



April 13, 2020

Jing Song  
Site Manager  
NWRO Toxics Cleanup Program  
State of Washington Department of Ecology  
3190 160<sup>th</sup> Avenue SE  
Bellevue, Washington 98008-5452

**Subject: Additional Information, Y Pay Mor Drycleaner, VCP Project No. NW3265**

Dear Jing:

This letter is in response to your letter dated April 8, 2020 for the Y-Pay-Mor Dry Cleaner Site located at 2210 South 320<sup>th</sup> Street in Federal Way, located on a portion of King County parcel 2423200050. This response also follows a phone conversation with Tricia DeOme of GeoEngineers, representing Sound Transit, and pertains specifically to your request for a map of “Space A-6.”

As discussed by phone and noted in your letter, the legal descriptions covered by the 1995 and 1998 restrictive covenants reference “the space formerly known as Y-Pay-Mor Dry Cleaners (1995),” “Space A-6 (1998),” and the address “2210 South 320<sup>th</sup> Street, Federal Way, Washington” (1995 and 1998). The legal descriptions cited in the restrictive covenants are copied below. You requested a map of Space A-6 to confirm the extent of the 1998 restrictive covenant.

Exhibits No. 1 and No. 2 show the extent of Tract A and Lot 2 described in the legal description of the 1998 restrictive covenant. Exhibit No. 3 is a to-scale building floor plan dated 2014 which denotes Space A-6 as the easternmost portion of the existing building on the Property. Exhibit No. 4 shows a 2020 site photograph of the easternmost portion of the existing building, where the address 2210 number and tenant space designation A-6 are shown above the door. According to the *Independent Remedial Action Report, Former Y-Pay-Mor Dry Cleaners, Best Shopping Mall, 2210 S. 320<sup>th</sup> Street, Federal Way* report dated December 1994 (available on Ecology’s Site webpage): “The retail space was occupied by the former Y-Pay-Mor dry cleaners from approximately November 25, 1985 to June 15, 1992. The retail space occupied by the former Y-Pay-Mor dry cleaners is located at 2210 S. 320<sup>th</sup> Street in Federal Way, Washington, in the eastern extreme of the Best Shopping Mall.” Exhibits No. 5 and 6 are figures from AGRA environmental reports which denote the Y-Pay-Mor dry cleaner space at the easternmost portion the building as of 1992 and 1994. Exhibit No. 7 is a building floor plan from 1979 that delineates the eastern tenant space of the building extending from the south wall to the north wall, matching the tenant space shown in Exhibit No. 6, the 1994 AGRA figure of the Y-Pay-Mor tenant space.

Based on this information, we conclude that Space A-6 refers to a location consistent with the historic Y-Pay-Mor dry cleaner tenant space in the easternmost portion of the building, as shown in Exhibits No. 5 and 6, the 1992 and 1994 environmental report figures submitted to Ecology before the restrictive covenants were drafted.

**CHAIR**

**Kent Keel**  
*University Place Councilmember*

**VICE CHAIRS**

**Dow Constantine**  
*King County Executive*

**Paul Roberts**  
*Everett Councilmember*

**BOARD MEMBERS**

**Nancy Backus**  
*Auburn Mayor*

**David Baker**  
*Kenmore Mayor*

**Claudia Balducci**  
*King County Council Chair*

**Bruce Dammeier**  
*Pierce County Executive*

**Jenny Durkan**  
*Seattle Mayor*

**Debora Juarez**  
*Seattle Councilmember*

**Joe McDermott**  
*King County Council Vice Chair*

**Roger Millar**  
*Washington State Secretary of Transportation*

**Ed Prince**  
*Renton Councilmember*

**Kim Roscoe**  
*Fife Mayor*

**Nicola Smith**  
*Lynnwood Mayor*

**Dave Somers**  
*Snohomish County Executive*

**Dave Upthegrove**  
*King County Councilmember*

**Peter von Reichbauer**  
*King County Councilmember*

**Victoria Woodards**  
*Tacoma Mayor*

**CHIEF EXECUTIVE OFFICER**

**Peter M. Rogoff**

April 13, 2020

Page 2

We understand that requirements for Ecology approvals as specified in the 1995 and 1998 restrictive covenants (relevant sections included in Exhibit 8) are only applicable to the extent of Space A-6/Former Y-Pay-Mor dry cleaner. We request that Ecology concur with our interpretation that construction activities can occur in areas of King County parcel 2423200050 that are outside of the easternmost portion of the building, as long as existing groundwater monitoring wells are not destroyed.

