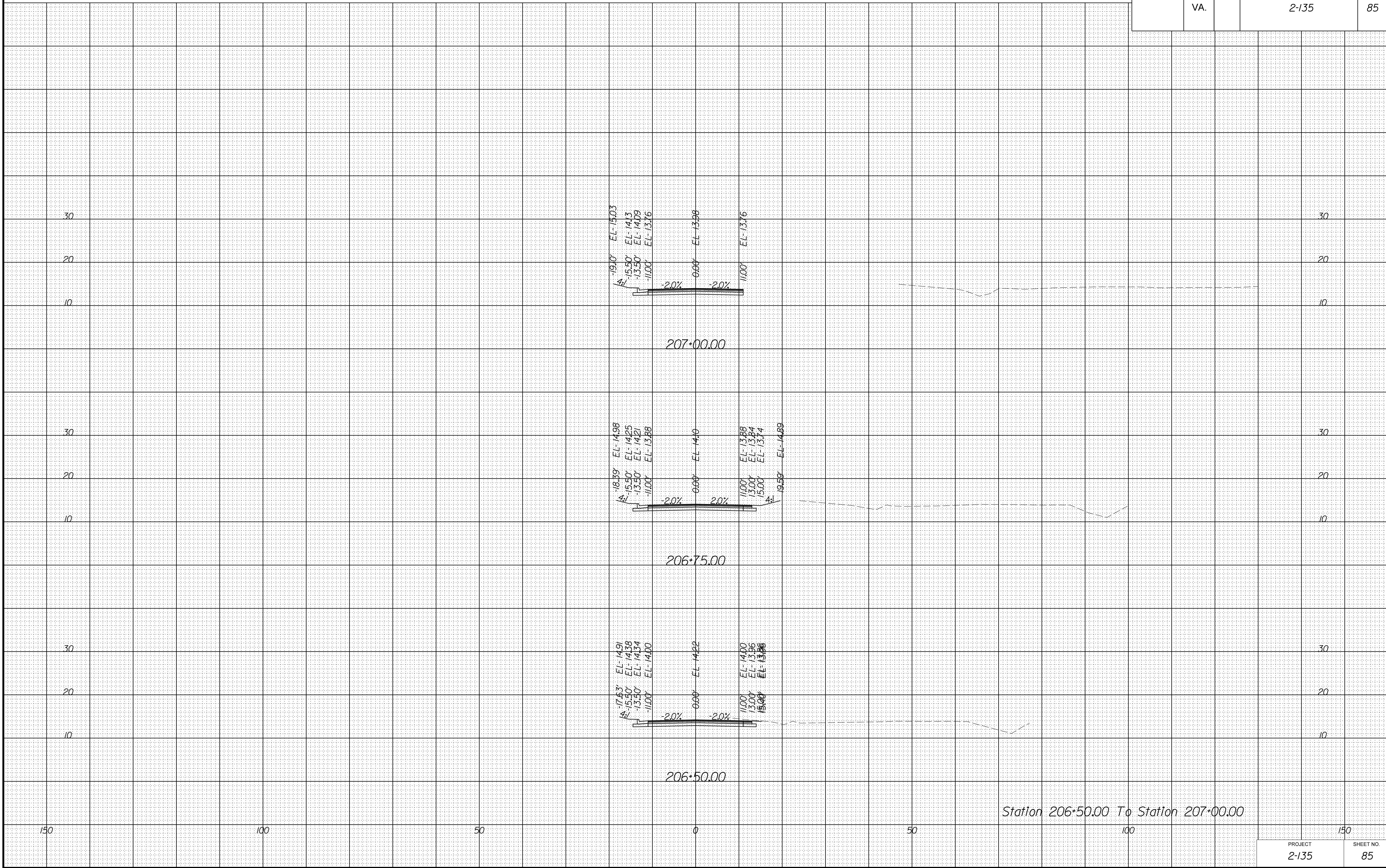
PROJECT MANAGER Stephen Halladay (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurmark, Inc., 7/8/2022 -----

CROSS SECTIONS

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| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 85        |



