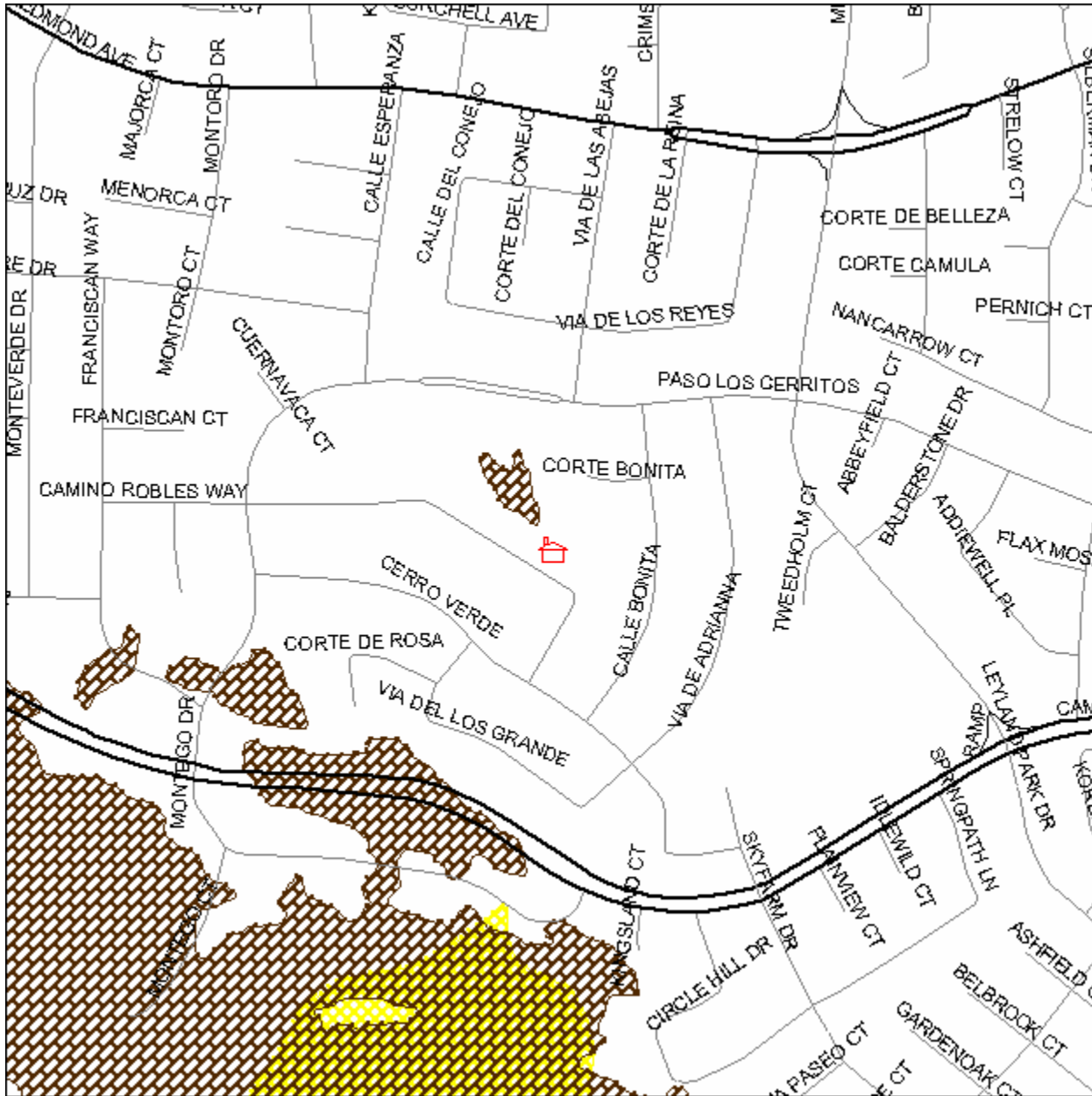


# JCP Property Disclosure | MAP COVER PAGE

## Natural Hazard Disclosure Report

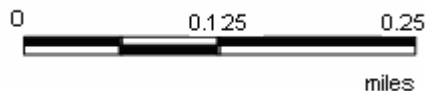
**Property Address:** 1377 CAMINO ROBLES WAY ,  
 SAN JOSE, SANTA CLARA County, CA








**APN:** 575-34-058  
**Date:** 09/26/2007  
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NOTE – This map is for general reference only. ANY USE OF THIS MAP IS AN ACKNOWLEDGEMENT AND AGREEMENT THAT ONLY THE INFORMATION ON THE STATUTORY FORM SHALL BE RELIED UPON FOR THE ACTUAL DISCLOSURES.

 Subject Property



	Special Flood Hazard Area
	Area of Potential Flooding, Dam Failure
	Very High Fire Hazard Severity Zone
	Wildland Area, Substantial Forest Fire Risk
	Earthquake Fault Zone
	Seismic Hazard Zone, Landslide
	Seismic Hazard Zone, Liquefaction



# JCP Property Disclosure Reports The JCP Natural Hazard Disclosure Report FOR SANTA CLARA COUNTY

**Property Address:** 1377 CAMINO ROBLES WAY , **APN:** 575-34-058  
SAN JOSE, SANTA CLARA County, CA **Date:** 09/26/2007  
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## Statutory Natural Hazard Disclosure Statement

The transferor and his or her agent(s) disclose the following information with the knowledge that even though this is not a warranty, prospective transferees may rely on this information in deciding whether and on what terms to purchase the subject property. Transferor hereby authorizes any agent(s) representing any principal(s) in this action to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

The following are representations made by the transferor and his or her agent(s) based on their knowledge and maps drawn by the State. This information is a disclosure and is not intended to be part of any contract between the transferee and the transferor. THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S):

**A SPECIAL FLOOD HAZARD AREA** (Any type Zone "A" or "V") designated by the Federal Emergency Management Agency.

Yes \_\_\_\_\_ No  X  Do not know and information not available from local jurisdiction \_\_\_\_\_

**AN AREA OF POTENTIAL FLOODING** shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code.

Yes \_\_\_\_\_ No  X  Do not know and information not available from local jurisdiction \_\_\_\_\_

**A VERY HIGH FIRE HAZARD SEVERITY ZONE** pursuant to Section 51178 or 51179 of the Government Code. The owner of this property is subject to the maintenance requirements of Section 51182 of the Government Code.

Yes \_\_\_\_\_ No  X

**A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISK AND HAZARDS** pursuant to Section 4125 of the Public Resources Code. The owner of this property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.

Yes \_\_\_\_\_ No  X

**AN EARTHQUAKE FAULT ZONE** pursuant to Section 2622 of the Public Resources Code.

Yes \_\_\_\_\_ No  X

**A SEISMIC HAZARD ZONE** pursuant to Section 2696 of the Public Resources Code.

Yes (Landslide Zone) \_\_\_ Yes (Liquefaction Zone) \_\_\_\_\_

No  X  Map not yet released by state \_\_\_\_\_

THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER. THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. TRANSFEREE(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

Signature of Transferor (Seller) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Transferor (Seller) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

Check only one of the following:

Transferor(s) and their agent(s) represent that the information herein is true and correct to the best of their knowledge as of the date signed by the transferor(s) and agent(s).

Transferor(s) and their agent(s) acknowledge that they have exercised good faith in the selection of a third-party report provider as required in Civil Code Section 1103.7, and that the representations made in this Natural Hazard Disclosure Statement are based upon information provided by the independent third-party disclosure provider as a substituted disclosure pursuant to Civil Code Section 1103.4. Neither transferor(s) nor their agent(s) (1) has independently verified the information contained in this statement and report or (2) is personally aware of any errors or inaccuracies in the information contained on the statement. This statement was prepared by the provider below:

Third-Party Disclosure Provider(s)  Scott Roeklein, Sr. Vice President  Date  09/26/2007  Rept. No. 165455  
JCP Property Disclosure Natural Hazard Disclosures

Transferee represents that he or she has read and understands this document. I (We) also have read and understand the added local hazard, airport, military ordnance, commercial zoning, BCDC disclosure, energy efficiency disclosure, Megan's Law disclosures, as well as the mold, radon, meth lab, and endangered species advisories and the map cover page contained in this report. Pursuant to Civil Code Section 1103.8, the representations made in this Natural Hazard Disclosure Statement do not constitute all of the transferor's or agent's disclosure obligations in this transaction.

Signature of Transferee(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Transferee(s) \_\_\_\_\_ Date \_\_\_\_\_

**Additional Signatures Required – See Section 4, TAX DISCLOSURE REPORT and Section 5 EnviroCheck™ Disclosure Report**

Statutory Form



# JCP Property Disclosure Reports The JCP Natural Hazard Disclosure Report FOR SANTA CLARA COUNTY

**Property Address:** 1377 CAMINO ROBLES WAY ,  
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**APN:** 575-34-058  
**Date:** 09/26/2007  
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## **Summary Declaration of Liability Provisions**

JCP Property Disclosure Natural Hazard Disclosures ("JCP"), a subsidiary of The First American Corporation, hereby declares that Recipients of a natural hazard disclosure report issued by a Member Company ("Report") pursuant to California Civil Code §1103 *et seq.* for a transaction are provided the following assurances and protections.

### **Recipients**

- Buyers, Sellers and their respective real estate agents and brokers involved in the sale of the property for which the Report was issued.

### **Member Companies**

- First American Natural Hazard Disclosures, LLC.
- LGS reports
- JCP Property Disclosure Reports

### **Protections**

All Recipients of a Report shall enjoy the following assurances and protections if their Report contains an error which results in damages as defined in the Report ("Error") upon proper tender of the claim:

- (1) JCP will resolve the claim promptly and in good faith.
- (2) JCP will defend a Recipient against legal action brought against that Recipient as a result of the Error or otherwise resolve the Error without economic loss to the Recipient.
- (3) Recipients will enjoy the benefits of amounts received by JCP from its errors and omissions ("E&O") insurance carrier as a result of the Error.
- (4) To the extent that economic loss resulting from the Error is not paid by the E&O insurance proceeds, JCP shall be liable for any remaining loss.

Recipients are entitled to rely on the provisions of the Report as of the close of escrow for the transaction for which said Report was issued.

**By:** JCP Property Disclosure  
09/26/2007

Scott Roecklein, Sr. Vice President

**Date:**







# JCP Property Disclosure Reports The JCP Natural Hazard Disclosure Report FOR SANTA CLARA COUNTY

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LANDSLIDE	LEAST TO MODERATE	See Section 2 Page 3
SAN JOSE REDEVELOPMENT AREA	MNA	See Section 2 Page 3
SPECIAL GHSA	NOT IN	See Section 2 Page 3

## SECTION 3

### OTHER DISCLOSURES, ADVISORIES AND TERMS AND SERVICES

#### Other Zone Disclosures

	<u>Determination</u>	
Commercial/ Industrial LOCATED WITHIN 1 MILE OF A COMMERCIAL OR INDUSTRIAL SITE	IN	See Section 3 Page 1
Military Ordnance FORMER MILITARY ORDNANCE SITE DISCLOSURE	NOT WITHIN	See Section 3 Page 1
Airports AIRPORT NOISE DISCLOSURE	NOT WITHIN	See Section 3 Page 2
AIRPORT INFLUENCE AREA	NOT IN	See Section 3 Page 2
Megan's Law		See Section 3 Page 3
San Francisco Bay Conservation and Development Commission Disclosure	NOT IN	See Section 3 Page 4
California Energy Commision Duct Sealing & Testing	NOT IN	See Section 3 Page 5

#### Advisories

Methamphetamine Contaminated Property Disclosure Advisory	See Section 3 Page 6
Mold Advisory	See Section 3 Page 6
Radon Advisory	See Section 3 Page 7
Endangered Species Advisory	See Section 3 Page 8

#### Services Section

##### Additional Addenda

City of San Jose Street Tree Disclosure Form* *Signatures Required	See Addendums
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# JCP Property Disclosure Reports The JCP Natural Hazard Disclosure Report FOR SANTA CLARA COUNTY

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## SECTION 4

### CALIFORNIA PROPERTY TAX DISCLOSURE REPORT

<<Requires Additional Signature on Section 4, Page 1>>

#### Summary of Current Property Tax Charges

##### Notice of Special Tax and Assessment

*Pursuant to Section 1102.6b of the California Civil Code*

##### Accelerated Foreclosure Notice

##### Senior Citizen Exemptions Explanation

##### Mandatory Notice of Supplemental Property tax Bill(s)

*Pursuant to Section 1102.6c of the California Civil Code*

SEE TAX REPORT  
TABLE OF CONTENTS

##### Property Tax Estimator

##### Supplemental Tax Bill Estimator

#### Description of Current Property Tax Charges

## SECTION 5

### The JCP PROPERTY DISCLOSURE ENVIROCHECK Report™

<<Requires Additional Signature on Section 5, Page 1>>

#### State Level Environmental Disclosures

LEAKING UNDERGROUND STORAGE TANKS  
OTHER LISTED OR REGULATED SITES

See EnviroCheck



# JCP Property Disclosure Reports The JCP Natural Hazard Disclosure Report FOR SANTA CLARA COUNTY

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## SECTION 1

### JCP STATUTORY MAP READING DETERMINATIONS AND DISCUSSIONS SUMMARY

The statutory Natural Hazard Disclosure Statement on page one of this report does not provide for informing purchasers if the property is only partially within any of the delineated zones or provide additional flood zone information which could be very important to the disclosure process. This summary of JCP's map reading used to complete the statutory form in this report is provided here to give buyers the additional information they may need to help them in the decision making process and to place the information in perspective.

