

Appendix F Section 4(f) *De Minimis* Form

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Section 4(f) *De Minimis* Impact on Historic Properties Form

Project Information	
Project Name: US 60 (Grand Avenue)/35th Avenue/Indian School Road Traffic Intersection Improvements	Federal-aid Number: 060-B(227)T
ADOT Project Number: 060 MA 159 F0272 01L	NEPA Class of Action: EA
Approval MOU: <input type="checkbox"/> 23 U.S.C. 326	Project Administration: <input checked="" type="checkbox"/> ADOT
<input checked="" type="checkbox"/> 23 U.S.C. 327	<input type="checkbox"/> LPA

Title 23 Code of Federal Regulations (CFR) 774.17 affords protection under Section 4(f) of the Department of Transportation Act to “publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of a historic site of national, state, or local significance.”

Section 4(f) requirements stipulate that USDOT agencies may not approve the use of a Section 4(f) property unless there is no feasible and prudent alternative to the use of that land, and the proposed action includes all possible planning to minimize harm to the property resulting from such use, OR it is determined that the use of the property, including any measures to minimize harm committed to by the applicant, will have a *de minimis* impact on the property.

For historic properties, a *de minimis* impact determination can be made when there is a No Historic Properties Affected, or a No Adverse Effect finding under the Section 106 process. *De minimis* impact determinations are made after notifying the State Historic Preservation Office (SHPO)/Tribal Historic Preservation Office (THPO)/Advisory Council on Historic Preservation (if participating) of the intent to make a *de minimis* determination, involving the consulting parties, and receiving SHPO/THPO concurrence in the No Historic Properties Affected or No Adverse Effect finding.

PROJECT DESCRIPTION:

(Provide a concise description of the proposed action.)

The Arizona Department of Transportation (ADOT), in coordination with the City of Phoenix and Maricopa County Association of Governments, has initiated preparation of a design concept report and environmental assessment for improvements to the US Highway 60 (Grand Avenue), 35th Avenue, and Indian School Road intersection in Phoenix, Maricopa County, Arizona. The BNSF Railway parallels US 60 (Grand Avenue), adding to the challenges of maintaining traffic flow through this busy intersection. The study is investigating modifications to reduce traffic congestion, enhance safety, and improve pedestrian and bicycle facilities. The project extends between MP 158.70 and MP 159.50 of US 60 (Grand Avenue).

The Preferred Alternative would raise 35th Avenue and shift the Indian School Road bridge over 35th Avenue to create a new raised intersection over US 60 (Grand Avenue) and the BNSF Railway, eliminating the existing at-grade railroad crossings. The Preferred Alternative would change access for some properties along 35th Avenue closest to the intersection as a result of new elevated roadways and bridges. The project would include new connecting roadways to restore access to those properties.

Construction of the Preferred Alternative would include the following major elements:

- Removing the existing Indian School Road bridge over US 60 (Grand Avenue) and the BNSF Railway.
- Constructing new bridges for 35th Avenue and Indian School Road to pass over the railroad and US 60 (Grand Avenue), shifting 35th Avenue to the west and Indian School Road to the north.
- Along Indian School Road and 35th Avenue:
 - Removing portions of the existing 35th Avenue and Indian School Road roadways.
 - Constructing a new ramp connecting westbound Indian School Road and northwest-bound US 60



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- (Grand Avenue) and a new ramp connecting US 60 (Grand Avenue) to eastbound Indian School Road.
- Reconstructing intersecting public roadways and driveways along 35th Avenue and Indian School Road to match the new alignment and roadway elevation.
- Widening shoulders on 35th Avenue and Indian School Road to better accommodate bicycles.
- Reconstructing widened sidewalks along 35th Avenue and Indian School Road to maintain pedestrian connectivity.
- Along Indian School Road:
 - Widening Indian School Road along its new alignment to meet current City of Phoenix standards and accommodate potential future transit projects.
 - Extending 33rd Avenue north of Indian School Road to restore access to properties north of Indian School Road.
 - Adding turn lanes at the 33rd Avenue intersection to address re-routing of traffic between US 60 (Grand Avenue) and Indian School Road.
- Along 35th Avenue:
 - Realigning sections of Clarendon Avenue and reconstructing the 35th Avenue/Clarendon Avenue intersection to create a single, signalized intersection that serves areas located east and west of 35th Avenue by eliminating offset intersections.
- Along US 60 (Grand Avenue):
 - Restriping Grand Avenue to provide three through lanes in each direction and only one turn-only lane in the southbound direction to improve traffic flow at the new intersection.
 - Adding turn lanes at 33rd Avenue to address re-routing traffic between US 60 (Grand Avenue) and Indian School Road.
- Extending Glenrosa Avenue to the west to connect 35th Avenue and US 60 (Grand Avenue), creating a new intersection on US 60 (Grand Avenue) to restore traffic flow at the new intersection.
- Constructing a cul-de-sac on 37th Avenue north of US 60 (Grand Avenue), eliminating the intersection of 37th Avenue and US 60 (Grand Avenue), which ADOT has identified as a high-crash location.
- Relocating utilities, as needed.
- Regrading two existing drainage detention basins where new roadway fill encroaches into the basins.
- Constructing six new drainage detention basins to provide lost storage volume at the existing basins and capture increased onsite runoff.
- Conducting the following field investigations prior to construction:
 - Drilling geotechnical borings to inform design of new bridge structural elements.
 - Excavating small potholes to locate utilities within the existing roadway.

