

**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

February 15, 2024

Ms. Taylor Coakley  
Manager, Encore Condominiums  
949 NW Overton Street  
Portland, Oregon 97209

c/o Bluestone and Hockley  
PO Box 62767  
Irvine CA 92602

**SUBJECT: 2024 Environmental Cap Inspection at The Encore Condominiums,  
949 NW Overton Street, Portland, Oregon 97209**

Dear Ms. Coakley,

I have prepared this report summarizing our inspection of the **environmental cap** at the above-referenced Encore 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,*

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*including that upon which the Condominium will be situated. The BNSF Declaration 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, Bluestone and Hockley, which manages the property, has contracted with Mr. O'Connor to perform the 2024 annual inspection of the Property.

**Areas of Observation/Inspection:**

I 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.
  - The Property was inspected for evidence of groundwater seepage.
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## **Inspection Details:**

**Property Name:** The Encore Condominiums.

**Property Address:** 949 NW Overton Street, Portland, Oregon 97209

**Year Built:** 2007.

**Property Legal Description:** T1N, R1E, NW ¼ of NW ¼ Section 34, Lot 40000

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

**Inspection Requested By:**

Ms. Taylor Coakley  
Manager, Encore Condominiums

**Inspection Date:** February 14, 2024

I 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 in the PB (Parking Basement level) and P1 (Parking Level 1—above the basement) portions of the parking garage beneath the building. In addition, the floors of the commercial spaces at ground level were inspected, along with the 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.	No	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>
No	No	No
<b>Groundwater Seepage Areas?</b>	<b>Exposure Hazard? Y/N</b>	<b>Repair Required? Y/N</b>
Groundwater seepage areas were not observed.	No	No

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**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. No significant cracks or settling have occurred with respect to the building and sidewalk, and no areas of groundwater seepage were noted in the walls or floors of the basement parking garage. I did not identify any human or ecological contaminant exposure hazards at the property with regard to the contaminated soil beneath the condominium building.

I do not recommend additional inspections other than an annual re-inspection in 2025. The soil and concrete cap at the Property are apparently intact and are functioning as intended.

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

Sincerely,

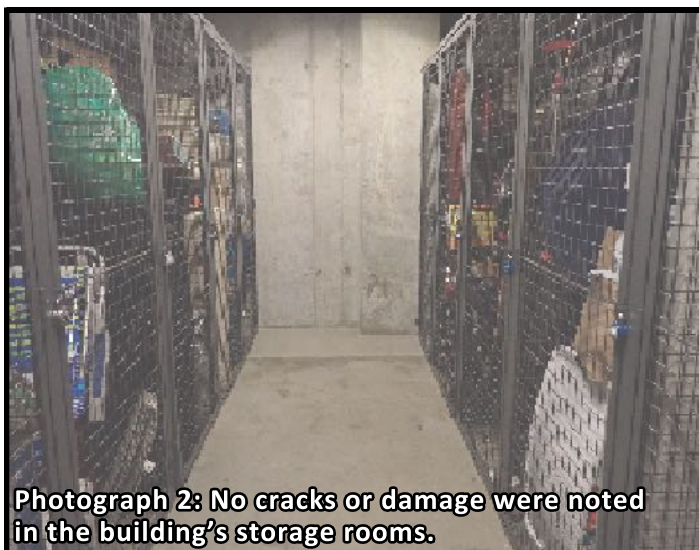


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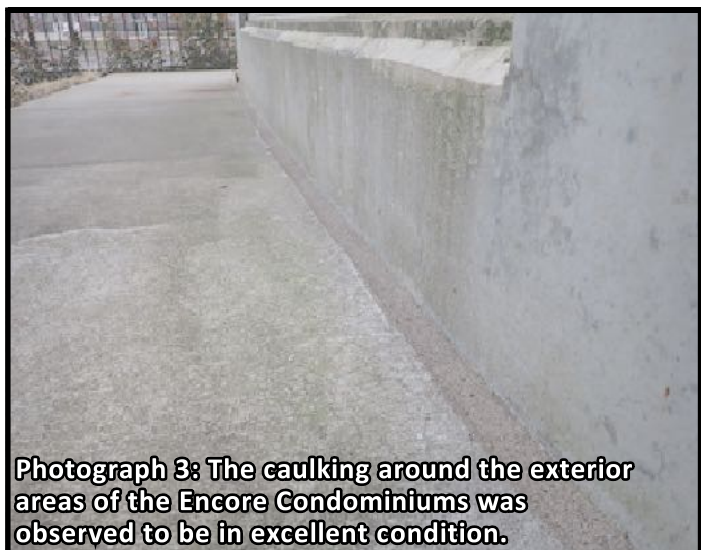




