

## The JCP EnviroCheck™ Disclosure Report

Property Address: 922 E Evelyn Av, Sunnyvale, Santa Clara County, CA APN: 213 03 010

Report Number: 2004062800281

Date: 6/29/2004

### Determination Summary:

This report discloses known contaminated sites that are within one-half mile of the subject property that have been identified from certain government lists. Refer to the remaining sections 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 1 known leaking underground storage tank site(s).

IS  IS NOT  within 1/2 mile of 16 known contaminated site(s) other than a leaking storage tank.

**Some official lists may include sites that have been closed or otherwise cleaned up.**

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 Geologists.

JCP Geologists 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 Geologists**



Greg Rufe  
President




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I have read this JCP 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 _____
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### HOW THIS REPORT IS ORGANIZED

This report identifies sites in the vicinity of the subject property that have been identified to have contamination associated with them now or in the past.

The sites are identified by address. The "name" is generally the original place of business that was responsible for the contamination. Most of the sites remain in use and may have already been re-developed. Today, the site may be vacant or accommodate a different business. The types and amount of information can vary on the lists, therefore, the summaries may have varying levels of detail. The report is divided into two parts:

- Sites within 1/2 mile known to have contamination other than an underground fuel tank.
- Sites within 1/4 mile with a known leaking underground fuel tank.

### WANT MORE INFORMATION?

Unfortunately, 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.

#### 1. National Priorities Sites (NPL sites - commonly called "Superfund" or "CERCLIS" Sites) -

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 you with the phone number of the local Community Relations Coordinator for the site in question and the location of the local information repository for that site. Information is available on line at: [www.epa.gov/superfund/sites/npl/ca.htm](http://www.epa.gov/superfund/sites/npl/ca.htm).

#### 2. Leaking Underground Storage Tank Sites (LUSTIS) -

Leaking fuel tanks are the most widespread source of contamination. **For general questions, telephone the State Water Resources Control Board's Clean Water Desk at (916) 341-5740 or (916) 341-5700.** Information on individual sites is available on line at [www.swrcb.ca.gov](http://www.swrcb.ca.gov)

#### 3. California Integrated Waste Management Board's SWIS List -

Contact the California Integrated Waste Management Board's "Solid Waste Information Center" at (916) 341 6320 and ask for the Associate Waste Management Specialist. They should be able to answer some limited general questions. Further information on this landfill or disposal site is available on line at [www.ciwmb.CA.Gov/Swis/search.asp#DOWNLOAD](http://www.ciwmb.CA.Gov/Swis/search.asp#DOWNLOAD).

#### 4. Spills, Leaks, Investigation and Cleanup list (SLIC) -

Contact the Regional Water Quality Control Board in your area for additional site information. A directory of the Regional Boards is available on line at [www.swrcb.ca.gov/regions.html](http://www.swrcb.ca.gov/regions.html).

#### 5. California Active Annual Workplan list (AWP) -

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

### 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: **(408) 299-6930**  
California Environmental Protection Agency: **(916) 445-3846**

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### METHODS AND LIMITATIONS

As in all studies and reports, there are limitations. This section details the limitations of the data and methods that JCP is aware of at this time. Note that the level of information will vary between contaminated sites and certain information may not be available for all sites. Additional information probably exists that is not included in the sources used to create this report. Research into other sources beyond those identified in this section is beyond the scope of this report. Interested parties are directed to investigate other sources if additional information is desired.

JCP Geologists, Inc. uses certain publicly available and official lists that inventory contaminated sites to prepare this report. The lists used in this report include the National Priorities List (NPL), the California Active Annual Work Plan list (AWP), the Leaking Underground Storage Tank Information System (LUSTIS), the State Water Resources Control Board's Spills, Leaks, Investigations and Cleanup list (SLIC), and the Solid Waste Information System (SWIS). The contaminated site lists used may contain errors or omissions made by the official agencies responsible for maintaining these lists. JCP Geologists, Inc. will not be liable for any such errors. The lists used in this report are up-dated at various intervals with some being up-dated on an irregular basis. Update schedules are determined by the agency responsible for maintaining the list and are subject to change without notice. JCP Geologists maintains an up-date schedule and will make every reasonable effort to use up-dated information. The complexities of obtaining and adapting the data into a usable format for writing this report necessitates a lag time. All parties should be aware that the lists are subject to change at any time. Therefore, the sites identified for a property can change as the lists do. JCP is not responsible for advising parties of any changes that may occur after the date of this report. This report is for use in the single transaction process for which it was issued. Due to changing information, laws and contractual parties, this report cannot be relied upon for other properties or future transactions of the subject property. JCP shall not be liable to anyone who may claim any right through his relationship with the agent except when acts or omissions are due to willful misconduct or negligence by JCP.

We locate the subject property as well as listed sites using a geographic information system. Locations cannot be field checked. The accuracy of geographic locations will reflect any errors in the address provided and JCP will not be liable for such errors. Some sites from the lists could not be located by the methods used in preparing this report. In these cases, the sites could not be included as being "within" or "not within" the search radius around the subject property.

