

**Environmental Assessment
Determinations and Compliance Findings
for HUD-assisted Projects
24 CFR Part 58**

Project Information

Project Name: 316-Hotel

HEROS Number: 900000010158373

Responsible Entity (RE): WICHITA, CITY HALL WICHITA KS, 67202

RE Preparer: Brad Snapp

State / Local Identifier: Kansas/City of Wichita

Certifying Officer: Robert Layton, City Manager

Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable):

Point of Contact:

Project Location: 1011 N Topeka St, Wichita, KS 67214

Additional Location Information:

N/A

Direct Comments to:

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The 316 Hotel, located at 1011 N. Topeka Avenue, in Wichita KS 67214, was constructed in 1998. The 56-unit hotel, with 23,016 square feet, has a slab-on-grade foundation. Topeka Avenue is one block east of Broadway Avenue, which is a major arterial street in Wichita. The hotel is vacant at this time. Ascension Via Christi-St. Francis Regional Medical Center, Inc. owns the 316 Hotel. HumanKind Ministries, a 501(c)(3) nonprofit organization in Wichita, that wants to purchase the hotel with Community Development Block Grant - Coronavirus Aid, Relief and Economic Security (CARES) funding that has been allocated to the City of Wichita. If approved, HumanKind will use the building as a homeless shelter to prevent the spread of the coronavirus (COVID-19). The proposed plan is to rehabilitate the hotel sleeping rooms into studio apartments. The ground floor will have offices for case managers and other supportive services. Approximately six months after purchasing the building HumanKind plans to transition it from a shelter to permanent housing for homeless persons. Rehabilitation will occur at the same time the homeless shelter is in operation. Construction staff will work during the day so shelter residents can sleep at night HumanKind will operate as a shelter during construction. Each apartment will have a sinks, cabinet, microwave and mini-refrigerator. The existing carpet will be removed and the concrete will be cleaned and polished. Some first floor modifications will include offices for caseworkers and there will be replacement of some of the heating/cooling split units and security cameras. The parking lot will be striped.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

HumanKind Ministries is proposing to purchase the 316 Hotel located at 1011 N. Topeka Avenue in Wichita Kansas. If the acquisition is approved HumanKind will have the structure rehabilitated. The hotel sleeping rooms will be transformed into studio apartments with microwave ovens and mini-refrigerators. HumanKind plans to use the structure as a homeless shelter for at least six months before transitioning the use to permanent housing. Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CDBG-CARES) will be used for acquisition and rehabilitation. HumanKind is proposing this action to provide a safe place for homeless persons to stay in order to prevent the spread of COVID-19.

Existing Conditions and Trends [24 CFR 58.40(a)]:

Broadway Avenue to the west is a major arterial in Wichita. Wichita Transit bus Route 13 runs along Broadway providing transportation. Many individuals with luggage, backpacks and duffle bags ride the bus and walk along Broadway and Topeka. The project area has a medical clinic approximately one block north at 1122 N Topeka. Grace Med provides health care services to low income people. Accession Via Christi St. Francis Regional Hospital is one block east of the site. Wichita Transit provides bus service along Broadway which is less than one block to the west.

Maps, photographs, and other documentation of project location and description:**Determination:**

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
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Finding of Significant Impact

Approval Documents:**7015.15 certified by Certifying Officer****on:****7015.16 certified by Authorizing Officer****on:****Funding Information**

Grant / Project Identification Number	HUD Program	Program Name
B-20-MW-20-0004	Community Planning and Development (CPD)	Community Development Block Grant CARES Act (CDBG-CV)

Estimated Total HUD Funded, Assisted or Insured Amount: \$4,010,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$4,010,000.00

Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

3501]		
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.
Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.
Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.
Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. The structure is surrounded by asphalt parking surface.
Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements. The attached City of Wichita GIS-KDHE

		Environmental Report list reports with tabs for UST and AST. Not all locations have both or either. The attachments have the ASTs and distances from the site as long as they were within one mile or less.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. The proposed project site is in an urban area with no open farm land.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project is covered by a Programmatic Agreement that includes an applicable exemption that exempts this project from the requirements of Section 106. The project is in compliance with Section 106.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A Noise Assessment was conducted. The noise level was acceptable: 65.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		

