

**Michael T. O'Connor, R.G.**  
**Environmental Consultant**  
3123 SE 9<sup>th</sup> Avenue, Portland, Oregon 97202  
Phone 971.344.5953 mtopdx@gmail.com

March 27, 2023

Mr. Bryce Stephens  
Pinnacle Management Team  
Kin Living  
139 SE Taylor Street  
Portland, Oregon 97214

**SUBJECT: 2023 Environmental Cap Inspection at Pinnacle Condominiums,  
1255 NW 9th Avenue, Portland, Oregon 97209**

Dear Mr. Stephens,

Per our Proposal and Contract, dated March 9, 2023, we have prepared this report summarizing our March 16, 2023 inspection of the environmental cap at the above-referenced Pinnacle Condominiums (the Property) which consists of soil and concrete building features.

Based on information associated with ODEQ Environmental Cleanup Site Information System Site Summary Reports (ECSI SSRs) for ODEQ ECSI Site 1080 (Hoyt Street Railyard) and ECSI Site 5894 (Hoyt Street Railyard Block 15), it is our understanding that the Property is contaminated with various concentrations of diesel fuel, heavy oil, lead, and polycyclic aromatic hydrocarbons (PAHs). Per an agreement with the Oregon Department of Environmental Quality (ODEQ) the soil beneath the condominium building, as part of the construction process, was capped with a concrete slab foundation, and the landscaped portions of the Property were covered with a geotextile membrane which in turn was capped with a two-foot layer of clean soil. The two capping methods were utilized to prevent human exposure to these compounds. As part of the Cap and Maintenance Plan as required by ODEQ, which is attached to the deed of the Property, it is subject to the following environmental requirement:

**Maintenance of cap:** Except upon prior written approval from ODEQ, no operations or uses shall be made on or of the Property that will or likely will penetrate any surface cover required under the ROD or jeopardize the cover's functional integrity, including without limitation any excavation, drilling, scraping, or erosion. The Owner of the Property shall maintain the surface cover and any other permanent feature of the remedy described in the Record of Decision (ROD) in accordance with the Monitoring and Maintenance Plan approved in writing by DEQ for the Property pursuant to the Consent Decree.

**Full Text of Environmental Disclosure Statement associated with Cap:**

*The Property on which the Condominium is situated was used in the past for railroad purposes. The Burlington Northern and Santa Fe Railway Company ("BNSF") and Hoyt Street Properties, L.L.C. ("HSP"), the former owner of the Property on which the Condominium is being developed, entered into a Declaration of Covenants and Restrictions (the "BNSF Declaration") for the Property, in which HSP and BNSF released claims against one another related to environmental contamination of the Property or the migration of environmental contamination to certain real Property, including that upon which the Condominium will be situated. The BNSF Declaration*

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*runs with the Property and is binding upon Developer, successor owners of the Property, and the Association. Under the BNSF Declaration, BNSF is responsible for certain monitoring, testing, and remediation of groundwater within or from the Property upon which the Condominium is being developed, as required by state or federal authorities or under state or federal law with respect to environmental contamination released on the Property or the migration thereof. In addition, the Condominium and Association are subject to a License and Declaration of Restrictions ("DEQ License") which was entered into by HSP, BNSF and the Oregon Department of Environmental Quality ("DEQ"). The DEQ License requires HSP and its successors and assigns who take title to the Property, and, upon creation of the Condominium, the Association, to ensure that no use is made of groundwater beneath the Property, maintain the concrete surface cover of the Property, prohibit detached single family homes and agricultural use of the Property, and allow DEQ and BNSF access to certain limited portions of the Property upon advance written notice for inspections to ensure compliance with the restrictions in the DEQ License. DEQ and BNSF will be expressly prohibited from having access to any unit of the Condominium, other than the parking or storage units below grade. In addition, the DEQ License requires the Association to conduct annual inspections of the concrete surface cover of the Property and to file the inspection report with DEQ. The cost of such annual inspections and reports will be a common expense of the Association. In the unlikely event that the Association breaches the DEQ License, the Association will be required to correct the problem. In such unlikely event, the Association would include the costs for such correction in the assessments made upon owners of units, thereby spreading the cost among all such unit owners in the manner provided in the Declaration.*

To demonstrate compliance with the cap maintenance requirement, Kin Living, which manages the properties, contracted with Assessment Associates, Inc. to perform an inspection of the Property in 2017, 2018, 2019, 2020, and 2021, and contracted with CREtelligent in 2022 for the inspection. CREtelligent informed Mr. O'Connor that they were not interested in continuing the annual inspections, so Mr. O'Connor agreed to conduct the inspection for Kin Living for 2023.