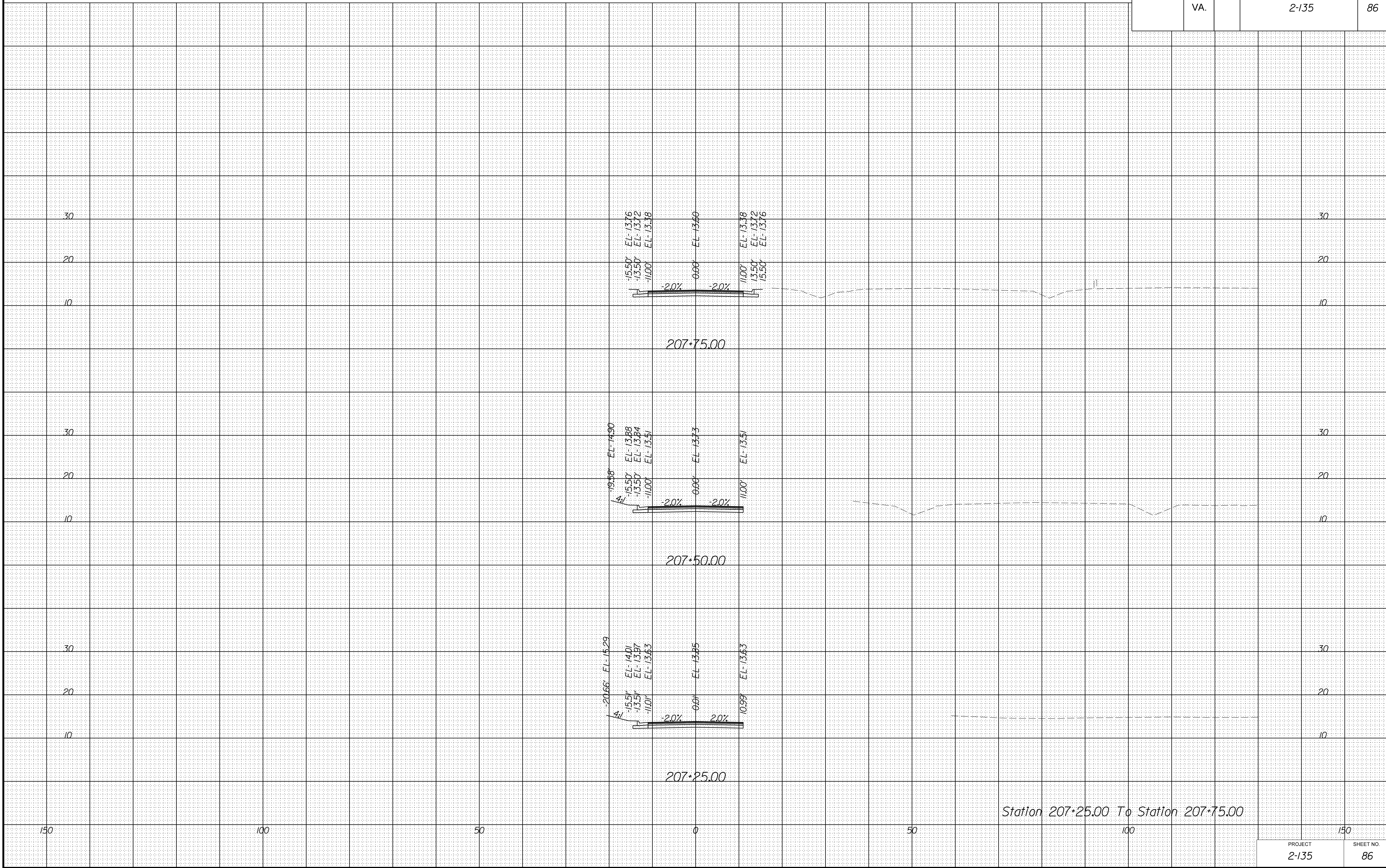
PROJECT MANAGER Stephen Halladay (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurark, Inc., 7/8/2022 -----