**Photograph 1: Wide-angle view of the western exterior of the Encore Condominiums**



**Photograph 2: No cracks or damage were noted in the building's storage rooms.**



**Photograph 3: The caulking around the exterior areas of the Encore Condominiums was observed to be in excellent condition.**



**Photograph 4: View of planters on the exterior of the building. No evidence of a soil breach was observed.**



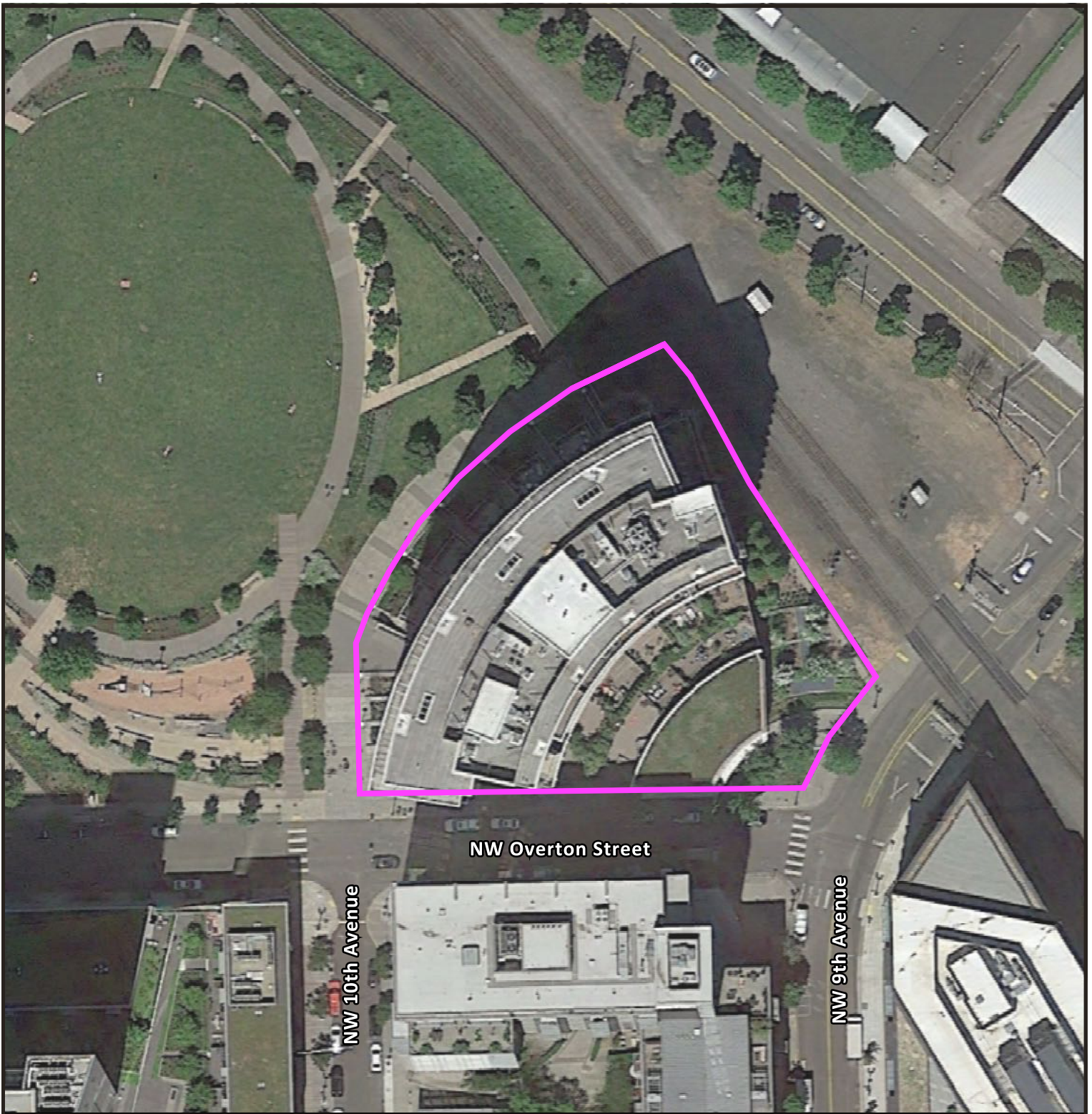
**Photograph 5: Typical treewell. No burrows or other evidence of breach of soil cap were observed.**

**Site Photographs**

Annual Cap Inspection  
Encore Condominiums  
949 NW Overton Street, Portland, Oregon



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NW Overton Street

NW 10th Avenue

NW 9th Avenue

Aerial Photograph Source: Google Earth

**LEGEND**

 **Property Boundary**

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

Annual Cap Inspection

Encore Condominiums

949 NW Overton Street, Portland, Oregon



February 2024



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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