JCP Geologists Inc. does not make any representations as to the accuracy, validity or completeness of any of these lists nor to the significance or extent of the contamination on any of the sites identified on the lists. We do not make any representations as to the health hazards to humans or animals that may be associated with any of the substances that may exist at the sites disclosed in this report or how they may or may not affect the subject property. Any discussions on environmental issues are general in nature and for background information only. This report does not address the drinking water sources for the subject property.

JCP Geologists did not perform a visual examination of the subject property or any of the sites identified in this report. This report does not address hazardous substances, if any, that may exist on the subject property unless the property is on one of the lists used. This report is not a substitute for an on-site environmental assessment.

NOTE: This is a limited scope report designed for residential property transactions. Additional contaminated sites may exist that are not listed on the sources used in this report. If any party to this transaction has any actual knowledge of contamination at the subject property, that information must be disclosed in addition to this report. We recommend that if any party to this transaction has concerns, they contact the agency noted for additional information and appropriate experts as necessary.

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### SITES LISTED ON A LEAKING UNDERGROUND STORAGE TANK LIST

All of the sites in this section are listed on the State's Leaking Underground Tank Information System and have been identified on a government list to have had a leaking fuel tank on them. Many of these sites have been cleaned-up, and this will be noted if it is the case. Leaking underground storage tanks are the most widespread type of contamination. **NOTE!** Fuel tank leaks are commonly less extensive than other types of contamination releases and commonly don't extend off of the property that the tank is located on. There is a discussion of Leaking Underground Fuel Tank issues at the end of this report.

#### The following sites are on the Leaking Underground Storage Tank List:

##### Site 1

BEACON #543  
848 E Evelyn Av  
Sunnyvale, CA 94086

**Listed on:**LUSTIS

**Site Type:**This site had or has a Leaking Underground Storage Tank

**The Resource Affected by this site:**O- Groundwater that is not used for drinking has been impacted

**Status:**7- A leak has been determined to exist at this site. A remediation plan has been submitted by the responsible party to evaluate the clean-up options and actions. The corrective action plan has been implemented for clean-up.

**Type of Contamination:** Hydrocarbons, i.e. fuels, oils, or kerosene

**Contact for more information:** State Water Resources Control Board, Leaking Underground Storage Tank Information System, (916) 341-5740 or (916) 341-5700

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### SITES OTHER THAN LUSTIS LISTED AS BEING AFFECTED BY CONTAMINATION

The following sites have been listed by a state or federal agency as being contaminated by a substance other than fuel. However, many of these sites have been cleaned-up; and this will be noted if it is the case.

#### Site 1

SIGNETICS  
100 San Lucar Ct  
Sunnyvale 94086

#### Listed on:

SLICR2

#### Site Type:

Facility is a Spill or Leak Site

#### Status:

Inactive-no cleanup activity underway at this time. Contact the agency listed below for more details.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

#### Site 2

PILKINGTON BARNES HIND  
895 Kifer Rd  
Sunnyvale 94086

#### Listed on:

SLICR2

#### Site Type:

Facility is a Spill or Leak Site

#### Status:

Undefined. The source or cause of the spill or leak has not been determined.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

#### Site 3

MOHAWK LABORATORIES  
932 Kifer Rd  
Sunnyvale 94086

#### Listed on:

SLICR2

#### Site Type:

Facility is a Spill or Leak Site

#### Status:

Active

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

#### Site 4

VERBATIM 820 KIFER RD  
820 Kifer Rd  
Sunnyvale 94086

#### Listed on:

SLICR2

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**Site Type:**

Facility is a Spill or Leak Site

**Status:**

Inactive-no cleanup activity underway at this time. Contact the agency listed below for more details.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 5**

HEPCO  
150 San Lazaro Av  
Sunnyvale 94086

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

Inactive-no cleanup activity underway at this time. Contact the agency listed below for more details.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 6**

FABTECH  
154 San Lazaro Av  
Sunnyvale 94086

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

Inactive-no cleanup activity underway at this time. Contact the agency listed below for more details.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 7**

CARDINAL DEVELOPMENT  
135 N Wolfe Rd  
Sunnyvale 94086

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

This site has been closed by the agencies overseeing clean-up. No further clean-up is deemed necessary at this site.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 8**

ROYAL AUTO BODY TOWING  
150 N Wolfe Rd  
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**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

Inactive-no cleanup activity underway at this time. Contact the agency listed below for more details.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 9**

AMERICAN FOOD AND CANDY  
166 San Lazaro Av  
Sunnyvale 94086

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

Inactive-no cleanup activity underway at this time. Contact the agency listed below for more details.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 10**

ALA CON SITE  
158 Commercial St  
Sunnyvale 94086

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

This site has been closed by the agencies overseeing clean-up. No further clean-up is deemed necessary at this site.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 11**

MAGNETICS, INC  
158 San Lazaro Av  
Sunnyvale

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

Active

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 12**

PHILIPS

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740 Kifer Rd  
Sunnyvale 94086

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

Active

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 13**

PHILIPS  
730 Evelyn  
Sunnyvale 94086

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

Active

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 14**

AIRTRONICS SHEET METAL  
171 Commercial St  
Sunnyvale 94086

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

No action. No action has been taken by the responsible party after the initial report of the spill or leak.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 15**

PROTO ENGINEERING CORP  
183 Commercial St  
Sunnyvale 94086

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

Inactive-no cleanup activity underway at this time. Contact the agency listed below for more details.

