



City of Bothell

November 25, 2024

Via courier [Seattle Legal Messengers] and electronic mail
Bothell Apartments, LLC
2003 Western Ave, Suite 330
Seattle, WA 98121
Attn. Mark Hoyt

Trammell Crow Residential
7525 166th Ave NE Suite D-240
Redmond, WA 98052
Attn. Mark Hoyt

Re: Development Agreement (Block D) – Confirming Air Monitoring Requirements

Dear Mr. Hoyt:

The purpose of this letter is to confirm with Bothell Apartments, LLC recent developments regarding a Certificate of Occupancy (“C of O”) at the Lot D, Alexan Main Street Project, located at 9911 Main Street in Bothell, WA 98011 (“the Alexan”). On November 21, 2024, Trammell Crow Residential (“TCR”) proposed to have residential units occupied except the first floor residential units once a C of O is received. The City is in agreement with this proposal as it complies with the Bothell Municipal Code (“BMC”) as well as the Development Agreement (Block D) between the City and Bothell Apartments.

To date, TCR has worked collaboratively with the City and the Washington Department of Ecology (“Ecology”) with respect to required environmental mitigation and compliance with Legal Requirements necessary for construction

Community Development
18415 101st Ave NE
Bothell, WA 98011

and occupancy of the Alexan. For example, TCR has installed a vapor barrier beneath the Alexan. Specific to indoor air sampling, TCR developed a robust Indoor Air Sampling Plan that Ecology and the City reviewed in July and August, 2024. The City and TCR have been in communication about the air sampling requirement and TCR has given every indication to City Staff that air sampling requirements would be satisfied.

As a reminder, the DA obligates Bothell Apartments to develop the property in accordance with all “Legal Requirements,” which includes the Consent Decree entered into by the City and Ecology. DA §§1 and 2.2.1. The Consent Decree in turn requires implementation of the Bothell Service Center Simon & Sons (“BSCSS”) Final Cleanup Action Plan (“Final CAP”) that provides as follows:

The cleanup will include a total of two rounds of indoor air sampling. **The first round of indoor air sampling will occur post-construction and pre-occupation of the buildings.** The sampling procedures, and the analyses for both HVOCs and petroleum COCs, will follow sampling protocol provided in Ecology’s Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remedial Action (Review Draft Revised February 2016) or the current guidance at the time of sampling. If indoor air HVOC and petroleum hydrocarbon COCs concentrations are above their respective screening levels in the first indoor air sampling round, a confirmational sampling round will be conducted within two weeks of the first round, to confirm the findings. If the confirmational sampling confirms the presence of HVOC and/or petroleum COCs in the indoor air, additional indoor air mitigation will be implemented. The details of the indoor air mitigation will be included in a corrective action report.

The second round of indoor air compliance sampling will occur prior to the completion of the draft Groundwater Closure Report. The indoor air sampling methodology, indoor air sampling results, and corrective actions for any additional indoor air mitigation (if any) for the first and second rounds of indoor air sampling will be documented in the Groundwater Closure Report.

Final CAP at 20-21 (emphasis added).

Ecology has confirmed that it must receive and review the results of Indoor Air Sampling before occupancy of the ground floor residential units. The City understands that Bothell Apartments is working with City Staff on obtaining the Certificate of Occupancy for the Alexan. To the extent the City issues the Certificate that should not be deemed a waiver of Bothell Apartments' obligations under Development Agreement.

If a meeting between the parties would be helpful, please do not hesitate to let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Greenspan". The signature is stylized with large loops and a long horizontal line extending to the right.

Jason Greenspan, Community Development Department Director

CC:

Kyle Stannert, City Manager, City of Bothell

Eileen Keiffer, City Attorney, Madrona Law Group, PLLC

Sunny Becker, Washington Department of Ecology

Community Development
18415 101st Ave NE
Bothell, WA 98011