

**1400 S. JACKSON BUILDING LLC’S COMMENTS ON
KANE ENVIRONMENTAL, INC.’S PHASE I AND LIMITED PHASE II
ENVIRONMENTAL SITE ASSESSMENT REPORT DATED SEPTEMBER 15, 2023**

1400 S. Jackson Building LLC (“1400”) submits the following comments on and corrections to the Phase I and Limited Phase II Environmental Site Assessment Report (“Report”) dated September 15, 2023 and prepared by Kane Environmental, Inc. (“Kane”). All Report page numbers cited to in these comments refer to the .pdf page number.

I. Lot Ownership

The following clarifies the timelines of the ownership of the three parcels comprising the 1400 Property:

- **Parking Lot Parcel** (No. 3320000311; legal description HILL TRACT ADD SUPL S 65 FT PLAT BLOCK: 17 PLAT LOT: 33-34-35-36) – first purchased in September 28, 1972 by Jack Habu, Fumi Habu, and Arthur Habu; quit claimed to LLC on February 15, 2007
- **Building Parcel** (No. 3320000310; legal description HILL TRACT ADD SUPL LESS S 65 FT PLAT BLOCK: 17 PLAT LOT: 33 THRU 36) – first purchased on April 26, 1977 by Arthur Habu; quit claimed to LLC on February 5, 2002
- **308 Building Parcel** (No. 3320000160; legal description HILL TRACT ADD SUPL PLAT BLOCK: 17 PLAT LOT: 3) – first purchased on November 6, 1991 by Arthur Habu and Joan Horike-Habu; will be quit claimed to LLC prior to closing.

II. Corrections and Comments on Phase I/Limited Phase II Report

A. Appendices

- Appendix H (beginning at p. 6057): The documents that were supposed to be in Appendix H were omitted. Some SDCI documents were included in Appendix C. *Id.*, pp. 85-91. However, none of the documents listed in Subsection 3.2.1 (p. 21) were included in Appendix H. The report should be reproduced, after making the corrections noted below, with the contents of Appendix H included for 1400’s review.
- Appendix J (beginning at p. 6080): Photograph 6 (p. 6083), Photograph 7 (p. 6084), and Photographs 10 and 11 (p. 6086) should replace the phrase “auto repair shop” with “car detailing shop”. All of those photographs were taken in the car detailing shop and not the auto repair shop.
- Appendix K (beginning at p. 6087): The gas chromatograms for all samples analyzed by Fremont Analytical, Inc. should be included with the laboratory analytical reports in Appendix K.

B. Executive Summary

- Executive Summary (p. 6, second paragraph, line 4): The phrase “Between 1940 and 1988” is incorrect. There was a gas station addressed to 1400 S. Jackson (“the Parking Lot Parcel”) between 1940 and **1968**. We believe Kane improperly relied on a reference to a gas station present on another property in April 1988 that was listed as a comparable sale. That archive entry is not related to the Parking Lot Parcel. *See* Report, p. 118. The archive records make it clear that, as of 1968, the gas station no longer existed at 1400 S. Jackson. *See, e.g.*, p. 122 (note dated 5-6-80 noting property was now a tire store); pp. 123-124 (photo dated September 8, 1969 showing Gene’s Tire Store); p. 132 (“1969 – All features of service station gone except tanks & hoist. Hoist being used by Tire Shop. Tanks not used, did not charge for them.”). Further, Subsection 3.2.1 (p. 21, second bullet item) makes it clear that “no gasoline pumps or service” was noted on June 1969 floor plans. *See also* comment regarding documents missing from Appendix H above.
- Executive Summary (p. 6, second paragraph, line 6): The phrase “By at least 1993” should be changed to “By at least 1990...”
- Executive Summary (p. 6, second paragraph, lines 6-7): The sentence that states “[t]he current structure known as Jackson Plaza, in the center of the Subject Property, was built in 1979” is incorrect. It should state: “The current structure, in the center of the Subject Property, was built in 1979 and was an empty shell until 1992-1993, when it was redeveloped into the Jackson Plaza retail center.”
- The Executive Summary should note that the gas station that operated on 1400 S. Jackson was a Texaco station based on the archive records. *See* Report, p. 125 (showing Texaco name and logos on station); p. 126 (noting transfer from Texas Co. to Texaco); p. 132 (“1954 – Operator says entire outfit belongs to Texas Co.”).
- Executive Summary (pp. 6-7, fourth and fifth paragraphs): This paragraph’s conclusion that there is no potential for migration of environmental contaminants onto the Subject Property in the soil, groundwater, or soil vapor may be incorrect. Kane may have additional records regarding Shell gas station operations immediately to the west/northwest of the Parking Lot Parcel. Kane conducted environmental investigations, on behalf of a property owner client, at the 1262 S. Jackson Site in 2008 and 2009. That site had a former Shell gas station in use at that property until 1948. It was located across 14th Avenue South to the west and northwest of Boring KB-1 on the Parking Lot Parcel. *See* Ecology Facility/Site No. 1549, Cleanup Site ID 11685, and VCP Project No. NW 2511. The gas station at 1262 S. Jackson was demolished in 1949 by the City of Seattle when it built Boren Avenue South through that property. A 2016 groundwater monitoring report indicated that groundwater flow direction varies seasonally, both toward and away from the Parking Lot parcel. Kane should thoroughly review the records from the