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland. (510) 622-2300 for hours of operation.**

**Site 16**



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ICORE INTERNATIONAL  
180 N Wolfe Rd  
Sunnyvale

**Listed on:**

SLICR2

**Site Type:**

Facility is a Spill or Leak Site

**Status:**

Active

**Additional information may be available by contacting the Regional Water Quality Control Board, Oakland.  
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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
NATIONAL SEMICONDUCTOR CORP	1021 Kifer Rd, Sunnyvale	Closed	LUSTIS
SF SIGNATURE FLIGHT CITY	Unknown San Francisco Airport Plot Ste., South San Francisco		Active
LUSTIS			
TEXACO	1202 Kifer Rd, Sunnyvale	Closed	LUSTIS
PACIFIC TECH PARK	1266 Kifer Rd, Sunnyvale	Closed	LUSTIS
BOISE CASCADE	1290 Kifer Rd, Sunnyvale	Closed	LUSTIS
CHEVRON #9-7606	296 N Fair Oaks Av, Sunnyvale	Active	LUSTIS
EUROPEAN CAR	275 N Fair Oaks, Sunnyvale	Closed	LUSTIS
TEPCO MIPS COMPUTER	928/930 E Arques Av, Sunnyvale	Closed	SLICR2
ADVANCED MICRO DEVICES BLDG 897 898	897/898 Stewart Av, Sunnyvale	Closed	SLICR2

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### EnviroCheck™ Discussion Section

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:

- Part 1. What Are Hazardous Substances? Understanding the Risk in Perspective
- Part 2. Groundwater
- Part 3. Formation of Plumes: The Transport of Chemicals into Groundwater
- Part 4. Leaking Underground Fuel Tanks
- Part 5. What is a “Superfund” Site?
- Part 6. Drinking Water: Tap vs. Private Well

### PART 1: 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.

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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."

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.

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### PART 2 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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### PART 3 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.

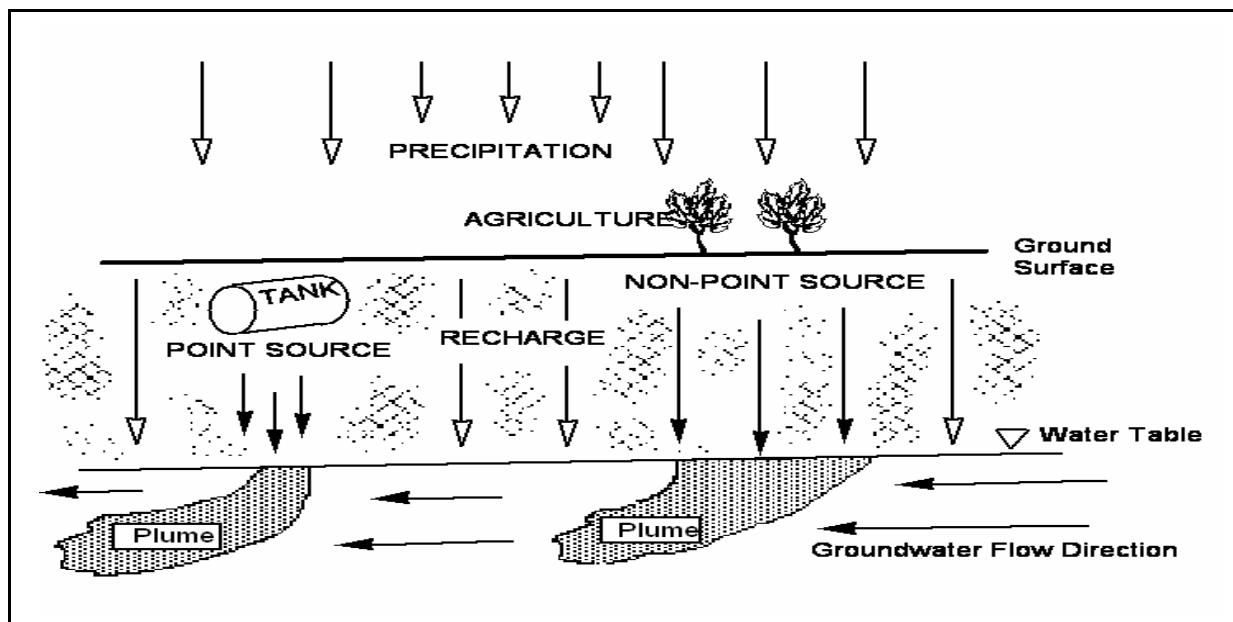


Figure 1. How a contaminant plume forms. A plume forms in the direction of groundwater flow.