The Preferred Alternative would require new right-of-way (ROW) from properties along both sides of 35th Avenue due to the elevated roadway. ROW acquisitions include both full and partial acquisitions. The Preferred Alternative would require temporary construction easements to match existing grade for driveway and sidewalk construction. The final design will determine specific locations and dimensions of temporary construction easements.

Due to the urban nature of the project area, construction would require minimal vegetation clearing in landscaped areas within the ROW. The depth of disturbance for removing existing roadways and constructing new at-grade roadways would be approximately two to three feet. Depth of disturbance in areas surrounding the new bridges depends on bridge type, soil conditions, cost, and other factors that would be determined during Stage II design. A bridge with spread footings, if feasible, could require excavation up to 10 feet deep, while drilled shafts could be 100 feet deep. Geotechnical test drilling during final design would include small-diameter borings as much as 120 feet deep. Traffic control measures, including signs on spring-stands and similar temporary assemblies, would not result in ground disturbance.



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IDENTIFICATION OF SECTION 4(f) PROPERTY:

(List the property and provide a description of the property as per Chapter 6 of the *Section 4(f) Manual*. Attach a map, photo(s), etc. as appropriate.)

Mr. Lucky's (3660 Grand Avenue). The Mr. Lucky's property (Site 8) includes three historic-period commercial resources including the Mr. Lucky's nightclub building and an associated sign constructed in 1966 and a storage building constructed circa 1973. In March 2023, SHPO concurred with ADOT's determination that the Mr. Lucky's property is eligible under NRHP Criterion A and C at the local level with a period of significance of 1966, when Mr. Lucky's opened, to 2004, when the nightclub closed. The nightclub building is a character-defining feature under NRHP Criterion A and the sign is a character-defining feature under NRHP Criteria A and C. The storage building and parking lot are not character-defining features of the site.

OFFICIAL WITH JURISDICTION OVER SECTION 4(f) PROPERTY:

1. Identify agency with jurisdiction: Arizona State Historic Preservation Office
2. Name and title of contact person at agency: Ms. Kathryn Leonard, State Historic Preservation Officer, 1110 West Washington Street, Suite 100, Phoenix, Arizona 85007

APPLICABILITY DETERMINATION:

1. Does the project result in a "no adverse effect" or a "no historic properties affected" finding on the historic property under Section 106 of the National Historic Preservation Act and its regulations and SHPO/THPO has concurred including disclosure that ADOT intends to make a de minimis determination? YES NO

Concurrence is in the project file: YES

2. Describe the use of land from the property and identify the amount of the property to be used, including temporary and permanent acquisition. Include a description of any avoidance, minimization or mitigation:

The project will need to acquire approximately 0.1 acres acre from the parking lot at the southeast corner of the 1.5-acre Mr. Lucky's parcel. The parking lot is not a character-defining feature of the property and the SHPO concurred the acquisition from the parking lot would result in no adverse effect.

SUMMARY AND DETERMINATION:

Based on the scope of the undertaking; the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis; and with agreement from the official with jurisdiction (SHPO), the proposed action constitutes a *de minimis* impact.

DocuSigned by:

daniel rucker

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Date: 10-6-23

Cultural Resources Manager: Daniel Rucker



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<p>DocuSigned by: <i>Paul O'Brien</i> 69D3A817999345F...</p>	<p>Date: <u>10/06/2023</u></p>
<p>Approved By: Paul O'Brien, PE</p>	

Approval Authority	
<input type="checkbox"/>	The environmental review, consultation, and other actions required by Section 4(f) of the Department of Transportation Act are being carried out by ADOT pursuant to 23 U.S.C. 326 and a Memorandum of Understanding(s) executed by FHWA and ADOT on January 4, 2021.
<input checked="" type="checkbox"/>	The environmental review, consultation, and other actions required by Section 4(f) of the Department of Transportation Act are being carried out by ADOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding(s) executed by FHWA and ADOT on April 16, 2019.