Sincerely,

Susan Penoyar, PE, LEG  
Environmental Compliance Manager

Enclosures: Exhibits 1 – 8

cc: Tricia DeOme, GeoEngineers, Inc.  
Andy Fitz, Assistant Attorney General  
Louise Bardy, Ecology Toxics Cleanup Program

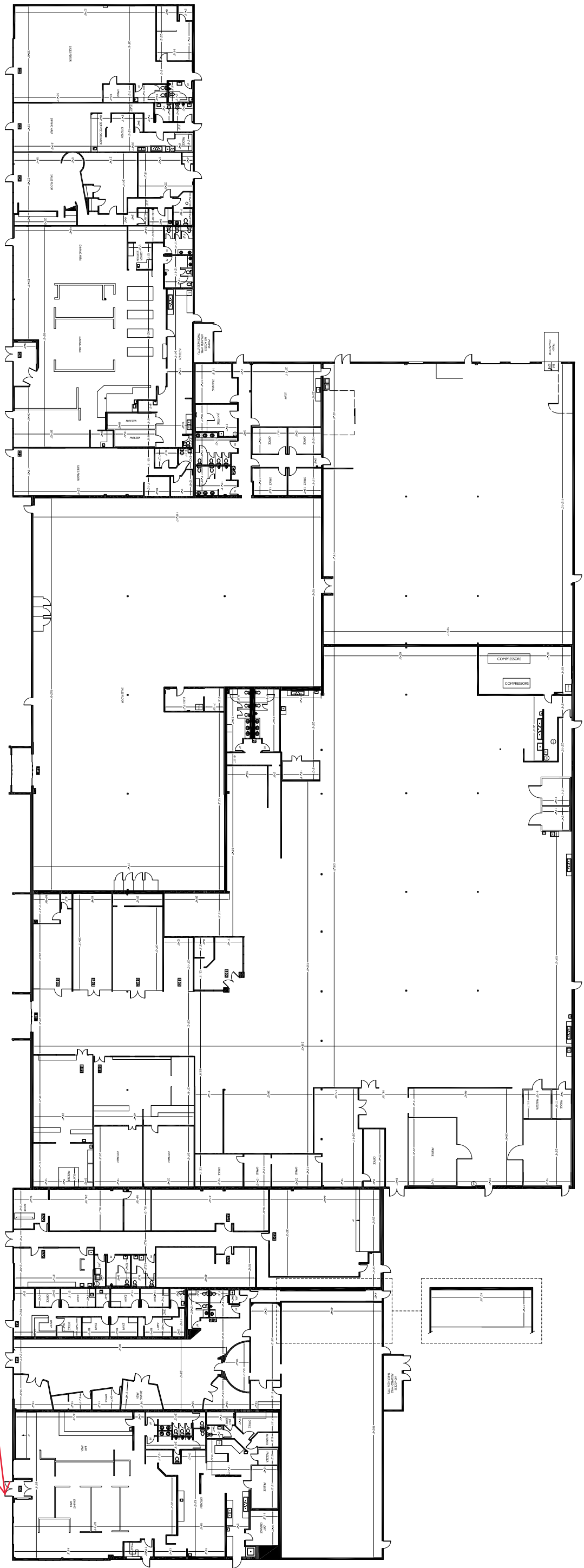
- Tracts A, B, C and Lot 1 referenced in 1995 Restrictive Covenant legal description





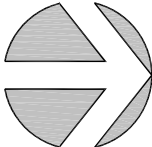


## 2014 Tenant Layout with Space A-6 Labeled



## Parking

## Space A-6





AGM Commercial Real Estate 2100 124th Ave NE Suite 100 Bellevue, WA 98005	Retail Building 2120 South 320th Street Federal Way, WA 98003	Floor Plan			<b>2DFLOORPLANS.COM</b> 206-328-7410 fax 206-328-4764 1700 21st Avenue South Suite 100 Seattle, WA 98144
<b>Client</b>	<b>Subject</b>	<b>Floor</b>	<b>Scale</b>	<b>Measured:</b> September 2014	<b>Project:</b> C14-560

