

APPENDIX C

ENVIRONMENTAL SITE ASSESSMENT UPDATE

PREPARED BY:
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JANUARY 2007



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ENVIRONMENTAL SITE ASSESSMENT UPDATE

*17.38 Acre Vacant Lot
East Brokaw Road and I-880
San Jose, California*

PREPARED FOR:

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489 South El Camino Real
San Mateo, California 94402*

ALLWEST PROJECT 26299.29
January 31, 2007

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ENVIRONMENTAL SITE ASSESSMENT UPDATE

East Brokaw Road and I-880 San Jose, California

I. EXECUTIVE SUMMARY

AllWest has completed an environmental site assessment of the real property and building referenced above. This assessment was performed in accordance with the scope and limitations of 40 CFR Part 312 Standards and Practices for All Appropriate Inquiry; Final Rules. Any data gaps, exceptions to or deletions from these practices are described in Section III of this report. AllWest conducted a site visit of the subject property on January 17, 2007.

This executive summary is provided solely for the purpose of overview. Any party who relies on this report must read the full report. The executive summary may omit details, any one of which could be crucial to the proper understanding and risk assessment of the subject matter.

The property is a 17.38-acre undeveloped and roughly triangular parcel of land accessible from Ridder Park Drive to the southeast. No buildings or other improvements are located on the property. The property is zoned IP, Industrial Park, by the San Jose Planning Department.

The property is bordered on the north by East Brokaw Road, on the northeast by Coyote Creek, on the southeast by Ridder Park Drive and on the west by Interstate I-880 and on-and-off-ramps. The property is located at an approximately elevation of 50 to 60 feet above mean sea level (MSL) and slopes gently to the west. The property's vicinity slopes gently to the west. According to information of nearby leaking underground storage tank (LUST) sites, the groundwater is present at approximately 13 to 21 feet below ground surface (bgs) and flows to the northwest in the area.

No manufacturing activities using toxic or flammable materials, compressed gases, or petrochemicals were observed at the property. No evidence of releases or spills was noted on the property. No transformers or other electrical equipment potentially containing PCBs were noted on the property.

Historical research indicated the subject property has been an undeveloped parcel from at least 1953 and was used for agriculture from the 1950s to the 1990s. Low residual concentrations of pesticides were detected in the shallow soils at the property during a 1999 investigation by Kleinfelder. The concentrations are less than the United States Environmental Protection Agency (USEPA) and California preliminary Remediation

Goals (PRGs) and the California Regional Water Quality Control Board - San Francisco Bay Region (RWQCB) Environmental Screening Levels (ESLs) for commercial and industrial properties, and are not expected to pose a significant environmental risk for the property.

Before development beginning in the 1970s, the adjacent properties were used for agriculture or were undeveloped from at least 1954. From at least 1954 to 1966, a small complex of buildings (possibly a house and outbuildings associated with agricultural use) was present on the land southeast of the property across Ridder Park Drive. Subsequently, the surrounding properties were developed over time from at least 1971 to the 1990s for light industrial and office use.

No industrial equipment or large scale hazardous material storage were noted adjacent to the subject property in any of the historical documents reviewed by AllWest.

To evaluate off-site environmental concerns, AllWest reviewed a site specific Environmental Data Resources Inc. (EDR) report which searched agency lists/databases for recorded sites within the industry standard search radii.

The property address is not listed in the EDR report.

The agency database search found no recorded sites that may have impacted the subject property based on hydraulic gradient, site distance, regulatory status or contamination magnitude considerations.

II. SPECIFIC CONCLUSIONS & RECOMMENDATIONS

AllWest has conducted an environmental assessment in accordance with 40 CFR Part 312; All Appropriate Inquiry for the subject property. We have not identified conditions indicative of releases or threatened releases of hazardous substances on, at, in or to the property.