1262 S. Jackson site and amend its conclusion regarding recognized environmental conditions to include that site, if warranted.

C. Section 1.0 – Introduction

- Subsection 1.5 (p. 10, first paragraph): This paragraph needs to be corrected to read as follows: “Kane Environmental interviewed Ms. Joan Horike-Habu, who is one of the governors of 1400 S. Jackson Building LLC and who married Arthur Habu (one of the former individual owners before the LLC was formed) in 1977, regarding the historical and current use of the Subject Property during the site reconnaissance. Ms. Horike-Habu reported knowledge of the Subject Property since 1991.” *See* Section I above for clarification of the dates of ownership of the three parcels.
- Subsections 1.5.1, 1.5.2, and 1.5.3 (p. 10): In each subsection, “Ms. Horite-Haew” should be corrected to “Ms. Horike-Habu.”

D. Section 2.0 – Subject Property Description

- Subsection 2.3 (p. 12, second paragraph): The Report should discuss the groundwater flow directions determined at the 1262 S. Jackson site, which differ seasonally. The first sentence should delete the phrase “but likely to be toward the southwest.”

E. Section 3.0 – Historical Uses

- Subsection 3.1.1 (p. 15, first bullet item, lines 3-4): The photo depicting “Gene’s Tire Center” at “1400 So. Jackson” is dated 9/8/1969. This sentence stating that the photo is undated should be corrected.
- Subsection 3.1.1 (p. 15, second bullet item): This second bullet item should be deleted in its entirety. The “Williams Garage” and “Service Station” references were comparable sales parcels used for valuation, and had no relationship whatsoever to the Subject Property. *See* Report, p. 102 (listing Williams Garage under “Comparable Sales”); p. 118 (listing “Williams Gar” and “Service Station” under “Comparable Sales”).
- Subsection 3.1.3 (p. 17, Surrounding Properties): This paragraph should be revised to include information on the Sanborn Maps pertaining to the former gas station located at 1262 S. Jackson and any other information known to Kane regarding that site.
- Subsection 3.1.5 (p. 19, Table 2, 1400 South Jackson Street): The 2005 listings should delete “Densho Project” and “Japanee Amrcn Chmbr of Cmrce”. Those entities were never in the 1400 S. Jackson building, but were located in the building directly to the east (next door neighbor). The entity “Global Woodland Industries” is unknown to 1400 and did not occupy the 1400 S. Jackson building.
- Subsection 3.1.5 (p. 19, Table 2, 308 14th Avenue South): Island Detail Inc. has been located in the 308 Building Parcel since 2000. John Lewis was never

a tenant of the building. Island Detail is owned by Pat McQuaid and his wife, Ema Fohn McQuaid.