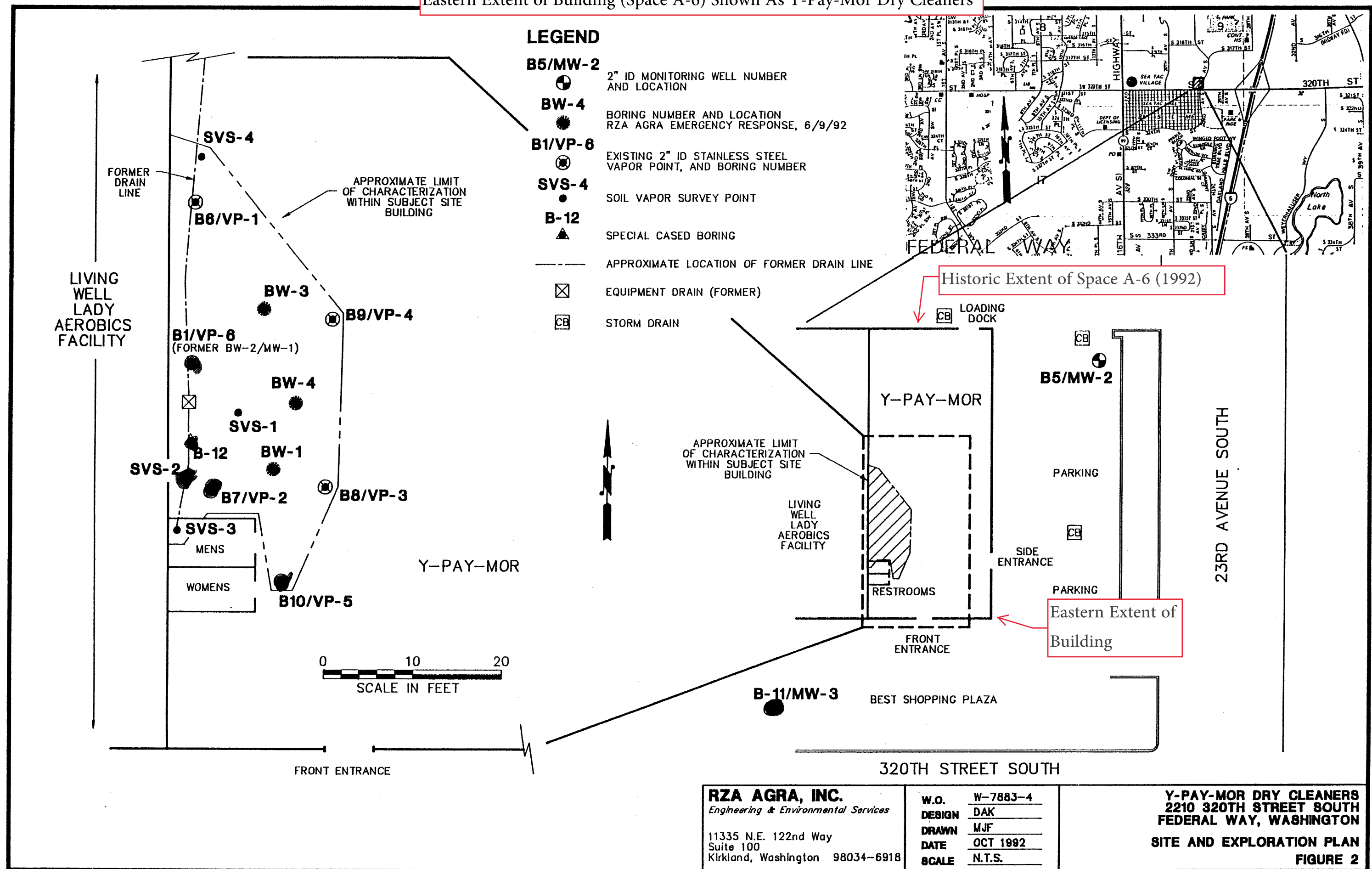
Exhibit No. 4

2020 Photograph Showing Current Eastern Extent of Building is Space A-6





Exhibit No 5.  
 Eastern Extent of Building (Space A-6) Shown As Y-Pay-Mor Dry Cleaners