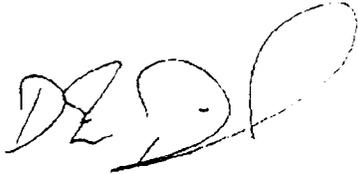
The site's current and surrounding land use has a very low probability of impacting its soil and groundwater resources. No further assessment is recommended.

Residual levels of pesticides are present in the shallow soils at the property. The concentrations are less than various regulatory guidelines for cleanup at commercial and industrial sites. The concentrations are not expected to pose a significant environmental risk for the property. If the use of the property is changed to residential, the shallow soils may need to be re-evaluated at that time.

III. ENVIRONMENTAL PROFESSIONAL'S DECLARATION

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR 312.10. We have the specific qualifications based on education, training and experience to assess a property of the nature, history, and setting of the subject property.

We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

A handwritten signature in black ink, appearing to read 'DE MacDaniel', written in a cursive style.

D. Edward MacDaniel

A handwritten signature in black ink, appearing to read 'Marc D. Cunningham', written in a cursive style.

Marc D. Cunningham

IV. SCOPE OF WORK AND LIMITATIONS

This Phase I Environmental Site Assessment (ESA) was prepared in accordance with AllWest's January 2007 proposal, with respect to the property located at East Brokaw Road and I-880 in San Jose, California. This assessment was performed in general accordance with industry standards and 40 CFR Part 312, except as set forth in the proposal. The work conducted by AllWest is limited to the services agreed to with Sandhill Property Company. No other services beyond those explicitly stated should be inferred or are implied.

Specific limitations and exceptions to this ESA are more specifically set forth below:

- AllWest was unable to review historical use information for dates prior to 1953. While this represents a data gap, AllWest does not consider this to be a concern based on the agricultural use noted in the 1954 aerial photograph. It is not expected that the property was developed for other uses prior to 1954. In addition, the consultant performing the previous 1998 ESA reviewed an aerial photograph covering the property from 1939 which showed the property being used for agriculture.

The objective of this Environmental Site Assessment was to evaluate the subject site for conditions indicative of a release or threatened release of hazardous substances on, at, in or to the property. AllWest's professional services were performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in the location of the subject site at the time of our investigation. This warranty is in lieu of all other warranties, expressed or implied.

Our professional judgment regarding the potential for environmental impacts is based on limited data and our investigation was not intended to be a definitive investigation of contamination at the site. Unless specifically set forth in our proposal, the scope of work did not include groundwater, soil sampling or other subsurface investigations, a strict compliance audit of the site, or a review of the procedures for hazardous material use, waste storage or handling prior to disposal, or for personnel safety and health training and monitoring procedures, analyzes of radon, formaldehyde, lead paint, asbestos and other hazardous materials or indoor air quality, occupational health and safety or wetlands surveys.

The purpose of conducting a Phase I Environmental Assessment is to assess the subject site for conditions indicative of releases or threatened releases of hazardous substances on, at, in or to the property resulting from its current, historic and surrounding land use activities. As noted in *40 CFR Part 312* Environmental Assessments are purely qualitative with conclusions drawn from a multitude of sources as evaluated by the environmental professional using professional judgement. Since soil and groundwater

data are typically not generated during assessment activities report conclusions such as “the site is clean” or alternatively “the site is contaminated” cannot be provided.

Recognizing the limitations of the Phase I methodology AllWest assesses the potential for site contamination using a four tier probability scale designated as:

Very Low - 1-5 % chance of discovering contamination at the site which would result in regulatory mandated remedial investigation and clean-up;

Low - 10% chance of discovering contamination at the site which would result in regulatory mandated remedial investigation and clean-up;

Moderately Low - 20 - 30 % chance of discovering contamination at the site which would result in regulatory mandated remedial investigation and clean-up;

Moderate - greater than 30% chance of discovering contamination at the site which would result in regulatory mandated remedial investigation and clean-up;

As defined above these terms are used throughout the report.

