

**JCP Commercial EnviroCheck Report** <sup>TM</sup>

**Subject Property** 16611 E 14Th St, San Leandro, CA 94578-2309

**Terms and Conditions Continued**

intangible or otherwise which may be brought against JCP incidental to, arising out of or in connection with the work to be done, services to be performed or material to be furnished hereunder except for those claims caused solely and completely by the negligence of JCP, its directors, officers, employees, agent or subcontractors.

In the event JCP is proven negligent in any respect, the liability of JCP, its agents, employees and subcontractors, for Client's claims of loss, injury, death or damage, including, without limitation, Client's claims for contribution and indemnification with respect to third party claims, shall not exceed: (1) The greater of the total sum of \$100,000 or twice the sum actually paid JCP for services alleged to be misperformed, deficient or omitted; (2) The total sum of \$1,000,000 for injury, loss or damage caused by negligence, or other causes for which JCP has any legal liability, other than as described in item (1). Client shall save, defend and hold JCP harmless against any claims in excess of the limits set forth above.

**CONSEQUENTIAL DAMAGES** - In no event shall either JCP or Client be liable for consequential damages, including without limitation, loss of use or loss of profits, incurred by one another or their subsidiaries or successors, regardless of whether such claim is based upon alleged breach of contract, willful misconduct, or negligent act or omission, whether professional or non-professional, of either of them or their employees, agents or subcontractors.

**DISPUTES** - JCP and the Client will make every effort to settle any dispute amicably. In the event an amicable resolution is not achieved, any and all differences and disputes of whatsoever nature arising out of this Agreement shall be put to arbitration in the City of Fremont, CA pursuant to the laws relating to arbitration there in force, before a board of three arbitrators. Arbitrators shall be selected one person by the Client, one by JCP and the third by the two arbitrators previously selected. The decision of any two of the three on any point or points shall be final. Until such time as the arbitrators finally close the hearings, either party shall have the right by written notice served on the arbitrators and on an officer of the other party to specify disputes or differences under this Agreement for hearing and determination. The arbitration is to be conducted in accordance with such rules and procedures as may be selected by the arbitrators. The arbitrators may grant any relief other than punitive damages which they, or a majority of them, deem just and equitable and within the scope of the agreement of the parties, including, but not limited to, specific performance. Awards made pursuant to this clause may include costs including a reasonable allowance for attorney's fees and judgment may be entered upon any award made hereunder in any court having jurisdiction. Both parties hereby mutually waive any and all claims to punitive damages in any forum.

Client shall be required to notify JCP within thirty (30) days of the commencement of any arbitration between it and third parties which may concern JCP's work in connection with this Agreement and shall afford JCP an opportunity, at JCP's sole option, to participate in the arbitration.

**CONTROVERSIES** - If upon completion of the services hereunder JCP is requested to assist the Client in any dispute between the Client and its suppliers, the Client will pay JCP any and all costs for the time JCP spends on such disputes as additional compensation

**ASSIGNMENT** - In performance of this Agreement, JCP may at its discretion designate one or more subcontractors to perform all or any part of its duties hereunder.

**ENTIRE AGREEMENT** - This Agreement entered into by and between JCP and the Client, constitutes the entire Agreement between the parties. None of the Terms and Conditions contained herein may be added to, modified, superseded or otherwise altered except by written instrument signed by an authorized representative of JCP and the Client.

**TIME BAR TO LEGAL ACTION** - Any statutes of limitation notwithstanding, Client expressly agrees that its right to bring or to assert against JCP any and all claims, demands, or proceedings whether in arbitration or otherwise, shall be waived unless (a) notice is received by JCP within thirty (30) days after the Client had notice of or should reasonably have been expected to have had notice of the basis for such claims; and (b) arbitration or legal proceedings, if any, based on such claims or demands of whatever nature are commenced within one (1) year of the date of such notice to JCP.

**NON-WAIVER** - No waiver by either party of any breach of any of the terms of this Agreement shall be construed as a waiver of any subsequent breach, whether of the same or of any other term thereof. No delay or omission on the part of JCP in exercising any right or remedy under this Agreement, shall impair that right or remedy or operate as or be taken to be a waiver of it, nor shall any single, partial or defective exercise by JCP of any such right or remedy, preclude any other or further exercise under this Agreement, or that or any other right or remedy. The remedies provided in this Agreement are cumulative and are not exclusive of any remedies provided by law.

**SEVERANCE** - If at any time, any of the provisions of this Agreement, is or becomes illegal, invalid or unenforceable, in any respect under any law or regulation of any jurisdiction, neither the legality, validity and enforceability of the remaining provisions of this Agreement nor the legality, validity and enforceability of such provisions under the law of any other jurisdiction, shall be in any way affected or impaired, as a result.

**GOVERNING LAW** - The validity, interpretation and performance of this Agreement shall be governed by the Laws of the State of California.