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#### ◦ ◦ ◦ SPECIAL FLOOD HAZARD AREA ◦ ◦ ◦

##### Determination

**NOT IN a Special Flood Hazard Area. IN a FEMA-designated Flood Zone D. If the property is located in or partially in any Zone A or V, lenders are federally required to have homeowners purchase and maintain flood insurance.**

##### Discussion

Property in a Special Flood Hazard Area "A" or "V" is subject to flooding in a "100-year rainstorm." Federally connected lenders are required to have homeowners maintain flood insurance in these zones. A 100-year flood occurs on average once every 100 years, but may not occur in 1,000 years or may occur in successive years. Other types of flooding, such as dam failure, are not considered in developing these zones. In some cases, the insurance requirement may be waived or modified by obtaining a "Letter of Map Revision" (LOMR) or "Letter of Map Amendment" (LOMA) from the Federal Emergency Management Agency (FEMA). This might be possible where flooding is shallow and fill was placed on the site, appropriate flood control measures were taken, or only the lot and no part of the structure is in the zone. Contact FEMA directly for more information. Flood insurance for properties in Zones B, C, X or D is available but is not required.

For more information about flood zones, visit <http://www.floodsmart.gov/floodsmart/pages/riskassessment/floodzonesdefined.jsp>

**Zones C, D:** NOT IN an area of "100-year" flooding. Area of minimal (Zone C) or undetermined (Zone D) flood hazard.

**PUBLIC RECORD:** Official Flood Insurance Rate Maps ("FIRM") compiled and issued by FEMA pursuant to 42 United States Code §4001, et seq.

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#### ◦ ◦ ◦ AREA OF POTENTIAL FLOODING (DAM FAILURE) ◦ ◦ ◦

##### Determination

**Not in an area of potential dam inundation.**

##### Discussion

These areas are subject to potential flooding in the event of a sudden and total failure of a dam and injury could occur as a result. Most areas are defined assuming an instantaneous dam failure with a full reservoir. However, dams rarely fail instantaneously and reservoirs are not always filled to capacity. Not all dams in the state have inundation zones mapped. There may be exceptional conditions where such a map was not required by the OES; therefore, the zones are not delineated.

**PUBLIC RECORD:** Official dam inundation maps adopted by The State of California Office of Emergency Services ("OES") pursuant to California Government Code §8589.5

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#### ◦ ◦ ◦ VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFHSZ) ◦ ◦ ◦

##### Determination

**Not in a very high fire hazard severity zone.**

##### Discussion

VHFHSZs are defined by the California Department of Forestry and Fire Protection (CDF) and local fire authorities in "Local Responsibility Areas" where fire suppression is the responsibility of a local fire department. In these zones properties may have a higher risk for fire damage and are required to have a "Class A" roof for new construction or replacement of existing roofs. In addition, the property must be maintained in a fire-resistant condition through adequate vegetation clearance around and above the structure, spark screens on chimneys and stovepipes, leaf removal from roofs, and other basic fire-safety practices within 30 to 100 feet of a structure or up to the property line, or at a greater distance if required by state law, or local ordinance, rule, or regulation. Contact your fire department for a complete list of requirements and exceptions.



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**PUBLIC RECORD:** Official maps issued by the California Department of Forestry and Fire Protection (CDF) pursuant to California Public Resources Code § 51178

## ◦ ◦ ◦ WILDLAND FIRE AREA (STATE RESPONSIBILITY AREA) ◦ ◦ ◦

### Determination

**Not in a wildland- state responsibility area.**

### Discussion

A wild land area where the CDF's fire protection services are responsible for suppressing fires is called a "State Responsibility Area" (SRA). These are generally rural areas where a significant wild land fire potential exists. Unless the county has assumed the fire suppression responsibility or has an agreement with a local fire agency, property owners in an SRA are responsible for organizing structural fire protection services. Such information is not available on maps; therefore, it can't be provided here. Property owners in an SRA are required to maintain adequate vegetation clearance around and above the structure, spark screens on chimneys and stovepipes, and other basic fire-safety practices. Contact your fire department for a complete list of requirements and exceptions.

**PUBLIC RECORD:** Official maps issued by the California Department of Forestry and Fire Protection (CDF) pursuant to California Public Resources Code § 4125.

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## ◦ ◦ ◦ EARTHQUAKE FAULT ZONE ◦ ◦ ◦

### Determination

**Not in an earthquake fault zone designated pursuant to the Alquist-Priolo Act.**

### Discussion

Earthquake Fault Zones are delineated and adopted by California as part of the Alquist-Priolo Earthquake Fault Zone Act of 1972. Property in an Earthquake Fault Zone does not necessarily have a fault trace existing on the site. Earthquake Fault Zones are areas or bands delineated on both sides of known active earthquake faults. In some places, the zones are more than one-quarter of a mile wide. The potential for "fault rupture" damage (ground cracking along the fault trace) is relatively high only if a structure is located directly on a fault trace. If a structure is not on a fault trace, shaking will be the primary effect of an earthquake. During a major earthquake, shaking will be strong in the vicinity of the fault and may be strong at some distance from the fault depending on soil and bedrock conditions. It is generally accepted that properly constructed wood-frame houses are resistant to shaking damage.

**PUBLIC RECORD:** Official earthquake fault zone or special study zone maps approved by the State Geologist and issued by the California Department of Conservation, California Geological Survey pursuant to California Public Resources Code §2622.

---

## ◦ ◦ ◦ SEISMIC HAZARD MAPPING ACT ZONE ◦ ◦ ◦

### Determination

**Not in an area of potential liquefaction designated pursuant to the Seismic Hazard Mapping Act. Not in an area of earthquake-induced landsliding designated pursuant to the Seismic Hazard Mapping Act.**

### Discussion

Seismic Hazard Zone maps delineate areas subject to earthquake hazards. The hazards currently addressed are liquefaction and earthquake induced landslides.

**Liquefaction Hazard Zones** are areas where there is a potential for, or an historic occurrence of liquefaction. Liquefaction is a rare soil phenomenon that can occur when loose, water saturated, fine-grained sands, and silty sands that lie within 50 feet of the ground surface, are shaken in a significant earthquake. The soil temporarily becomes liquid-like and structures may settle unevenly.

**Earthquake-Induced Landslide Hazard Zones** are areas where there has been a recent landslide, or where the local slope, geological, geotechnical, and ground moisture conditions indicate a potential for landslides as a result of earthquake shaking.

**PUBLIC RECORD:** Official earthquake fault zone or special study zone maps approved by the State Geologist and issued by the California Department of Conservation, California Geological Survey pursuant to California Public Resources Code §2696.



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## SECTION 2

### COUNTY AND CITY NATURAL HAZARD DISCLOSURE STATEMENT

The following natural hazard disclosures are provided to give local-level Seismic Safety information for the subject property. This information may be used by the local jurisdiction relative to making decisions regarding new development or additional construction. The agencies and jurisdictions who develop the official maps do not necessarily define or delineate hazards in the same way. A site can be *in* a hazard zone from one source and *not in* a hazard zone from another source.

#### **SANTA CLARA County Geologic and Seismic Zone Determination**

Based on the officially adopted county-level Seismic Safety Element natural hazard maps, the subject property is:  
**This property is not in a county-designated compressible soils hazard zone, not in a county-designated dike failure flooding hazard zone, not within a county-designated fault rupture hazard zone, not in a county-designated landslide hazard zone, not in a county-designated liquefaction hazard zone.**

**NOTE:** If the site is in a locally mapped hazard zone or if information of concern exists in another source, the property may require a geologic study prior to any new or additional construction. The disclosures above are material facts and should prudently be disclosed to buyers in addition to the Statutory Natural Hazard Disclosures. Additional sources of information which are not officially adopted, may be available at the local jurisdiction that are not reported here.

#### **SANTA CLARA COUNTY GEOLOGIC ZONES DISCUSSION**

The County of Santa Clara, separately from the State and Federal governments, has officially produced or adopted maps to delineate potential geologic and seismic hazards that are recognized at the local level. Those hazard maps are incorporated by reference into the Santa Clara County Code, adopted by the County Board of Supervisors in 2002. The local-level disclosure in this report was based on the following official County map(s) available in digital vector format: "County Geologic Hazard Zones Map," prepared by Santa Clara County Department of Planning (disclosure required by County Ordinance Sec C12-624).

The hazard zones delineated on the above map source, in addition to the statutorily-required State and Federal hazard maps, are typically considered by the County when approving land use and development permit applications under County jurisdiction. Additional maps exist in the General Plan and other maps, including updated versions of the above-referenced map(s), may exist in the files of specific County departments. Those additional map sources were not consulted for this disclosure because parcel-level details cannot be resolved at the scale and quality of the available official map, or the map is inappropriate for application to this report, or the map has not yet been officially adopted and incorporated into the County's Safety Element. As mapping technology advances, this company later may determine that some additional map sources become usable for parcel-level disclosure. The mapped County hazard zones represent evaluations of generalized hazard information. Any specific site within a mapped zone could be at less or more relative risk than is indicated by the zone designation. If a site-specific evaluation is desired, this company recommends that a geotechnical consultant be retained to study the site and issue a report.

The official County-level information addresses the potential geologic and seismic hazards itemized below:

#### **FAULT**

The County identifies Fault Rupture Hazard Zones as both "active" and "potentially active" fault zones as well as other faulting-related geologic features. Active faults are known to have experienced fault rupture in the last 11,000 years and are usually seismically active (produce earthquakes periodically). Potentially active faults are not seismically active, and it cannot be definitely proven that these faults have moved in the last 11,000 years. Potentially active faults far outnumber active faults in Santa Clara County. Because potentially active faults are included in the zone description, all Fault Rupture Hazard Zone are not necessarily equal to an Alquist-Priolo Earthquake Fault Zone which only includes active faults.

#### **LANDSLIDE**

Landslide Hazard Zones include areas with a high potential for earthquake-induced landslides. It does not necessarily mean that landslides exist on the property or that landsliding is imminent or probable in the area. It does mean that the designated area has a greater chance of landsliding than properties in flat-lying areas. The County has also included a United States Geological Survey Report and State of California Geologic Survey Earthquake-Induced Landslide Hazard Zones into the zone description. These include areas where there has been a recent landslide, or where local slope, geological, geotechnical, and ground moisture conditions indicate a potential for landslides as a result of earthquake shaking.

#### **LIQUEFACTION**



## JCP Property Disclosure Reports The JCP Natural Hazard Disclosure Report FOR SANTA CLARA COUNTY

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Liquefaction Hazard Zones include areas the State of California Geological Survey has defined as areas where there is a potential for, or an historical occurrence of liquefaction. Liquefaction is a rare soil phenomenon that can occur when loose, water saturated, fine-grained sands and silty sands that lie within 50 feet of the ground surface are shaken in a significant earthquake. The soil temporarily becomes liquid-like and structures may settle unevenly. The County has also included zones of liquefaction susceptibility from a United States Geological Survey Report of soil deposits that may be prone to liquefaction.

### **COMPRESSIBLE SOILS**

Compressible Soils Zones include areas where there is a chance that the ground will settle locally during severe shaking due to the peaty-type soils in these area compressing. Risk of injury is relatively low in these areas as a result of settlement alone.

### **DIKE FAILURE**

Dike Failure Flooding Zones include areas where there is a significant chance of flooding following a large earthquake if the perimeter dike systems of the bay fail.



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## City of SAN JOSE Geologic and Seismic Zone Determination

Based on the officially adopted city-level Seismic Safety Element natural hazard maps, the subject property is:  
**This property is in a mapped area of least, low, or low to moderate landslide susceptibility. please see city of san jose regulatory zones discussion for more information., in not in for city fault, in map not available for city redevelopment, in not in for city special geologic study hazard area.**

### **CITY OF SAN JOSE REGULATORY ZONES DISCUSSION**

The City of San Jose, separately from the County, State and Federal governments, has officially produced or adopted maps to delineate potential hazards such as fault and landslide zones within "Standard" and "Special" Geologic Hazard Study Areas that are recognized at the local level. Those hazard maps are incorporated into "The San Jose 2020 General Plan" (which includes natural hazard issues as an integrated whole rather than in a separate "Seismic Safety Element"). The General Plan was adopted by the San Jose City Council in 1994. The local-level disclosure in this report was based on the following official local map(s): "City of San Jose Fault Hazard Maps" (a part of the General Plan).