Photo 1. Facade of Mr. Lucky's Nightclub Building (view north-northeast)



Photo 2. Southeast Side of Mr. Lucky's Sign (view northwest)

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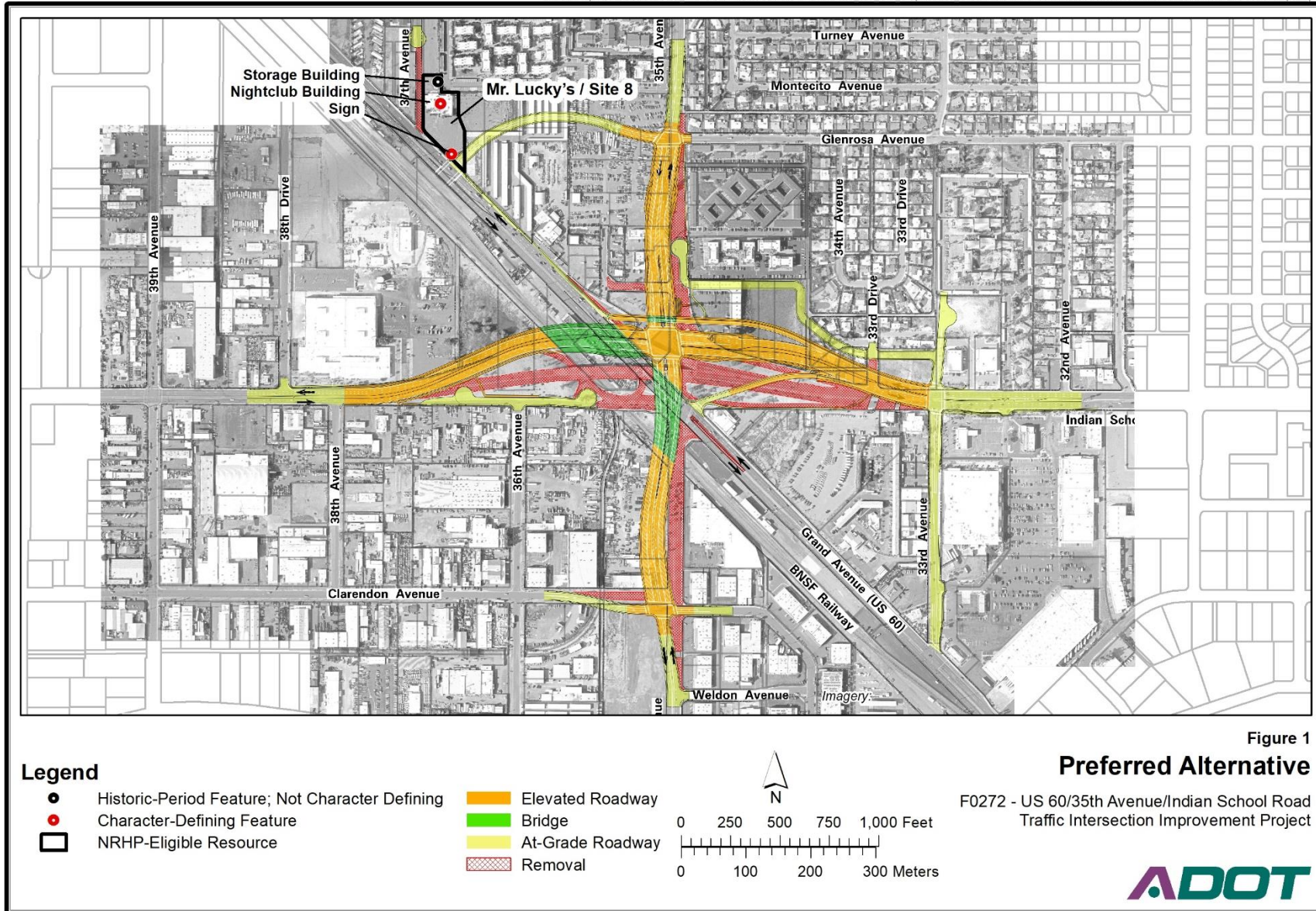


Figure 1

Preferred Alternative

F0272 - US 60/35th Avenue/Indian School Road
Traffic Intersection Improvement Project