



Second Periodic Review

Meany Tower Hotel
4507 Brooklyn Avenue NE
Seattle, WA 98105

FS ID#: 15719255
Cleanup Site ID#: 2321

Prepared by:
Washington State Department of Ecology
Northwest Region Office
Toxics Cleanup Program

November 2015

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup site conditions and monitoring data to assure human health and the environment are being protected at the former Meany Tower Hotel site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the second periodic review conducted for this Site. The first periodic review was completed in June 2010. This periodic review will evaluate the period from July 2010 through November 2015.

Cleanup activities at this Site were completed through the Voluntary Cleanup Program (VCP) under VCP No. NW0574. The cleanup actions resulted in residual concentrations of total petroleum hydrocarbons (TPH) that exceeded MTCA Method A cleanup levels for soil established under WAC 173-340-740(2). It was determined that institutional controls in the form of a restrictive covenant would be required for the site to be eligible for a No Further Action (NFA) determination. WAC 173-340-420(2) requires Ecology to conduct a periodic review of a site every five years under the following conditions:

1. Whenever Ecology conducts a cleanup action.
2. Whenever Ecology approves a cleanup action under an order, agreed order or consent decree.
3. Or, as resources permit, whenever Ecology issues a no further action opinion
4. And one of the following conditions exists:
 - (a) Institutional controls or financial assurance are required as part of the cleanup.
 - (b) Where the cleanup level is based on a practical quantitation limit.
 - (c) Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors Ecology shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions.
- (b) New scientific information for individual hazardous substances or mixtures present at the Site.
- (c) New applicable state and federal laws for hazardous substances present at the Site.
- (d) Current and projected Site use.
- (e) Availability and practicability of higher preference technologies.

- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

Ecology shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site History

The Site is located at 4507 Brooklyn Avenue NE in Seattle, Washington. The Site is located on a property that is approximately 39,200 square feet and is occupied by one hotel building and two parking areas. The main parking area is located directly adjacent to the north of the hotel building. A second satellite parking lot is located on a separate parcel to the north, and is separated from the main parking lot by a small parcel, also utilized for parking. The property is bounded on the north and west by parking areas, to the south by NE 45th Street and to the east by Brooklyn Avenue NE.

The elevation of the Site is approximately 175 to 200 feet above mean sea level. The property is generally flat with a local topographic gradient slope of approximately 300 feet per mile to the south. In addition, there is a topographic low located approximately 1/2 block to the west. The nearest surface water is Portage Bay, which is approximately 3/4 mile to the south of the Site.

Based on soils encountered during subsurface soil and groundwater investigations, the subsurface soils of the property consist of approximately 9 to 10 feet of brown, silty sand fill with trace gravel. Underlying the fill is dense glacial till consisting of fine to medium sand, with trace silt and trace gravel to a depth of at least 30 feet below ground surface (bgs), the maximum depth explored. A denser zone of gravel and cobbles was encountered between 14 and 20 feet bgs. Groundwater was encountered during investigation activities at depths between 20 and 30 feet bgs at the Site.

A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

2.2 Site Investigations and Sample Results

2.2.1 Soil Investigation

Phase I Environmental Site Assessments (ESAs) in the early 1990s identified that two gasoline stations were formerly located on the current property parking lot. The south station, formerly known as the Elmer Deibler Auto Parking and Gasoline Station was operated from 1934 to 1946. Texaco owned and/or operated the north station from approximately 1949 to 1969. A geophysical survey of the property identified six probable underground storage tanks (USTs) in association with the two former gasoline stations. Three 2,000-gallon gasoline USTs and a 6,000-gallon diesel UST were identified at the former Texaco gasoline station location. Two 500-gallon USTs were identified at the former Deibler gasoline station location.

The Phase I ESA also includes results from a limited groundwater investigation to assess the potential for on-Site migration of groundwater contamination from leaking USTs at a gasoline

station located less than 500 feet north, topographically upgradient from the property. A temporary groundwater monitoring well was installed and analytical results indicated TPH at 0.11 mg/L, which is below the current MTCA Method A groundwater cleanup level.

According to the UST Closure and Site Assessment report by Dames & Moore in 1997, a 3,000-gallon reserve heating oil UST was removed in July 1996. Soil samples collected during the post excavation were analyzed for TPH as diesel and heavy oil range hydrocarbons. Analytical results of the soil samples obtained from the northeast and west sidewall samples were at levels above the MTCA Method A soil cleanup level of 200 milligrams per kilogram (mg/kg) for oil- and diesel-range TPH applicable at the time the tank was removed. All other post-excavation soil samples had TPH concentrations well below the 200 mg/kg soil cleanup level or TPH was not detected.