Entities relying on the report should realize that uncertainty of site environmental condition can be further reduced via soil and groundwater sampling. While this option certainly costs additional monies and extend the assessment’s time frame it also quantitatively documents site conditions which can facilitate future disposition or re-finance activities.

Regarding any subsurface investigation, sampling undertaken or subsurface reports reviewed, our opinions are limited to only specific areas and analytes evaluated and AllWest is not accountable for analyte quantities falling below recognized standard detection limits for the laboratory method utilized. AllWest does not warrant or guarantee the subject property suitable for any particular purpose, or certify the subject site as clean or free on contamination. As with any assessment, it is possible that past or existing contamination remains undiscovered.

The professional opinions set forth in this report are based solely upon and limited to AllWest’s visual observations of the site and the immediate site vicinity, and upon AllWest’s interpretations of the readily available historical information, interviews with personnel knowledgeable about the site, and other readily available information. Consequently, this report is complete and accurate only to the extent that cited reports, agency information and recollections of persons interviewed are complete and accurate.

The opinions and recommendations in this report apply to site conditions and features as they existed at time of AllWest’s investigation. They cannot necessarily apply to

conditions and features of which AllWest is unaware and has not had the opportunity to evaluate. Future regulatory modifications, agency interpretations, and/or policy changes may also affect the compliance status of the subject property. AllWest has made no attempt to address future financial impacts to the site (e.g., reduced property values) as a result of potential subsurface contaminant migration.

DATA GAPS: AllWest has made a good faith effort to obtain information required by 40 CFR Part 312 to formulate a professional opinion. Instances where data gaps occur are detailed within our report with an opinion as to whether the information void is significant impacting our ability to identify conditions indicative of a release or potential release of hazardous substances. In general, if a data gap is identified by AllWest it will be discussed in the report's conclusion section with a recommendation for additional work as necessary.

This Phase I Environmental Assessment was prepared for the sole and exclusive use of Sandhill Property Company, the only intended beneficiary of our work. This Report is intended exclusively for the purpose outlined herein and the site location and project indicated and is intended to be used in its entirety. No excerpts may be taken to be representative of the findings of this assessment. The scope of services performed in execution of this investigation may not be appropriate to satisfy other users, and any use or reuse of this document or its findings, conclusions or recommendations presented herein is at the sole risk of the user. This report is not a specification for further work and should not be used to bid out any of the recommendations found within.

V. ENVIRONMENTAL ISSUES MATRIX

17.38-Acre Vacant Lot, East Brokaw Road and I-880, San Jose, California
 AllWest Project 26299.29

ON-SITE ISSUES	LOCATED	REGULATORY COMPLIANCE	MSDS	HAZMAT PERMITS	O&M PROGRAM	REPAIR	WITHIN 1/2 MILE	WITHIN 1 MILE	RECOMMENDED ACTION	REFER TO PAGE
55-Gallon Drums	No									
Above Ground Tanks	No									
Underground Tanks	No									
Evidence of Material Discharge/Release	No									
Transformers (PUBs)	No									
Hazardous Materials	Yes								None	15, 16
Hazardous Wastes	No									
Asbestos Fireproofing	OSW									
Asbestos Bulk Insulation	OSW									
Asbestos Walls & Ceilings	OSW									
Asbestos Floors	OSW									
Air Quality Issues	No									
Radon	No									
Aquifer/Earthquake Zone	No									
Historical Contamination	No								None	15, 16
OFF-SITE ISSUES										
CERCLIS/NPL Sites	No									
RCRA USD Facilities	No									
DISC Cal/Sites/ Toxic Pits/EnviroStor	Yes							X	None	28, 29, 30
SITC List	Yes							X	None	31
EUST	Yes						X		None	31
Sensitive Ecological Areas	No									
NOTES: OSW - Outside Scope of Work										