In addition, the City of San Jose has officially designated, by ordinance or other Council action, zones and policies including "Strong Neighborhood Initiative Areas," redevelopment areas, and a residential "Street Tree" maintenance requirement. By local ordinance, the City of San Jose requires disclosure of these geologic hazard zones, neighborhood and redevelopment areas, and street tree requirements to potential buyers of real property.

The hazard zones delineated on the above map source, in addition to the statutorily-required State and Federal hazard maps, are typically considered by the City when approving land use and development permit applications under City jurisdiction. Additional maps exist in the General Plan and other maps, including updated versions of the above-referenced map(s), may exist in the files of specific municipal departments. Those additional map sources were not consulted for this disclosure because parcel-level details cannot be resolved at the scale and quality of the available official map, or the map is inappropriate for application to this report, or the map has not yet been officially adopted and incorporated into the City's Safety Element. As mapping technology advances, this company later may determine that some additional map sources become usable for parcel-level disclosure. The mapped City hazard zones may have been compiled from multiple sources of differing quality and, in some instances, have been generalized and simplified. No special field studies were conducted to verify the information for this subject property. Any specific site within a mapped zone could be at less or more relative risk than is indicated by the zone designation. If a site-specific evaluation is desired, this company recommends that a geotechnical consultant be retained to study the site and issue a report. The risk of exposure can be reduced through appropriate land-use planning, development engineering, and building construction practices.

**City vs. County Information:** County and city-level information sources are developed independently of each other and do not necessarily define or delineate hazards in the same way. A site can be *in* a geologic hazard zone according to the city and *not in* the corresponding zone according to the county and vice versa. Cities and counties may use other information in addition to their General Plan sources to determine if hazards exist at a site or which sites may require geologic studies prior to new or additional construction. Such information could be a material fact to be disclosed in addition to General Plan information. Such potential sources are not reviewed in this report. To investigate other sources of natural hazard information that may be available and used at the local level, contact the Engineering, Planning or Building Departments in the subject City and County.

The official City-level information addresses the potential natural hazards itemized below:

#### **FAULT**

**San Jose Fault Hazard Zones:** These are areas identified by the State of California and the City of San Jose Department of Public Works that include Alquist-Priolo Earthquake Fault Zones as designated by the California Geological Survey, as well as City Special Studies Zones and City Potential Hazard Zones. These three zones are disclosed in this Report as "City Fault Zones." The City has also identified "Reported Faults" which have been buffered on all sides by one-eighth of one mile and are disclosed in this Report as "Reported Faults." If any portion of the Property is situated within the resulting Reported Fault Zone, or if any portion of the Property is located in one or more City Fault Zones, then "Yes" shall be reported.

#### **LANDSLIDE & SPECIAL GEOLOGIC HAZARD STUDY AREA**

**Standard Geologic Hazard Study Area:** These are areas identified by the City of San Jose as having a very high, high, or moderate to high landslide susceptibility and are disclosed in this Report as "Moderate to Very High." In most places, these "Standard" areas are equivalent to and replace the old definition of a "Special Geologic Hazard Area" that was used by the City of San Jose prior to the August 23, 1994 updating of their maps. Areas identified by the City as Least, Low, and Low to Moderate are also disclosed in this Report as "Least to Moderate."

**Special Geologic Hazard Study Area:** A limited zone defined by the City of San Jose that is undergoing a special phased geologic study to define areas that are underlain by active landsliding. New development, grading or building permits for property improvements in this area will take into consideration information from the first phase of the Final Report, Phase 1A Regional Geologic Special Study that has been



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SAN JOSE, SANTA CLARA County, CA      **Date:** 09/26/2007

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completed, this report is titled Study of the Special Geologic Hazard Area, this first phase has delineated the following landslide zones within the City of San Jose. Special Geologic Hazard Area:

**Zone X** - Not within a landslide area. However, the possibility exists of unrecognized landslides in this area.

**Zone Y** - Not enough information to determine if the area is within or not within a landslide area. These areas could encompass all types of possible landslides, but it could not be determined with the information available in the Phase 1A Study if this was the case.

**Zone Z** - Within a landslide area, this area encompasses active, recent, and old landslides.

**NOTE:** Zones X, Y, and Z were determined using air photo analysis and field studies. No distinctions were made as to the size, age, depth or activity of any landslide. If the subject property is located in a "Standard" or a "Special" Geologic Hazard Study Area, or if other geologic information of concern exists in the City's files, a "Certificate of Geologic Clearance" from the Department of Public Works is required prior to any discretionary approval for development or any grading or building permit for improvements to a site. In order to obtain a Clearance for sites within a "Special Geologic Hazard Study Area," the property owner is required to perform a Geologic Evaluation according to City ordinance (Chapter 17.10, Part 6). An "on" or "off-site" geologic study may have been prepared for the site. Such reports are normally available for review in the office of the City's engineering geologist. The preceding information must be disclosed to the buyer by the agent for the seller of the subject property in accordance with Section 10176(a) of the California Business and Professions Code and "Disclosure to Prospective Purchasers," Title 17, Chapter 17.10, Part 9, Section of the City of San Jose Municipal Code.

## **SAN JOSE REDEVELOPMENT AREAS (Strong Neighborhood Initiative Areas)**

The Strong Neighborhoods Initiative (SNI) is a commitment made by the Mayor and the Council to unite with San Jose communities to strengthen City neighborhoods. Strong Neighborhoods is about cleaner, safer neighborhoods and connecting those neighborhoods to resources and to each other. It is listening to San Jose neighborhoods and responding to citywide priorities.

By focusing resources from the City of San Jose, San Jose Redevelopment Agency, private investment, and public-private partnerships, the Strong Neighborhoods Initiative will improve conditions, enhance community safety, and strengthen neighborhood associations.

The Agency, under this Plan, is authorized to develop or otherwise participate in certain publicly owned projects in various neighborhoods as may be determined and approved in accordance with California Redevelopment Law, such as community centers, fire stations, libraries, joint school projects, community gardens, open space and cultural facilities. The Agency also sponsors programs to develop affordable housing and to provide funds to rehabilitate residential and commercial properties, like grants for exterior renovations and roofing.

**Industrial Redevelopment Areas** were created to encourage the expansion and location of research and development, office, manufacturing, warehouse and commercial uses, attract local jobs, and increase various revenue sources to the city.

**Downtown Redevelopment Area** is modeled after the San Jose of 1900-1950, a 24-hour city where people lived, worked, and shopped.

**Neighborhood Business Districts** were created to revitalize, and encourage private investment in, San Jose's older commercial neighborhoods. Enhanced by community involvement, the NBD program tackles parking problems, improves building facades, extends street improvements, modernizes underground utilities, and offers marketing advice to small businesses.

**Neighborhood Business Clusters** were created to revitalize and increase commercial and residential development to better serve the needs of the neighborhood.

For more information please visit the City web site at <http://www.strongneighborhoods.org/>

◦ ◦ ◦ **END OF LOCAL AREA DISCLOSURES AND DISCUSSIONS SECTION** ◦ ◦ ◦









# JCP Property Disclosure Reports The JCP Natural Hazard Disclosure Report FOR SANTA CLARA COUNTY

**Property Address:** 1377 CAMINO ROBLES WAY ,      **APN:** 575-34-058  
SAN JOSE, SANTA CLARA County, CA      **Date:** 09/26/2007

**Report Number:** 165455

## **SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION DISCLOSURE (Applicable Only in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties)**

### **Determination**

Based on certain mapped coastal zones determined by the San Francisco Bay Conservation and Development Commission (BCDC), the following determination can be made:

**The property is NOT IN the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined in Section 66620 of the Government Code.**

**NOTE:** The official BCDC jurisdictional maps issued by the BCDC are electronic documents generally of low resolution and poor quality. As defined by the BCDC, its jurisdiction spans a complexity of ever-changing geographic and topographic environments including: (1) tidal areas of San Francisco Bay; (2) a 100-foot-wide shoreline band that extends inland from the upper edge of the BCDC's San Francisco Bay jurisdiction; (3) certain named waterways that empty into San Francisco Bay; (4) salt ponds adjacent to the Bay; and (5) certain managed wetlands as well as the Suisun Marsh. The BCDC-issued maps are not adequate for determining confidently the proximity of the BCDC-defined jurisdictional boundaries to nearby parcels. Therefore, all parties in the transaction are advised that there is some uncertainty inherent in the "NOT IN" determination made above.

### **Discussion**

As of July 1, 2005, Civil Code Section 1103.4 mandates disclosure to buyers of certain real estate if that property is located within the jurisdictional boundaries of the BCDC. Notice is required to prevent unknowing violations of the law by new owners who were unaware that certain activities on the real property are subject to the BCDC's permit requirements.

The BCDC has issued maps for some parts of its jurisdiction, including the San Francisco Bay Plan maps (California Code of Regulations, Title 14, Section 10121) and the Suisun Marsh Plan maps (Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974). Official maps have not been issued for other parts of the BCDC jurisdiction (McAteer-Petris Act areas) because the Bay is a highly dynamic environment and the shoreline changes over time (in part because the sea level also changes over time). In those areas where official BCDC maps are not available or along the edges of the BCDC's mapped jurisdiction, to meet the disclosure requirements, this report will indicate that the property "could be within" the BCDC's jurisdiction and that a location-specific jurisdictional determination should be made by consulting the BCDC. This determination of "could be within" the BCDC's jurisdiction was recommended by the BCDC in that certain Memo entitled "Guidance on Determining Commission Jurisdiction Pursuant to Senate Bill 1568" issued in February 2005 and posted on the BCDC website.









## JCP Property Disclosure Reports The JCP Natural Hazard Disclosure Report FOR SANTA CLARA COUNTY

**Property Address:** 1377 CAMINO ROBLES WAY ,      **APN:** 575-34-058  
SAN JOSE, SANTA CLARA County, CA      **Date:** 09/26/2007  
**Report Number:** 165455

### Endangered Species Act Advisory

The Federal Endangered Species Act of 1973 ("ESA"), as amended, requires that plant and animal species identified and classified ("listed") by the Federal government as "threatened" or "endangered" be protected under U.S. law. Areas of habitat considered essential to the conservation of a listed species may be designated as "critical habitat" and may require special management considerations or protection. All threatened and endangered species -- even if critical habitat is not designated for them -- are equally afforded the full range of protections available under the ESA.

In California alone, over 300 species of plants and animals have been designated under the ESA as threatened or endangered, and over 80 species have critical habitats designated for them. Most California counties are host to a dozen or more protected species and, in many cases, 10 or more species have designated critical habitats within a county.

#### **ADVISORY**

An awareness of threatened and endangered species and/or critical habitats is not reasonably expected to be within the actual knowledge of a seller.

**No** Federal rule, California statute, Department of Real Estate regulation, or other law requires a seller or seller's agent to disclose threatened or endangered species or critical habitats, or investigate their possible existence, on real property. Therefore, Buyer is advised that, prior to purchasing a vacant land parcel or other real property, Buyer should consider the need to investigate the existence of threatened or endangered species, or designated critical habitats, on or in the vicinity of the parcel, which could affect the use of the property or the success of any proposed (re)development.

#### **For more information**

Complete and current information about the threatened and endangered species in California that are Federally listed in each county -- including all critical habitats designated there -- is available on the website of the U.S. Fish & Wildlife Service, the Federal authority which has enforcement responsibility for the ESA.

#### **For Northern California visit:**

[http://www.fws.gov/sacramento/es/spp\\_lists/auto\\_list\\_form.cfm](http://www.fws.gov/sacramento/es/spp_lists/auto_list_form.cfm)

#### **For Southern California visit:**

[http://www.fws.gov/carlsbad/CFWO\\_Species\\_List.htm](http://www.fws.gov/carlsbad/CFWO_Species_List.htm)





# JCP Property Disclosure Reports The JCP Natural Hazard Disclosure Report FOR SANTA CLARA COUNTY

**Property Address:** 1377 CAMINO ROBLES WAY , APN: 575-34-058  
SAN JOSE, SANTA CLARA County, CA **Date:** 09/26/2007  
**Report Number:** 165455

## CITY OF SAN JOSE STREET TREE DISCLOSURE FORM

The City of San Jose ("City") requires the seller or transferor of residential real property ("Property") in the City to disclose to the acquirer of the Property whether the Property fully complies with the City's requirements to have, maintain and if necessary, replace street trees pursuant to the San Jose Municipal Code ("SJMC").