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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.

### **PART 4 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 storage 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.

### **PART 5 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



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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.

### **PART 6 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.**



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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  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  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

**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

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

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

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

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

No  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.

The representations made in this NHD form are based upon information provided by an independent third party report provided as a substituted disclosure pursuant to California Civil Code Section 1103. Neither the transferor nor the transferor's agent has (1) independently verified the information contained in this form and report or (2) is personally aware of any errors or inaccuracies in the information contained on the form. (added as per CAR 1998)

**Transferor represents that the information herein is true and correct to the best of the Transferor's knowledge as of the date signed by the Transferor.**

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

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

**Agent represents that the information herein is true and correct to the best of the agent's knowledge as of the date signed by the agent.**

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

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

**Transferee represents that he or she has read and understands this document. I (We) also have read and understand the added local hazard, mold, radon, airport, 1915 Bond Act, Mello-Roos, military ordnance, commercial zoning, and Megan's Law disclosures contained in this report.**

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

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



Greg Rufe  
President

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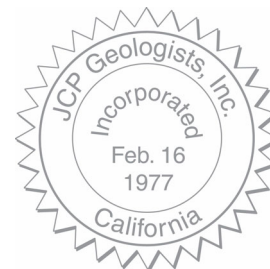
## CONFIRMATION OF COVERAGE AND INDEMNIFICATION

JCP Geologists has prepared a Natural Hazard Disclosure Report for the subject property identified above. This JCP Natural Hazard Disclosure Report provides the natural hazard disclosure information as required by California Civil Code 1103 for residential property only. This Confirmation of Coverage Statement applies only to the current transaction for which this JCP report was prepared, as of the date this report was prepared.

This statement is confirmation that JCP Geologists is included as an insured under a \$20 million Professional Liability policy for errors & omissions arising from the services JCP performs. Coverage, which is subject to specific terms and conditions in the policy, is provided for damages JCP is obliged to pay as a result of its negligent acts, errors or omissions arising out of its Natural Hazard Disclosure Professional Services provided for the above referenced residential property as of the date this report was prepared.

JCP's Professional Liability insurance policies contain an agreement which, subject to the specific terms and conditions contained in the policy, indemnifies and provides defense of the Clients of JCP against claims caused by the negligent acts, errors or omissions of JCP that fall within the scope of a contractual indemnification obligation of JCP to its Clients. For this purpose, Clients of JCP are the contractual parties to this transaction and their respective real estate agents for which JCP has provided professional services.

**Date:** 6/29/2004      **By:** JCP Geologists



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### 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

**Zone X: NOT in a special flood hazard area. Area of 500-year flood; Areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year floods. Lenders are not federally required to have homeowners purchase and maintain flood insurance for property in this zone designation.**

##### 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.

**Zones A, AO, AE, AH, A1-A30:** Area of "100-year" flooding - a 1% or greater chance of annual flooding.

**Zones V, V1-V30:** Area of "100-year" flooding in coastal (shore front) areas subject to wave action.

**Zone B:** Area of moderate flood risk. These are areas between the "100" and "500" year flood-risk levels.

**Zones X:** An area of moderate to minimal flood risk.

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

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

##### Determination

**NOT in an Area of Potential Flooding Caused By Dam Failure according to the maps adopted by The State of California Office of Emergency Services.**

##### 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.

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

##### Determination

**NOT in an area of Very High Fire Hazard Severity Zone as defined on the State level maps (Gov. Code 51178). A local agency may exclude or include additional fire zones at their option. Concerned parties should contact their local fire services for more information.**

##### 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. Contact your fire department for a complete list of requirements and exceptions.

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### WILDLAND FIRE AREA (STATE RESPONSIBILITY AREA)

#### Determination

**NOT in an official State Responsibility Area. Fire protection services for structures in this area are provided by local fire departments.**

#### 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. For very isolated properties with no local fire services there may be significant fire risk or only seasonal fire services. 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.

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### EARTHQUAKE FAULT ZONE

#### Determination

**NOT in an official Earthquake Fault Zone. There are no mapped active fault traces on the property. See the Alquist-Priolo Earthquake Fault explanation section for additional information.**

#### 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.

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### SEISMIC HAZARD MAPPING ACT ZONE

#### Determination

**Not in an Official Seismic Hazard Zone. In an area of no state-level identified Liquefaction or Landslide Hazard. Other Seismic Hazards that may eventually be addressed on these maps have not yet been evaluated for Santa Clara County.**

#### Discussion

Seismic Hazard Zone maps delineate areas subject to earthquake hazards. New development in a Seismic Hazard Zone is only permitted if it can be shown that mitigation makes the site acceptably safe. Maps are only available for limited areas now, but will eventually cover all of California. The hazards addressed are or will be: liquefaction, enhanced ground shaking, earthquake induced landslides, and various other ground failures. The first release of maps only addresses liquefaction and/or landslide zones.