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**Contact and source information for sites listed in this report**

UST sites are selected from the list maintained by the State Water Resources Control Board. Information regarding the contents of the tank, and any inspections or testing can be found on the web page [www.geotracker.swrcb.ca.gov](http://www.geotracker.swrcb.ca.gov). Information on AST sites can be obtained by contacting the State's Aboveground Petroleum Storage unit at (916) 341-5671. Sites that have been identified as having a leak may also appear on one or more of the other lists reported above. Sites listed on LUSTIS or RCRCOR may not appear on the UST or AST lists if the tank has been removed and the case has been closed. Sites listed on the SWIS list may contain hazardous materials. Information is available at [www.ciwmb.ca.gov/swis](http://www.ciwmb.ca.gov/swis). NPL sites are listed by the U.S. EPA as contaminated sites that have received Federal funding to assist in cleanup. Information is available from the State at [www.dtsc.ca.gov](http://www.dtsc.ca.gov) or from [www.epa.gov](http://www.epa.gov) and by calling (916) 323-3399. The CERCLIS list includes sites the Federal EPA is investigating for possible inclusion on the NPL. The AWP is the State's equivalent of NPL. CALSITE is the State's equivalent of CERCLIS. For additional information on the lists searched for this report, see JCP's web site at [www.jcpreports.com/html/articles/envirolists.html](http://www.jcpreports.com/html/articles/envirolists.html).

**Terms and Conditions**

**REPORT** - Any use of this report is considered an understanding of and agreement to abide by these Terms and Conditions. This JCP Commercial EnviroCheck™ report provides a radius-screening and summary tabulation of hazardous materials storage, contamination, and clean-up sites in the vicinity of a subject property as identified from certain government agency Government maintained lists. The JCP Commercial EnviroCheck™ Report is produced in accordance with the ASTM International Records Research guidelines as set forth in E1528-00. A site inspection is not conducted for this report, nor is there a review of historical use data such as aerial photographs, Sanborn maps, local permits, or other records. Note that the level of information will vary between contaminated sites and certain information may not be available for all sites. Additional information may exist that is not included in the sources used to create this report. Research into other sources beyond those identified is beyond the scope of this report. Interested parties are directed to investigate other sources if additional information is desired.

The contaminated site lists used may contain errors or omissions made by the official agencies responsible for maintaining these lists. JCP will not be liable for any such errors. The lists used in this report are updated at various intervals with some being updated on an irregular basis. Update schedules are determined by the agency responsible for maintaining the list and are subject to change without notice. For those lists maintained on a "continuous update as needed" type schedule, JCP updates on a quarterly schedule. 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 for the single property 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.

This determination has been made using digital address geocoding and GIS mapping system, therefore, this electronic determination incorporates some degree of uncertainty. Locations are not 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 due to poor or inadequate address information. In these cases, the sites could not be included as being "within" or "not within" the search radius around the subject property. A list of such sites is included in this report.

JCP 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. This report does not address the drinking water sources for the subject property.

JCP 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 preliminary screening only. 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.

**INDEPENDENT CONTRACTOR** - In performance of the services, hereunder, it is agreed that JCP is and shall be and remain at all times an independent contractor and neither JCP nor any of its officers, employees, servants, agents or sub-contractors shall be or act as the employee, servant or agent of any other party hereto in its performance of any of the terms and conditions hereof.

**LIABILITY** - The Client or his assignee or successor in interest agrees to indemnify and hold harmless JCP from and against any and all claims, demands, lawsuits or actions for damages, including legal fees to persons and/or property tangible,

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**Sites Missing Key Location Information**
**N/P** = Not Provided on list used

**N/A** = Not Applicable - currently uncontaminated site listed as using or storing hazardous substances

**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 and are not included on the map in this report. We are providing this list for general information only.