URS performed a subsurface soil and groundwater investigation in June 2000 to assess the soil and groundwater quality in the vicinity of the six USTs and associated pump islands beneath the parking lot of the property. Twelve borings were completed to collect soil and/or groundwater samples. Two borings were completed as groundwater monitoring wells (MW-1/B7 and MW-2/B9). Soil and groundwater samples were analyzed for gasoline, diesel, and oil range TPH; and benzene, toluene, ethylbenzene and xylenes (BTEX). Analytical results of the soil samples collected indicated only four of 22 samples (one each from borings B-2, B-4, B-5, and B-7) contained concentrations of gasoline-range TPH (TPH-G) above the MTCA Method A (100 mg/kg) soil cleanup level; however, all the samples were below the modified MTCA Method B residential (2,000 mg/kg) and commercial (9,600 mg/kg) soil cleanup levels that were calculated for the Site. Of the four samples, two had benzene (borings B-4 and B-5) and one had xylene (boring B-2) detected above MTCA Method A cleanup levels but below the modified MTCA Method B soil cleanup levels. Diesel range TPH (TPH-D) was not detected above the MTCA Method A (200 mg/kg) cleanup level.

Based on the analytical results, two areas were identified where soil concentrations were detected above the applicable MTCA Method A soil cleanup levels. The areas were located on the south side of the three 2,000- gallon USTs cluster and the south side of the two suspected USTs located near the main hotel entrance driveway. However, the two samples with the highest TPH-G concentrations (borings B-2 and B-7) were further analyzed for extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH) and the results were used to demonstrate that these samples meet the MTCA Method B soil cleanup criteria per the Interim TPH policy.

2.2.2 Groundwater Investigation

Groundwater samples were collected from five selected borings and two groundwater monitoring wells during the URS investigation in 2000. The samples were analyzed for TPH, chlorinated volatile organic compounds, and BTEX. Analytical results for the groundwater samples indicate TPH-G and BTEX concentrations at four locations (borings B-2, MW-1/B-7, MW-2/B-9, and B-10) at levels above MTCA Method A and B groundwater cleanup levels. Affected groundwater

at borings B-2, MW2/B-9, and B- 10 are interpreted to have resulted from the area of the three suspected Texaco 2,000-gallon USTs and the associated pump island. The affected groundwater at boring MW1/B-7 is likely to have resulted from the area of the two suspected Deibler 500 gallon USTs and associated pump island. Chlorinated organic compounds were not detected in any of the groundwater samples analyzed.

2.3 Cleanup Actions

2.3.1 Soil Cleanup Actions

Soil cleanup actions at the Site consisted of the excavation and removal of petroleum contaminated soils in the vicinity of the three 2,000-gallon gasoline USTs, one 6,000-gallon diesel UST, and two 500-gallon gasoline USTs and associated piping and pump islands at the property. An estimated total of approximately 340-375 cubic yards (490 tons) of petroleum contaminated soil were excavated from the excavations of the former gasoline USTs. Petroleum contaminated soil was not encountered in the central excavation. The three excavation areas were backfilled with clean fill and uncontaminated soil previously removed from the excavation. It was determined that the majority of petroleum-impacted soil was removed from the Site, with the exception of a minimal volume in the south excavation located adjacent to the hotel entrance canopy. This canopy made further excavation of the soil in this area impracticable.

In addition, an estimated 8 cubic yards of petroleum contaminated soil was left in place from the 1996 heating oil UST removal due to the presence of utilities and the street, and limitations imposed by the City of Seattle Engineering Department.

Ecology provided a NFA letter (June 24, 2002) for soil only with a restrictive covenant for areas with residual petroleum contaminated soil that could not be readily removed without impacting the Site underground utilities and infrastructure.

A map showing residual soil concentrations is available as Appendix 6.3.

2.3.2 Groundwater Cleanup Actions

Groundwater monitoring was conducted from October 2001 through December 2003 in general accordance with the Ecology approved Groundwater Monitoring Plan (URS, 2000b). Samples from each well were analyzed for the gasoline-range TPH and BTEX constituents. TPH-G and BTEX were either not detected or detected at concentrations below the MTCA Method A groundwater cleanup levels in all samples from wells MW-3, MW-4, and MW-5. TPH-G and/or one or more BTEX constituents was detected at concentrations above the MTCA Method A groundwater cleanup levels in all samples from wells MW-1 and MW-2.

Based on the results of the groundwater monitoring events, it was determined that TPH-G and BTEX concentrations had either decreased or been relatively consistent since 2001 in the two on-Site wells, MW-1 and MW-2; which were located adjacent and downgradient of the former

petroleum contaminated soil cleanup areas (URS, 2002). Petroleum constituents were not detected in groundwater samples from upgradient well MW-5 and downgradient wells MW-3 and MW-4 located approximately 70-100 feet from wells MW-1 and MW-2, respectively.