### 13.28.195 Disclosure Obligations Upon Sale or Transfer of a Residential Real Property

- A. Not less than seven (7) business days before the sale or other transfer of residential real property concludes a selling or transferring property owner must disclose to the acquiring property owner, on a disclosure form provided by the City, whether the residential real property to be sold or transferred fully complies with the City's street tree maintenance and replacement requirements of Sections 13.28.130.B and 13.28.190.
- B. If the selling or transferring property owner cannot determine whether street trees located on the residential property are substantially in compliance with the approved development permits for the property, or the property's approved development permits are inconclusive as to the requirements for the presence and location of street trees on the property, then the following requirements for the planting and presence of street trees shall apply:
  - 1. The property must have one (1) street tree for any adjacent street if it is an interior lot and at least three (3) street trees if it is a corner lot, unless otherwise modified by the Director in the interest of public safety.
  - 2. If the current General Plan requirements for street trees on the property differ from the requirements specified in Subsection B.1, then the current General Plan requirements shall govern the number and location of street trees required on the property at the time of sale or transfer. If the property meets the General Plan requirement, then the selling property owner must indicate such compliance with the General Plan on the disclosure to the acquiring property owner.
  - 3. All street trees shall be planted in accordance with the requirements of Section 13.28.070.
- C. Upon a written request, the Director may grant the selling or transferring property owner an exemption in writing from the requirements of this Section if the Director determines in the interest of public safety that planting and maintaining street trees on the residential property at the time of sale or transfer is not appropriate. Such an exemption does not run with the land and shall not allow any deviations from the disclosure requirements upon residential real property sales or transfers for future sellers or transferors.

**To the best of my/our knowledge but without any investigation, I/WE, \_\_\_\_\_ disclose that the street tree(s) on the Property to be sold or transferred and located at \_\_\_\_\_ San Jose, CA \_\_\_\_\_ are in the following condition:**

- 1. The property fully complies with the street tree requirements outlined in the SJMC
- 2. The property does not have the required number of street trees as required by the SJMC.
- 3. The property has the required number of street trees but the street trees have not been maintained as required by the SJMC.
- 4. Seller/Transferor is unaware if the requirements to have and maintain street trees on the Property have been met.

Property Address: \_\_\_\_\_ San Jose, Santa Clara County, CA \_\_\_\_\_

Seller \_\_\_\_\_  
Signature(s) Print name(s) Date

The undersigned hereby acknowledges receipt of a copy of this document.

Buyer \_\_\_\_\_  
Signature(s) Print name(s) Date



# 2006/07 STATUTORY PROPERTY TAX REPORT

## Special Assessment and Special Tax Disclosure

<p>Parcel Number: <b>575-34-058</b></p> <p>Property Address: <b>1377 Camino Robles Way , San Jose, Ca 95120</b></p> <p>County: <b>Santa Clara</b></p> <p>Report Date: <b>9/26/2007</b></p>	<p>The information contained in this report is intended for the exclusive benefit and use of the recipient(s). No person other than the recipient(s) should rely upon, refer to, or use this report, or any information contained within this report, for any purpose. The recipient(s) should carefully read the explanation of services, and the conditions and stipulations contained in this report. No recipient may rely on this report unless full payment for it is made.</p>
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***This report satisfies the Seller's obligation to disclose Mello-Roos taxes and 1915 Act assessments affecting this property pursuant to Civil Code Section 1102.6b, and is compliant with all provisions of Senate Bill 1122 and Assembly Bill 337.***

### CONTENTS

***The following report contents meet or exceed the legal disclosure standards defined in California Civil Code Section 1102.6b:***

- *Buyer's Acknowledgement Summary (Signature Required)*
- *Special Assessment Summary*
- *Seller's Secured Tax Bill Summary*
- *Statutory Notice of Special Tax/Assessment*
- *Other Special Assessments*
- *Accelerated Foreclosure Summary*
- *Available Senior Exemptions*
- *Notice of Supplemental Property Tax Bill*
- *Property Tax Estimator and Supplemental Tax Bill Estimator*
- *General Information about Your Property Tax Bill*

## Buyer's Acknowledgement Summary

**The information contained in this report is subject to the terms and conditions contained herein.**

I (we) acknowledge that I (we) have received and read a copy of this notice. If this property is listed as subject to a Mello-Roos community facilities district special tax or a 1915 Bond Act assessment, I (we) understand that I (we) may terminate the contract to purchase or deposit receipt after receiving this notice from the owner or agent selling the property. If this property is listed as subject to a Mello-Roos community facilities district special tax or a 1915 Bond Act assessment, the contract may be terminated within three days if the notice was received in person or within five days after it was deposited in the mail by giving written notice of termination to the owner or agent selling the property.

Buyer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Buyer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Special Assessment Summary

This is a notification to you prior to your purchasing this property.

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Parcel Number: 575-34-058  
Property Address: 1377 Camino Robles Way , San Jose, Ca 95120  
County: Santa Clara  
Report Date: 9/26/2007

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The above referenced property is affected by general property taxes (called ad valorem taxes), which are based on the net assessed value of your property. The ad valorem tax is charged to every taxable property in the state and is set at 1% of the net value of property each year. This basic tax rate may be increased slightly over 1% by voter approved bond issues for your school district, city or other regional project.

In addition, the above referenced property lies within the following special tax and/or special assessment districts. These assessments and taxes will be taxed in addition to ad valorem taxes each year:

STATUS	DESCRIPTION OF TAX CATEGORY -
NO	One or more Mello-Roos Community Facilities Districts
NO	One or more 1915 Bond Act Assessment Districts
YES	Other special financing districts
YES	Other direct assessments

The following disclosure is made by the Transferor pursuant to Government Code §53341.5 and Civil Code §1102.6b. The representations made in this disclosure report are based on information provided by an independent third party report provided as a substituted disclosure pursuant to California Civil Code §1103.4. Neither the Transferor nor the Transferor's agent(s) has 1) independently verified the information contained in this report, or 2) is personally aware of any errors or inaccuracies in the information contained in this form.

## Report Terms and Conditions

This report for the property named herein is a product of Alliant Tax Research, Inc. (hereafter, "Alliant") and is distributed by First American NHD. The terms and conditions listed below represent the terms and conditions under which this product is sold: The purpose of this report is to provide a determination of whether the current secured property tax bill for this parcel contains a Mello-Roos special tax or a 1915 Act Bond Assessment District charge, and to assist the Seller in fulfilling his or her duty to comply with California Civil Code §1102.6b. This report is not a substitute for a title report or title insurance and may not be relied upon as such. Items not yet levied on the tax bill, items not appearing on the current tax bill, and items removed from the current tax bill for any reason may not be reflected on this report. Estimates of future charges, if provided, are only estimates and may not be inclusive. This report is for the exclusive benefit of the specific Buyer and specific Seller for which this report was prepared and there shall be no third party beneficiaries. This report may not be used in any subsequent transaction affecting the subject property. This report is applicable to residential property only with four dwelling units or less. This report may not be relied upon for commercial or industrial property or for multi-family properties of more than 4 dwelling units.

While this report contains data gathered from what Alliant believes to be reliable sources, the amount of the levy and end year may be subject to change in the future. The Maximum Tax amount provided is an estimate, calculated based on available County assessor data or third party data. Calculations may vary from those calculated by the issuer, due to several factors including differences in interpretation of the Special Tax Formula, availability of data, and change or correction of classification from year to year. Items not included on the current year tax bill but shown on this report represent an estimate and are not intended to be comprehensive. Other taxes and assessments may exist that are not yet levied on the tax bill or not levied during the tax year on the report. This report was compiled using information obtained from the County on a given date and may not reflect changes made later by the County or the local government agencies levying charges against this property. This information is subject to change and Alliant does not have a duty to update the report for any tax bill, legislative or related changes that may occur in the future. This report was prepared based upon records provided by various governmental agencies and third parties. Alliant has assumed that these agency records are accurate and complete, but Alliant has not conducted any independent verification of their accuracy or completeness. Alliant shall not be responsible for any inaccuracies or omissions in the public records of the various governmental agencies or for information provided by third parties.

# Seller's Secured Tax Bill Summary

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Parcel Number: 575-34-058  
Property Address: 1377 Camino Robles Way , San Jose, Ca 95120  
County: Santa Clara  
Assessor's Phone #: (408) 299-5500; Tax Collector's Phone #: (408) 808-7900  
Report Date: 9/26/2007

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**Important Tax Year Note:** Please note that while the 2007/08 Tax Year is now in effect, secured tax bills are normally not printed and mailed by the County until later in the year. Also there is a lag time of several weeks when each county releases tax data to data providers. Consequently this report reflects only 2006/07 tax bill information at this time. The new tax bill information will not be reflected on this report until the data is made available and this report is marked 2007/08. Please contact the county and refer to your title report for more updated information until this report reflects the new information.

The following listing is a summary of the current year secured property tax bill. It is provided for informational purposes only. Ad valorem taxes are calculated annually based on the assessed value of the land and improvements. When a property is sold, the assessed values will be reset to the sale price. Ad valorem taxes can therefore change dramatically if the sales price differs from the current assessed value of the property.

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**Please Note:** All information on this page is based on 2006/07 data only. Ad valorem taxes are historical and are subject to change when a home sells. No warranties are made regarding this information. The information on this page is not provided as a disclosure by seller or his/her agents.

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## Ad Valorem Taxes (Note: Historical only, based on the seller's tax bill)

The following include both the basic levy authorized by Proposition 13, plus any additional voter approved general obligation debt. The amount you pay will be based on the purchase price of your home less any exemptions, times the estimated tax rate.

Agency	Levy Description	Contact Phone	2006/07 Levy
County of Santa Clara	Ad Valorem Tax Total ad valorem levy (basic 1% on net value plus applicable voter approved overrides)	(916) 874-7431	\$ 6,048.08
Total Ad Valorem Taxes:			\$ 6,048.08

## Special Assessments

The following include all special assessments and special taxes included on the tax bill.

Agency	Direct Assessment Description	Contact Phone	2006/07 Levy
County of Santa Clara	Vector Control Fee	(408) 792-5010	\$ 5.08
County of Santa Clara	Mosquito, Vector and Disease Control Assessment	(800) 273-5167	\$ 8.36
City of San Jose	Library Services Assessment	(408) 277-4896	\$ 25.50
Santa Clara Valley Water District	Flood Assessment (Central)	(408) 265-2607 x2810	\$ 29.58
Santa Clara County Open Space Auth	Open Space Protection Assessment	(408) 224-7476 x11	\$ 33.34
Santa Clara Valley Water District	Clean Safe Creeks Special Tax	(408) 265-2607 x2323	\$ 45.26
City of San Jose	Sewer/Storm Drain Service Charge	(408) 277-5195	\$ 309.48
Total Special Assessments:			\$ 456.60
Total 2006/07 Tax Bill:			\$ 6,504.68

Please refer to the Notice of Special Tax and Assessment for statutory disclosure information on the following page.

# Statutory Notice of Special Tax/Assessment

<b>To the prospective purchaser of the real property known as:</b>	Assessor's Parcel Number: 575-34-058
	Address/Legal Description: 1377 Camino Robles Way , San Jose, Ca 95120
	Report Date: 9/26/2007

**This is a notification to you prior to your purchasing this property.**

## **Mello-Roos Community Facilities Districts:**

This property is subject to a special tax named below, which is in addition to the regular property taxes and any other charges and benefit assessments on the parcel. The special tax may not be imposed on all parcels within the city or county where the property is located. If you fail to pay this tax when due each year, the property may be foreclosed upon and sold. The tax is used to provide public facilities or services that are likely to particularly benefit the property.

There is a maximum tax that may be levied against this parcel each year to pay for public facilities. This amount may be subject to increase each year based on the special tax escalator listed below (if applicable). The annual tax charged in any given year may not exceed the maximum tax amount. However, the maximum tax may increase if the property use changes, or if the home or structure size is enlarged. The special tax will be levied each year until all of the authorized facilities are built and all special tax bonds are repaid. If additional bonds are issued, the estimated end date of the special tax may be extended.

The authorized facilities which are being paid for by the special taxes and the money received from the sale of the bonds are summarized below. These facilities may not yet have all been constructed or acquired and some may never be constructed or acquired.

**This parcel IS NOT subject to any Mello-Roos Community Facilities District special taxes.**

**You should take this tax and the benefits from the public facilities and services for which it pays into account in deciding whether to buy this property.** You may obtain a copy of the resolution of formation which authorized creation of the community facilities district, and which specifies more precisely how the special tax is apportioned and how the proceeds of the tax will be used, by calling the contact name and number listed above. There may be a charge for this document not to exceed the estimated reasonable cost of providing the document.

## **1915 Act Bond Assessment Districts:**

This property is within the assessment district(s) named below. Each assessment district has issued bonds to finance the acquisition or construction of certain public improvements that are of direct and special benefit to property within that assessment district. The bonds will be repaid from annual assessment installments on property within the assessment district.

This property is subject to annual assessment installments of the assessment district that will appear on your property tax bills, but which are in addition to the regular property taxes and any other charges and levies that will be listed on the property tax bill. If you fail to pay assessment installments when due each year, the property may be foreclosed upon and sold. The annual assessment installment against this property as shown on the most recent tax bill for the 2006/07 tax year is listed in the table below. Assessment installments will be collected each year until the assessment bonds are repaid.