CROSS SECTIONS

SCALE 1 IN. = 10 FT

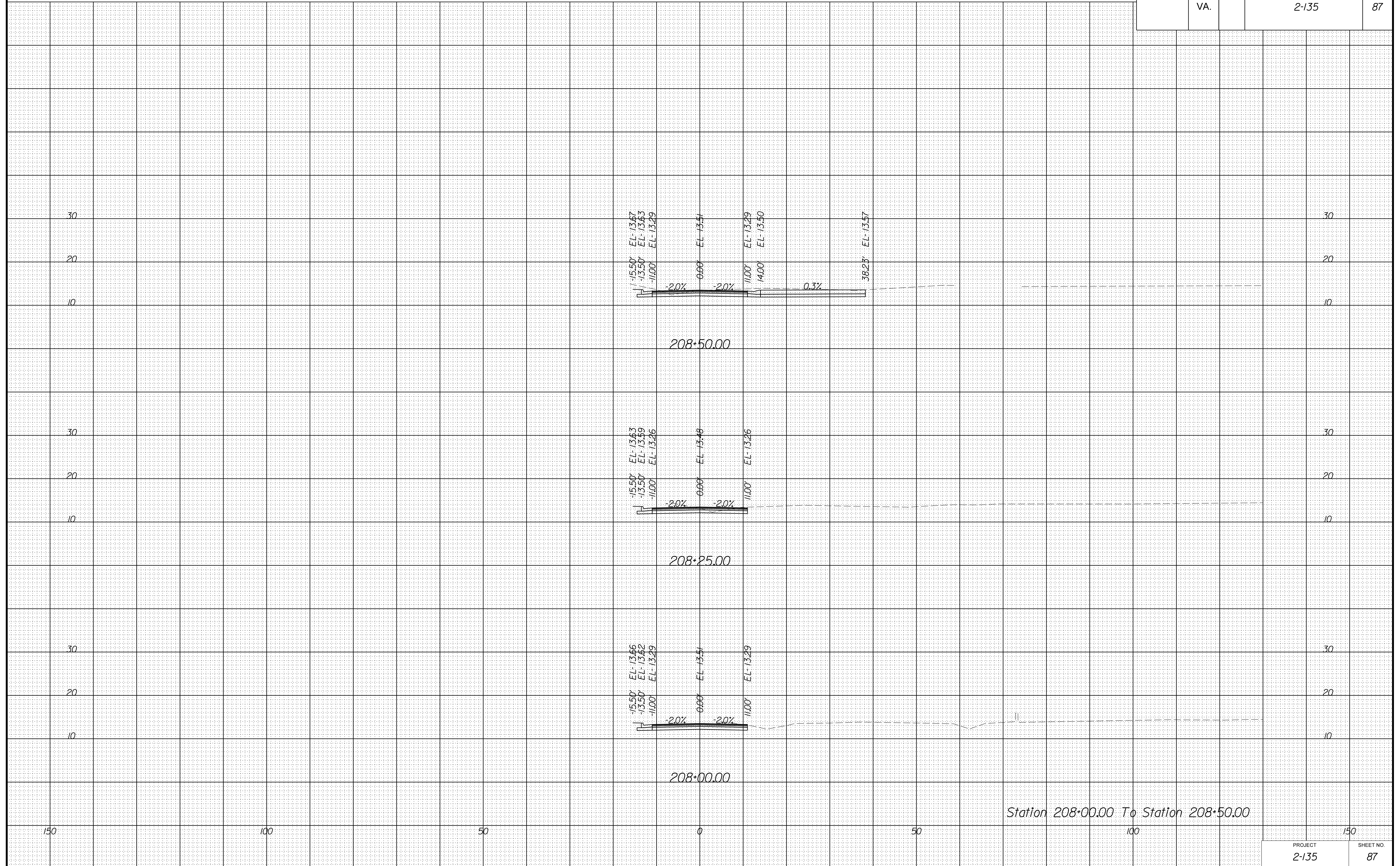
DESIGN FEATURES RELATING TO CONSTRUCTION  
OR TO REGULATION AND CONTROL OF TRAFFIC  
MAY BE SUBJECT TO CHANGE AS DEEMED  
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| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 86        |