VI. SURVEY FINDINGS

A. GENERAL INFORMATION

1. **PROPERTY ADDRESS:** The property, a 17.38-acre vacant and undeveloped lot, is located at East Brokaw Road and Interstate I-880 in San Jose, California. The site location is shown within the attached EDR report contained in Appendix A.
2. **ASSESSORS PARCEL NUMBER:** According to the Santa Clara County Assessor's Office, the subject property is located on a roughly triangular 17.38-acre parcel identified with the assessor's parcel number (APN) 237-05-053 by the Santa Clara County Assessor's Office.
3. **ZONING:** According to the City of San Jose Planning Department (CSJPD), the property is zoned IP, Industrial Park. The surrounding and nearby properties are zoned similarly. According to the CSJPD, the property is located in the Rincon de los Esteros Redevelopment Area and environmental impact reports or studies were available for the property's vicinity (Section A-10).
4. **FACILITY/SITE DESCRIPTION:** AllWest visited the subject property on Wednesday, January 17, 2007.

The subject property is located in a mixed office and light industrial area of San Jose and is comprised of one vacant and undeveloped roughly triangular parcel occupying approximately 17.38 acres of land sloping gently to the west. The subject property is located at East Brokaw Road and Interstate I-880.

The property is bordered on the north by East Brokaw Road beyond which is state owned land bordering I-880, on the northeast by Coyote Creek beyond which is a vacant office building (981 Ridder Park Drive), on the southeast by Ridder Park Drive beyond which is a property occupied by the San Jose Mercury News (750 Ridder Park Drive) and on the west by Interstate I-880 and on- and off-ramps.

5. **CURRENT USE OF PROPERTY BY TENANT(S):** The property is an undeveloped parcel with no tenants.
6. **INTERVIEWS WITH PRESENT PROPERTY OWNER(S):** Prior to AllWest's site inspection we forwarded a questionnaire to our client for distribution to transaction principals to collect information on past uses and ownerships of the property to identify potential conditions that may

indicate the presence of releases or threatened releases of hazardous substances at the subject property. A copy of the completed questionnaire was not returned to AllWest.

While AllWest considers this a data gap it does not impact our ability to evaluate conditions indicative of a release or threatened release of hazardous substances.

7. HISTORICAL USE OF PROPERTY: Historical documents in the form of aerial photographs, Sanborn Fire insurance maps, topographic maps, city directories, and building records were reviewed by AllWest to evaluate past land use of the site. AllWest attempted to review historical documents as far back in time as the property contained structures or the property was used for agricultural, residential, commercial, industrial or governmental purposes and used professional judgement to determine the extent of historical research.

Aerial photographs were obtained from Pacific Aerial Surveys of Oakland, California, covering the following years: 1954, 1960, 1966, 1971, 1976, 1980, 1984, 1990, 1994, 1999 and 2005. Sanborn Fire Insurance maps were requested from Environmental Data Resources (EDR®) but no coverage was available. Polk and Haines City Directories available for this area of San Jose were reviewed at the Dr. Martin Luther King Jr. Library in San Jose, California and are dated from 1940 in approximate 5-year intervals until 2004.

USGS topographic maps dating from 1953 to 1980 (7.5-Minute Milpitas, California Quadrangle) were reviewed online at the UC Berkeley Library. Records at the City of San Jose Building and Planning Departments (SJBD and SJPD) dating to 1999 were also reviewed. Fire department and environmental health records for the subject property were researched at the San Jose Fire Department (SJFD) and the Santa Clara County Environmental Health Department (SCCEHD) but no files were available for the property. A chain-of-title search was not performed for the subject property.

Aerial Photographs

The 1954 aerial photograph shows the entire property was undeveloped. Approximately 2/3's of the property appeared to be used for agriculture (hay production or similar). The northeastern portion of the property appeared to be used for raising livestock: a long feeding or watering trough and a watering pond were present.