**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.

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## 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: **NOT in a zone of High Geologic Hazard. In an area of no county-level identified liquefaction, compressible soil, landslide, fault, or dike failure zone as shown on officially adopted Santa Clara County hazard zone maps.**

### City of Sunnyvale Geologic and Seismic Zone Determination

Based on the officially adopted city-level Seismic Safety Element natural hazard maps, the subject property is: **Located in either an unincorporated area of the County or does not have officially adopted mapped information available to us at this time from which a geologic determination can be made.**

**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 is not reported here.

## SANTA CLARA COUNTY GEOLOGIC ZONES DISCUSSION

Santa Clara County has officially produced maps to delineate the following potential geologic and seismic hazards.

**Landslide Hazard Zones** include areas 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.

**Fault Rupture Hazard Zones** includes 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 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, and "fault Rupture Hazard Zone" is not necessarily equal to an Alquist-Priolo Earthquake Fault Zone which include active faults.

**Liquefaction Hazard Zones** includes 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, and 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 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. Rick of injury is relatively low in these areas as a result of settlement alone.

**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.

## CITY-LEVEL GEOLOGIC AND SEISMIC ZONES DISCUSSION

This disclosure report reviews the officially adopted geologic hazard maps in the Safety Element that each incorporated city in California is required to include in its General Plan. The city the subject property is located in has either not officially adopted hazard zonation maps in its General Plan at an appropriate scale to delineate where hazards may exist on a single parcel basis or will not make such maps available outside city offices. However, potential natural hazards may exist and be delineated on other sources used by the city in its Planning, Engineering, or Building Departments. Such potential sources are not reviewed in

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All parties should be aware that California is "earthquake country." Faults that may exist in this City or in neighboring regions could cause earthquake shaking or other fault related phenomena at the property. Other geologic hazards such as, but not limited to liquefaction (a type of soil settling that can occur when loose, water-saturated sediments are shaken significantly in an earthquake) may occur in certain valley floor areas and landslides are a possibility in any hillside area.

**NOTE:** 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* 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.

Additional natural hazards may exist and be delineated on other sources used by the City in its Planning, Engineering, or Building Departments. 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 city level, contact the city Engineering, Planning or Building Departments.

• END OF LOCAL AREA DISCLOSURES AND DISCUSSIONS SECTION •



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### MELLO-ROOS and SPECIAL ASSESSMENT DETERMINATION

**Determination** Based on data from an independent tax information service:

The subject property is **NOT WITHIN** a Mello-Roos Special Assessment District

**No Mello-Roos Special Assessment Districts were determined to have been assessed for this property in the previous tax year.**

0.00

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The subject property is **NOT WITHIN** an assessment district pursuant to the Improvement Bond Act of 1915:

**No 1915 Bond Act Special Assessment Districts were determined to have been assessed for this property in the previous tax year.**

0.00

The facilities financed by this (these) Mello-Roos and/or Special Assessment(s) may not yet have all been constructed or acquired and it is possible that some may never be constructed or acquired. 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.

If the property is subject to a Mello-Roos and/or a "1915" Special Assessment District Lien, the Seller must make a good faith effort to provide the Buyer(s) with a "Notice of Special Tax" and/or a "Notice of Special Assessment" *as long as the notices are made available by the local agency* (Section 1102.6b of the Civil Code). Cities and Counties vary where this type of information may be made available. Contact the local Controller, Finance Department, Treasurer or Tax Assessor for more information regarding the availability of a Notice of Special Assessment.

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### **Discussion**

California laws allow "special taxes" and "special assessments" to be levied against a property in addition to ad valorem property taxes in order to help fund benefits such as streets, curbs, gutters and underground sewer and water infrastructure. The "Mello- Roos Community Facilities Act" and the "Improvement Bond Act of 1915" are two of these assessment laws, and assessments made under these laws carry a disclosure obligation as of January 1, 2002 (Section 1102.6b of the Civil Code). This notice is designed to help Sellers fulfill this disclosure obligation.

When either of these assessment laws is activated, an assessment lien is placed against each affected property and a special assessment appears on the property tax bill until the amortized debt is fully paid. An important feature of "Mello-Roos" and "1915 Bond Act" assessment districts is that the lien has a priority status. If the assessment tax is not paid on time, the home can be foreclosed upon and sold through an accelerated foreclosure process. Even though a "special" or "supplemental assessment" may appear on the property tax bill, it is not necessarily a "Mello-Roos" or "1915" bond assessment subject to a property lien or a specific disclosure requirement.

**IMPORTANT:** This information was obtained from an independent tax information service using their proprietary database. It is not a substitute for a title report, for special tax information that may be contained in a title report, or for title insurance. There is a limited number of properties that may be subject to Special Assessment that are not included in this tax database. If the seller has any additional information on Special Tax Assessment(s) that do not appear in this report, this must be disclosed to the buyer.

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### FORMER MILITARY ORDNANCE SITE DISCLOSURE

#### Determination

The subject property is **NOT WITHIN** one mile of a Formerly Used Defense (FUD) site containing military ordnance.