<p>Environmental Justice Executive Order 12898</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The proposed project is in an area mixed with residential and commercial properties. Ascension Via-Christi Hospital - St. Francis is on the east side of Topeka Avenue across from the 316 Hotel. Broadway Avenue is the next street west of the proposed project. Other motels and apartment buildings are nearby. Many transient pedestrians walk the area along Broadway and Topeka. This project is a good fit for the community and will be an asset.</p>
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Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Impact Codes: An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The 2035 Plan Vision Statement (Community Investments Plan) is: "Building on our rich aviation and entrepreneurial heritage, Wichita-Sedgwick County is a global center of advanced manufacturing and high-tech industry and a premier service, education, health and retail center for South Central Kansas. People feel safe and enjoy affordable housing choices in diverse, vibrant neighborhoods offering unique quality living environments and active, healthy lifestyles with access to arts, culture and recreation. Encompasses areas that reflect the full diversity of	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks. This property is zoned "LC", with a small area of "B" located north of the building, which is a parking area. From the zoning perspective, there are three proposed uses. The uses are an apartment complex, an emergency shelter (short term), and an emergency shelter (long term). The UZC (zoning code) would classify these uses as follows, respectively: Multi-Family Dwelling, Hotel/Motel, and Group Residence, General. All three of these uses are permitted by-right in the "LC" District. As to the small area of "B" zoning, it would be considered non-conforming for parking purposes.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	The 316 Hotel has a slab-on-grade foundation and has a large surface parking lot surrounding it. The surface parking is in good condition and drains well.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	1	The initial homeless shelter will be an asset to the community as a way to prevent the spread of coronavirus. Once the building is rehabilitated and converted to a multifamily apartment facility for homeless individuals and or families it will continue to be an asset. Case managers will be onsite and security will be provided during night time hours. Site-generated noise should not be a problem. All work will be done during the day.	
Energy Consumption/Energy Efficiency	1	All existing hotel sleeping rooms will be converted to studio apartments. Wall HVAC will have governors to restrict users	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
		from making rooms as cold or hot as they want. Energy Star rated Microwave ovens and mini-refrigerators will be added to all apartments.	
SOCIOECONOMIC			
Employment and Income Patterns	1	All inhabitants of the proposed project will have access to the Wichita Sedgwick County Community Action Partnership (WSCCAP). The organization specializes in employment training and placement.	
Demographic Character Changes / Displacement	1	All participants must be homeless at the time they enter the shelter in December, 2020, and when the facility begins leasing apartments on July 1, 2021. The 316 Hotel is vacant now and no one will be displaced as a result of the project. This facility will be a stabilizing resource to the homeless persons who live there.	
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)	2	316 Hotel is located in United School District 259, which has the capacity for additional enrollment. Cultural resources are available across Wichita operated by various public entities and private groups. Permanent housing will have a very positive impact on children who have had to move frequently. They miss school and lessen their chances of graduating from high school.	
Commercial Facilities (Access and Proximity)	2	It is not likely the proposed project will have an adverse impact on the local businesses.	
Health Care / Social Services (Access and Capacity)	1	Grace Med is located approximately one block north of the project site at 1122 N. Topeka. Grace Med specializes in providing health care for low income individuals and families. Ascension Via-Christi St. Francis Hospital is located across the street east of the proposed site. Many other health care facilities are located throughout the community,	
Solid Waste Disposal and	2	316 Hotel had solid waste disposal and	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Recycling (Feasibility and Capacity)		the converted structure will as well. City Municipal Code requires residential facilities to have trash service.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	The City of Wichita provides waste water/sanitary sewer services to the site area. It is not anticipated to have an adverse impact on the waste water/sanitary sewer service.	
Water Supply (Feasibility and Capacity)	2	The City of Wichita provides water utilities to the site area. This is not a new structure therefore it is not anticipated to have an adverse impact on the municipal water supply.	
Public Safety - Police, Fire and Emergency Medical	2	The City of Wichita provides public safety including Police, Fire and Emergency Medical services to the project area. Case managers will be on site during the day and building security will be there during the night time hours. It is not anticipated that this project will have an adverse impact on the emergency services of the site area.	
Parks, Open Space and Recreation (Access and Capacity)	2	Central Riverside Park is slightly over one-half mile southwest of the 316 Hotel.	
Transportation and Accessibility (Access and Capacity)	1	The Wichita Transit bus service has a route that stops on Broadway, approximately one-half block from the project site. Sidewalks border the site. The site is easily accessible by car.	
NATURAL FEATURES			
Unique Natural Features /Water Resources	2	There are no unique natural features or water resources on or near the site. The building is surrounded by surface parking.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	There is not vegetation or wildlife on the site.	
Other Factors			

Supporting documentation

[Hotel 316 and Surrounding Area Aerial Map\(1\).pdf](#)

[Wichita Transit Route 13 - North Broadway.pdf](#)
[316 Hotel Distance to Open Space.pdf](#)
[Wichita Health Care Facility Locations.pdf](#)

Additional Studies Performed:

No other studies were performed.