Contaminant concentrations within the groundwater plumes generally appear to be decreasing and should continue to do so due to natural attenuation processes. Therefore, it was URS' opinion that there is a low potential for significant future migration and continued groundwater monitoring is not warranted. Ecology agreed with a conditional point of compliance for soil (Interim 'No Further Action' letter for soil June 24, 2002) and groundwater and issued a letter on July 14, 2004 that accepted the cessation of groundwater monitoring and the closure of the monitoring wells.

2.4 Cleanup Levels and Points of Compliance

WAC 173-340-704 states MTCA Method B cleanup levels may establish cleanup levels at any site based on the reasonable maximum exposure expected to occur under residential land use conditions.

Modified MTCA Method B soil cleanup levels for unrestricted land use were used for petroleum contaminants at this Site. As per the Ecology Interim TPH Policy Update issued in 1998, conservative values were used to calculate a MTCA Method B residential (2,000 mg/kg) and commercial (9,600 mg/kg) soil cleanup levels. The residential (unrestricted) cleanup level of 2,000 mg/kg was used to evaluate whether soils at the Site were protective of human health and the environment.

WAC 173-340-704 states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used.

MTCA Method A groundwater cleanup levels for unrestricted land use were determined to be appropriate for groundwater at this Site. The cleanup actions conducted at the Site were determined to be 'routine', few hazardous substances were found at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance.

For soil, the point of compliance is the area where the soil cleanup levels shall be attained. For soil cleanup levels based on the protection of groundwater, as they are for this Site, the point of compliance is established as soils throughout the Site. For groundwater, the standard point of compliance is throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site.

2.5 Restrictive Covenant

It was determined the Site would be eligible for an NFA determination if institutional controls were used to document and protect remaining contamination. In 2002, institutional controls in the form of a restrictive covenant were recorded for the Site and an NFA letter was sent to the property owner. The Site status was changed to reflect an NFA determination.

The Covenant recorded for the Site in 2002 imposes the following limitations:

1. No groundwater may be taken for any use from the Property without prior written approval from Ecology. The Owner shall not alter, modify, or remove the existing Hotel in any manner that may result in the release or exposure to the environment of the contaminated soil within the Restricted Zones or create a new exposure pathway without prior written approval from Ecology. The contaminated soil that is not accessible due to the existing Hotel will be addressed if the existing Hotel is removed in the future. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil within the Restricted Zones, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the Restricted Zones include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike, or similar item, bulldozing, or earthwork.
2. Any activity on the Property that may interfere with the integrity of the Remedial Actions and continued protection of human health and the environment is prohibited without prior written approval from Ecology.
3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Actions, or creates a new exposure pathway, is prohibited without prior written approval from Ecology.
4. The Owner of the Property must give thirty (30) days advance written notice to Ecology of the Owners intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Actions.
5. The Owner must restrict leases to uses and activities consistent with this Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.
6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.
7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Actions: to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Actions.

8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after prior notice and opportunity for comment, concurs.

A copy of the Covenant is available as Appendix 6.3.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

During the Site visit conducted on October 3, 2015, there were no indications that the integrity of the remedial action has been compromised. There was no evidence of undocumented Site excavation or disturbance activities, and no visual indications of disturbance of the Site surface. The Site continues to be occupied by a hotel, and is surrounded by a mix of commercial and residential properties. A photo log is available as Appendix 6.5.

3.1.1 Direct Contact

Exposure pathways to contaminated soils (ingestion, direct contact) continue to be eliminated by the presence of protective Site surfaces including asphalt, building foundations, roadways and landscaped areas. Additionally, the majority of contaminated soil was removed during remedial excavation at the Site in 2000. Remaining contaminated soil is contained beneath permanent, impermeable surfaces.

3.1.2 Protection of Groundwater

Soils with TPH at concentrations exceeding MTCA Method A and B cleanup levels remain at the Site. Groundwater monitoring was conducted from October 2001 through December 2003. Monitoring results indicated that contamination concentrations were stable or decreasing in wells near the source area, and was not detected at concentrations exceeding MTCA Method A cleanup levels in downgradient and offsite wells. Additionally, concentrations of TPH in soil are below residual saturation screening levels.

The majority of TPH source material at the Site was removed when the USTs were decommissioned. Based on this age of potential TPH releases, the lack of significant remaining source material, and the shallow depth to groundwater; the groundwater data collected in 2001-2003 represents an adequate empirical demonstration that groundwater is not likely to be impacted by concentrations of TPH in soil at the Site.