The public facilities that are being paid for by the money received from the sale of bonds that are being repaid by the assessments are included in the table below. These facilities may not yet have all been constructed or acquired and it is possible that some may never be constructed or acquired.

**This parcel IS NOT subject to any 1915 Act Bond special assessments.**

**You should take this assessment and the benefits from the public facilities for which it pays into account in deciding whether to buy this property.** You may obtain a copy of the resolution confirming assessments that specifies more precisely how the assessments are apportioned among properties in the assessment district by calling the contact name and number listed above. There may be a charge for this document not to exceed the estimated reasonable cost of providing the document.

# Other Special Assessments

This section provides detail on other assessments (aside from the Mello-Roos and 1915 Act charges identified on the prior pages) that will affect the property.

## Other Special Assessment Liens/Financing:

In some instances, local government agencies may use alternate means of financing projects, including state loans, agency loans, 1911 Act assessment district bonds, other types of improvement bonds, and other methods to pay the cost of a capital project. Also, there may be other fixed schedule items on the tax bill that must be paid over a number of years. In some cases, these amounts may be prepaid. Also, for internally financed projects, the loan may need to be paid off prior to transfer of property.

Issuer and District	Purpose of District	Start Year	End Year	Contact Phone	2006/07 Levy
<b>Santa Clara Valley Water District</b> Clean Safe Creeks Special Tax	Improvements to promote clean creeks and natural flood protection	2000	2015	Spec Tax/Asmt Hotline (408) 265-2607 x2323	\$ 45.26

## Other Direct Assessments:

In addition to the items listed in the previous sections, as of the 2006/07 tax year, your property is subject to the following additional Direct Assessments that do not impose special accelerated foreclosure liens on your property.

Agency	Direct Assessment Description	2006/07 Levy	Contact Phone
City of San Jose	Sewer/Storm Drain Service Charge	\$ 309.48	Ken Oliver or Janice Tenorio (408) 277-5195
City of San Jose	Library Services Assessment	\$ 25.50	Stephanie Eastep (408) 277-4896
Santa Clara Valley Water District	Flood Assessment (Central)	\$ 29.58	Spec Tax Benefit Asmt Hotline (408) 265-2607 x2810
Santa Clara County Open Space Auth	Open Space Protection Assessment	\$ 33.34	Lloyd Wagstaff (408) 224-7476 x11
County of Santa Clara	Vector Control Fee	\$ 5.08	Tim Mulligan (408) 792-5010
County of Santa Clara	Mosquito, Vector and Disease Control Assessment	\$ 8.36	Jeanette Hynson (800) 273-5167

These direct assessments and charges will appear annually on your property tax bill. In most cases, these are subject to public notice and hearing requirements (as controlled by Proposition 218) and any increases or additions must be approved by a vote of the registered landowners (or registered voters, depending upon the specific legislation). While they do not impose an accelerated foreclosure lien, they do result in an increased annual tax rate. For additional information on a particular special assessment, please call the phone number listed above.

# Accelerated Foreclosure Summary<sup>SM</sup>

**Important:** If any items are listed below, your property has accelerated foreclosure liens attached to it. These have priority over other property taxes, and are part of the security for a municipal bond issue (or else are part of a Mello-Roos community facilities district). The issuers of these bonds are often contractually required to monitor and collect delinquent assessments quickly. There is no five year waiting period. If you fail to pay your property tax bills when due each year, the property may be foreclosed upon and sold. **Therefore, it is important to pay your property tax bill on time. If you cannot, you should contact your lender to discuss alternate arrangements.**

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## Mello-Roos Community Facilities Districts:

Agency/District	2006/07 Tax Year Information
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No Mello-Roos Community Facilities Districts

## 1915 Act Bond Assessment Districts:

Agency/District	2006/07 Tax Year Information
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No 1915 Act Bond Districts.

## Other Districts That Include (or May Include) Accelerated Foreclosure:

Agency/District	2006/07 Tax Year Information
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No Additional Accelerated Foreclosure Districts.

**Note:** Many properties in California have Mello-Roos or other bonded assessments. As a result, these properties usually have newer amenities and other benefits that may enhance property value. However, if any items are listed on this page, as a buyer it is important to pay your tax bill on time, or arrange to have your property taxes impounded, to avoid penalties or the threat of accelerated foreclosure.

# Available Senior Citizen Exemptions<sup>SM</sup>

Assessments with an available exemption:

Agency	Direct Assessment Description	2006/07 Levy	Contact Phone
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No Senior Exemptions Available on the 2006/07 Tax Bill.

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## Notice of Supplemental Property Tax Bill

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Pursuant to Civil Code §1102.6c, Seller or his or her agent is providing this “Notice of Your ‘Supplemental’ Property Tax Bill”:

California property tax law requires the Assessor to revalue real property at the time the ownership of the property changes. Because of this law, you may receive one or two supplemental tax bills, depending on when your loan closes.

The supplemental tax bills are not mailed to your lender. If you have arranged for your property tax payments to be paid through an impound account, the supplemental tax bills will not be paid by your lender. It is your responsibility to pay these supplemental bills directly to the Tax Collector.

If you have any question concerning this matter, please call your local Tax Collector’s Office.”

### Explanation of Supplemental Assessments

As stated in the official “Notice” above, State law requires the Assessor to reappraise property upon change in ownership or completion of new construction. The resulting supplemental assessment reflects the difference between the new value and the old value. The Auditor-Controller calculates the supplemental property tax, and prorates it, based upon the number of months remaining in the fiscal year in which the event occurred. The fiscal year runs from July 1 through June 30.

A change in ownership or new construction completion which occurs between January 1 and May 31 results in **two** supplemental assessments and **two** supplemental tax bills. The first supplemental bill is for the remainder of the fiscal year in which the event occurred. The second supplemental bill is for the subsequent fiscal year.

Notices of Assessed Value Change are normally mailed to property owners before supplemental tax bills are issued. Remember that supplemental tax bills are **in addition to** the regular annual tax bills. Supplemental bills go directly to the property owner, and not to an impound account - where one might exist.

On following of this report, a **SUPPLEMENTAL TAX BILL(S) ESTIMATOR** is provided for the buyer to **estimate** the amount of the supplemental tax bill(s). It does **NOT** include the amount of the regular secured Property Tax Bill. It is only an estimate for the buyer’s planning purposes.

# Tax Estimators

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## Property Tax Estimator

The following schedule is offered as an aid in estimating the amount of property tax that will be levied on the property this year based on an assessed valuation equal to the selling price. The estimate is not a substitute for a tax bill, nor does it anticipate new property tax charges or fees or other changes in property tax rates for the next tax year.

1	Estimated Sales Price	• 1	\$	
2	Estimated Ad Valorem Tax Rate	• 2	\$	0.01176
3	Multiply line 1 by line 2. This is your Estimated Ad Valorem Taxes	• 3	\$	
4	Direct / Special Assessments.	• 4	\$	456.60
5	Add lines 3 and 4. This is your Estimated Total Annual Property Tax Amount	• 5	\$	

NOTE: The amount estimated on Line 5 **may not** appear on the first annual property tax bill because reassessment by the county is not immediate. For that reason you may receive one or two **Supplemental Tax Bill(s)** that are independent of the regular annual property tax bill until the new assessed value is included on the annual property tax bill. To estimate the amount of the Supplemental Tax Bill(s), use the form below.

## Supplemental Tax Bill Estimator

The following schedule is provided for you to **estimate** the potential amount of the supplemental **ad valorem** tax on a given property. It does **NOT** include the amount of the regular annual Property Tax. This provides an estimate of the "Supplemental Property Tax Bill(s)" that you can expect to receive during the first year of ownership, and is for your planning purposes only.

1	Estimated Sales Price	• 1	\$	
2	Estimated Current Assessed Value	• 2	\$	514,163.00
3	Subtract line 2 from line 1. This is your Estimated Supplemental Assessed Value	• 3	\$	
4	Multiply line 3 by 0.01176 (The Estimated Ad Valorem Tax Rate for your property) This is your Estimated Full-Year <b>Supplemental</b> Tax Obligation	• 4	\$	

**Supplemental Tax Estimator continued on following page**

## Supplemental Tax Bill Estimator (continued)

If your Close of Escrow falls during the months of January through May, you will receive TWO Supplemental Tax Bills, one for the current partial tax year and one for the next full tax year. Estimate the Supplemental Tax Bill amounts with lines 5 through 8 below:

5	Enter the factor for the Month of Sale from <b>TABLE 1</b> below.	• 5	\$	
6	Multiply line 4 by line 5. This is the amount of your estimated Supplemental Tax Bill # 1	• 6	\$	
7	Enter the amount on line 4. This is the amount of your estimated Supplemental Tax Bill # 2	• 7	\$	
8	Add lines 6 and 7. This is your total estimated Supplemental Tax Bill	• 8	\$	

If your Close of Escrow falls during the months of June through December, you will receive ONE Supplemental Tax Bill. Estimate the Supplemental Tax Bill amount with lines 9 and 10 below:

9	Enter the factor for the Month of Sale from <b>TABLE 2</b> below.	• 9	\$	
10	Multiply line 4 by line 9. This is the amount of your total estimated Supplemental Tax Bill	• 10	\$	

Table 1. Month of Sale Factor	
<b>Jan</b>	0.4170
<b>Feb</b>	0.3333
<b>Mar</b>	0.2500
<b>Apr</b>	0.1667
<b>May</b>	0.0866

Table 2. Month of Sale Factor	
<b>Jun</b>	1.0000
<b>Jul</b>	0.9167
<b>Aug</b>	0.8333
<b>Sep</b>	0.7500
<b>Oct</b>	0.6670
<b>Nov</b>	0.5830
<b>Dec</b>	0.5000

The information on this page is an estimate only. The purpose of this “ESTIMATOR” is to assist the taxpayer in planning for his/her supplemental taxes. The estimated supplemental tax shown herein is not a substitute for the supplemental bill and may not be relied upon as such. This “ESTIMATOR” requires the buyer’s projection of the Purchase Price as well as Month in which the transaction is completed. No potential exemptions are reflected in these determinations. FANHD shall not be responsible or liable for any losses, liabilities or damages resulting from use of this Supplemental Tax Estimator or the Property Tax Estimator.

# General Information about Your Property Tax Bill

California's secured property tax bills consist of two types of charges: 1) ad valorem taxes and 2) special assessments. These are explained briefly below.

## 1) Ad Valorem Taxes

Ad valorem taxes are based on the value of property. The basic ad valorem tax is the statewide tax authorized by California law. This general tax is 1% of the assessed value of the property each year. This tax is shared by the state, schools, cities and counties. In addition, voters can approve local additional ad valorem overrides that put the ad valorem tax rate over 1%. These overrides normally involve general obligation bond debt. These general obligation bonds do not place a special lien on any one property but simply increase the ad valorem tax rate slightly over 1%.

## 2) Special Assessments

Anything that is not an ad valorem tax is called a "special assessment" or a "direct assessment." These charges are local in nature and are used to fund local improvements or public services that provide some type of general or direct benefit to the property. Special assessments are not tax rates and by law cannot be based on the value of property. Instead, each special assessment district has some type of benefit formula that is used to calculate the amount of the assessment on each parcel. Special assessments can be levied using a variety of laws, including the Mello-Roos Community Facilities Act of 1982; various assessment district bond acts such as the 1915 Act or 1911 Act; or through a variety of non-bonded charges such as the 1972 Act Landscape and Lighting Act, the 1982 Benefit Assessment Act, user fees, service charges and other methods. Some commonly used types of special assessments are:

- a) **Mello-Roos Community Facilities Districts.** This is a type of special assessment financing frequently used to fund infrastructure, schools and many types of public services such as police, fire, landscaping, etc. A Mello-Roos district may or may not involve a bond sale. Mello-Roos districts place a senior lien on the property that has a provision for accelerated foreclosure action by the levying agency if property taxes are not paid on time. Because of this, California law now requires disclosure of Mello-Roos taxes in real estate transactions.
- b) **1915 Bond Act Assessment Districts.** This is another type of special assessment financing method frequently used to fund infrastructure and other public improvements in California. The 1915 Act is a bond act only, meaning another assessment district formation act must be used to form the boundaries of the district before 1915 Act bonds may be sold. These formation districts are usually one of these: the 1913 Act, the 1911 Act or the 1972 Act. Issuance of 1915 Act bonds places a senior lien on the property that has a provision for accelerated foreclosure action by the bond issuer if property taxes are not paid on time. Because of this, California law now requires disclosure of assessments securing 1915 Act bonds in real estate transactions.
- c) **Other Bonded Districts.** In addition to Mello-Roos and the 1915 Act, there are other types of land-secured bonds that may impact California property. These include improvement bonds issued under the 1911 Act or other improvement bonds issued under county or charter city laws. Some of these do include the power of accelerated foreclosure; the Alliant tax report will include such items on the "Summary of Items Subject to Accelerated Foreclosure" page.
- d) **Maintenance Districts.** In most newer communities in California, the cost of maintaining common areas, landscaping, street lighting, storm drains and parks is often handled through Landscape and Lighting Maintenance Assessment Districts. These may be formed under the 1972 Landscaping and Lighting Act or other legislation; these are approved annually through a public hearing process. They may have a cost-of-living increase or other formula but must be renewed every year. These districts are often referred to as "cost recovery districts" since they provide a means for government to provide a specific service and have the cost recovered through assessing those properties that benefit from the services.
- e) **User Fees and Service Charges.** Many municipalities charge user fees for services to the property such as water and sewer. Instead of billing the property owner directly for monthly or quarterly fees, the service charge is collected annually on the property tax bill.
- f) **Standby or Availability Charges.** Local agencies that provide water and sewer services are also authorized to levy Standby or Availability Charges. These annual assessments are charged to help fund the future availability of services to the area or the expansion of services to meet future growth.
- g) **County Service Areas, Community Services Districts and Permanent Road Divisions.** In unincorporated areas of a county, the county may provide services to specific areas through the formation of a County Service Areas ("CSA") or a Community Services District. Then, a specific community may receive enhanced services such as road maintenance, landscaping, street lighting and park maintenance, and repay the county (or itself, if a Community Services District) through special service charges or assessments. Permanent Road Divisions are a similar type of entity formed by a county to provide road improvement and maintenance in unincorporated areas.
- h) **Benefit Assessments and Parcel Taxes.** School Districts and other local agencies commonly levy voter-approved annual special parcel taxes or benefit assessments. These are annual charges that pay for specific service. Commonly used benefit assessments and parcel taxes are those to pay for schools, fire protection, flood control and storm water maintenance or police services.
- i) **Penalties.** Local agencies have the ability to place delinquent account charges for property related services or civil penalties directly on the tax bill. These may include delinquent utility bills, fees for parcel cleanup and weed abatement and fees for civil penalties.