- Subsection 3.1.5 (p. 20, Table 3): Based on other information and reports available to Kane (including reports of which Kane was the author), the conclusory paragraph following Table 3 should be revised to discuss the former gas station located at 1262 S. Jackson. That gas station was a Shell station located directly west/northwest of the Parking Lot Parcel until 1948, when it was demolished and Boren Avenue South was built through that property.
- Subsection 3.2.1 (p. 21, fourth bullet item): This bullet item should note that the building that was constructed was a building shell on property located at 312 14th Avenue South. That building shell occupied all of the property from the sidewalk on 14th Avenue South to the east edge of the property line and to the north side of the property line. This was the case until 1992-1993 when the Jackson Plaza retail center was constructed.
- Subsection 3.2.1 (p. 22, last bullet item): This bullet item should be moved and added to the second bullet item, and then revised to clarify that the permits were requested for the 1400 S. Jackson Building.
- The same error noted in Section B above regarding the dates of the historical gas station on the Parking Lot Parcel is repeated in Subsection 3.3.1. *See* Report, p. 23, first paragraph, line 4. The erroneous phrase “Between 1940 and 1988,” should be corrected to “Between 1940 and 1968,....”
- Subsection 3.3.1 (p. 23, first paragraph, line 5) also erroneously states: “By at least 1993 the southernmost parcel was a parking lot.” This should be corrected to “By at least 1990...”
- Subsection 3.3.1 (p. 23, first paragraph, lines 7-8) also erroneously states: “The current structure known as Jackson Plaza, in the center of the Subject Property, was built in 1979.” It should state: “The current structure, in the center of the Subject Property, was built in 1979 and was an empty shell until 1992-1993, when it was redeveloped into the Jackson Plaza retail center.”
- Subsection 3.3.2 (p. 23): This section entirely omits discussion of the former gas station located at 1262 S. Jackson directly to the west/northwest of the Parking Lot Parcel. Information and reports (including those authored by Kane) are available to Kane and should be reviewed and discussed in all sections of the Report discussing adjacent properties (including Subsection 3.3.2). 1400 also disputes that the 1262 S. Jackson site is “cross-gradient” as listed in Table 4 (p. 27). The reports available for that site indicate that groundwater flow direction is seasonal and has been demonstrated to flow toward the Parking Lot Parcel.

F. Section 4.0 – Regulatory Agency Research

- Subsection 4.1 (p. 27, Table 4): *See* comment above regarding Subsection 3.3.2.
- Subsection 4.1 (p. 33, second paragraph after Table 4, line 5): Ms. Horike-Habu’s name is misspelled. Also, Ms. Horike-Habu did not marry Arthur

Habu until 1977 and was never listed on the title as an owner. She was a governor of the LLC to which the Parking Lot Parcel was quit claimed in 2007.

- Subsection 4.1 (p. 33, third paragraph after Table 4, line 2): 1400 objects to (a) the characterization of the 1262 S. Jackson site as “cross-gradient” based on the seasonal nature of groundwater flow direction at that site; and (b) Kane’s conclusion that the site is not considered a recognized environmental condition based on distance, topographic position, and “likely” groundwater flow. Available information and reports for that site (including those authored by Kane) support a different conclusion. Groundwater flow direction is seasonal and has, at times, flowed directly toward the Parking Lot Parcel.

G. Section 5.0 – Subject Property Reconnaissance

- Section 5.0 (p. 36, first paragraph): Ms. Horike-Habu’s name is misspelled. Ms. Horike-Habu is not “the Subject Property owner.” She is a governor of 1400 S. Jackson Building LLC, to which the property was quit-claimed the property by the former individual owners in 2007.
- Subsection 5.1 (p. 36, second paragraph): The sentence regarding “a two-story automotive repair shop” should be revised to note that the automotive repair shop occupies the upstairs portion of the building and a car detailing shop (that cleans the interior and exterior of high end vehicles) occupies the downstairs portion of the building.
- Subsection 5.1.1 (p. 36, first and second paragraphs): Ms. Horike-Habu’s name is misspelled in both paragraphs. Furthermore, the first paragraph needs to be corrected. Ms. Horike-Habu never reported knowledge of the property “for approximately 50 years” or that she “purchased the Subject Property in 1972.” Ms. Horike-Habu married Arthur Habu in 1977. The Parking Lot Parcel was purchased by Jack and Fumi Habu (Ms. Horike-Habu’s deceased in-laws) and Arthur Habu in 1972. The Building Lot Parcel was purchased by them in 1977. Ms. Horike-Habu’s name was never on the title to either parcel. She is a governor of 1400 S. Jackson Building LLC, to which titles to the parcels were quit-claimed in 2007 and 2002, respectively. *See* Section I above for clarification of the ownership of the parcels. Prior to the site visit, Ms. Horike-Habu and her husband reviewed the owner questionnaire, and Ms. Horike-Habu conveyed the information responsive to that questionnaire to Emmy Kane.
- Subsection 5.2.2 (pp. 36-37, lines 2 and 3): There is no floor drain near the oil/water separator on the west side of the building. The automotive repair shop is located on the upper level of the building; a car detailing shop is located on the lower level. The only floor drain is in Unit #5 at the Building Parcel at 1400 S. Jackson, which Ms. Horike-Habu brought to Ms. Kane’s attention. This subsection should be revised to clarify that the oil/water separator is located on the west side of the car detailing shop. In addition, Ms. Horike-Habu’s name is misspelled throughout this subsection.