3.1.3 Institutional Controls

Institutional controls in the form of a restrictive covenant were implemented at the Site in 2002. The covenant remains active and discoverable through the King County Auditor's Office. There is no evidence a new instrument has been recorded which limits the effectiveness or applicability of the covenant. This covenant prohibits the use of groundwater from beneath the Site, prohibits activities that will result in the release of contaminants contained as part of the cleanup without Ecology's approval, and prohibits any use of the property that is inconsistent with the covenant. This covenant serves to assure the long term integrity of the surface cover and the remedial action.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new relevant scientific information for the hazardous substances remaining at the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

There are no new applicable or relevant state or federal laws for hazardous substances remaining at the Site.

3.4 Current and projected Site use

The Site is currently used for residential and commercial purposes. There have been no changes in current or projected future Site or resource uses. The Site use does not pose a threat to the effectiveness of the remedy.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soil and groundwater cleanup levels have not been met at the Site; however, the cleanup action for the Property is determined to comply with cleanup standards under WAC 173-340-740(6) (f), since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The covenant for the property is in place and will be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, Ecology has determined the requirements of the covenant are being followed. No additional remedial actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure the integrity of the cap is maintained.

4.1 NEXT REVIEW

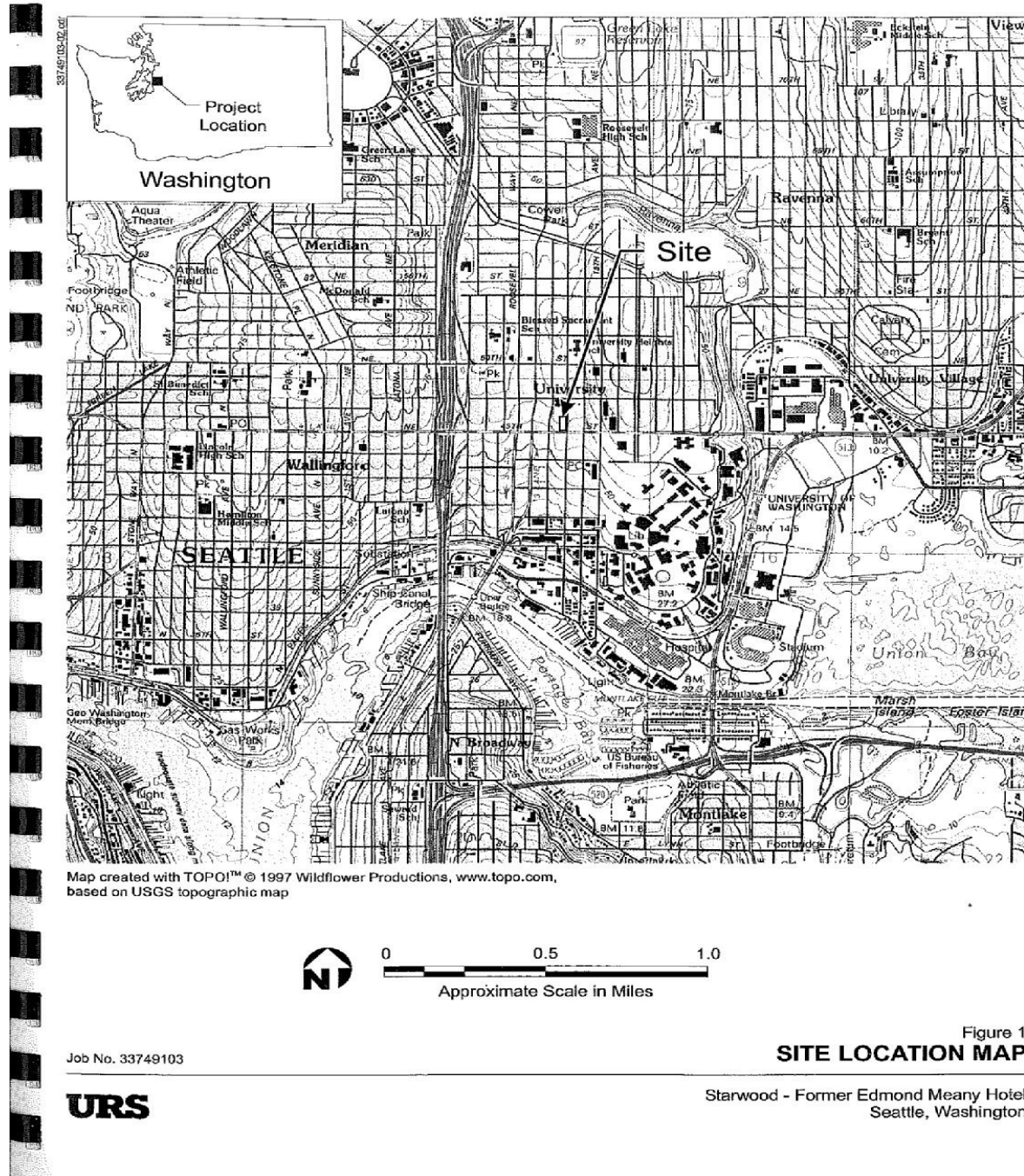
The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 REFERENCES