**Areas of Observation/Inspection:**

Mr. O'Connor inspected the following site features for signs of structural failure or exposure of underlying soil:

- All hardscape areas, including exterior sidewalks, walkways, floor slabs, common areas, basement garages, and basement foundation walls.
  - Sealants along building perimeters and other surfaces were inspected for weathering, cracking or degradation.
  - All landscaped areas, including planters and open areas, along Property boundaries were inspected for evidence of holes, animal burrows, erosion, or other issues that could exposed the underlying contaminated soil.
  - Surface water drainage features, such as exposed surface drainages, storm water catch basins, and roof drains were visually inspected for structural integrity and functionality, as accessible from the outdoor areas of the Property.
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- The Property was inspected for evidence of groundwater seepage.

## **Inspection Details:**

**Property Name:** Pinnacle Condominiums.

**Property Address:** 1255 NW 9th Avenue, Portland, Oregon 97209

**Year Built:** 2004.

**Property Legal Description:** T1N, R1E, NW ¼ of NW ¼ Section 34, Lot 70382.

**Geologist Performing Inspection:** Michael T. O'Connor, R.G., environmental consultant.

**Inspection Requested By:**

Mr. Bryce Stephens  
Management Team, Kin Living (Property Managers)

Inspection Date: March 16, 2023

Mr. O'Connor inspected the concrete foundation of the Property building for evidence of cracks, settlement, and/or unusual weathering patterns that could have the potential for allowing the underlying soil to migrate through the cap and create an exposure hazard for human or ecological receptors. Sealants, such as the caulking between the building and the sidewalk areas were also inspected for shrinkage and cracking. Areas inspected included the entire concrete slab at the lowest portions of the parking garage beneath the building, the flooring of the commercial spaces at ground level, exterior sidewalks, and the floor in utility rooms that were accessible either from the interior of the parking garage or from exterior doors at the sidewalk level.

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**Table of Features Inspected**

<b>Cracks and/or Settlement in vertical cement or flatwork? Y/N</b>	<b>Exposure Hazard? Y/N</b>	<b>Repair Required? Y/N</b>
No settlement was observed in any of the concrete walls or floors. However, fine cracks were noted in a few locations in the cement walls of the basement parking garage. Cracks were also observed in the sidewalk at the northeastern and southeastern corners of the building.	Although the fine cracks on the walls of the basement parking garage showed signs of minor efflorescence, they did not appear to be hazardous. The sidewalk cracks also did not appear to be hazardous.	No
<b>Holes or Penetrations? Y/N</b>	<b>Exposure Hazard? Y/N</b>	<b>Repair Required? Y/N</b>
No holes or penetrations were observed.	No	No
<b>Exposed Soil or Fabric Y/N?</b>	<b>Exposure Hazard? Y/N</b>	<b>Repair Required? Y/N</b>
Soil was visible in planters, but no geotextile barrier was observed.	No	No
<b>Problematic Surface Water Drainage Features?</b>	<b>Exposure Hazard? Y/N</b>	<b>Repair Required? Y/N</b>
Problematic surface water drainage features were not observed.	No	No
<b>Cracked or Missing Caulking?</b>	<b>Exposure Hazard? Y/N</b>	<b>Repair Required? Y/N</b>
Cracked or missing caulking was not observed.	No	No
<b>Groundwater Seepage Areas?</b>	<b>Exposure Hazard? Y/N</b>	<b>Repair Required? Y/N</b>
Brown staining was observed on the southern wall of the basement parking garage. Ms. Jessyca Porter, Maintenance Supervisor, previously indicated that the staining was due to a since-repaired leak in a planter in the courtyard.	The courtyard planter is located above the environmental cap and is filled with imported soil. It does not constitute an exposure hazard. The leak has been repaired.	No

**Conclusions and Recommendations:**

It is our professional opinion that there were no areas where the soil cap or the geotextile membrane used to delineate the top of the cap were visible at any of the inspection points. The silicone caulking between the building and sidewalk was observed to be essentially undamaged. No areas of groundwater seepage were noted in the walls or floors of the basement parking garage.

We do not recommend additional inspections other than an annual re-inspection in 2024. The soil and concrete cap at the Property are apparently intact and are functioning as intended.