By 1960, the livestock operation on the property had halted. The trough and pond were not present, but their outlines were faintly visible. Most of the property appeared to be used in the production of hay or a similar crop. A small fallow area was present near the northern corner of the property.

The 1966 aerial photograph shows the property did not appear to be used for agriculture. Several dirt roads or vehicle tracks were present. In 1971, almost the entire property appeared to be used for the production of hay or a similar crop. No changes in the use of the property from 1971 were apparent in the 1976, 1980, 1984, 1990 and 1994 aerial photographs. The 1999 aerial photograph shows the property appeared to be undeveloped and fallow. No agricultural use was apparent. No changes in the use of the property from 1999 were apparent in the 2005 aerial photograph, except for the presence of several vehicle tracks on the property.

AllWest was unable to review historical use information for dates prior to 1953. While this represents a data gap, AllWest does not consider this to be a concern based on the agricultural use noted in the 1954 aerial photograph. In addition, the consultant performing the previous 1998 ESA did review an aerial photograph covering the property from 1939 which indicated the property being used for agricultural purposes.

Sanborn Fire Insurance Maps

The Sanborn Map Company of New York produced maps for urbanized areas in the late 1800s to mid - 1900s to underwrite potential fire hazards. The maps depict individual buildings and provide descriptive information on building construction materials, hazardous materials and the property's general use.

AllWest retained EDR to provide copies of Sanborn fire insurance maps (Sanborn maps) covering the subject property. No coverage of the property was available.

Topographic Maps

AllWest reviewed the historical 7.5-minute topographic maps covering the property available online at the UC Berkeley Library. The 1953, 1955, 1961, 1968, 1973 and 1980 maps show the property was not developed.

City Directories

AllWest reviewed Polk and Haines city directories covering the property vicinity at the Dr. Martin Luther King Library in San Jose, California from 1940 to 2004. The property was not listed in the city directories.

Municipal Agency Files

Building and zoning records for the subject property were reviewed at the SJBD and SJPD and online at their websites. No building permits were available for the property, but planning records related to a 1999 project at the property for a proposed office development were available.

Information from a 2000 environmental impact report (EIR) for the project was reviewed. A copy of these records on a CDR was requested from the SJPD but had not arrived by the time this report was prepared. In addition, selected documents from the EIR were provided to AllWest by the current owners. Pertinent information obtained from the review of the information supplied by the current owners is summarized in the appropriate sections of this report.

The property is part of an area of northern San Jose covered by a 2005 draft EIR for the Rincon de los Esteros Redevelopment Area and was prepared by the City of San Jose.

Summary of Historical Land Use

In summary, a review of historical documents indicated the subject property has been undeveloped since at least 1953. Portions of the property were used for agriculture (raising livestock and/or production of hay or similar crops) until the late 1990s after which, the property laid fallow.

No evidence of large scale hazardous materials storage or usage was noted on the subject property in any of the historical records.

AllWest's assessment of the site's historic land use activities did not encounter data gaps that diminish our ability to provide an opinion on a release or potential release of hazardous substances at the subject property.

8. **CURRENT USE OF THE SURROUNDING PROPERTIES:** Surrounding property land use can be characterized as predominantly office and light industrial use. Neighboring properties to the subject site include:

- North: East Brokaw Road with Coyote Creek and an office park beyond
- Northeast: Coyote Creek with an office building beyond (Mentor Graphics at 1001 Ridder Park Drive)
- Southeast: Ridder Park Drive with the parking lots and buildings of the San Jose Mercury News (750 Ridder Park Drive) and a small park beyond
- West: Interstate I-880 and on- and off-ramps with a parking lot and commercial and light industrial buildings beyond

No large scale quantities of hazardous materials or businesses that typically use hazardous materials or generate hazardous waste were observed on the adjacent properties.

9. HISTORICAL USE OF THE SURROUNDING PROPERTY: AllWest reviewed the previously referenced aerial photographs, Sanborn Fire insurance maps, topographic maps, city directories, and building records to assess the historic land use in the immediate site area.