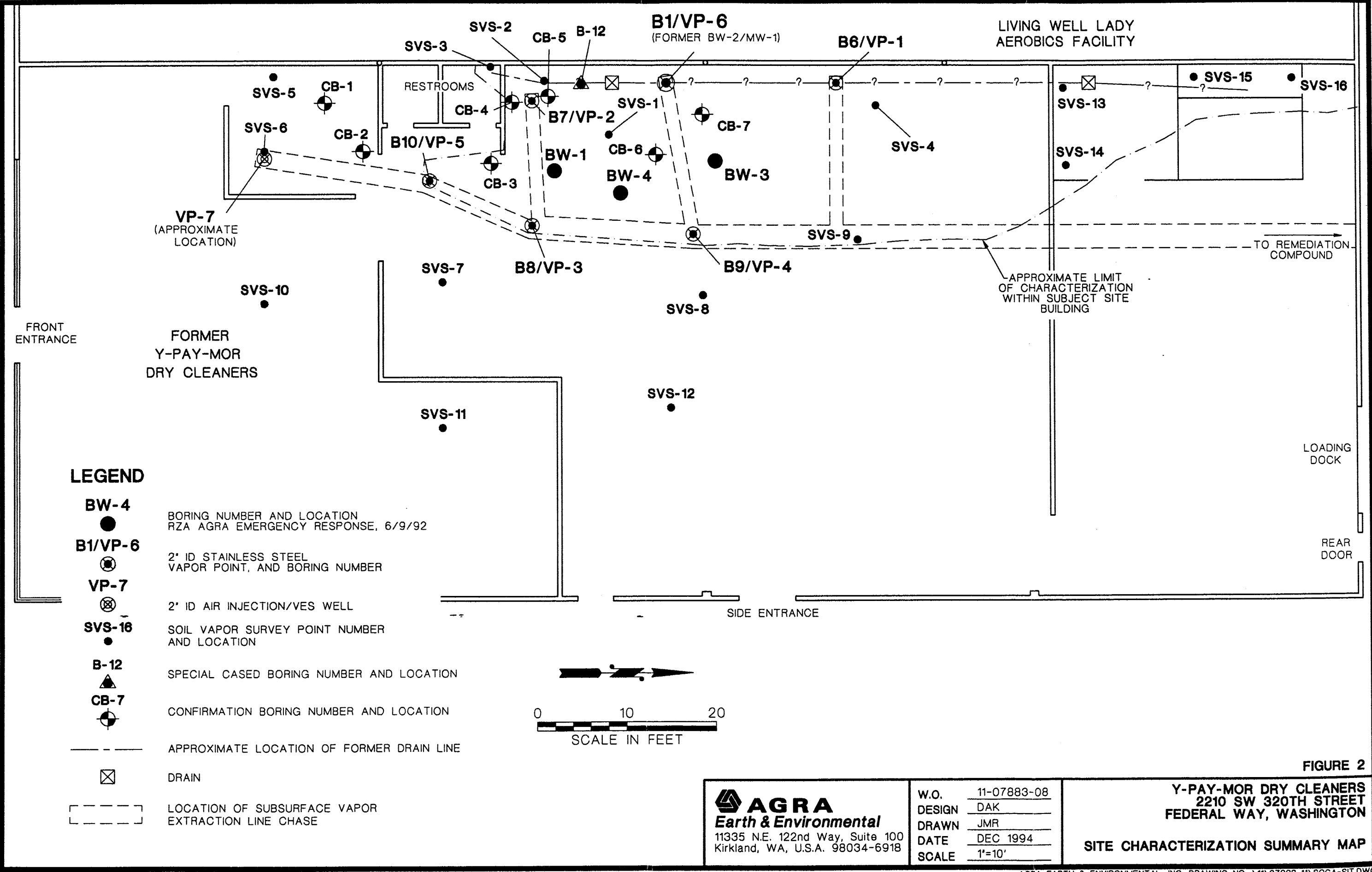


**RZA AGRA, INC.**  
 Engineering & Environmental Services  
 11335 N.E. 122nd Way  
 Suite 100  
 Kirkland, Washington 98034-6918

W.O. W-7883-4  
 DESIGN DAK  
 DRAWN MJF  
 DATE OCT 1992  
 SCALE N.T.S.