**Michael T. O'Connor, R.G.**

**Environmental Consultant**

3123 SE 9<sup>th</sup> Avenue, Portland, Oregon 97202

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If there are any comments or questions, please contact the undersigned. Thank you for the opportunity to provide this inspection.

Sincerely,

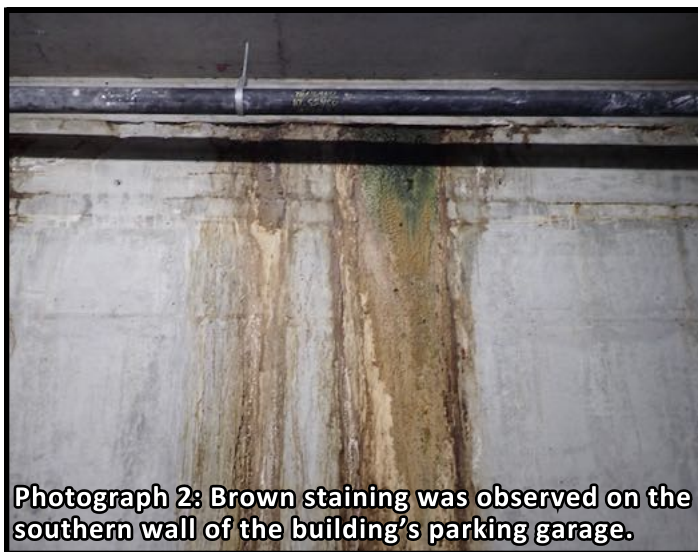


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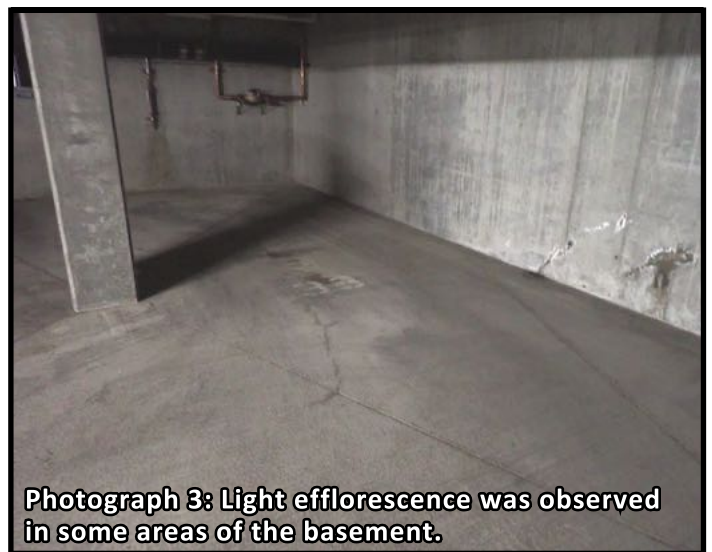




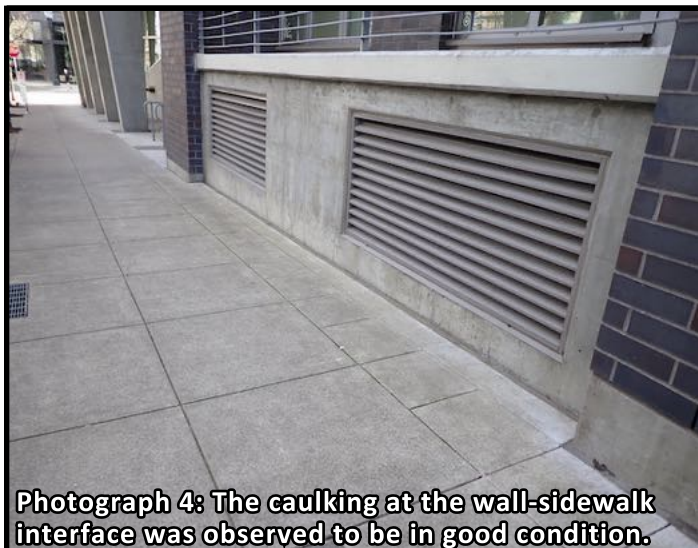
**Photograph 1: View of the Pinnacle Condominium Building facing northeast.**