## CROSS SECTIONS

| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 87        |



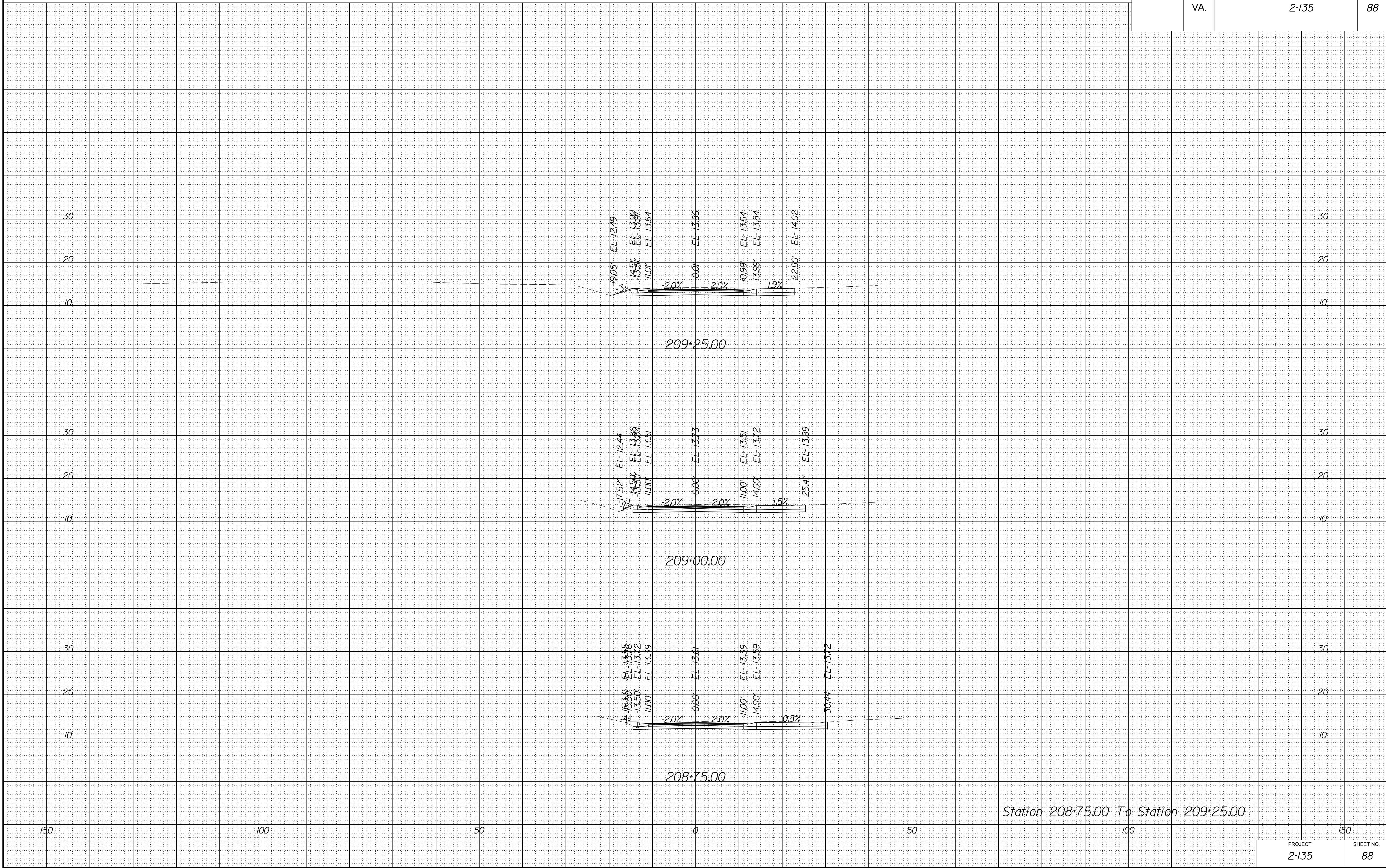
PROJECT MANAGER Stephen Halladay (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurmark, Inc., 7/8/2022 -----

CROSS SECTIONS

SCALE 1 IN. = 10 FT

DESIGN FEATURES RELATING TO CONSTRUCTION  
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| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 88        |