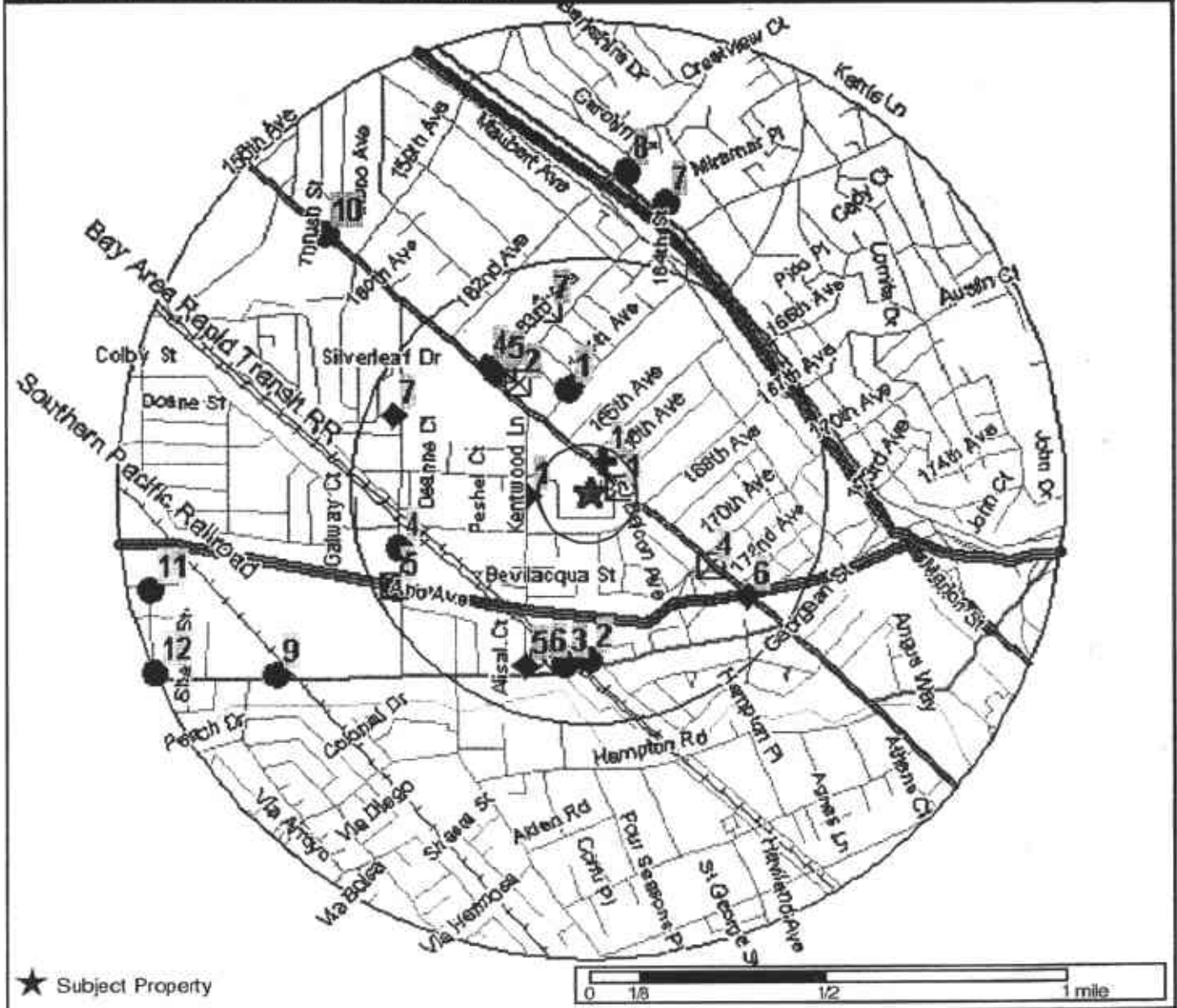
Site Name	Address		Status	Database	Data Source
SAN LEANDRO REGIONAL HUTCH'S CARWASH	SAN LEANDRO (GROUNDWATE 1794 S. HESPERIAN BLVD.	San Leandro San Lorenzo	94578 94580	Active UST	AWP Unlocated
EAST 14TH STREET AUT	16552 EAST 14TH STREET	Ashland	94541	PROPERTY/SITE	Unlocated
DENOVA HOMES	SUTRO STREET	Hayward	94541	VOLUNTARY CLEANUP	Unlocated
GRAND STREET APARTME	UNKNOWN GRAND D ST	Hayward	94541	LUSTIS	Unlocated
UNION PACIFIC RAILRO	UNKNOWN WESTERN BLVD	Hayward	94541	LUSTIS	Unlocated
BP	3515 19 CASTRO VALLEY B	Castro Valley	94546	LUSTIS	Unlocated
US ARMY CORP OF ENGI	UNKNOWN LAKE CHABOT RD	Castro Valley	94546	LUSTIS	Unlocated

**JCP Commercial EnviroCheck Report™**
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**Sources of Known and Potential Contamination Found on the Databases Searched**
**N/P = Not Provided on list used**
**N/A = Not Applicable - currently uncontaminated site listed as using or storing hazardous substances**
**Active = Site undergoing clean-up or investigation**
**Closed = Clean-up completed**