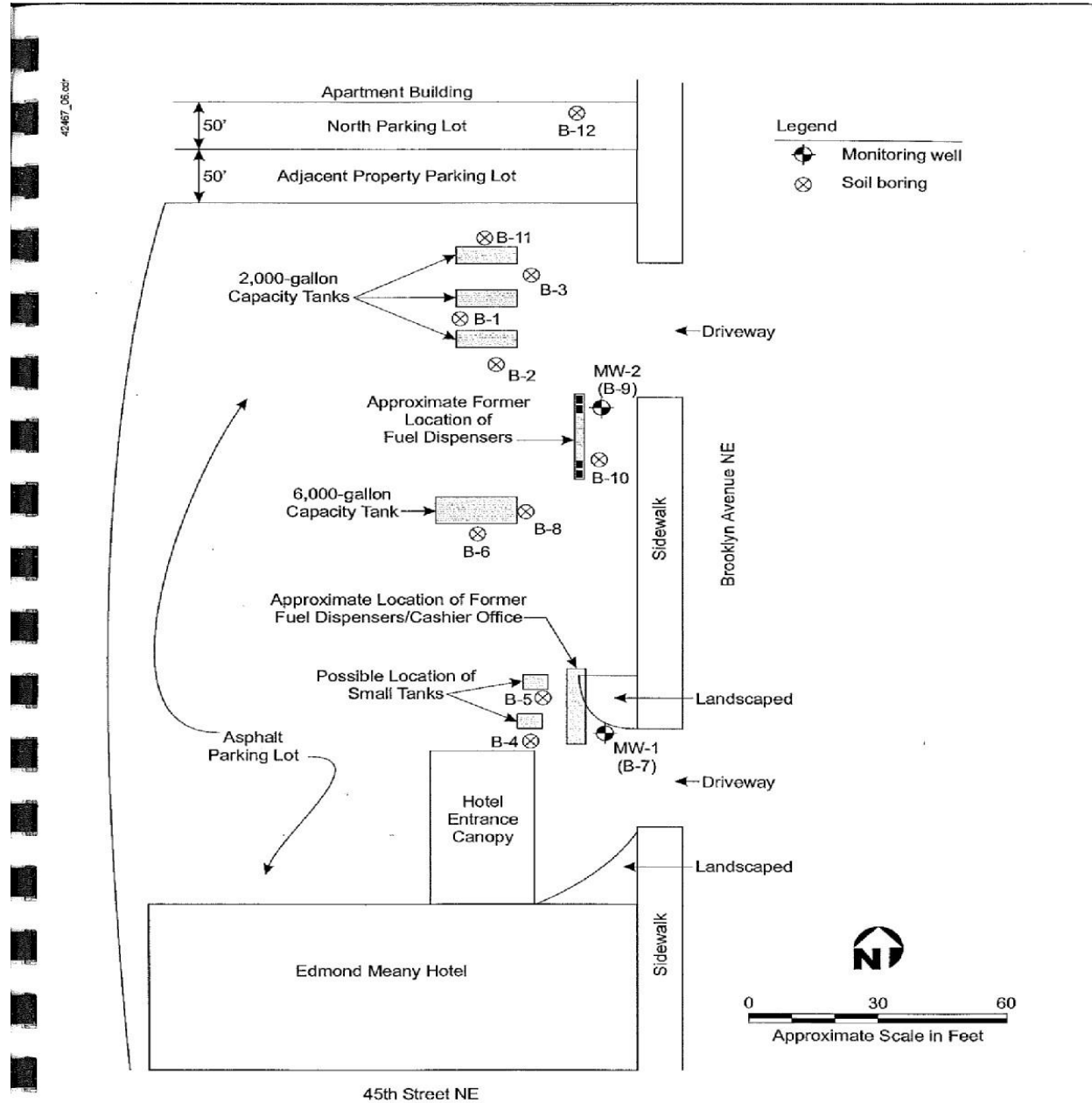
- Dames and Moore. *UST Closure and Site Assessment Report*. March 31, 1997.
- URS Dames and Moore. *UST Removal and Voluntary Cleanup Action*. August 29, 2000.
- URS Dames and Moore. *Groundwater Monitoring Plan*. October 2, 2000.
- URS. *2001 - 2003 Groundwater Monitoring Report*. July 7, 2004.
- Washington Hotel, LLC. *Restrictive Covenant*. March 4, 2002.
- Ecology. *No Further Action Determination*. June 24, 2002.
- Ecology. *Periodic Review*. June 2010.
- Ecology. *Site Visit*. October 3, 2015.