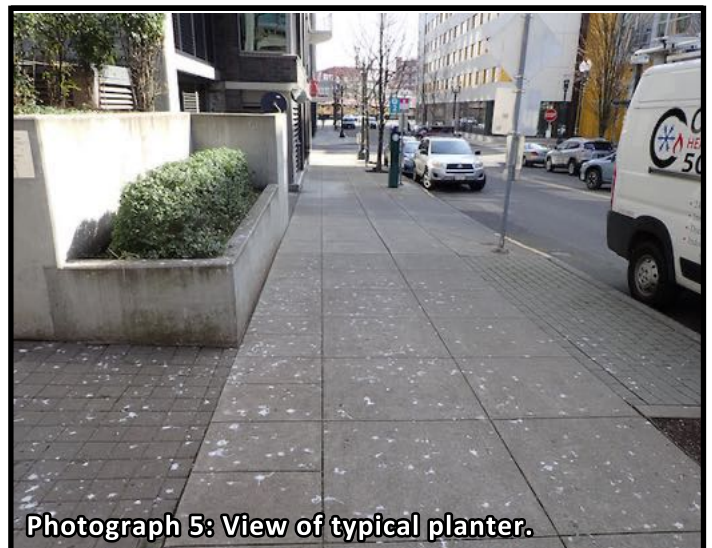
**Photograph 2: Brown staining was observed on the southern wall of the building's parking garage.**



**Photograph 3: Light efflorescence was observed in some areas of the basement.**



**Photograph 4: The caulking at the wall-sidewalk interface was observed to be in good condition.**



**Photograph 5: View of typical planter.**

### Site Photographs

Annual Cap Inspection  
Pinnacle Condominiums  
1255 NW 9th Avenue, Portland, Oregon



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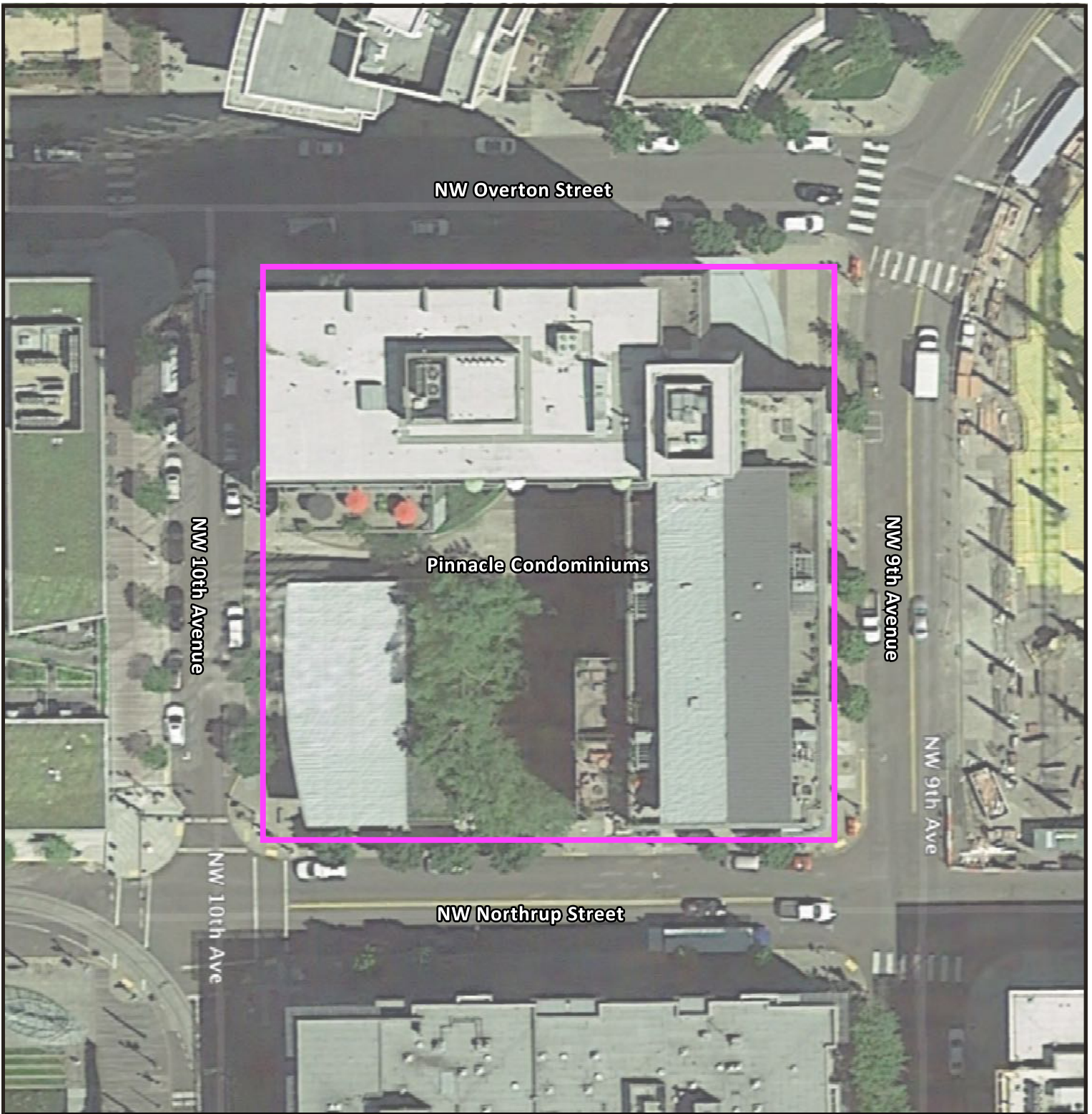
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Project 1598