# JCP Property Disclosure The EnviroCheck Report™ FOR SANTA CLARA COUNTY

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**APN:** 575-34-058

**Date:** 09/26/2007

**Report Number:** 165455

## Section 5

**THE PARTIES:** The owner of the Residential Property on the Report Date ("Seller"), the buyer of the Residential Property under contract of sale as of the Report Date ("Buyer") and their respective licensed real estate agents ("Agents") are the parties to the Transaction to which this Report applies ("Parties"). JCP and the Parties are the parties to the contract that is entered into by the purchase of this Report.

### PART 1: INTRODUCTION AND SUMMARY

**WHAT THIS REPORT DISCLOSES:** This Report discloses information from six governmental Databases as to the existence of any underground storage tank or other specific types of potentially contaminated sites ("Sites") located within a specified distance of the Residential Property. This Report is divided into five parts:

- Part 1. This **INTRODUCTION** and Summary
- Part 2. **SCHEDULES A AND B: Determination Summary** and B, **Potentially Contaminated Sites** within specified distances of the Residential Property
- Part 3. **EXPLANATION OF THE DATABASES** from which this Report has been prepared
- Part 4. Explanation of the **METHODS** used in creating this Report and **Important Limitations** of the Report
- Part 5. **BACKGROUND INFORMATION** regarding environmental contamination

**UNDERSTANDING THIS REPORT:** To understand the information in the Report, including Schedules A and B, it is important to read this entire Report.

**THIS IS A DATABASE REPORT ONLY:** This Report only provides information from the Databases identified in this Report. While JCP has made good faith efforts to report from the Databases as accurately as possible, the quality, accuracy, and currency of the information contained in these Databases can vary greatly. For more information regarding a specific Database, please read the Part below entitled "Databases Used in this Report."

**POINT SOURCE METHODOLOGY:** This Report does not identify the precise areas actually contaminated by an environmental hazard; rather, as a reasonable approximation, it identifies as "point sources" for contamination those Sites identified in a specific Database. The point sources identified in this Report may not precisely reflect the location of the source of contamination on the Site, nor will they describe the spread of any contamination from the source. If a box is checked "IN" on Schedule A, JCP recommends further investigation of that Site.

**NOT AN INSPECTION REPORT:** This Report is not the same thing as a physical inspection report or a full environmental assessment report. JCP has **not** physically inspected the Residential Property nor the Sites. This Report only summarizes the information from governmental Databases using the Point Source methodology described above to determine the proximity of Sites to the Residential Property.

**LIABILITY PROTECTIONS:** Upon consummation of the sale of the Residential Property to Buyer ("Sale Date"), the Parties involved in that sale are protected against loss caused by any error in this Report as specified in the Part below entitled "Methods and Limitations."

**NOT AN INSURANCE POLICY:** This Report is a binding contract but is not an insurance policy. The price charged for the Report does not cover the costs that would be necessary to provide all of the protections of an insurance policy.



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**PART 2: SUMMARY OF DATABASE INFORMATION: SCHEDULES A AND B**

**SCHEDULE A: DETERMINATION SUMMARY:**

The sites disclosed on this report have been identified from certain government lists and are within one-half mile of the subject property. Please refer to the remaining Parts of this report for individual site summaries and additional information. Methods and limitations are at the end of the report.

The subject property:

IS  IS NOT  within 1/4 mile of 0 known leaking underground fuel tank site(s).

IS  IS NOT  within 1/2 mile of site(s) other than a leaking underground fuel tank.

**Some official lists may include sites that have been closed or otherwise cleaned up, or are simply being monitored or regulated with no known contamination.**

The hazard 'sites' included in this report are 'POINT' SOURCES ONLY, such as a leaking underground tank on a specific property. This report does NOT address 'AREAS' of potential environmental hazard, such as a contamination Study Area or a groundwater plume. In addition, any point source that lies beyond the standard 1/4 and 1/2-mile radius distances considered here will not be reflected in this report--even if it is known to be the origin of a larger contaminated area. Point sources are included in this report as of the time they are identified in the government lists consulted by JCP Property Disclosure.

JCP Property Disclosure prepared this report. Real estate brokers, agents and contractual parties ordering this report are covered by our Professional Liability Insurance Policy for damages to the extent they are caused by our negligent acts, errors or omissions in the performance of our services and subject to the limitations of this report.

Determined by  
JCP Property Disclosure

Scott Roecklein, Sr. Vice President  
First American Natural Hazard Disclosures

I have read this JCP Property Disclosure EnviroCheck Report prior to signing and have received a copy of this report.

Signature of Transferor (Seller) _____	Date _____
Signature of Transferor (Seller) _____	Date _____
Signature of Transferee (Buyer) _____	Date _____
Signature of Transferee (Buyer) _____	Date _____



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## **SCHEDULE B – INFORMATION REGARDING SITES IDENTIFIED IN SCHEDULE A**

### **SITES LISTED ON A LEAKING UNDERGROUND FUEL TANK LIST**

All of the sites in this section are listed on the State's Leaking Underground Fuel Tank Information System (LUFT) and have been identified to have had a leaking fuel tank. Many of these sites have been cleaned up, and this is noted below if it is the case. Leaking underground fuel tanks are the most common type of contamination. Fuel tank leaks are often less extensive than other types of contamination releases and usually do not extend beyond the property on which the tank is located.

**NOTE!** The LUFT list identifies the type of resource (soil, groundwater, aquifer, etc.) that is or was affected by the contamination. For some listed sites, the resource description may appear to contradict information cited for "cleanup activity status". Please contact the State Water Resources Control Board for an explanation of any such discrepancy.



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## **SITES WITHIN ½ MILE OF THE SUBJECT PROPERTY OTHER THAN A LEAKING UNDERGROUND FUEL TANK**

The following sites are regulated by an agency or have been listed by a state or federal agency as being contaminated either currently or in the past. Many of these sites have been cleaned-up; and this will be noted if it is the case. NOTE: sites listed on SWIS are not considered contaminated; they are simply monitored for compliance with regulatory procedures.

**No other types of hazardous substance contaminated sites were found within one-half mile of the property on the lists used to prepare this report.**



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## SITES MISSING KEY LOCATION INFORMATION

**N/P** = Not Provided on list used.

**N/A** = Not Applicable - Sites listed as containing, using or storing hazardous substances, no cleanup status provided.

**Active** = Site undergoing clean-up or investigation.

**Closed** = Clean-up completed.

A limited number of listed sites contain address information that is inaccurate, incorrect, or is missing key information necessary to locate the site with confidence using the geocoding methods used in this report. These sites are reported in the generalized list below for your review based on their possible existence in proximity to the subject site. Sites in this section are not necessarily within a one mile search radius of the subject property. We are providing this list for general information only.

Site Name	Address	Status	Database
ARCO #2114	4995 Almaden Expy	Closed	LUSTIS
Beacon	1370 Camden Av	Active	LUSTIS
Chevron #9-8354	1402 Camden Av	Closed	LUSTIS
Cilker Orchards #2	5255 Pearl Av	Closed	LUSTIS
Guadalupe Rubbish Disposal	15999 Guadalupe Mines Rd	Closed	LUSTIS
CALTRANS	Branham Ln & Carter Av	Closed	LUSTIS
Penitencia Treatment Plant	355 Whitman Wy	Closed	LUSTIS
SCVWD PROPERTY	Unknown Greystone Ln	Closed	LUSTIS
Rotten Robbie #38	4962 Almaden Exp	Closed	LUSTIS
Classic Car Wash	5005 Almaden Expwy	Closed	LUSTIS
Chevron #9-8354	1402 Camden Av	Closed	LUSTIS
S.C. Valley Water District	Greystone Ln	Closed	LUSTIS
HOME DEPOT, THE	1855 (1835) Hillsdale Av	Closed	LUSTIS
Arco #2114	4995 Almaden Expy	Closed	LUSTIS
GUADALUPE RUBBISH DISPOSAL	15999 Guadalupe Mines Rd	Closed	LUSTIS



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## PART 3: EXPLANATION OF THE DATABASES USED IN THIS REPORT

This Report uses the following Databases as of the specified date for each Database ("Database Date"):

### 1. NATIONAL PRIORITIES SITES (NPL sites - commonly called "Superfund" or "CERCLIS" Sites) AS OF OCTOBER 1, 2005.

The National Priorities List ("NPL") is a federal Environmental Protection Agency ("USEPA") database which includes sites where known releases or threatened releases of hazardous substances, pollutants, or contaminants have occurred. As a part of the Superfund cleanup program, the NPL helps the USEPA determine which sites warrant further investigation to assess human health and environmental risks, identify what remedial actions may be appropriate, notify the public of sites believed to warrant further investigation, and serve notice to potentially responsible parties that the USEPA may initiate remedial action. Some NPL sites encompass relatively large areas. **Responsible Agency: USEPA**

**FOR MORE INFORMATION:** Contact the Environmental Protection Agency Superfund Hotline at **(800) 424-9346** to speak with a Superfund consultant to request information from the individual Site Fact Sheet. This help-line can also provide the telephone number of the local Community Relations Coordinator for the Site in question and the location of the local information repository for that Site. The USEPA's official Internet website address is [www.epa.gov/superfund/sites/npl/ca.htm](http://www.epa.gov/superfund/sites/npl/ca.htm).

### 2. Leaking Underground Fuel Tank Sites (LUFT) PER GEIMS/GEOTRACKER INFORMATION MANAGEMENT SYSTEM AS OF OCTOBER 1, 2005.

Leaking underground storage tanks ("LUSTs") may be a significant source of soil and groundwater contamination. The State Water Resources Control Board maintains a database of LUSTs known as the Leaking Underground Storage Tank Information System which was recently supplanted by the statewide GEIMS/GeoTracker information management system. LUSTIS contains the locations of all reported LUSTs, as well as the contents and status of the LUSTs. **Responsible Agency: SWRCB**

**FOR MORE INFORMATION:** For general questions, telephone the State Water Resources Control Board's Clean Water Desk in Sacramento at **(866) 480-1028**. Information on specific sites is available at [www.swrcb.ca.gov](http://www.swrcb.ca.gov) or visit their official Internet site at [www.geotracker.waterboards.ca.gov](http://www.geotracker.waterboards.ca.gov)

### 3. California Integrated Waste Management Board's SWIS List AS OF OCTOBER 1, 2005.

Solid Waste Landfill Sites vary from state to state and may include active landfills, inactive landfills, incinerators, transfer stations, recycling facilities, and other facilities where solid waste is treated or stored. The California Integrated Waste Management Board ("CIWMB") tracks such sites via its SWIS database. SWIS contains information on facility type, regulatory and operational status, type of wastes received, and local enforcement actions. Please note that *these sites are simply regulated facilities and are not classified as being "contaminated"* by the Board. **Responsible Agency: CIWMB**

**FOR MORE INFORMATION:** Contact the Board's "Solid Waste Information Center" at (916) 341 6320 and ask for the Associate Waste Management Specialist who should be able to answer some limited general questions. For more information, please contact the CIWMB in Sacramento or visit [www.ciwmb.CA.Gov/Swis/search.asp#DOWNLOAD](http://www.ciwmb.CA.Gov/Swis/search.asp#DOWNLOAD) on the Internet.