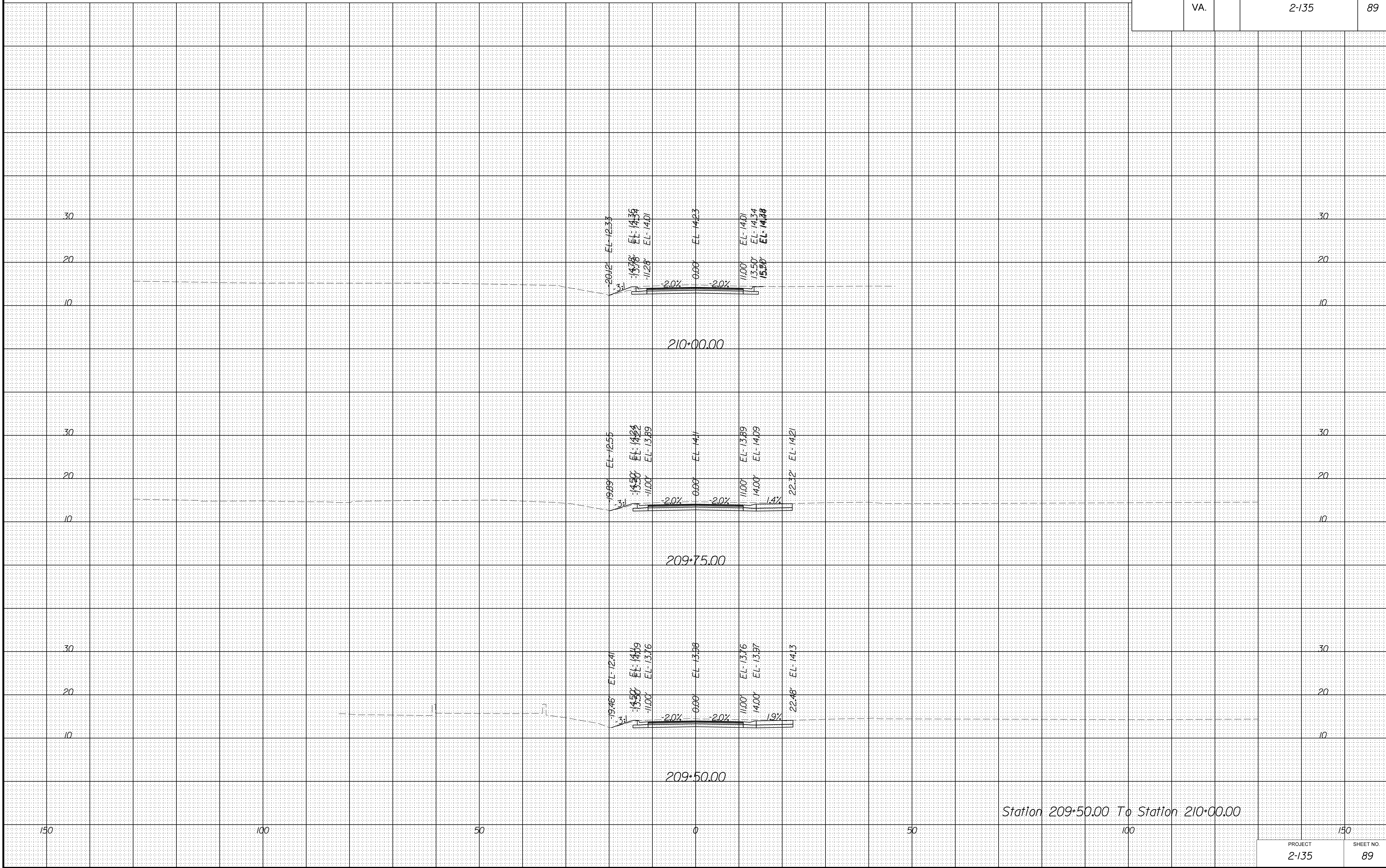
PROJECT MANAGER Stephen Halladay (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurmark, Inc., 7/8/2022 -----

CROSS SECTIONS

SCALE 1 IN. = 10 FT

DESIGN FEATURES RELATING TO CONSTRUCTION  
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| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 89        |