6.0 APPENDICIES

6.1 Vicinity Map



6.2 Site Plan



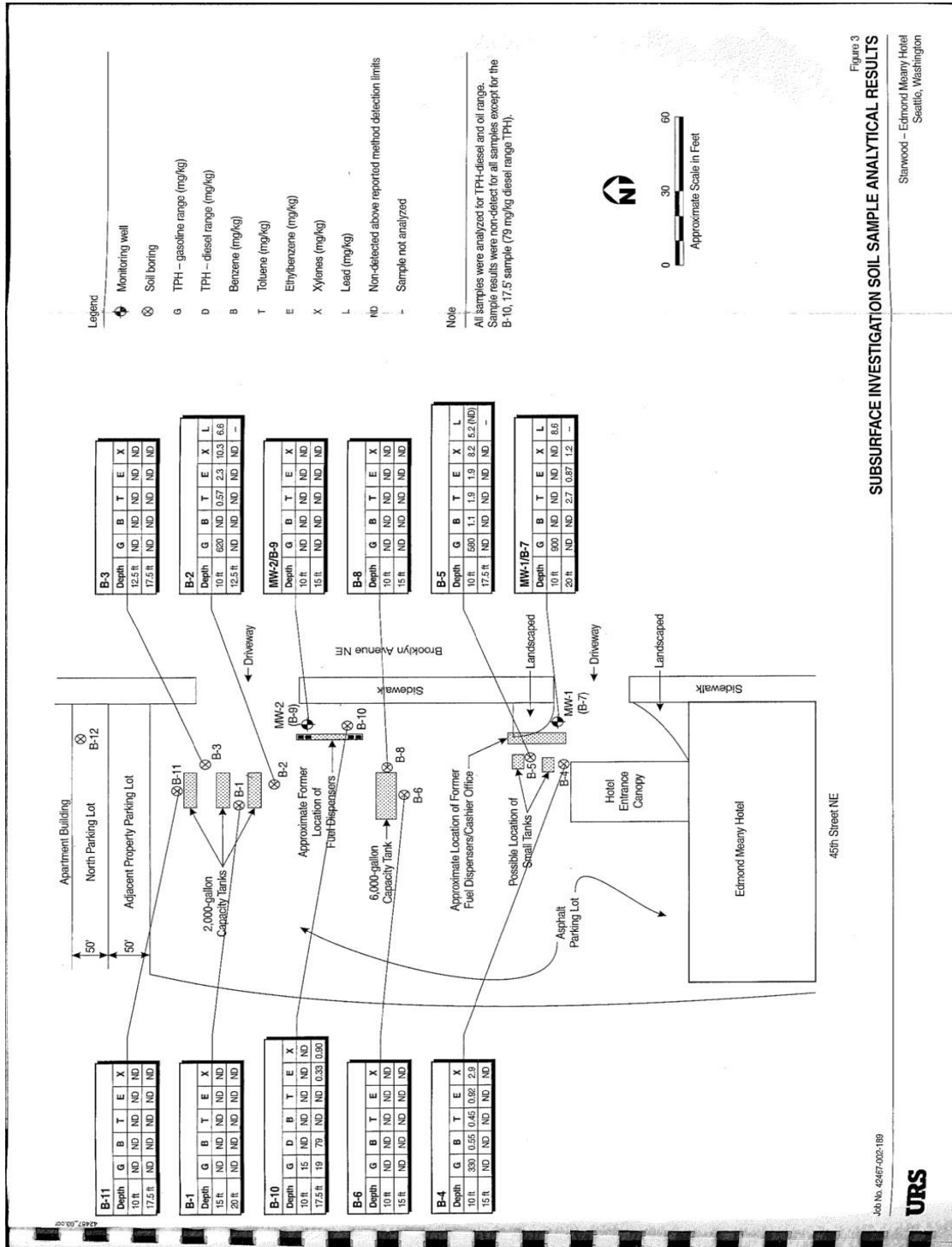
Job No. 42467-002-189

Figure 2
SUBSURFACE INVESTIGATION SITE PLAN



Starwood – Edmond Meany Hotel
 Seattle, Washington

6.3 TPH Concentrations in Soil



6.4 Restrictive Covenant

When Recorded, Return to:

HILLIS CLARK MARTIN & PETERSON, P.S.
Attention: Howard F. Jensen
500 Galland Building
1221 Second Avenue
Seattle, WA 98101-2925



RESTRICTIVE COVENANT

Reference Number(s) of Documents Assigned or Released: n/a

Grantor(s):

1. WASHINGTON HOTEL, L.L.C.

Grantee(s):

1. STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY

Legal Description (abbreviated form, i.e., lot, block, plat or section, township, range):

PORTION OF LOTS 10-12, BLOCK 9, ASSESSOR'S PLAT OF UNIVERSITY HEIGHTS

Additional legal on EXHIBIT A of document

Assessor's Property Tax Parcel/Account Numbers: 881740-0055

2002 030 4002902

Washington Hotel, L.L.C.
4507 Brooklyn Avenue NE
Seattle, Washington 98105

RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g), and WAC 173-340-440 by Washington Hotel, L.L.C., its successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

Abbreviated Legal Description: Portion of Lots 10-12, Block 9, Assessor's Plat of University Heights.