### 4. Spills, Leaks, Investigation and Cleanup list (SLIC) AS OF OCTOBER 1, 2005.

The SLIC Program oversees soil and water investigations, corrective actions, and assessments at sites with current or historic unauthorized discharges and covers all types of pollutants (such as solvents, petroleum fuels, heavy metals, pesticides, etc.) As of January 1, 2005, all SLIC data is required to be submitted to the State Water Resources Control Board's Geotracker database. Information on individual sites may be available online at [www.geotracker.waterboards.ca.gov](http://www.geotracker.waterboards.ca.gov). Please note that according to the SWRCB, "data is undergoing data cleanup and may contain errors".

**FOR MORE INFORMATION:** For details about a particular site, please visit GeoTracker at [www.geotracker.waterboards.ca.gov](http://www.geotracker.waterboards.ca.gov) Using the Identifier tool and clicking on the site on the graphic map interface, you can access a report that includes the case number and contact telephone number for the agency with more information on this site. If you know case number, you may access the record using Case Finder at <http://www.geotracker.waterboards.ca.gov/search/casesearch.htm>



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## 5. CALIFORNIA ACTIVE ANNUAL WORKPLAN LIST (AWP) AS OF OCTOBER 1, 2005.

**Responsible Agency:** State EPA

**FOR MORE INFORMATION:** Contact the State Environmental Protection Agency Department of Toxic Substances Control at: (916) 323-3400

### WANT MORE INFORMATION?

There is no single government agency that handles information for all contaminated sites. Multiple agencies are responsible for organizing clean-up efforts at different types of sites. Each generally maintains files on the sites they oversee with information on the type and extent of contamination, clean-up efforts etc. There is also the possibility that the file may have no additional information. For general information, refer to the discussions in this report. If your question isn't answered there, call us here at JCP. We will try and answer them for you.

In each site summary, there is the name and telephone number of the agency overseeing that site. Agencies are limited to answering general questions. **NOTE!** Additional information on a site may be limited and the government agency you contact will not venture opinions.

### How to Obtain Generalized Environmental Information

Brochures published by the Environmental Protection Agency (EPA) are a good source of general information. County health departments may have a health and safety officer or a "haz-mat" (hazardous materials) specialist that can answer general questions also. The telephone number for your local Department of Health should be listed in the telephone book.

Environmental Protection Agency Drinking Water Hotline: **(800) 426-4791**

Federal Environmental Protection Agency Public Information Office: **(866) 372-9378**

California Environmental Protection Agency: **(916) 445-3846**



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## **PART 4: METHODS AND LIMITATIONS -- PLEASE READ!**

As in all studies and reports, there are limitations in this Report. This Part will summarize (a) the methods used in creating this Report, (b) the limitations with respect to the data and the government site lists ("Databases"), and (c) the responsibilities and liabilities of JCP under this Report. Please read this Part carefully so you understand the limitations on this Report and JCP's responsibilities.

### **A. LIMITATIONS ON DATABASE INFORMATION**

JCP has accurately reported the information in the Databases as of the Database Dates. With respect to the Databases, it is important to understand that:

- The Databases may not be accurate, current, fully detailed, or complete.
- A parcel of real property may be affected by contamination or environmental hazards that have not been identified on any of the Databases.
- A Database may not contain sufficient information to locate a particular parcel of property.
- Changes may have occurred in the Databases since the Database Date specified above.
- There may be other governmental databases with relevant information which are not included in this Report.

### **B. JCP DOES NOT CONSTANTLY CHECK DATABASES FOR CHANGES**

Each Database used in this Report is updated by the Responsible Agency at various intervals. Updates for a Database are determined by the Responsible Agency and may be made at any time and without notice. JCP maintains an update schedule and makes reasonable efforts to use updated information but it cannot feasibly do so on a constant basis, and the complexities of obtaining and adapting the data into a usable format for preparing this Report necessitates some delay once the updated information is obtained. For these reasons, JCP reports information as of the date when the Database was last updated by JCP. That date is specified as the "Database Date" for each Database in Part 4.

### **C. LIMITATIONS ON HOW SITES ARE LOCATED AND REPORTED**

Due to the way information is reported in the Databases, the Sites identified are "POINT SOURCES" ONLY which means that the specific location of the Site is located based on the information in the Database and used as the beginning point for measuring the distance to the Residential Property. This Report does NOT use "AREAS" of potential environmental contamination, such as a contamination study area or a groundwater plume, even if the source of that study area or plume derives from a Site. In other words, this Report identifies a single point as the approximate source point for an environmental hazard identified on a Database, even if the hazard actually covers an expanded area.

In the Databases, the Sites are identified by their address. In this Report, the point location for a Site is based on that address, **not** on the actual location of a source of contamination on the Property. As a result, the location of any Site set forth in this Report may not be precisely the location of the source of contamination. Furthermore, some of the Databases may not have the complete address information for a Site so it can not be located at all.

The Residential Property has been located by approximating its street address as a point. While JCP has attempted to locate that point as accurately as possible, there may be some inaccuracy due to the shape of the property or the mapping information upon which we have relied. Furthermore, since the Sites are located using a geographic information system, if the address of the Residential Property provided to JCP is inaccurate, the information provided in this Report will not be accurate.

In certain instances, Sites cannot be precisely located (or "geocoded") due to missing or inaccurate data in the Database. However, based on information available in the Databases, these Sites are locatable within zip codes. These sites are referred to as "Unlocated Sites" and reported in the Part, "Sites Missing Key Location Information." That Part reports such Unlocated Sites that are in the zip codes that are within a one (1) mile radius of the Residential Property. Unlocated Sites are not necessarily within one mile of the Residential Property. They are identified to alert you to potential issues on which you may desire to obtain further information.



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For these reasons, parties should seek additional information about the Sites listed, as described in the discussion of the relevant Database.

## D. LIMITATIONS IN THIS REPORT

JCP does not make any representations as to:

- The accuracy, validity or completeness of the Databases.
- The significance or extent of the contamination or remediation of any of the Sites identified in the Databases.
- The health hazards to humans or animals that may be associated with any of the substances that may exist at the Sites or how they may affect the Residential Property.
- The drinking water sources for the Residential Property.
- Any information in a Database after the Database Date for that Database.
- Any information regarding the Residential Property after the Report Date.

JCP does not perform a physical examination or any testing of the Residential Property or the Sites. This Report only provides information derived from the Databases in accordance with the Methods and Limitations. This Report should not be considered a substitute for an on-site environmental assessment. If additional information is desired, the Parties are encouraged to investigate other sources and to consult an environmental expert.

## E. ONLY THE PARTIES MAY RELY ON THIS REPORT

This Report is valid, the Parties may rely on the Report, and a contract is formed with JCP, **only** upon receipt by JCP of payment of the full price of the Report.

This Report may be relied upon only by the Parties to the transaction for which it has been purchased. This Report cannot be relied upon (a) by any persons other than the Seller, the Buyer and their Agents, (b) for any other real property, or (c) for any future transactions involving the Residential Property. The price paid for the Report does not include any amounts for protection of such other parties.

## F. LIMITATIONS ON FIRST AMERICAN'S LIABILITY

Given the limited nature of this Report, and the fact that JCP is reporting, not assuming liability, JCP is not responsible for:

- Any inaccuracies or incompleteness of the information in the Databases.
- Inaccurate address information provided for the Residential Property.
- Any other information not contained in the specified Databases.
- Any information which would be disclosed by a physical inspection of the Residential Property.
- Any information known by one of the Parties.
- Any changes to the information in the Databases after the Database Date.
- The health hazards to humans or animals that may be associated with any of the substances that may exist at the Sites or how they may affect the Residential Property.
- The costs of investigating or cleaning up any environmental hazards.

**This Report is not an insurance policy** and does not provide the same protections as an insurance policy. It does not obligate First American to defend any Party against any claims, and JCP shall not have any duty to defend against any claims pursuant to California Civil Code § 2778 or otherwise. The price of this Report has not been based upon any responsibility for defense costs, nor for assumption of environmental risks. The premium for an insurance policy would be significantly greater than the cost of this Report. The Parties acknowledge that claims for damages beyond actual losses can significantly increase the costs of reports and make prompt resolution of claims more difficult. In order to induce JCP to provide this Report for the price charged, and to help streamline the process of resolving any disputes between the Parties and JCP, the Buyer, Seller and Agents agree that if there is a material error or omission in this Report:

- **The Party who suffers damages as a result of such error or omission shall be entitled at most to recover from JCP the actual proved damages measured by the difference in the fair market value of the**



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**Residential Property as of the Report Date, caused by the error or omission but not in excess of \$100,000 Dollars (\$100,000).**

- **JCP shall not be liable for indirect, consequential, or punitive damages (including, but not limited to, emotional distress or pain and suffering).**

JCP shall not be liable to a Party for any matters known to that Party or its Agent (including errors in this Report) and not disclosed in writing to both the other Parties and JCP prior to the Sale Date.

## **G. SELLER AND SELLER'S AGENT'S RESPONSIBILITY OF FULL DISCLOSURE**

Sellers of real property and their Agents should always fully disclose all material facts regarding the real property which they are selling. Regardless of the information in this Report, if Seller or Seller's Agent has any actual knowledge of contamination, releases of hazardous materials or remediation activities potentially affecting the Residential Property, that information should be promptly disclosed in writing to the Buyer and the Buyer's Agent.

## **H. OTHER AGREEMENTS**

This Report sets forth the complete, integrated agreement between JCP and the Parties. Evidence of prior or contemporaneous statements, representations, promises or agreements shall not be admissible to vary the terms of this written agreement. This agreement may not be changed or amended except by a written document signed by an authorized representative of JCP and the Parties.

In the event that any dispute arises between JCP and any Parties arising out of or relating to this Report or its subject matter, or any act or omission of JCP, the prevailing party shall be entitled to recover his, her or its reasonable costs, including attorneys' fees, from the losing party.

If any provision of this Report, or its application to any circumstance, is held to be invalid, unenforceable, or void, the remainder of this Report shall remain in full force and effect and enforced to the fullest extent possible.

## **PART 5: BACKGROUND INFORMATION**

The subject of hazardous waste can be an emotional and uncertain topic. You have taken an important step by obtaining this report to help become informed on environmental issues. There are a number of important factors to consider when assessing environmental issues. Risk is only one factor. Others include public values and perceptions, economic constraints, perceived risk to health etc. Accurate and unbiased information is important. It provides a logical foundation for decisions that are often emotionally based on "perceived" rather than on actual risk.

This section includes discussions on certain topics to help you understand this report. The subject of contamination is broad and complex. These discussions are not intended to be an exhaustive study of environmental issues. In addition, many aspects of hazardous substance clean up and control change as state-of-the-art practice and legislation changes. For these reasons, the following information is of necessity generalized and may not apply to every site. This section is divided into the following:

- What Are Hazardous Substances? Understanding the Risk in Perspective
- Groundwater
- Formation of Plumes: The Transport of Chemicals into Groundwater
- Leaking Underground Fuel Tanks
- What is a "Superfund" Site?
- Drinking Water: Tap vs. Private Well



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## WHAT ARE HAZARDOUS SUBSTANCES?

Chemicals in our environment are a controversial subject. This is because their effects on human health are often not well understood. Both the government and the public want clear standards that define when a substance is considered "hazardous." Unfortunately, it is not always easy to determine such a clear standard. Precise instruments allow us to detect a wide variety of substances even in very small concentrations. Sometimes these substances are only detectable in the parts per billion (ppb) or parts per trillion (ppt) ranges. In these cases, the concentrations are at or near the limit of our ability to even detect them.

If scientific study shows that a particular chemical is known or suspected to adversely affect our health, that substance could become listed as an official hazardous substance. The list of what "is" and "is not" a hazardous substance changes. With increased research, substances are added and, in some cases, removed.

The potential health implications make us question the presence of chemicals in our environment. It's important to understand that any risk associated with a substance is dependent on both the concentration of the chemical *and* the length of exposure time. Some scientists believe that a "threshold" level exists for many chemical concentrations below which there are no known or anticipated adverse health effects. This allows standard concentration limits of some chemicals to be established. These standards are called "Maximum Contaminant Levels" (MCL), and they are enforceable by the Environmental Protection Agency. If these levels are exceeded, the substance must be cleaned-up until it is at or below the MCL.

The term "hazardous substance" is used in this report as synonymous with "hazardous waste" and "toxic substance." In general, the terms refer to a material with potentially harmful affects. Once a particular substance is determined to be harmful, it may become regulated by one or more environmental laws. When this happens, it is termed "listed." Once a chemical is "listed," sites that have spilled or leaked the substance may be required to clean it up.

