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

April 3, 2023

Ms. Andrea Kirch
Income Property Management Co.
1800 SW 1st. Ave. Ste. 220
Portland OR 97201

SUBJECT: **2023 Environmental Cap Inspection at Vibrant! Apartments, 1620 NW 14th Avenue, Portland, Oregon 97209**

Dear Ms. Kirch,

Per our Proposal and Contract, dated March 22, 2023, we have prepared this report summarizing our inspection of the **environmental cap** at the above-referenced Vibrant! Apartments (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 6103 (Hoyt Street Railyard Block 26), it is our understanding that portions of Vibrant! Apartments property are contaminated with various concentrations of diesel fuel, heavy oil, lead, and polycyclic aromatic hydrocarbons (PAHs), but that the contaminated soil has been capped with either masonry building materials or geotextile membrane covered with a two-foot layer of clean soil to prevent human exposure to these compounds. As part of the ODEQ-required Cap and Maintenance Plan which is attached to the deed of the property, the property 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 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

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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, Income Property Management Co. which manages the property, has contracted with Mr. O'Connor to perform the 2023 inspection.

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, parking garages, and 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: Vibrant Apartments

Property Address: 1620 NW 14th Avenue, Portland, Oregon 97209

Year Built: 2017.

Property Legal Description: T1N, R1E, SE ¼ of SE ¼ Section 284, Lot 00711.

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

Inspection Requested By:
Ms. Andrea Kirch, Portfolio Manager, Income Property Management Co. (Property Management Group)

Inspection Date: March 30, 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 perimeter of the building, the flooring of the interior lobby and leased spaces and parking areas at ground level, exterior sidewalks, and the floor in the utility rooms that were accessible either from the interior of the parking garage or from exterior doors at the sidewalk level.

Table of Features Inspected

Cracks and/or Settlement in vertical cement or flatwork? Y/N	**Exposure Hazard? Y/N**	**Repair Required? Y/N**
No settlement was observed in any of the concrete walls or floors.	No	No
Holes or Penetrations? Y/N	**Exposure Hazard? Y/N**	**Repair Required? Y/N**
No holes or penetrations were observed.	No	No
Exposed Soil or Fabric Y/N?	**Exposure Hazard? Y/N**	**Repair Required? Y/N**
Soil was visible in planters, but no geotextile barrier was observed.	No	No
Problematic Surface Water Drainage Features?	**Exposure Hazard? Y/N**	**Repair Required? Y/N**
Problematic surface water drainage features were not observed.	No	No
Cracked or Missing Caulking?	**Exposure Hazard? Y/N**	**Repair Required? Y/N**
No	No	No
Groundwater Seepage Areas?	**Exposure Hazard? Y/N**	**Repair Required? Y/N**
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. The silicone caulking between the building and sidewalk was observed to be intact and undamaged, and 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.

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

Sincerely,

Michael T. O'Connor, R.G.
Environmental Consultant

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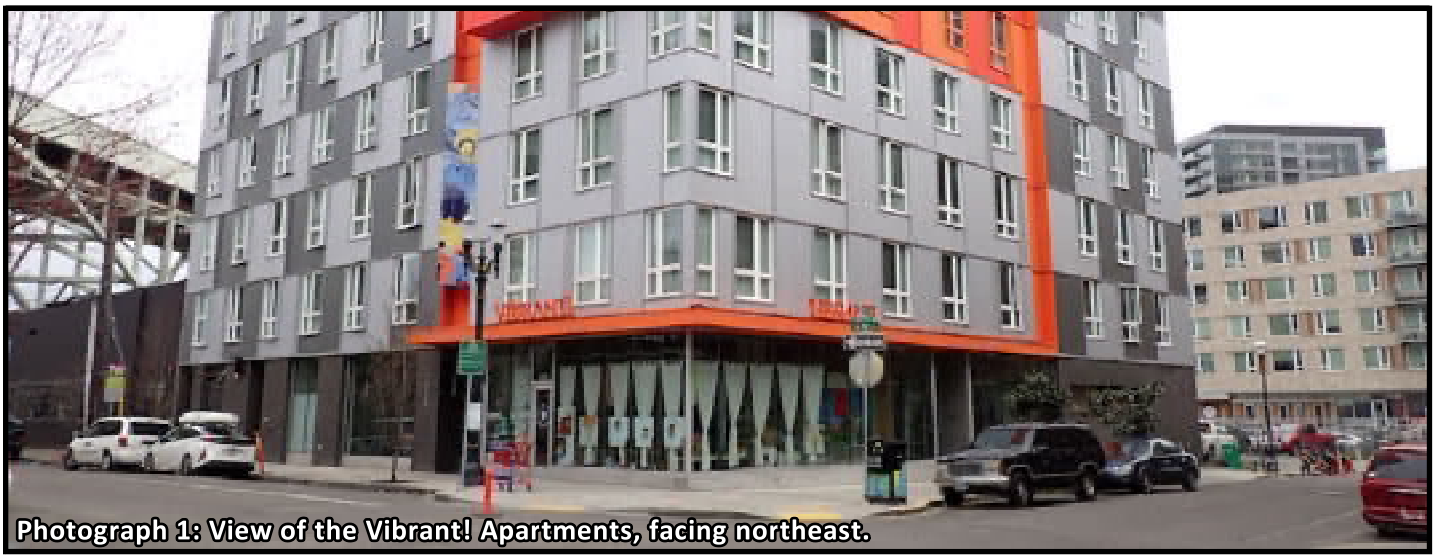
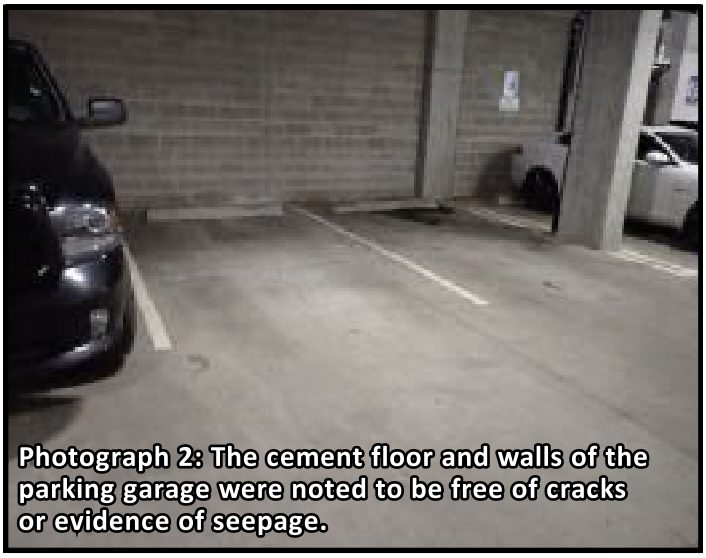


Photograph 1: View of the Vibrant! Apartments, facing northeast.



Photograph 2: The cement floor and walls of the parking garage were noted to be free of cracks or evidence of seepage.

Photograph 3: The cement floor and walls of the electrical room were observed to be free of cracks or damage.

Photograph 4: The caulking on the exterior of the building appeared to be in good condition.

Photograph 5: The planters surrounding the building appeared to be in good condition.

Site Photographs
Annual Cap Inspection
Vibrant! Apartments
1620 NW 14th Avenue, Portland, Oregon

MTO

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AAI Project 1598 **April 2023**

Aerial Photograph Source: GoogleEarth

LEGEND

Property Boundary

FIGURE 1. Project Location - Vibrant! Apartments
Annual Cap Inspection
Vibrant! Apartments,
1620 NW 14th Avenue, Portland, Oregon

NORTH

April 2023

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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