March 2023



NW Overton Street

NW 10th Avenue

Pinnacle Condominiums

NW 9th Avenue

NW 9th Ave

NW 10th Ave

NW Northrup Street

Aerial Photograph Source: Google Earth

**LEGEND**

 **Property Boundary**

**FIGURE 1. Project Location - Pinnacle Condominiums**

Annual Cap Inspection  
 Pinnacle Condominiums  
 1255 NW 9th Avenue, Portland, Oregon



March 2023



Project 1598

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# Michael T. O'Connor, R.G

Licensed Geologist in Oregon & Washington  
mtopdx@gmail.com (971) 344-5953

## Education

B.A., Geology, University of Massachusetts, Amherst, MA

## Professional Experience

**Current Position: Freelance Geologist and Environmental Consultant. Location: Portland, Oregon**

### **2021-2022 Principal Geologist and Business Development Engineer CREtelligent, National CRE Due Diligence Platform-as-a-Service**

Mr. O'Connor agreed to merge Assessment Associates with CREtelligent in May 2021, and accepted a position as *Vice President, Principal Geologist and Sales Development Engineer*, generating hundreds of thousands of dollars of business across a six-state territory over a twenty-month transition period. Services included Phase I and Phase II Environmental Site Assessments, ALTA Surveys, Commercial Evaluations, Property Condition Assessments, along with a first-to-market suite of early-insight EnviroPreScreen reports.

### **2006-2021 President and Principal Geologist, Assessment Associates Environmental Consulting, Portland, Oregon**

Founded regional environmental consultancy in 2006, managing a staff of 4-5 geologists, engineers, and project managers who conducted over 850 projects for hundreds of clients over a 15-year period. Clients included government agencies, conservation groups, tribes, real estate investors, manufacturers, retail outlets, and lending institutions.

## Key Capabilities and Talents

### **Environmental Consulting Services:**

- Phase I and Phase II Environmental Site Assessments
- Sub-Slab Soil Vapor Investigations
- Geologic and Environmental Studies and Investigations
- Soil and Groundwater Cleanup

### **Staff Management:**

- 15+ Years hiring, training & managing staff of environmental consulting professionals

### **Sales and Client Development Engineer:**

- Used Zoom Info, LinkedIn, Hubspot, and Real Capital Analytics to identify new clients, develop and deploy email sequences, and generate continuous pipeline of due diligence projects

### **Deep Ties to Environmental Consulting Industry:**

- Long-time relationships with key stake holders in Pacific Northwest environmental consulting community, including lenders, real estate investors, brokers, consultancies, laboratories, drillers, planners, surveyors, appraisers, title insurance firms, state, county, and regional governments, and state and federal regulators.

## Industry Tenure

**VP, Principal Geologist and Business Development Engineer**

CREtelligent, May 2021-December 2022

**Founder and Principal Geologist,**  
Assessment Associates, Inc., 2006-2021

**Environmental Consultant Since 1995**

## Industry Experience

Over 2,500 Career Phase I and Phase II  
Environmental Site Assessments

Risk-Based Closure for Remedial Sites

Level I Environmental Corridor Studies

Asbestos and lead paint surveys

Stormwater Compliance

Third-party document review

## Professional Affiliations

Past board member, Northwest Association  
of Environmental Professionals (NWAEP)

Member, Oregon Association of  
Environmental and Engineering Geologists  
(AEG)

Member, Oregon Association of  
Environmental Professionals (OAEP)

Attendee, National Environmental Business  
Council Bi-Annual Meetings

Attendee, Oregon Brownfields Conference

Member National Association of Industrial  
and Office Properties (NAIOP)

## Active Licenses

Oregon Registered Geologist G1998

Washington Licensed Geologist 2398