**Y-PAY-MOR DRY CLEANERS**  
 2210 320TH STREET SOUTH  
 FEDERAL WAY, WASHINGTON  
**SITE AND EXPLORATION PLAN**  
**FIGURE 2**

Exhibit No. 6 - Location of Confirmation Borings CB-4 and CB-5 Referenced in Section 1 of 1998 Restrictive Covenant. Borings are Shown in Tenant Space on Eastern Extent of Building (Space A-6)



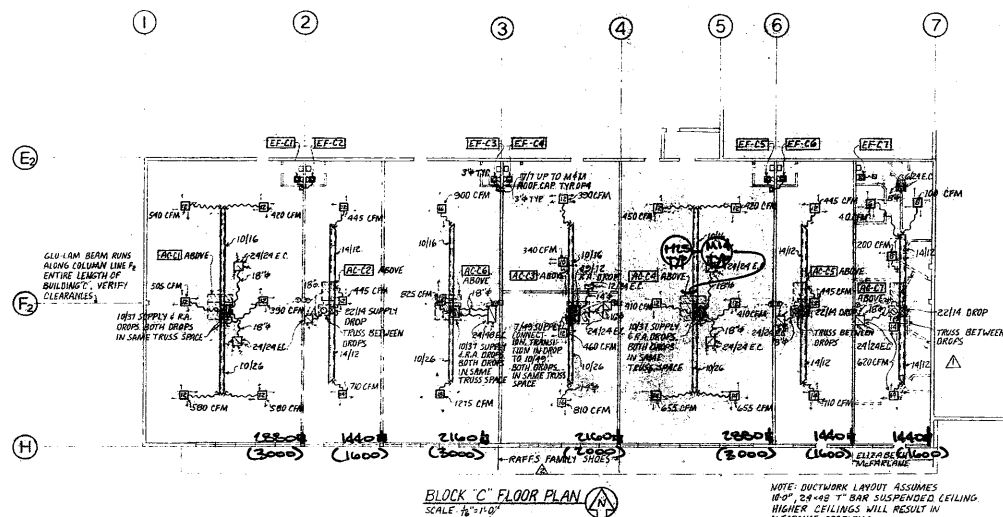


1C9922

Exhibit No. 7

Shows the Extent of the Eastern Tenant (Space A-6) in 1979

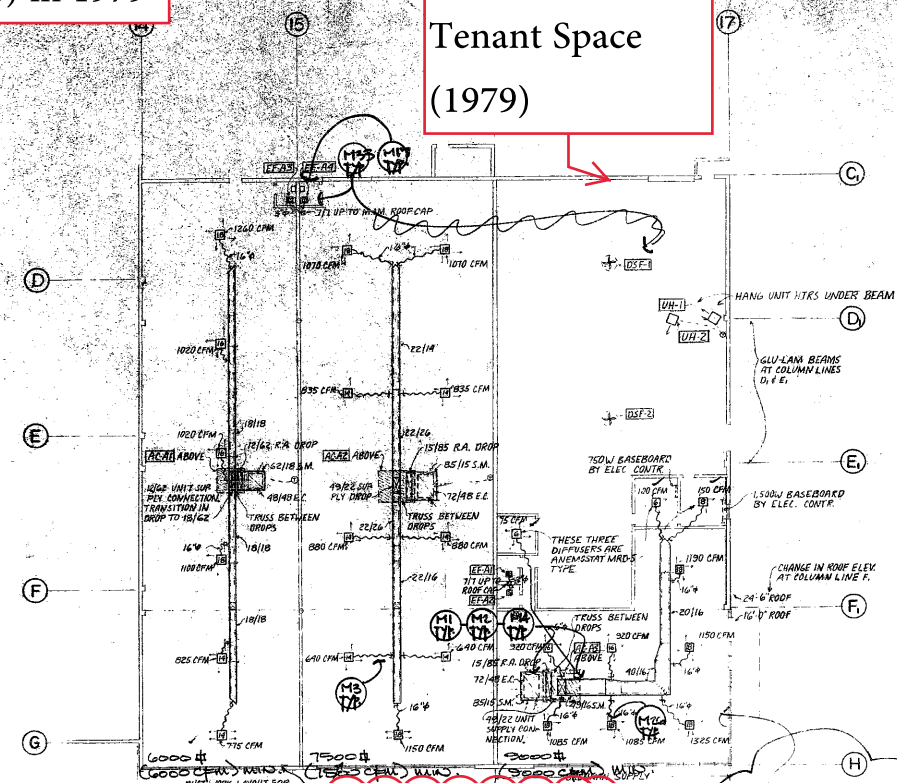
Historic Eastern  
Tenant Space  
(1979)