#### **RAC Scoring**

A risk assessment procedure was developed by U.S. Army Corps of Engineers (USACE) to prioritize the remedial actions at FUD sites. Each FUD site is given a Risk Assessment Code (RAC) score to describe the site status. The risk assessment is based on the best available information resulting from records searches, reports of Explosive Ordnance Disposal (EOD) detachment actions, field observations, interviews, and measurements. The RAC is dependent on two factors: hazard severity and probability.

RAC 1 - Imminent Hazard

RAC 2 - Action required to mitigate hazard

RAC 3 - Action required to evaluate potential threat - Archives search and site investigation

RAC 4 - Action required to evaluate potential threat - Archives search

RAC 5 - No action required

#### **Discussion**

FUD sites can include sites with common industrial waste (such as fuels), ordnance or other warfare materiel, unsafe structures to be demolished, or debris for removal. NOTE: most FUDS sites do not contain unexploded ordnance. California Civil Code 1102 requires disclosure of those sites containing unexploded ordnance. "Military ordnance" is any kind of munition, explosive device/material or chemical agent used in military weapons. Unexploded ordnance are munitions that did not detonate. Only those FUD sites that the USACE has identified to contain Military Ordnance or have mitigation projects planned for them are disclosed in this report. Additional sites may be added as military installations are released under the Base Realignment and Closure (BRAC) Act. Active military sites are NOT included on the FUDS list.

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### COMMERCIAL OR INDUSTRIAL ZONING DISCLOSURE

#### Determination

Based on publicly-available parcel zoning records only:

**The property IS within one-mile of a property that is zoned for industrial or commercial use.**

#### Discussion

The seller of residential real property who has actual knowledge that the property is affected by or zoned to allow commercial or industrial use described in Section 731a of the Code of Civil Procedure shall give written notice of that knowledge to purchasers as soon as practicable before transfer of title (California Civil Code Section 1102.17). The Code of Civil Procedure Section 731a defines industrial use as areas in which a city and/or county has established zones or districts under authority of law wherein certain manufacturing or commercial or airport uses are expressly permitted.

In an effort to help determine areas where this may be applicable, this disclosure identifies if a property exists within one mile of the seller's property that is zoned to allow for commercial or industrial use. Very commonly, a home will have in its vicinity one or more properties that are zoned for commercial or industrial use such as restaurants, gasoline stations, convenience stores, golf courses, country club etc.



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### AIRPORT INFLUENCE AREA DISCLOSURE

#### Determination

Based on certain mapped Airport Influence Areas determined by a County Airport Land Use Commission, the following determination can be made:

**The property IS NOT IN an Airport Influence Area .**

#### Discussion

An "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, over flight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

JCP uses the current Airport Influence Area maps provided to us by County Airport Land Use Commissions. The inclusion of military and private airports varies by County and therefore, depending on the County, military and private airports may or may not be included in this disclosure.

### AIRPORT NOISE DISCLOSURE

#### Determination

Based on certain 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour maps produced under the Federal Aviation Administration's *Airport Noise Compatibility Planning Program* Part 150, the following determination has been made:

**The property IS NOT within a delineated 65 dB CNEL or greater aviation noise zone.**

#### Discussion

The seller(s) of residential real property who has (have) actual knowledge that the property in transaction is affected by airport use must give written notice of that knowledge, as soon as practicable, before transfer of title. (California Civil Code, Section 1102.17).

**Not all airports have produced noise exposure maps. A property may be near or at some distance from an airport and not be within a delineated noise exposure area, but still experience aviation noise. Unless 65dB CNEL contour maps are published, helipads and military sites are not included in this section of the report.**

**NOTE:** The *Airport Noise Compatibility Planning Program* is voluntary. Not all airports have elected to participate. Not all property in the vicinity of an airport is exposed to 65dB CNEL or greater average aviation noise levels. Conversely a property may be at some distance from an airport and still experience aviation noise. JCP obtains updated maps once yearly. Purchasers should be aware that aviation noise levels can vary seasonally or change if airport usage changes after a map is published or after JCP receives the updated maps within the schedule set by JCP. JCP uses the most seasonally conservative noise exposures provided.

Federal funding may be available to help airports implement noise reduction programs. Such programs vary and might include purchasing properties, rezoning, and insulating homes for sound within 65dB areas delineated on CNEL maps. Airport owners have also cooperated by imposing airport use restrictions that include curfews, modifying flight paths, and aircraft limitations.

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### REGISTERED SEX OFFENDER DATABASE DISCLOSURE ("MEGAN'S LAW")

All parties acknowledge that the following disclosure is hereby incorporated into the Residential Purchase Agreement and Deposit Receipt for the subject property of this report:

**Notice:** The California Department of Justice, sheriff's departments, police departments serving jurisdictions of 200,000 or more and many other local law enforcement authorities maintain for public access a database of the locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.4 of the Penal Code. The database is updated on a quarterly basis and is a source of information about the presence of these individuals in any neighborhood. The Department of Justice also maintains a Sex Offender Identification line through which inquiries about individuals may be made. This is a "900" telephone service. Callers must have specific information about individuals they are checking. Information regarding neighborhoods is not available through the "900" telephone service.