Site #	Site Name	Address		Status	Database	Distance
<b>LUSTIS ◆</b>						
1	PLANT'S UNLIMITED	16450 KENT AVE	SAN LORENZO	94580	CLOSED	LUSTIS 982 ft.
2	EDEN CONSOLIDATED PI	1430 164TH ST	SAN LEANDRO	94577	ACTIVE	LUSTIS 1236 ft.
3	JACK HOLLAND	16301 14TH ST E	SAN LEANDRO	94578	ACTIVE	LUSTIS 1860 ft.
4	ABE PETROLEUM	17715 MISSION BLVD	HAYWARD	94544	ACTIVE	LUSTIS 1911 ft.
5	GARCIA ENTERPRISES	16211 14TH ST E	SAN LEANDRO	94603	CLOSED	LUSTIS 1989 ft.
6	MAX'S AUTO REPAIR	508 LEWELLING BLVD E	SAN LORENZO	94580	ACTIVE	LUSTIS 2267 ft.
7	OKADA PROPERTY	16109 ASHLAND AVE	SAN LORENZO	94580	CLOSED	LUSTIS 2587 ft.
8	SHERWOOD DAWSON & CO	19100 MISSION BLVD	HAYWARD	94541	ACTIVE	LUSTIS 2590 ft.
<b>RCRAGEN ☒</b>						
1	METAL CRAFT BODY & P	16593 E 14TH STREET	SAN LEANDRO	94578	N/A	RCRAGEN 353 ft.
2	BODYCRAFT CO	16348 E 14TH STREET	SAN LEANDRO	94578	N/A	RCRAGEN 1422 ft.
3	TIME SERVICE	17085 EAST 14TH STREET	HAYWARD	94541	N/A	RCRAGEN 1630 ft.
4	TIME SERVICE INC	17085 E 14TH ST	HAYWARD	94541	N/A	RCRAGEN 1630 ft.
5	WINDWILL CLEANERS	16310 E 14TH ST	SAN LEANDRO	94578	N/A	RCRAGEN 1631 ft.
6	GEORGE MCGILL'S BODY	560 E LEWELLING BLVD	SAN LORENZO	94580	N/A	RCRAGEN 2037 ft.
7	GREENHOUSE PROJECT	1511 163RD AVE	SAN LEANDRO	94577	N/A	RCRAGEN 2073 ft.
8	OMS #35	16501 ASHLAND AVE	SAN LORENZO	94580	N/A	RCRAGEN 2433 ft.
<b>UST ●</b>						
1	AMEDA COUNTY FIRE	1426 164TH AVE.	SAN LEANDRO	94578		UST 1151 ft.
2	GINE RESEARCH CO.	610 EAST LEWELLING BLVD	SAN LORENZO	94580		UST 1911 ft.
3	MUD SOUTH AREA SER	589 EAST LEWELLING BLVD	SAN LORENZO	94580		UST 1989 ft.
4	AR WORKS	16446 ASHLAND AVE.	SAN LORENZO	94580		UST 2218 ft.
5	GANIZATIONAL SHOP	16501 ASHLAND AVE.	SAN LORENZO	94580		UST 2414 ft.
6	OTHILL CHEVRON	16304 FOOTHILL BLVD.	SAN LEANDRO	94578		UST 3342 ft.
7	CE STAT 16304	FOOTHILL BLVD. SAN LEANDRO				UST 3342 ft.
8	OTHILL BEACON	16210 FOOTHILL BLVD.	SAN LEANDRO	94578		UST 3626 ft.
9	ACON 3721	44 LEWELLING BLVD.	SAN LORENZO	94580		UST 4063 ft.
10	OCAL 6277	15803 E. 14TH ST.	SAN LEANDRO	94577		UST 4106 ft.
11	N LORENZO UNIFIED	15510 USHER ST.	SAN LORENZO	94580		UST 5020 ft.
12	OCAL 76 GAS STATIO	376 LEWELLING BLVD.	SAN LORENZO	94580		UST 5267 ft.

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**Map View of Listed Site Locations**



- ◆ (LUSTIS) Leaking Underground Storage Tanks \*
- (UST) Underground Storage Tanks
- ⊕ (NPL) Federal National Priorities List or "Superfund" sites
- ⊙ (AST) Above ground Storage Tanks \*
- ⊗ (CERCLIS) Federal Sites investigated for possible inclusion in the NPL \*
- △ (SWIS) Solid Waste Landfill Facilities \*
- (RCRA TSD) Treatment, Storage & Disposal Sites for Hazardous Materials \*
- ⊕ (AWP) State Equivalent of NPL
- ⊗ (RCRA GEN) Potential Generator of hazardous materials Sites \*
- ⊕ (CALSITE) State Equivalent of Federal CERCLIS sites \*
- (RCRA COR) Corrective Action Sites, sites with known contamination

\* Sites that exist outside of the ASTM search radius listed on the previous page are not shown on this map.

**Commercial EnviroCheck™**

**Commercial EnviroCheck Report™ - Transaction Screening Analysis**  
**Subject Property** 16611 E 14Th St, San Leandro, CA 94578-2309

This records research is prepared according to the government records inquiry guidelines determined by ASTM International. This report is limited to an electronic search of certain federal and state level record systems for properties that lie within the search radius distances stated below. Please see the Terms and Conditions Section for additional information on the preparation and limitations of this screening-level report.

**Subject Property Determination**

An exact match for the subject property address as listed above was NOT found in the records searched for this report. Refer to the lists beginning on page 3 for any site addresses that may be similar to the subject property address. Errors or omissions in addresses as listed in the government records can result in a site not being found.

**Environmental Risk Screening Summary**


DATABASE	SEARCHED (Official List Designation)	Contaminated	0 mile to 1/8 mile	1/8 to 1/2 mile	1/2 to 1 mile
State List of Underground Storage Tanks (UST)			0	5	7
State List of Aboveground Storage Tanks (AST)			0	0	O/S
State List of Leaking Underground Storage Tanks (LUSTIS)		YES	0	8	O/S
Solid Waste Landfill Facilities (SWIS)		MAYBE	0	0	O/S
Federal National Priorities List or "Superfund" sites (NPL)		YES	0	0	0
State Equivalent of National Priorities List (AWP)		YES	0	0	0
Treatment, Storage & Disposal Sites for Hazardous Materials (RCRA TSD)			0	0	O/S
Potential Generator of hazardous materials Sites (RCRA GEN)			1	7	O/S
Corrective Action Sites, sites with known contamination (RCRA COR)		YES	0	0	0
Federal Sites investigated for possible inclusion in the NPL (CERCLIS)		MAYBE	0	0	O/S
State Equivalent of Federal CERCLIS sites (CALSITE)		MAYBE	1	0	O/S

O/S = Out of Required ASTM Search Radius  
"MAYBE" means that contamination is possible because, for example, the database searched includes a mix of contaminated and non-contaminated sites that are not distinguished, or landfill sites where contamination is common although not certainly identified, or sites currently being investigated for contamination by the responsible agency.