Legal Description of Property: See Exhibit A.

Tax Parcel I.D. #: 881740-0055

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RESTRICTIVE COVENANT

Washington Hotel, L.L.C./Edmond Meany Hotel

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Washington Hotel, L.L.C., its successors and assigns (hereafter "Washington Hotel"), and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

RECITALS

A. Washington Hotel is the fee owner of real property located at 4507 Brooklyn Avenue NE, Seattle, in the County of King, State of Washington (hereafter "Property"), that is subject of this Restrictive Covenant. The legal description of the Property is attached hereto as Exhibit A, which is hereby incorporated by reference. The University Tower Hotel, formerly the Edmond Meany Hotel (hereafter "Hotel"), is currently located on the Property.

B. A series of independent remedial actions (hereafter "Remedial Actions") were conducted at the Property between July 1996 and June 2000. During the course of conducting the Remedial Actions, representatives of Starwood Hotels and Resorts Worldwide, Inc., the former owner of the Property, determined that it was technically infeasible, impracticable, and cost-prohibitive to excavate, remove, or treat three discrete and relatively small areas of soil underneath the Property ("Restricted Zones") containing petroleum hydrocarbons in concentrations which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-740. All three Restricted Zones are located between the south wall of the Hotel and NE 45th Street, in the vicinity of a former heating oil

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tank. The locations of the Restricted Zones are shown on Exhibit B, which is hereby incorporated by reference. The Remedial Actions conducted at the Property are described in the following documents:

1. UST Closure and Site Assessment Report
Starwood Lodging Corporation
Meany Tower Hotel
4507 Brooklyn Avenue NE
Seattle, Washington
Dames & Moore, dated March 31, 1997
2. UST Removal and Voluntary Cleanup Action
Edmond Meany Hotel
4507 Brooklyn Avenue NE
Seattle, Washington
URS Dames & Moore, dated August 29, 2000

These documents are on file at Ecology's Northwest Regional Office.

C. This Restrictive Covenant is required because the Remedial Actions resulted in residual concentrations of petroleum hydrocarbon which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-740.

TERMS AND CONDITIONS

Washington Hotel makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. No groundwater may be taken for any use from the Property without prior written approval from Ecology. The Owner shall not alter, modify, or remove the existing Hotel in any manner that may result in the release or exposure to the environment of the contaminated soil within the Restricted Zones or create a new exposure pathway without prior written approval from Ecology. The contaminated soil that is not accessible due to the existing Hotel will be

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addressed if the existing Hotel is removed in the future. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil within the Restricted Zones, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the Restricted Zones include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing, or earthwork.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Actions and continued protection of human health and the environment is prohibited without prior written approval from Ecology.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Actions, or creates a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the Property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Actions.

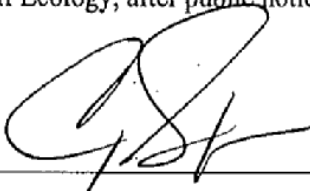
Section 5. The Owner must restrict leases to uses and activities consistent with this Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Actions; to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Actions.

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Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.



Craig Schafer

February 19, 2002

[DATE SIGNED]

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STATE OF WASHINGTON }
COUNTY OF KING } ss.

On this day personally appeared before me Craig Schafer, to me known to be the member of Washington Hotel, L.L.C., the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 19 day of February, 2002.



Printed Name Max Lissak
NOTARY PUBLIC in and for the State of Washington,
residing at King County
My Commission Expires 12/05