Field Inspection [Optional]: Date and completed by:

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

Coastal Barrier Resources Website City of Wichita GIS-KDHE Environmental Report for the proposed site FEMA EPA Coastal Zone Management Website City of Wichita Office of Environmental Health USDA Wichita Terminal Authority All source material was uploaded into this Environmental Assessment.

List of Permits Obtained:

Building permits and reviews by the Metropolitan Area Building and Construction Department. No permits have been pulled yet.

Public Outreach [24 CFR 58.43]:

Wichita Eagle The Community Voice

Cumulative Impact Analysis [24 CFR 58.32]:

Providing a quality shelter for homeless persons in order to prevent the spread of coronavirus will have a strong impact on the community. Currently the 316 Hotel is vacant. Vacant buildings can be a nuisance and possibly a hazard. HumanKind Ministries is experienced in multifamily ownership and management. They have operated homeless shelters for years. They are the ideal agency to get this project and make it successful. The City of Wichita and Sedgwick County governing organizations support this project.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

There are no other viable alternatives for this project.

No Action Alternative [24 CFR 58.40(e)]

Coronavirus would be allowed to spread in the homeless population. Fifty-six homeless

individuals and families would not have shelter or eventually permanent housing.

Summary of Findings and Conclusions:

The City of Wichita has determined that based on the findings of this report, there will be no significant adverse environmental impacts as a result of this project. Therefore a Finding of No Significant Impact can be made.

Mitigation Measures and Conditions [CFR 1505.2(c)]:

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Complete
Permits, reviews and approvals	Building permits and reviews by the Metropolitan Area Building and Construction Department. No permits have been pulled yet.	N/A	

Mitigation Plan

No mitigation is necessary

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.

Supporting documentation

[Distances to Airports.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Compliance Determination

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

Supporting documentation

[CBRS Mapper Documentation 10-31-2020.pdf](#)

[CBRS Mapper 10-31-2020.html](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

✓ Yes

2. Upload a FEMA/FIRM map showing the site here:

[FEMA Flood Map 20173C0354G.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

✓ No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD

recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.

Supporting documentation

[FEMA Flood Map 20173C0354G\(1\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

No

Air Quality Attainment Status of Project's County or Air Quality Management District

2. Is your project's air quality management district or county in non-attainment or maintenance status for any criteria pollutants?

No, project's county or air quality management district is in attainment status for all criteria pollutants.

Yes, project's management district or county is in non-attainment or maintenance status for the following criteria pollutants (check all that apply):

Screen Summary

Compliance Determination

The project's county or air quality management district is in attainment status for all criteria pollutants. The project is in compliance with the Clean Air Act.

Supporting documentation

[EPA Green Book Nonattainment Areas for Criteria Pollutants 8-31-2020.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Screen Summary

Compliance Determination

This project is located in a state that does not participate in the Coastal Zone Management Program. Therefore, this project is in compliance with the Coastal Zone Management Act.

Supporting documentation

[US Coastal Zone Management Act Boundary Map 10-31-2020.jpg](#)

[NOAA Office for Coastal Management - States and Territories Working on Ocean and Coastal Management.html](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.

American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)

ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening

None of the Above

2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

No

Explain:

Email content from City of Wichita Office of Environmental Health 10-8-2020 The site is within the North Industrial Corridor Groundwater Pollution site. It sits on the cusp of historic plume boundaries - However, the risk to the occupants of the 1011 N. Topeka property is very minimal to no risk. 1) The NIC Site-wide vapor intrusion study did not find any vapor intrusion to buildings that were not located adjacent to a source; there are no sources in the immediate area of 1011. 2) There is no basement to the building. 3) No soils are to be disturbed (by your information) 4) There are no water wells located on the property. 5) The facility is to use public water and sewer. No mitigation measures are warranted. Doris Leslie, R.S. Environmental Specialist - EAR Section Environmental Health 1900 E. 9th Wichita, KS 67214 (316) 268-8359 dleslie@wichita.gov

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.

Supporting documentation

[Wichita Environmental Health Email 10-08-2020.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

- ✓ No, the project will have No Effect due to the nature of the activities involved in the project.

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

Based on the response, the review is in compliance with this section.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

Yes, the activities involved in the project have the potential to affect species and/or habitats.

Screen Summary

Compliance Determination

This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. The structure is surrounded by asphalt parking surface.

Supporting documentation

[Species List_Kansas Ecological Services Field Office.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Yes

3. Within 1 mile of the project site, are there any current or planned stationary aboveground storage containers that are covered by 24 CFR 51C? Containers that are NOT covered under the regulation include:

- Containers 100 gallons or less in capacity, containing common liquid industrial fuels OR

- Containers of liquified petroleum gas (LPG) or propane with a water volume capacity of 1,000 gallons or less that meet the requirements of the 2017 or later version of National Fire Protection Association (NFPA) Code 58.