- Subsection 5.2.3 (p. 37, lines 1 and 3): Ms. Horike-Habu's name is misspelled twice in this subsection.
- Subsection 5.2.4 (p. 37, first paragraph): The first paragraph should be revised to correct the spelling of Ms. Horike-Habu's name and to note that she received the Puget Sound Archive records shortly before the site visit.
- Subsection 5.2.5 (p. 37): The first sentence should note that since automotive repair garages change oil for its customers, the odor of motor oil would not be unusual.
- Subsection 5.2.9 (p. 37): Ms. Horike-Habu's name is misspelled.
- Subsection 5.2.13 (p. 38): Ms. Horike-Habu's name is misspelled.
- Subsection 5.2.14 (p. 38): Ms. Horike-Habu's name is misspelled.
- Subsection 5.2.16 (p. 38): Ms. Horike-Habu's name is misspelled throughout this subsection. The third paragraph references "the current automotive repair shop." That is the location of the car detailing shop (the automotive repair shop is on the second floor of the building).
- Subsection 5.2.17 (p. 38): Ms. Horike-Habu's name is misspelled throughout this subsection. The first paragraph should be revised to state that the mobile parts washer was leased, supplied, serviced, and maintained by Safety Kleen Company from approximately 1974 to approximately 1988, and that it was used by the garage that had been located on the front property (i.e., what is now the Parking Lot Parcel).
- Subsection 5.2.17 (p. 39, first paragraph, lines 3-4): The last sentence of the first paragraph is misleading and incorrect. It should be revised to read: "Three 55-gallon plastic drums used for waste oil storage were present but empty at the time of the visit. Ms. Horike-Habu reported that the drums had been recently collected by Eco Lube Recovery. One 55-gallon drum used for waste oil storage had approximately 10 gallons in it at the time of the site visit. In addition, approximately 50 individual quarts of new motor oil were present."

H. Section 6.0 – Limited Phase II ESA

- Section 6.0 (p. 40, first paragraph, second sentence): This sentence should clarify the layout of the gas station operations and how it informed Kane's judgment as to where to locate the borings. It should explain why borings were not installed within the southern expanse of the Parking Lot Parcel to the east of Boring KB-1 and to the south of the Borings KB-2, KB-3 and KB-4.
- Section 6.7 (pp. 41-42): This subsection should discuss the import of Fremont Analytical, Inc.'s notes regarding soil sample KB-1:6.5, as well as the reason(s) why dilution was required prior to analysis. *See Report*, p. 6092. The absence of benzene and toluene above reporting limits may suggest that the sample contains highly weathered gasoline.
- Section 6.8 (p. 42): This subsection should discuss the import of Fremont Analytical, Inc.'s notes regarding groundwater sample KB-1:W and the high detection bias for diesel and heavy oil due to an overlap with gasoline-range material. *See Report*, p. 6113. The absence of benzene and toluene above

reporting limits may suggest that the sample contains highly weathered gasoline.

I. Section 7.0 – Findings and Opinions

- Section 7.0 (p. 44, second paragraph, line 4) repeats the same error contained in the Executive Summary and Section 3.0 regarding the dates of operation of the former gas station on the Parking Lot Parcel. The phrase “Between 1940 and 1988,” should be changed to “Between 1940 and 1968,....”
- Section 7.0 (p. 44, second paragraph, line 5) should also be changed to state “By at least 1990....”
- Section 7.0 (p. 44, second paragraph, lines 6-7): The sentence that states “[t]he current structure known as Jackson Plaza, in the center of the Subject Property, was built in 1979” is incorrect. It should state: “The current structure, in the center of the Subject Property, was built in 1979 and was an empty shell until 1992-1993, when it was redeveloped into the Jackson Plaza retail center.”
- Section 7.0 (p. 44, second paragraph, line 9): The portion of the sentence that states “and an oil/water separator present inside the current automotive repair suite” is incorrect. The oil/water separator is present inside the car detailing shop.