### Hazardous Substances in Perspective

As is true with *any* hazardous substance, the mere presence of it is not a threat to human health. In order to pose a health risk, that substance must come into physical contact with the body by eating, drinking, inhalation, or skin contact. It is the likelihood of physical exposure to a substance that must be carefully examined to determine an acceptable level of risk. Information on how contaminated sites can or *cannot* affect the property is vital in making decisions. Inaccurate perceptions could lead to making misinformed decisions. Two lines of logic to consider when analyzing risk are:

- We make daily decisions based on familiar and acceptable levels of risk because we feel the benefits outweigh the potential consequences. For instance, although we know driving freeways might be dangerous, we drive them anyway because convenience and speed makes this risk acceptable. Many risks we undertake everyday aren't considered hazardous simply because they are familiar.
- Everyday, we make decisions based on what is most important to accomplish first, second, etc. This is necessary because if all problems were assigned equal importance, nothing could be accomplished. Risk is commonly considered similarly or, in other words, as "relative risk." This consideration is based on deciding what "risk" has the worst or immediate adverse consequence and then address that risk first.

Often, decisions are not based on scientific analysis and hard data, but on perceived risk and public opinion. In the environmental arena, these two approaches go head to head. Public attention may be focused on certain environmental hazards based on a dramatic and well-publicized environmental problem. Unfortunately, this may lead to a diminished concern for other environmental issues that may pose more immediate concern. This line of thinking is not directed at undermining the significance of large-scale contamination, but is meant to direct attention to the "big picture."



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Many studies indicate that things we do on a daily basis in our homes may expose us to a greater overall health risk than living next door to virtually any contaminated site. It's hard to imagine that many of the items we take for granted in our homes have higher concentrations of hazardous substances and expose us for greater amounts of time than just about anything we encounter in normal outdoor activities. This is where familiarity with items such as "dry-cleaned" clothes, many air fresheners, mothballs, paints or shoe polishes make the hazardous substances in such things acceptable. In certain cases, chemicals that are strictly regulated in industry are not regulated in homes. An example is methylene chloride, which the EPA found in about one-third of 1000 common household products in a 1987 study. Methylene chloride is regulated in factory emissions, but not within homes.

Understanding a variety of issues is important for making informed decisions. Evaluating risks accurately in order to avoid over- or under-reacting is a task best completed based on sound, accurate information.

## GROUNDWATER

The water in lakes, rivers, and groundwater all together only account for about 0.6% of the total water on Earth. Of these, groundwater is the most important fresh water supply. About half of the United States depends on groundwater for their drinking water. An expanding population and economy has prompted a dramatic increase in the demand for water from groundwater supplies. Many thought such water was immune from contamination. However, as more incidents of groundwater pollution occur, public interest in protecting our groundwater has increased as well as legislative protection of this resource.

Although the technical aspects of groundwater and groundwater pollution are beyond the scope of this report, the basic concepts are easy to understand and can help in evaluating other information in this report.

### How Groundwater Reservoirs Form

In order to understand the basic principles of groundwater, it is necessary to appreciate the "hydrologic cycle." This is the system by which nature circulates water. In short, water evaporates from the ocean and rises to form clouds. Water in the air condenses and eventually falls back to the earth in the form of rain, snow, sleet, hail etc. which then eventually flows back to the ocean.

We depend on precipitation that falls on land to replenish our fresh water supply. Precipitation can fall directly into water bodies, from run-off, or soak into the soil. Much is absorbed by plants or evaporates, but a portion seeps down into the groundwater. Technically, "groundwater" is water located in water-saturated zones below the surface. Water located in unsaturated zones is simply called "soil water."

Groundwater is primarily stored in "aquifers." Usually, aquifers consist of gravel, sand, clay or fractured rock. Groundwater is stored in the pores and cavities of sediments or in rock fractures. It does not occur as an underground "ocean" or "river" except perhaps in a rare cave-type environment. Aquifers may consist of one continuous "layer" or as several layers stacked-up like pancakes.

### How Groundwater Moves

Groundwater is added to (recharged) by water seeping down through the ground and is released (discharged) when it intersects a surface body of water such as a lake or stream or when it is pumped out. The surface area below the ground where the soil or rock is water saturated is called the "water table." The water table is not fixed. It can move up and down as water is removed from or added to the aquifer.

In general, groundwater moves slowly. This is an important concept when considering groundwater contamination. The water can move as slowly as a few inches per year in clays. However, if the aquifer consists of loose sand and gravel, the groundwater can move hundreds of feet per year. Like water at the surface, groundwater moves with the gradient (i.e. downhill). However, groundwater can also move as a result of being under pressure. Pressurized water will move from high to low pressure areas. This works under the same principle as any material under pressure, such as fluid in an aerosol can.

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## FORMATION OF PLUMES

### The Transport of Chemicals into Groundwater

Chemicals that are spilled or released into soil may dissolve in any water that is present. In some cases, the chemicals may be transported into groundwater by water slowly seeping downward. How fast this occurs and the details are complex, but water generally moves downward. Lateral movement is generally not significant until water reaches the water table. The contaminant concentration reaching groundwater is less than the concentration at the source because of dilution and breakdown that occur along the way.

As contaminants are slowly transported downward, they can chemically interact with other things in the water or soil. This can temporarily or permanently remove the contamination. Natural defense mechanisms such as biological degradation also act to naturally mitigate contamination to varying extents by removing or altering the contaminants. For instance, some bacteria that live naturally in soil and groundwater can metabolize many of the contaminants in gasoline.

Contaminants become “pollution” if they reach concentrations high enough to be judged harmful to humans or the environment. Groundwater standards are set by the United States Environmental Protection Agency (EPA) and state agencies. Contamination can originate from a “point source” such as a leaking underground tank, or from a “non-point” source such as infiltration from agriculture (i.e. pesticides and fertilizers) or urban run-off (i.e. road salt or trace metals left on roads from tires and car emissions).

When contaminants enter the groundwater, they are slowly dispersed to form a diluted cloud or “plume.” Chemical reactions and biological breakdown can continue. Pumping, complex flow patterns, chemical and biological processes all affect the travel, size and shape of plumes. Some contaminants may be removed by a process called “adsorption.” Adsorption is the process by which a chemical adheres to grains in the soil. Although this does not remove the contaminant, it may immobilize it and help prevent it from spreading.

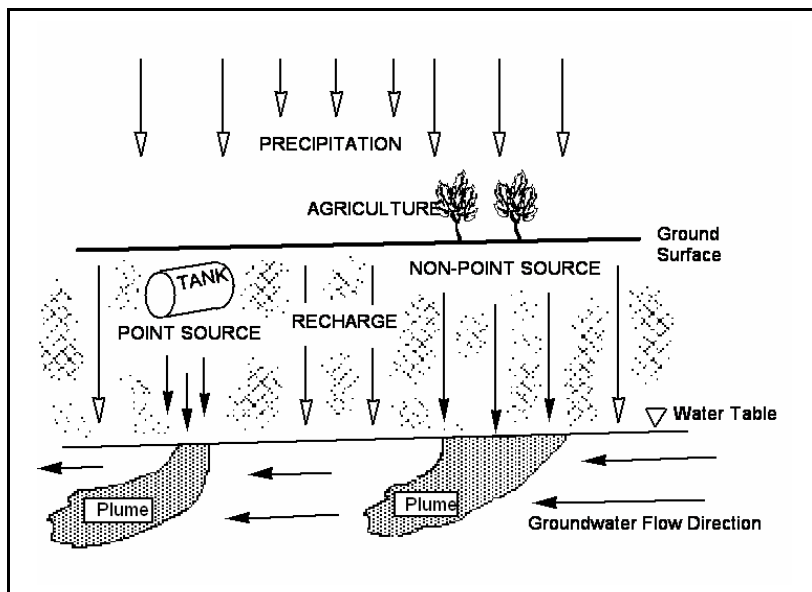


Figure 1. How a contaminant plume forms. A plume forms in the direction of groundwater flow.

The size and extent of plumes are determined using “monitoring wells.” Such wells also help track clean-up efforts. Information from monitoring wells and other sources are used to determine appropriate mitigation recommendations. Clean-up methods can vary widely depending on local site conditions.



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## LEAKING UNDERGROUND FUEL TANKS

The most common type of contamination comes from leaking underground fuel tanks and piping systems. Underground tanks are common throughout California as well as throughout the United States. These tanks are predominantly used for storing fuel, although solvents used in high technology industries and other substances are stored in this manner also.

Why underground tanks? Many years ago, jurisdictions developed regulations with regards to fuel tanks for the "esthetic" protection of growing cities as well as providing important fire safety measures. For these reasons, the majority of fuel tanks must be buried. Unfortunately, the state building codes that regulate underground fuel tank construction did not keep up with changing technology. The result was that industry used traditional methods in building underground tanks and pipes. Today, there are laws in place that ensure strict building codes are followed in new tank construction, as well as upgrades for all substandard underground tanks.

When an underground tank leaks, the soil and/or groundwater can become contaminated. How much fuel actually gets into the soil depends on how big the leak is and how long the leak continues. Experience shows that leaking fuel "seeps" into the ground at a generally slow rate and usually does not travel very far. "Seeping" fuel into the soil can be likened to wetting the corner of a sponge. With only a small amount of water, only the corner gets wet and the rest of the sponge remains dry.

If a leaking underground fuel tank is discovered, the tank owner or responsible party must notify the appropriate Regional Water Quality Control Board (RWQCB) or county-level agency and submit an "unauthorized release form". The responsible party must also make every effort to stop the leak and empty the tank if necessary. The RWQCB or county-level agency will then undertake the lead in clean-up efforts, with the tank owner or responsible party reporting directly to them. Until investigation and cleanup are complete, the tank owner or responsible party must submit reports detailing cleanup efforts to the lead agency at least every three months. If the investigation fails to confirm that a leak has actually occurred, no further corrective action will be required. For those sites that do require corrective action, the cleanup process could take a few months to many years, depending on the severity of the leak.

Additional information may be available through the Public Safety Officer or Hazardous Materials Specialist in your city. They are generally located in the Fire Department or Public Works Department.

## WHAT IS A "SUPERFUND" SITE?

"Superfund" is a common term for a piece of legislation called the "Comprehensive Environmental Response, Compensation, and Liability Act", which was enacted by Congress on December 11, 1980, and is enforced by the United States Environmental Protection Agency (EPA). This legislation provides funding for clean up at the worst hazardous waste sites in the United States. Because the moneys involved in clean up are large, this federal statute was dubbed "Superfund."

The purpose of Superfund is to clean up or mitigate hazardous materials that pose an immediate and substantial danger to the public or the environment. This could be a chemical "spill" that requires immediate response or a site that requires long-term clean-up action. The chemicals found at Superfund sites can vary but some have included familiar contaminants such as arsenic, lead and mercury. Other lesser known contaminants include toluene, pentachlorophenol and vinyl chloride. This Act also holds polluters liable for clean-up expenses as well as forces responsible parties to take clean-up actions.

How does a site get on the Superfund list? Proposed sites are brought to the EPA's attention in several ways. It could come from notification by the owner, complaints by citizens, identification by a state or local jurisdiction, or by special EPA investigations. A site is then placed on the Superfund, or "National Priorities List" (NPL) once the EPA determines that it represents a long-term threat to public health or the environment. The EPA makes this determination by evaluating such things as the likelihood that a site has released or has the potential to release hazardous substances into the environment, the characteristics of the waste (e.g. toxicity and waste quantity), and the number of people affected by the release.

The government believes that "Superfund" funding is warranted if the site poses a significant and immediate health concern. Even if federal funding is not provided, the site may require action under other statutes.



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## **DRINKING WATER: TAP VS. PRIVATE WELL**

Being in proximity to a contaminated site occasionally raises concern regarding the quality of the drinking water and whether or not the contamination is present in that water. One important question to keep in mind is “where does the drinking water come from... a municipal water system or a private well?” The answer to this question will help to resolve the issue of contamination.

In general, homes in urban areas are typically hooked up to a municipal water system. The water from this type of system is commonly referred to as “tap water”. Municipal water suppliers are required to meet stringent drinking water standards set forth by the US EPA. These drinking water suppliers provide reports, sometimes called consumer confidence reports, which outline where the water comes from and what substances are in it. The municipal water supplier should be able to provide these reports upon request.

On the other hand, if a home is not hooked up to a municipal water source but instead is using a private well on the property, then the US EPA regulations do not apply. The homeowner is responsible for the quality and safety of the drinking water. Keep in mind that being in proximity to a contaminated site does not necessarily mean the well will be contaminated. There is always the possibility that the contamination could be traveling in the opposite direction to where the private well is located, in which case the well water would remain uncontaminated. Another possibility is that the contamination could be at a much shallower depth than where the private well is drawing water. If the private well is deep, then it possibly can bypass contamination at more shallow depths. In any case, the US EPA recommends that well owners have their water tested annually.

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**For additional general information on environmental topics, contact the Public Affairs office of the California Environmental Protection Agency. This should be listed in the State government section of your local telephone book. Another good source of information may be found by contacting the environmental or hazardous materials specialist in your City or County Department of Health.**