14,700#

$$\frac{8000}{3406} = 2.3$$

THIS PERMIT COVERS HVAC SYSTEMS SHOWN ONLY, KITCHEN HOODS UNDER DIFFERENT PERMIT --

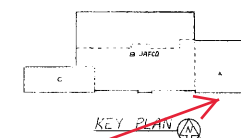


#### EQUIPMENT LIST-BLOCKS A+C

- ACAC1** AIR CONDITIONING UNIT-TRANE "SACA1603" ✓  
NOMINAL COOLING CAPACITY-15 TONS, 6000 CFM @ 6" S.P. 4100 RPM  
200V/3Ø, 1/2 HP FAN MOTOR, COOLING FLA-93.5, HEATING FLA-200  
CIRCUIT ELECTRIC HEAT-2 STAGE UNIT WT-2970 LBS  
ACCESSORIES: MANUAL OUTDOOR AIR DMPK  
RMT STAT T87EC & Q6720 & KEY LOCK COVER, FAN TO  
OPERATE CONTINUOUSLY, JUMPER R TO G AT UNIT.
- ACAC2** AIR CONDITIONING UNIT-TRANE "SEHB-3006C-021B0"  
NOMINAL COOLING CAPACITY-20 TONS, 8000 CFM @ 6" S.P. 4175 RPM  
200V/3Ø, 1/2 HP FAN MOTOR, COOLING FLA-118, HEATING FLA-118  
21.6 KW ELECTRIC HEAT-2 STAGE UNIT WT-3036 LBS  
ACCESSORIES: MANUAL OUTDOOR AIR DMPK  
RMT STAT T87EC & Q6720 & KEY LOCK COVER, FAN TO  
OPERATE CONTINUOUSLY, JUMPER R TO G AT UNIT.
- ACAC3** AIR CONDITIONING UNIT-TRANE "SACA763"  
NOMINAL COOLING CAPACITY-7.5 TONS, 3000 CFM @ 5" S.P. 4110 RPM  
200V/3Ø, 1/2 HP FAN MOTOR, COOLING FLA-91.2, HEATING FLA-208.7  
21.6 KW ELECTRIC HEAT-2 STAGE UNIT WT-1800 LBS  
ACCESSORIES: MANUAL OUTDOOR AIR DMPK  
RMT STAT T87EC & Q6720 & KEY LOCK COVER, FAN TO  
OPERATE CONTINUOUSLY, JUMPER R TO G AT UNIT.
- ACAC4** AIR CONDITIONING UNIT-TRANE "SACA763"  
NOMINAL COOLING CAPACITY-7.5 TONS, 3000 CFM @ 5" S.P. 4110 RPM  
200V/3Ø, 1/2 HP FAN MOTOR, COOLING FLA-91.2, HEATING FLA-208.7  
21.6 KW ELECTRIC HEAT-2 STAGE UNIT WT-1800 LBS  
ACCESSORIES: MANUAL OUTDOOR AIR DMPK  
RMT STAT T87EC & Q6720 & KEY LOCK COVER, FAN TO  
OPERATE CONTINUOUSLY, JUMPER R TO G AT UNIT.
- ACAC5** AIR CONDITIONING UNIT-TRANE "SACA406"  
NOMINAL COOLING CAPACITY-4 TONS, 1600 CFM @ 5" S.P. 4175 RPM  
200V/3Ø, 1/2 HP FAN MOTOR, COOLING FLA-55.2, HEATING FLA-54.2  
11.1 KW ELECTRIC HEAT-2 STAGE UNIT WT-1600 LBS  
ACCESSORIES: MANUAL OUTDOOR AIR DMPK  
RMT STAT T87EC & Q6720 & KEY LOCK COVER, FAN TO  
OPERATE CONTINUOUSLY, JUMPER R TO G AT UNIT.
- UH-1** ELECTRIC UNIT HEATER-TRANE "B38406" HORIZONTAL DISCHARGE  
40 KW @ 200V/3Ø, WALL MOUNTED T-SHAT
- DSF-1** DESTROYATION FAN-EMERSON "EF523-1"  
52" BLADE, 18000 CFM, 2.5 P.M.T.R., 1.8 AMPS @ 120V/1Ø
- EEA** CEILING EXHAUST FAN-BROAN "671" 70 CFM, 110V/1Ø OPERATE W/LIN