ASTM TOTALS	2	20	7
CONTAMINATED SITE TOTALS	0	8	0
TOTAL OF SITES FOUND	29		

**BUYER(S) ACKNOWLEDGEMENT**

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

Buyer  Date 5-5-03  
Buyer \_\_\_\_\_ Date \_\_\_\_\_



# Commercial

## Natural Hazard Disclosure Report

Property Address: 16611 E 14Th St, San Leandro, Alameda Co., CA  
Report Number: 2003040100046

APN: 080B 0300 011 00  
Date: 04/29/2003

### Terms & Conditions

JCP Geologists (JCP) provides this Commercial Natural Hazard Disclosure Report as disclosure of certain mandated natural hazard information and transmission of certain Seller provided disclosures. It provides the investor with an early cost-effective guide to aid in due diligence commitments or decision making prior to entering into purchase negotiations for a prospective property asset. Use of this report is acknowledgment of and agreement to abide by all Terms and Conditions set forth in this report.

The report is specifically prepared for the land parcel(s) identified by Assessor Parcel Number(s) (APN's) or developer's Tract and Lot numbers supplied to JCP by the client (or reasonably inferred from current owner information if that was supplied instead). In the event that the parcel identification provided us is incomplete, the subject property is assumed to comprise a single land parcel and is identified for the purposes of this report by the corresponding single APN. All parties understand that the information provided in the disclosures does not apply to any other assessors parcel numbers other than those identified in this report.

For the Natural Hazard Disclosures, JCP examines only the following maps: (a) NFIP Flood Hazard Boundary Maps, (b) California Office of Emergency Services Dam Failure Inundation maps, (c) AB 6. Real Estate: disclosure (CDF) maps (d) Alquist-Priolo Earthquake Fault Zone maps, (f) California Seismic Hazards Mapping Act maps (where available), (g) certain LOMR's or LOMA's (not all that exist may be available to JCP), (g) certain natural hazard Safety Element maps adopted by a county as part of its General Plan, and (h) certain natural hazard Safety Element maps adopted by a city as part of its General Plan only 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 from these sources. Other hazard or disclosure information that may exist in a jurisdictional Safety Element, General Plan or any other source is not provided in this report. The following procedures and limitations apply to all of the disclosures on all pages of this report. Our services include, where appropriate, use of the assessor's 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 data may affect the determination procedures and JCP will not be liable for such errors.

Decisions by jurisdictions relative to required studies, reports, etc. may be made using the information disclosed in this report, as well as other information in their files and/or local ordinances and procedures. Additional information which may be material to this transaction may exist in other sources not used in this report; however, research of such possible sources or the information in such sources is beyond the scope of this report and will not be reported here. The disclosure information in this report cannot be construed as a substitute for a geologic or engineering study nor 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. JCP performs services for the real estate agent/broker, current owner, and buyer. This report is for the exclusive use of the contractual parties, their brokers/agents, and the current owner's sale for which it was issued. Due to changes in tax districts, disclosure maps, laws and contractual parties, this report cannot be relied upon for other properties or 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. Upon request within six months of issuing this report, JCP will update the report for no additional charge for the same transaction.

All representations regarding earthquake safety, water heater bracing, and title insurance presented in this report are provided for the buyer's convenience by the seller(s) or agent(s) of the subject property. JCP has not validated this information and takes no responsibility for its accuracy.

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 an appropriate consultant be retained to study the site and render a professional opinion. This report is provided for the single property for which it was issued as of the date of this report, and has been prepared for the exclusive use of the current seller(s), their agent(s), and potential buyers of this property. The findings are not intended for use by other parties and may not contain sufficient information for the purposes of other parties or other uses. Our professional services are performed using a degree of care and skill ordinarily exercised under similar circumstances by reputable consultants ptime. No other warranty, expressed or implied, is made as to the professional advice presented in this report.

## Commercial Natural Hazard Disclosure Report

Property Address: 16611 E 14Th St, San Leandro, Alameda Co., CA

APN: 080B 0300 011 00

Report Number: 2003040100046

Date: 04/29/2003

### MOLD ADVISORY

The Buyer is hereby advised that naturally occurring molds may exist both inside and outside of any building 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.dhs-iaq.org](http://www.dhs-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.**

### CONFIRMATION OF COVERAGE AND INDEMNIFICATION

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 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: 04/29/2003

By: JCP Geologists



Greg Rufe  
President





# Commercial

## Natural Hazard Disclosure Report

Property Address: 16611 E 14Th St, San Leandro, Alameda Co., CA  
Report Number: 2003040100046

APN: 080B 0300 011 00  
Date: 04/29/2003

### • •ALAMEDA COUNTY GEOLOGIC ZONES • •

The County of Alameda has officially produced maps to delineate the following potential geologic and seismic hazards:

- **Earthquake Faults** have been divided into three categories by the County: active faults, potentially active faults and inactive faults. Inactive faults are not considered to be a high hazard, but building set-backs may be required prior to construction near them.
- **Liquefaction** is a liquid-like condition of the ground that sometimes occurs during strong earthquake shaking. Liquefaction occurs in places where the groundwater level is close to the surface and where some surface material (such as a sand layer) is loose and lacks cohesion
- **Tsunamis** (commonly called "tidal waves") are large ocean waves generated by undersea earthquakes. Some areas along the Bay in Alameda County may be subject to damage from tsunami runup on the average of once every two hundred years. Properties in these low-lying regions may be inundated if a 20-foot high tsunami occurs at the Golden Gate.
- **Bay Mud areas** (older and newer) represent tidal marshland and mud flats, sometimes overlain by artificial fill (man-placed soils used to create level building pads or fill in areas of the bay or marsh lands). Bay mud primarily represents deposits of unconsolidated clay. Earthquake shaking intensity may range from very strong to violent in this zone.
- **Potential Landslide areas** are mapped by air-photo interpretation. Properties in these areas are subject to some risk of damage from slope failure. However, areas mapped as large landslide deposits are not necessarily less stable than adjacent areas. Detailed site studies are necessary before judgements can be made about the slope stability of individual properties.
- **Colluvial, Alluvial and Terrace deposits**, as well as **Bedrock** areas, do not represent zones of high geologic hazard. "Colluvial deposits" are sediments that are deposited at the base of slopes. Alluvial and terrace sediments were deposited by flowing water. Bedrock areas encompass a variety of rock types of various ages and engineering characteristics. These areas may be subject to slope stability problems if slopes are steeper than 20% and are underlain by low-strength geologic materials.
- **Alluvial Fan** deposits represent sediments (clay, silt and sand) deposited by streams flowing over sloping terrain.
- **Fluvial deposits and Interfluvial Basin deposits** represent sediments (clay, silt and sand) deposited by streams in nearly level lowland areas.
- **Merrit Sand deposits** are loose, fine-grained, very well-sorted, beach and wind-blown sands. This zone is subject to moderate to high potential for liquefaction and is not considered a zone of high geologic hazard.

Additional natural hazards may exist and be delineated on other sources used by the County 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 county level, contact the county Engineering, Planning or Building Departments.

### • • CITY-LEVEL GEOLOGIC ZONES • •

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 this report.

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. To investigate other sources of natural hazard information that may be available, contact the city Engineering, Planning or Building Departments.

**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* a 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.

# Commercial

## Natural Hazard Disclosure Report

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APN: 080B 0300 011 00

Report Number: 2003040100046

Date: 04/29/2003

### • • WILDLAND AREAS OF FOREST FIRE RISK (State Responsibility Areas) • •

Wildland Fire Risk Areas (also called State Responsibility Areas or "SRA's") are zones where the State is responsible for suppressing fires using the California Department of Forestry (CDF) fire protection services. SRA's are generally rural areas with a significant wildland fire potential. Unless the property is in a county which has assumed fire suppression responsibility or has an agreement with a local fire agency, property owners in SRA's are responsible for organizing structural fire protection services. Such information is not included on the 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. Owners of properties in SRA zones are required to clear tree limbs from within ten feet of chimneys and stovepipes, maintain trees adjacent to any building free of dead wood, clear roofs of leaves etc., maintain spark screens over chimneys and stovepipes, and generally maintain a vegetation clearance of 30 feet around structures. Contact a fire department for a complete list of the requirements and exceptions.

### • • EARTHQUAKE FAULT ZONES (Alquist-Priolo Zones) • •

Earthquake Fault Zones are delineated and adopted by California as part of the Alquist-Priolo Special Studies Zone Act of 1972. This Act was later re-titled as the "Alquist-Priolo Earthquake Fault Zone Act." 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" (ground cracking along the fault trace) damage 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.

### • • SEISMIC HAZARD ZONES (Seismic Hazard Mapping Act) • •

Seismic Hazard Zone maps delineate areas subject to earthquake hazards. Maps are only available for limited areas now, but will eventually cover all of California. New development in a Seismic Hazard Zone is only permitted if it can be shown that mitigation makes the site acceptably safe. The hazards addressed are: 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. Liquefaction Hazard Zones may also include areas with a potential for earthquake-induced landslides. This typically exists near an existing landslide toe, downslope from rockfall or debris flow source areas, or steep stream banks.

**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 such that mitigation would be required prior to development.

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### Other Risk Exposures

The descriptions, explanations and natural hazard disclosures provided in this report are not intended to be full and complete disclosures of all possible hazards and their effects to the Buyer and/or the property. Identified natural hazards and any others that may exist but are not addressed in this report may limit the ability to develop the real property, to obtain insurance, or to receive assistance after a disaster. In the event this document indicates the property is affected by one or more natural hazards, buyer(s) and seller(s) are advised to:

1. Review the applicable laws in their entirety.
2. Seek advice of counsel as to any legal consequences of the disclosed items.
3. Retain appropriate consultants to review and investigate the impact of said disclosures. On-site inspections and/or due diligence assessments by appropriately licensed engineers and experts are recommended prior to completing a real estate, loan, or insurance transaction.