Once this notice is provided to the buyer, the seller and agent are not required to provide additional information, unless they have personal knowledge of the existence or proximity of a registered sex offender.

#### Local Information Locations For The Subject Property:

All sheriffs' departments and every police department in jurisdictions with a population of 200,000 or more are required to make a CD-ROM available free to the public for viewing. Although not required, many other law enforcement departments in smaller jurisdictions make the CD-ROM available as well. Please call your local law enforcement department to investigate availability.

**According to current records your local law enforcement department phone number is 408-730-7100.**

**The following are the law enforcement departments in your county that are REQUIRED to make information available:**

<b>Santa Clara County Sheriff's Department</b>	(408) 299-2211
<b>San Jose Police Department</b>	(408) 277-8900

The information is also available at (900) 463-0400 for \$10 per call to inquire about up to two individuals.

#### Explanation and How to Obtain Information

For over 50 years, California has required certain sex offenders to register with their local law enforcement agencies. However, information on the whereabouts of the sex offenders was not available to the public until implementation of the Child Molester Identification Line in July 1995. The available information was expanded by California's "Megan's Law" in 1996 (Chapter 908, Stats. of 1996). Megan's Law provides certain information on the whereabouts of "serious" and "high-risk" sex offenders. The law specifically prohibits using the information to harass or commit any crime against the offender. The information on a registered sex offender includes: name and known aliases; age and sex; physical description, including scars, marks and tattoos; photograph, if available; crimes resulting in registration; county of residence; and zip code (from last registration). When requesting access to the information, you may be asked to provide personal identification information as well as to comply with local authority's information release requirements.

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### MOLD ADVISORY

The Buyer is hereby advised that naturally occurring molds may exist both inside and outside of any home and may not be visible to casual inspection. Persons exposed to extensive mold levels can become sensitized and develop allergies to the mold or other health problems. Extensive mold growth can damage a structure and its contents. All prospective purchasers of residential and commercial property are advised to thoroughly inspect the subject property for mold. Be sure to inspect the property inside and out for sources of excess moisture, current water leaks and evidence of past water damage.

For molds to grow and reproduce, they need only a food source - any organic material, such as leaves, wood, paper, or dirt and moisture. Because molds grow by digesting the organic material, they gradually destroy whatever they grow on. Mold growth on surfaces can often be seen in the form of discoloration, frequently green, gray, brown, or black but also white and other colors.

As part of a buyer's physical inspection of the condition of a property, the buyer may consider engaging an appropriate and qualified professional to inspect and test for the presence of harmful molds and to advise the buyer of any potential risk and options available. This advisory is not a disclosure of whether harmful mold conditions exist at a property or not. JCP Geologists has not performed testing or inspections of any kind. Any use of this form is acknowledgement and acceptance that JCP does not disclose, warrant or indemnify mold conditions at a property in any way and is not responsible in any way for mold conditions that may exist. Information is available from the California Department of Health Services Indoor Air Quality Section fact sheet entitled, "Mold in My Home: What Do I Do?" The fact sheet is available at [www.cal-iaq.org](http://www.cal-iaq.org) or by calling (510) 540-2476.

The Toxic Mold Protection Act of 2001 requires that information be developed regarding the potential issues surrounding naturally occurring molds within a home. Information was written by environmental authorities for inclusion in the *Environmental Hazards: A Guide for Homeowners, Buyers, Landlords and Tenants* booklet developed by the California Environmental Protection Agency and the Department of Health Services. It is found in Chapter VI of that booklet, and includes references to sources for additional information.

**For local assistance, contact your county or city Department of Health, Housing, or Environmental Health.**

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### RADON ADVISORY

For its Radon Advisory, JCP Geologists uses the updated assessment of radon exposure published in 1999 by the Lawrence Berkeley National Laboratory (LBNL) and Columbia University, under support from the U.S. Environmental Protection Agency (EPA), the National Science Foundation, and the US Department of Energy (published online at <http://eetd.lbl.gov/IEP/high-radon/USgm.htm>). Based on this recent assessment, JCP's radon advisory is as follows:

**All of California's 58 counties have a predicted median annual-average living-area concentration of radon below 2.0 pCi/L (picocuries per liter of indoor air) -- which is well below the EPA's guideline level of 4 pCi/L and equivalent to the lowest hazard zone (Zone 3) on the 1993 EPA Map of Radon Zones**

A "median", like an average, is a central value. The "median concentration" means that half of the homes in a county are expected to be below this value and half to be above it. All houses contain some radon, and a few houses will contain much more than the median concentration. The only way to accurately assess long-term exposure to radon in a specific house is through long-term testing (sampling the indoor air for a year or more). The EPA recommends that all homes be tested for radon. Columbia University's "Radon Project" website offers help to homeowners in assessing the cost vs. benefit of testing a specific house for radon or modifying it for radon reduction (see <http://www.stat.columbia.edu/radon/>).