If all containers within the search area fit the above criteria, answer "No." For any other type of aboveground storage container within the search area that holds one of the flammable or explosive materials listed in Appendix I of 24 CFR part 51 subpart C, answer "Yes."

No

Yes

4. Based on the analysis, is the proposed HUD-assisted project located at or beyond the required separation distance from all covered tanks?

✓ Yes

Based on the response, the review is in compliance with this section.

No

Screen Summary

Compliance Determination

There is a current or planned stationary aboveground storage container of concern within 1 mile of the project site. The Separation Distance from the project is acceptable. The project is in compliance with explosive and flammable hazard requirements. The attached City of Wichita GIS-KDHE Environmental Report list reports with tabs for UST and AST. Not all locations have both or either. The attachments have the ASTs and distances from the site as long as they were within one mile or less.

Supporting documentation

[Wichita Toll ESS - Acceptable Separation Distance Map.pdf](#)

[Wichita Toll ESS - AST.pdf](#)

[Level 3 Comm Acceptable Separation Distance Map.pdf](#)

[Level 3 Comm - AST.pdf](#)

[ATT Wichita - AST.pdf](#)

[ATT Wichita - Acceptable Separation Distance Map.pdf](#)

[Cargill Soybean Oil Acceptable Separation Distance Map.pdf](#)

[Cargill Inc Soybean Oil Plant AST.pdf](#)

[City of Wichita GIS-KDHE Environmental Report.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

✓ No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. The proposed project site is in an urban area with no open farm land.

Supporting documentation

[Farmland Protection.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

55.12(c)(3)

55.12(c)(4)

55.12(c)(5)

55.12(c)(6)

55.12(c)(7)

55.12(c)(8)

55.12(c)(9)

55.12(c)(10)

55.12(c)(11)

None of the above

2. Upload a FEMA/FIRM map showing the site here:

[FEMA Flood Map 20173C0354G.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

Does your project occur in a floodplain?

No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.

Supporting documentation

[FEMA Flood Map 20173C0354G\(2\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html

Threshold

Is Section 106 review required for your project?

- ✓ No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

Yes, because the project includes activities with potential to cause effects (direct or indirect).

Threshold (a). Either upload the PA below or provide a link to it here:

Upload exemption(s) below or copy and paste all applicable text here:

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

Based on the project description the project is covered by a Programmatic Agreement that includes an applicable exemption that exempts this project from the requirements of Section 106. The project is in compliance with Section 106.

Supporting documentation

[State of Kansas Programmatic Agreement Extention FULL 6-30-2017 to 6-30-2022.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

- New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).

Indicate the findings of the Preliminary Screening below:

There are no noise generators found within the threshold distances above.

- ✓ Noise generators were found within the threshold distances.

5. **Complete the Preliminary Screening to identify potential noise generators in the**

- ✓ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here: 65

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Unacceptable: (Above 75 decibels)

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.

Indicate noise level here: 65

Document and upload noise analysis, including noise level and data used to complete the analysis below.

Screen Summary

Compliance Determination

A Noise Assessment was conducted. The noise level was acceptable: 65.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation.

Supporting documentation

[WTA Railroad Inquiry.pdf](#)

[BNSF Train Car Numbers 5-23-2018.pdf](#)

[FRA DOT Crossing Inventory WTA at E 13th Street.pdf](#)

[FRA DOT Crossing Inventory BNSF at E 13th Street.pdf](#)

[DNL Calculator_1011 N Topeka.pdf](#)

[10-Year Traffic Projection_1011 N Topeka.pdf](#)

[Noise Generators.pdf](#)

[Sedgwick County Appraisal PropertyRecord_1011 N Topeka Avenue.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Sole Source Aquifers

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

Based on the response, the review is in compliance with this section.

No

Screen Summary

Compliance Determination

Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements.

Supporting documentation

[Sole Source Acquirer Map - 1011 N Topeka 10-31-2020.pdf](#)

[Sole Source Acquirer Map - None in Kansas 10-31-2020.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

✓ No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.

Supporting documentation

[Wetlands Mapper 1011 N Topeka 316 Hotel.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

✓ No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

Supporting documentation

[NPS Wild and Scenic Rivers_Kansas_10-31-2020.jpg](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

Yes

✓ No

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The proposed project is in an area mixed with residential and commercial properties. Ascension Via-Christi Hospital - St. Francis is on the east side of Topeka Avenue across from the 316 Hotel. Broadway Avenue is the next street west of the proposed project. Other motels and apartment buildings are nearby. Many transient pedestrians walk the area along Broadway and Topeka. This project is a good fit for the community and will be an asset.

Supporting documentation

[Hotel 316 and Surrounding Area Aerial Map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