### EXPLANATIONS OF HAZARD ZONES

#### • • SPECIAL FLOOD HAZARD AREAS • •

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:** "100-year" flooding areas - a 1% or greater chance of yearly flooding from excessive rainfall.  
**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 flood risk (when shaded on the map, a Zone X is equivalent to Zone B) or an area of minimal flood risk (an unshaded "X" zone on the map).  
**Zones C, D:** NOT IN an area of "100-year" flooding. Area of minimal (Zone C) or undetermined (Zone D) flood hazard.

#### • • AREAS OF POTENTIAL FLOODING CAUSED BY DAM FAILURE • •

These areas are subject to potential flooding in the event of a sudden or 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 Office of Emergency Services; therefore, the zones are not delineated.

#### • • VERY HIGH FIRE HAZARD SEVERITY ZONES • •

Very High Fire Hazard Severity Zones (VHFHSZ) must be identified by the California Department of Forestry and local fire authorities in Local Responsibility Areas of California (areas where fire suppression is the responsibility of a local fire department). Properties in these zones may have a higher risk for fire damage. Structures in these zones are required to have a "Class A" roof for new construction or replacement of existing roofs. In addition, property owners must clear tree limbs from within ten feet of chimneys and stovepipes, clear roofs of leaves etc., maintain spark screens over chimneys and stovepipes, and generally maintain vegetation clearance of 30 feet around structures. This is just a general summary of the basic requirements. Please contact your fire department for a complete list of the requirements and exceptions.

# Commercial

## Natural Hazard Disclosure Report

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Report Number: 2003040100046

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Date: 04/29/2003

### 5. AN EARTHQUAKE FAULT ZONE pursuant to §2622 of the California Public Resources Code.

• Yes \_\_\_\_\_ • No X \_\_\_\_\_

#### JCP determination based on the officially adopted maps:

NOT in an official Earthquake Fault Zone. There are no Alquist-Priolo state level mapped active fault traces on the property.

### 6. A Seismic Hazard Zone pursuant to §2696 of the California Public Resources Code.

• Yes (Landslide Zone) \_\_\_\_\_ • Yes (Liquefaction Zone) \_\_\_\_\_  
• No \_\_\_\_\_ • Map not yet released by state x \_\_\_\_\_

#### JCP determination based on the officially adopted maps:

In an area included on the current inventory of Preliminary Seismic Hazard Maps. The Official map for the Hayward Quad is scheduled to be released on May 20, 2003. Release date is subject to change. For more information on this Act or when maps may become available, visit the California Geological Survey website at <http://www.consrv.ca.gov/dmg/shezp/>.

### 7. County Level Geologic and Seismic Zone Information

Based on the officially adopted natural hazard maps in the county's General Plan, the site is:

NOT in a zone of high geologic hazard. Located in an area of younger alluvial fan deposits (gravel, sand, clay, etc.) as shown on the adopted General Plan maps used in this report. See the County Geologic Zones Explanation included with this report for more information.

### 8. City Level Geologic Hazard Zone Determination

Based on the officially adopted natural hazard maps in the city's General Plan, the site 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.

# Commercial

## Natural Hazard Disclosure Report

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### NATURAL HAZARD DISCLOSURES

#### THE SUBJECT REAL PROPERTY LIES WITHIN THE FOLLOWING AREA(S):

**1. A Special Flood Hazard Area** (Any type Zone "A" or "V") designated by the Federal Emergency Management Agency. Title 42 U.S. Code §4104(a).

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

**JCP determination based on the officially adopted maps:**

NOT in a Special Flood Hazard Area. Located in Zone "C." Lenders are not federally required to have homeowners purchase and maintain flood insurance for property in this zone designation.

**2. An Area of Potential Flooding** shown on a dam failure inundation map pursuant to §8589.5 of the California Government Code.

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

**JCP determination based on the officially adopted maps:**

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.

**3. A Wildland Area That May Contain Substantial Forest Fire Risks and Hazards** pursuant to §4125 of the California Public Resources Code. The owner of this property is subject to the maintenance requirements of §4291 of the California 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 an agreement with a local agency for those purposes pursuant to §4142 of the California Public Resources Code.

• Yes \_\_\_\_\_ • No X \_\_\_\_\_

**JCP determination based on the officially adopted maps:**

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

**4. A Very High Fire Hazard Severity Zone** pursuant to §51178 or 51179 of the California Government Code. The owner of this property is subject to the maintenance requirements of Section 51182 of the Government Code.

• Yes \_\_\_\_\_ • No X \_\_\_\_\_

**JCP determination based on the officially adopted maps:**

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.

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### SELLER(S) ACKNOWLEDGEMENT AND DISCLOSURES

The following blank sections are provided for the Seller's convenience in providing certain disclosures that may be applicable to the property and this transaction. This section is to be completed by the seller or their agent and provided to the purchaser. The following disclosures are provided by:

[Signature] \_\_\_\_\_ Date 5-5-03

Seller or  Seller(s) Agent

Seller or  Seller(s) Agent \_\_\_\_\_ Date \_\_\_\_\_

#### Seller Disclosure - Earthquake Safety

This structure is built prior to 1975 and has walls of (i) pre-cast (e.g. tilt-up) concrete or reinforced masonry together with wood frame floors or roofs or is constructed of (ii) unreinforced masonry

Yes \_\_\_\_\_ No X Do not know \_\_\_\_\_ *(? WOOD FRAMED UNREINFORCED WALL ON 800 \$ SALES OFF.)*