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

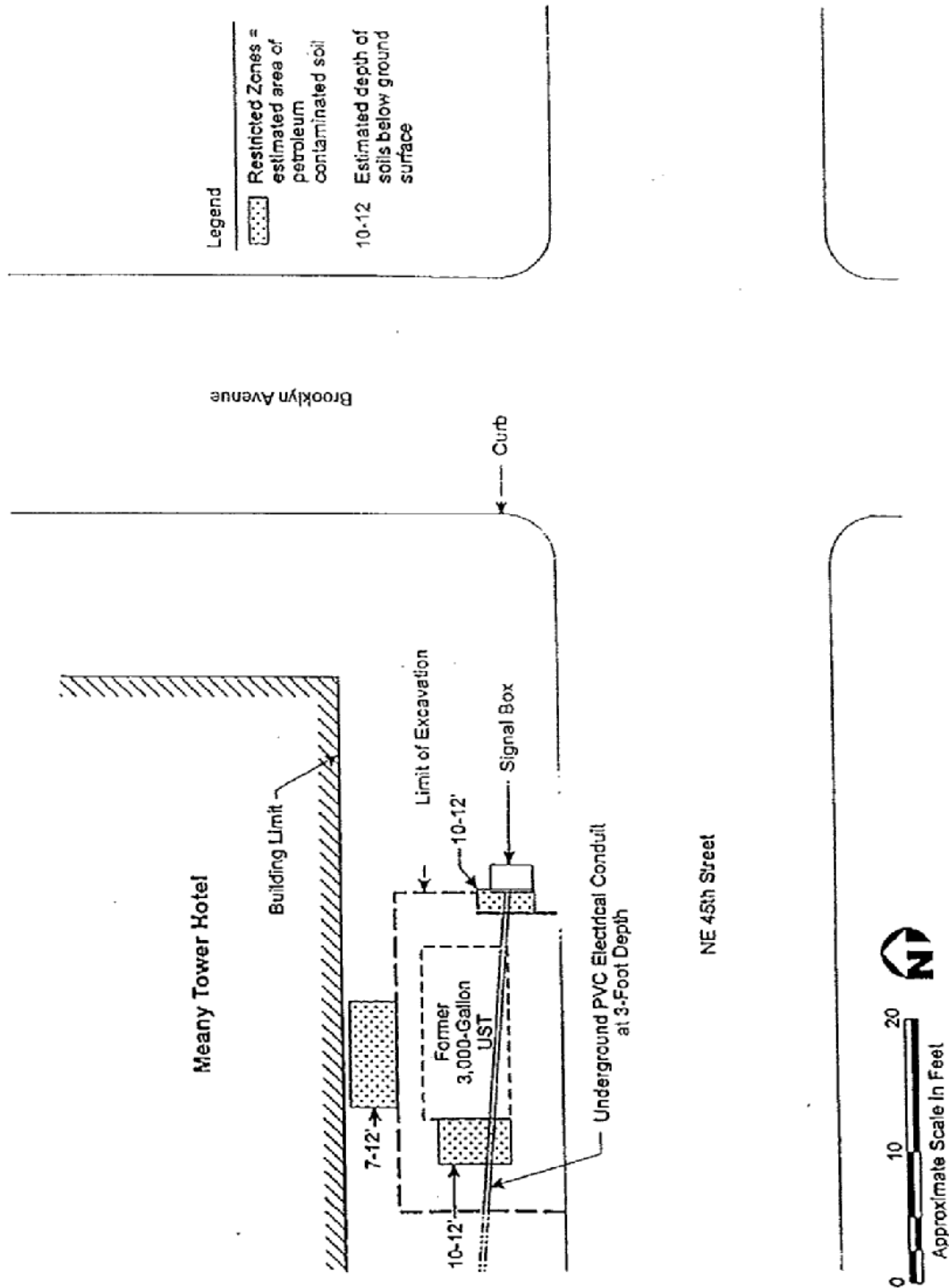
LOTS 11 AND 12 IN BLOCK 9, AND THAT PORTION OF LOT 10 LYING WITHIN THE SOUTH 125 FEET OF SAID BLOCK 9, ALL IN THE ASSESSOR'S PLAT OF UNIVERSITY HEIGHTS, ACCORDING TO PLAT RECORDED IN VOLUME 16 OF PLATS AT PAGE(S) 70, RECORDS OF KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF SECTION 8, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, BEING AN UNPLATTED TRACT OF LAND WHICH ADJOINS SAID PREMISES ON THE WEST, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTH 125 FEET OF BLOCK 9; THENCE WESTERLY ALONG THE WESTERLY PRODUCTION OF THE NORTH LINE OF SAID SOUTH 125 FEET TO THE EAST LINE OF THE ALLEY DEDICATED IN SHELTON'S ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 2, IN KING COUNTY, WASHINGTON; THENCE IN A SOUTHERLY DIRECTION ALONG THE EAST LINE OF SAID ALLEY TO A POINT ON THE WESTERLY PRODUCTION OF THE SOUTH LINE OF LOT 12 OF SAID BLOCK 9; THENCE EAST ALONG SAID PRODUCED LINE TO THE SOUTHWEST CORNER OF LOT 12 OF SAID BLOCK 9; THENCE NORTH ALONG THE WEST LINE OF SAID BLOCK 9 TO THE POINT OF BEGINNING.

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EXHIBIT B LOCATION OF RESTRICTED ZONES

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6.5 Photo log

Photo 1: Current Deca Hotel and Parking Area – from the north



Photo 2: Deca Hotel Entrance – from the southeast



Photo 3: Upgradient Gas Station with Residual Contamination - from the north



Photo 4: Parking Lot and Catchbasins in Vicinity of Former Tanks – from the northeast