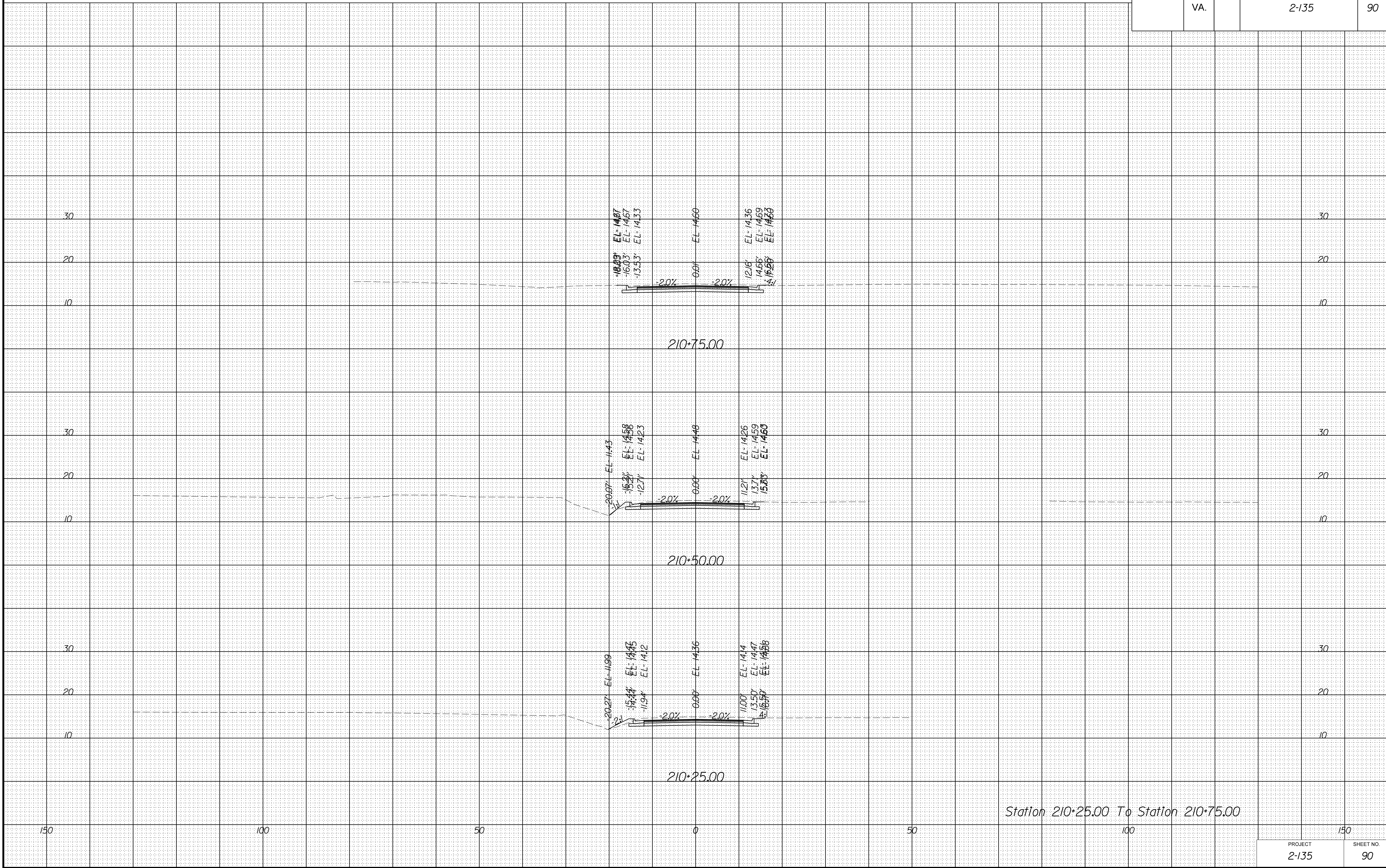


PROJECT MANAGER Stephen Halladay (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurmark, Inc., 7/8/2022 -----

CROSS SECTIONS  
SCALE 1 IN. = 10 FT

DESIGN FEATURES RELATING TO CONSTRUCTION  
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NECESSARY BY THE DEPARTMENT

| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 90        |



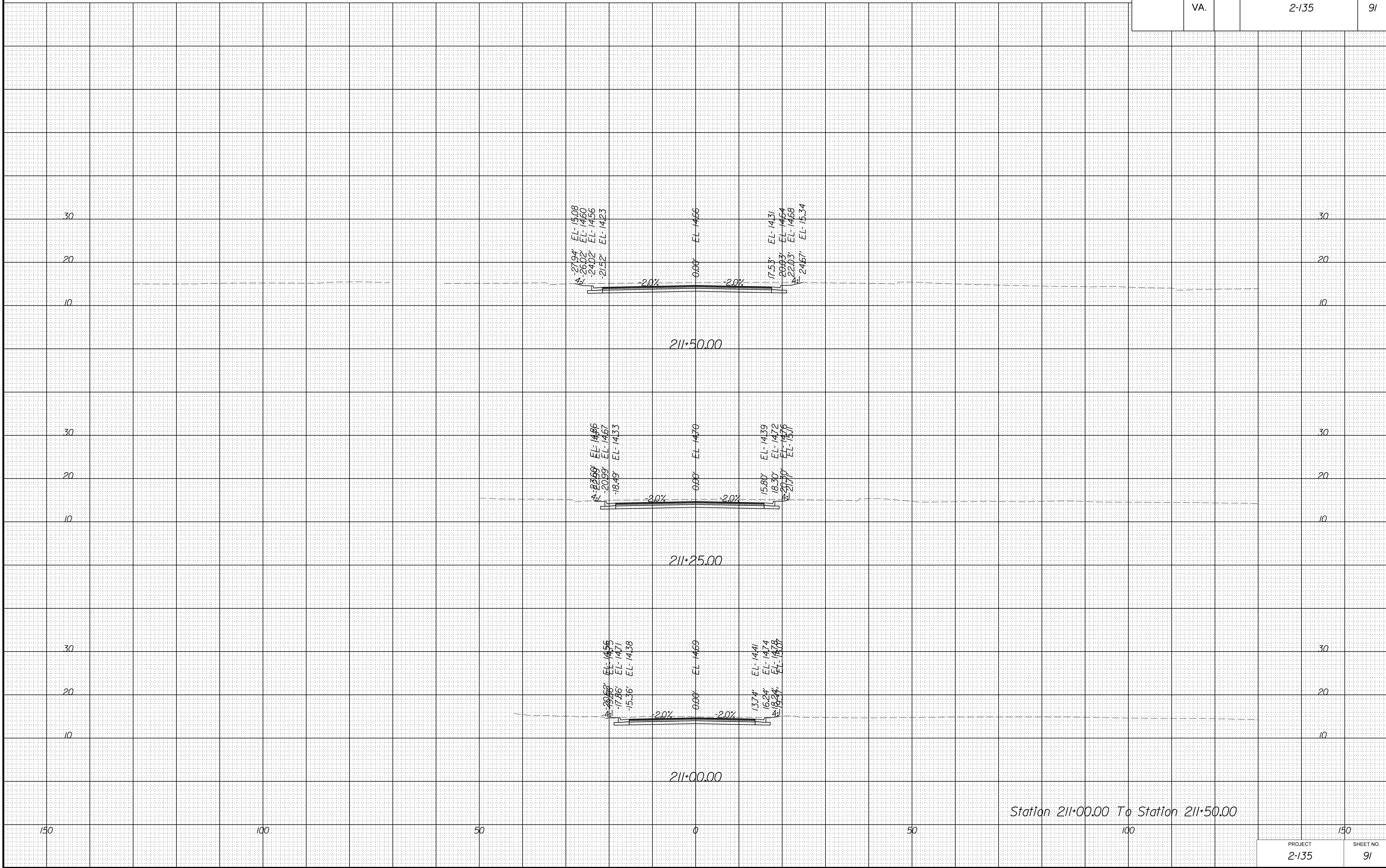
PROJECT MANAGER Stephen Hallard, (Kimley-Horn) -----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn -----  
SUBSURFACE UTILITY BY, DATE Accurark, Inc., 7/28/2022 -----

CROSS SECTIONS

SCALE 1 IN. = 10 FT

DESIGN FEATURES RELATING TO CONSTRUCTION  
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| REVISED | STATE | STATE |         | SHEET NO. |
|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 91        |



PROJECT MANAGER Stephen Hallard (Kimley-Horn)-----  
SURVEYED BY, DATE Precision Measurements, Inc., 6/16/2022 ---  
DESIGN BY Kimley-Horn-----  
SUBSURFACE UTILITY BY, DATE Accurark, Inc., 7/8/2022-----

CROSS SECTIONS

SCALE 1 IN. = 10 FT

DESIGN FEATURES RELATING TO CONSTRUCTION  
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|---------|-------|-------|---------|-----------|
|         |       | ROUTE | PROJECT |           |
|         | VA.   |       | 2-135   | 92        |