#### GENERAL NOTES

- 1) UNLESS LABELED OTHERWISE ALL SUPPLY & RETURN RECTANGULAR DUCTWORK TO BE DUCT BOARD, ALL FLEX DUCT TO BE 1" INSULATED & A MAX. 8' (12" IN LENGTH) ALL RECTANGULAR DROPS DOWN FROM UNITS TO BE 5/8" N.P.S.L.



Building Outline Shows  
Extent of Block A of the  
Building

CHANGE ACCT FROM 1/4 TON UNIT TO 4 TON UNIT & REVISE DUCTWORK	
TENANT IMPROVEMENT - RAY'S FAMILY SHOES	
DATE	1-15-79
SCALE	AS NOTED
DRAWING NO. 00274-31300	
SHEET NO. 2 OF 2	
M-2	
SEA-TAC PLAZA SHOPPING CENTER THE RAINIER FUND FEDERAL WAY, WA.	
MACDONALD-MILLER CO. MECHANICAL CONTRACTORS ENGINEERS 11000 PLYMOUTH HIGHWAY SOUTH SEATTLE, WASHINGTON 98148 PHONE (206) 13-5400	

## Exhibit 8 - Relevant Sections of 1998 and 1995 Restrictive Covenants

### **1998 Restrictive Covenant Legal Description**

*Space A-6, 2210 S. 320<sup>th</sup> Street, Federal Way, Washington, located within Lot 2, King County Short Plat No. 1079107, Recording No. 7912260667, being a portion of Tract A, Evergreen Plaza, a planned Unit Development, Plats Vol 100, pages 74 and 75*

### **1998 Restrictive Covenant Restrictions (relevant sections)**

- **Section 1.** A portion of the Property contains soil contaminated with cis-1,2-dichloroethene and tetrachloroethene, located under the building foundation at confirmation borings CB-4 and CB-5 as shown in Exhibit A. The owner shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology. (Geo note: Exhibit A was not provided in the King County Auditor records associated with the 1998 recorded restrictive covenant. Exhibit No. 6 from the 1994 report shows the locations of borings CB-4 and CB-5 in the easternmost portion of the building).
- **Section 2.** Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.
- **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 Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

### **1995 Restrictive Covenant Legal Description**

*That portion of that certain development situated on Tracts A, B and C and Lot 1 of Evergreen Plaza, as per Plat recorded in Volume 100 of Plats on page 74, records of King County, situate in County of King, State of Washington formerly known as Y-Pay-Mor Dry Cleaners.*

### **1995 Restrictive Covenant Restrictions (relevant requirements)**

- **Requirement 1.** Any activity that may interfere with the ongoing monitoring of groundwater wells is prohibited. In addition, no groundwater underlying the Site may be taken for domestic purposes.
- **Requirement 2.** The Owner shall allow authorized representatives of the Department of Ecology, or from any successor agency, the right to enter the Site at reasonable times for the purpose of evaluating compliance with the monitoring of groundwater wells and the remedial action, and to take samples and to inspect records, as provided by law.