**NOTE:** JCP does not use the EPA's 1993 map for advisory purposes because that map shows "short-term" radon exposure averaged by county. It was based on "screening measurements" that were intentionally designed to sample the worst-case conditions for indoor air in US homes--using spot checks (sampling for just a few days), in the poorest air quality (with sealed doors and windows), at the worst time of the year (winter), in the worst part of the house (the basement, if one was available). These short-term, winter, basement measurements are both biased and variable compared to long-term radon concentrations (averaged over a year) in the living area of a house. Long-term concentrations are a more accurate way to judge the long-term health risk from radon. For the above reasons, the EPA expressly disclaims the use of its 1993 map for determining whether any house should be tested for radon, and authorizes no other use of its map for property-specific purposes. For additional information about EPA guidelines and radon testing, see "Chapter VII--Radon", in the California Department of Real Estate's *Residential Environmental Hazards: A Guide for Homeowners, Homebuyers, Landlords and Tenants*.

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### •• JCP SERVICES SECTION ••

Any use of this report is an acknowledgement of and an agreement to abide by the terms stated in this section. For the Natural Hazard Disclosures, JCP Geologists (JCP) examines only the following maps: (a) NFIP Flood Insurance Rate Maps, (b) California Office of Emergency Services Dam Failure Inundation maps, (c) AB 6. Real Estate: disclosure (CDF) maps, (d) Seismic Hazards Mapping Act maps, (e) geologic and seismic hazard maps adopted by the county as part of its General Plan's Safety Element, (f) geologic and seismic hazard maps adopted by the city as a part of its General Plan's Safety Element, (g) LOMR's or LOMA's (made available to us), for location of the above property as identified by the seller or seller's agent. JCP relies on these official sources for the information in this report and does not produce, maintain or verify the information. Our services include, where appropriate, use of the assessors rolls, cadastral-type maps, photographic enlargements of maps and various cartographic techniques to locate the site on the appropriate map. The determination is made as accurately as reasonably possible using these said maps. For purposes of defining property lines, the assessor's parcel number and parcel maps are used. Any errors in the assessor's rolls may affect the determination procedures.

Decisions by jurisdictions relative to required studies, reports, etc. may be made using the same information sources used in the disclosures in this report, as well as information in their files and/or local ordinances and procedures. The disclosure information in this report is not a substitute for a geologic or engineering study, nor can it be construed that a city or county will not require such studies. No visual examination of the subject site was performed nor was a study of any jurisdiction's files or other sources made to determine the existence of any hazard which may exist on the site. This report is for the purpose of certain map-based real estate transaction disclosures only and is not a substitute for the broker/agent property inspection.

Our determination for Mello-Roos Special Tax Assessments was made using a proprietary third-party database of Community Facilities Districts (CFD) that have issued bonds as the method to pay for facilities. Only CFD's which levied a tax against the subject property in the previous tax year are disclosed. CFD information may not be available if the property is in foreclosure for delinquent or non-payment of a Mello-Roos Assessment. JCP cannot be held responsible for not reporting these cases. The databases are deemed to be accurate based on information supplied by bond issuers. Under no circumstances will JCP Geologists be responsible for errors in the data supplied by bond issuers and suppliers of the tax databases. Information is updated on a yearly basis as soon as reasonably possible after updated information is released.

No study of the assessor's or jurisdiction's files was made to determine the presence of any other tax or assessment which may exist for the property. Other types of "special assessments" likely exist that are not Mello-Roos Assessments. This JCP report is for disclosure only and is not intended to provide any type of tax advice. JCP suggests that if any party to this transaction has any concerns or questions regarding Mello-Roos Community Facilities Districts, or 1915 Special Assessment Districts they contact an appropriate expert.

Military ordnance disclosures were provided using Department of Defense data sources that JCP neither produces nor maintains. JCP cannot accept liability for the accuracy of the information derived from these public data sources. No on-site inspection was performed.

JCP performs services for the real estate agent/broker and current owner. This report is for residential property only and is for the exclusive use of the contractual parties, their broker/agent(s), and the current owner's sale for which it is issued. Due to changes in tax districts, disclosure maps, laws and contractual parties, this report cannot be relied upon for other properties nor for future transactions of the subject property. All parties should be aware that the information is subject to change. JCP is not responsible for advising parties of any changes that may occur after the date of this report. As a courtesy, JCP will update this report at no cost during the single transaction process for which this report was issued, if requested. JCP shall not be liable to anyone who may claim any right through his/her relationship with the agent, except when acts or omissions are due to willful misconduct or negligence by JCP.

**This JCP Report includes a statutory Natural Hazard Disclosure Statement as legislated in California Civil Code 1103. The delivery of this report is sufficient compliance for the legal exemption that states neither the seller nor any listing or selling agent will be liable for any error in this information as long as ordinary care is exercised in transmitting it and they have no personal knowledge of errors (Cal. Civ. Code 1103.4).**

**If any party to this transaction has concerns relative to the stability or condition of the property or if "red flags" are observed during any party's inspection, we suggest that a consultant be retained to study the site and render an opinion.**

**END OF REPORT**