If (1) the improvements on the property were constructed prior to 1975, and (2) said improvements include structures with (i) pre-cast (e.g. tilt-up) concrete or reinforced masonry walls together with wood frame floors or roofs or (ii) unreinforced masonry walls, Buyer must be provided with a copy of the *Commercial Property Owner's Guide to Earthquake Safety* (copy included with this report) published by the California Seismic Safety Commission (California Government Code §8893 et seq.). This booklet explains that owners of unreinforced masonry buildings in Seismic Zone 4 (most of California) who have received notice that their buildings have load-bearing unreinforced masonry walls must post their buildings with signs warning that they may be unsafe in an earthquake (California Government Code §8875.8). This information is provided by the Seller or Broker. JCP has not validated this information in any way and takes no responsibility for its accuracy.

#### Seller Disclosure - Water Heater Bracing Installation

Yes \_\_\_\_\_ No \_\_\_\_\_ Do not know X

If the property contains one or more water heaters, Seller is required by California Health and Safety Code §19211 to certify to the Buyer that all such water heaters have been braced, strapped and/or anchored in accordance with law. This water heater bracing installation information is provided by the Seller or Broker. JCP has not validated this information in any way and takes no responsibility for its accuracy.

#### Seller Disclosure - Title Insurance is provided by the Purchase Agreement.

Yes \_\_\_\_\_ No \_\_\_\_\_ Do not know X

This Title Insurance information is provided by the Seller or Broker. JCP has not validated this information in any way and takes no responsibility for its accuracy. In the event that the Purchase Agreement does not at present provide that title insurance will be obtained, Buyer is strongly urged to consider purchasing such insurance, and, in accordance with California Civil Code §1057.6, is advised as follows:

**IMPORTANT: IN A PURCHASE OR EXCHANGE OF REAL PROPERTY, IT MAY BE ADVISABLE TO OBTAIN TITLE INSURANCE IN CONNECTION WITH THE CLOSE OF ESCROW SINCE THERE MAY BE PRIOR RECORDED LIENS AND ENCUMBRANCES WHICH AFFECT YOUR INTEREST IN THE PROPERTY BEING ACQUIRED. A NEW POLICY OF TITLE INSURANCE SHOULD BE OBTAINED IN ORDER TO ENSURE YOUR INTEREST IN THE PROPERTY THAT YOU ARE ACQUIRING.**

END SELLER'S DISCLOSURES. BEGIN REPORT RECEIPT AND ADDITIONAL THIRD PARTY DISCLOSURES

### BUYER(S) ACKNOWLEDGEMENT

I (WE) HAVE READ AND UNDERSTOOD THE ABOVE SELLER'S DISCLOSURES AS WELL AS THE NATURAL HAZARD, AND MOLD DISCLOSURES THAT FOLLOW IN THIS REPORT

[Signature] \_\_\_\_\_ Date 5-5-03

Signature of Buyer \_\_\_\_\_ Date \_\_\_\_\_

Signature of Buyer \_\_\_\_\_ Date \_\_\_\_\_



## JCP REPORT DELIVERY SUMMARY

**Suzanne Smith**  
North American Title Company  
21060 Redwood Rd Ste. 110  
Castro Valley, CA 94546

**Escrow Number:** 53221097  
**APN:** 080B 0300 011 00  
**Subject Property:**  
16611 E 14Th St  
San Leandro, Alameda County

### Thank you for selecting JCP Geologists!

If there are any questions regarding the enclosed JCP report, please call us at (800) 748-5233. The geologist who prepared this report can be reached at this number during business hours.

**REPORT FOR:** 16611 E 14TH ST

**JCP REPORT NUMBER:** 2003040100046

#### DELIVERY SUMMARY -

**Copies sent with this report request:**

Total number of copies sent: 1

**Delivery Mechanism:**

U. S. Postal Service

**Date Sent:**

04/29/2003

#### BILLING SUMMARY -

**Billed to Escrow**

If for any reason escrow transferred to another account, please fax the new information to us at (800) 329-9527. We will submit the invoice to the new escrow company. If for any reason this escrow is cancelled, please contact us immediately. We will forward the invoice to the responsible party.

**Escrow Number:**

53221097

**Invoice Date:**

04/29/2003

**PLEASE NOTE OUR NEW ADDRESS! 321 WARREN AVENUE • FREMONT • CA • 94539**

NOTE: DOUBLE SIGNATURE REQUIREMENT ON THE STATUTORY FORM HAS BEEN ELIMINATED. BUYERS, AGENTS AND SELLERS NEED SIGN ONLY ONCE ON THE STATUTORY FORM

Ordering by fax or the web is quick and simple. Call JCP at (888) 373-7475 for free JCP Order Forms.

**Fax: (800) 329-9527 • URL: [www.jcpreports.com](http://www.jcpreports.com)**

## JCP REPORT DELIVERY SUMMARY

**Don Cortez**  
**L & S Properties**  
**1174 Russell Wy.**  
**Hayward, CA 94541**

SIGNATURE REQUIRED  
SUNRISE

**HAY**  
CALIFORNIA OVERNIGHT



### California Overnight

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**APN:** 080B 0300 011 00

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