Aerial Photos

In 1954, the property was bounded on the north and northeast by Schallenberger Road beyond which was Coyote Creek and orchards. Farmland and a complex of buildings (a house and outbuildings possibly related to the agricultural use) were present southeast of the property. Highway 17 (now known as Interstate I-880) and on- and off-ramps bordered the property to the west. No changes in the uses of the surrounding properties from 1954 were apparent in the 1960 and 1966 aerial photographs.

By 1971, the development of the area had begun. Orchards were gone and replaced by undeveloped vacant land and a light industrial operation to the northeast, and the complex of buildings and agricultural land to the south were replaced by a light industrial building complex (the current San Jose Mercury News buildings). The highway appeared unchanged from 1966, but light industrial buildings were constructed west of the property across the freeway. No changes in the uses of the surrounding properties from 1971 were apparent in the 1976 and 1980 aerial photographs, except for the construction of additional light industrial buildings to the west.

The 1984 aerial photograph shows that Schallenberger Road was removed immediately northeast of the property and that Ridder Park Drive was extended to the northeast across Coyote Creek. An office complex replaced the light industrial property northeast of the property. Brokaw Road was construction immediately north of the property. No other changes in the uses of the surrounding properties from 1980 were apparent in the 1984 aerial photograph. By 1990, several office buildings were constructed northeast of the property across Coyote Creek, and a small park was constructed southeast of the property at the intersection of Ridder Park Drive and Schallenberger Road. No changes in the uses of the surrounding properties from 1990 were apparent in the 1994 aerial photograph. The 1999 aerial photograph shows that an office building was constructed northeast of the property and that a large parking lot was constructed west of the property across I-880. No changes in the uses of the surrounding properties from 1999 were apparent in the 2005 aerial photograph.

Sanborn Fire Insurance Maps

No coverage of the Property and its vicinity was available.

Topographic Maps

The 1950 and 1969 topographic maps depict the adjacent properties as undeveloped, except for three small structures on a property to the north.

City Directories

Except for the building occupied by the San Jose Mercury News, the adjacent properties were not listed in the city directories. The newspaper at 750 Ridder Park Drive was listed in the city directories from 1970 to the at least 2004.

Summary of Historical Adjoining Land Use

Before development beginning in the late 1960s to early 1970s, the surrounding properties were used for agriculture. From at least 1971 to 1999, the surrounding properties were developed with light industrial and office buildings over time replacing the earlier agricultural uses. No industrial equipment or large scale hazardous material storage were noted adjacent to the subject property in any of the historical documents reviewed by AllWest.

AllWest's assessment of the site's current and historic surrounding land use did not encounter data gaps that diminish our ability to provide an opinion on a release or potential release of hazardous substances at the subject property.

10. PREVIOUS REPORTS: AllWest was provided with copies of the following environmental documents:

ATC Associates (ATC), *Phase I Environmental Site Assessment, Commercial Property, Schallenburger (sic) Road and Ridder Park Drive, San Jose, California*, December 10, 1998

In 1998, ATC performed a Phase I ESA of the vacant site bounded by Brokaw Road, Schallenberger Road, Ridder Park Drive and Highway I-880.

As part of the ESA, ATC visited the property, observed uses of the adjacent properties and researched the history of the property and regulatory information.

No RECs were identified for the property.

The site was undeveloped and vacant and at the time of the ATC site visit. Aerial photographs from 1939 to 1987 were reviewed which showed the property was undeveloped. Several nearby sites were listed in the regulatory database report reviewed by ATC, but none of the listed sites were expected to pose a concern for the property. No USTs, transformers, stains or other features were noted at the site. No further investigation was recommended. The ATC report did not address the potential for residual levels of agricultural chemicals in the shallow soils.

Kleinfelder, *Aerial Photograph Review and Soil Sample Results for Creekside Plaza Site, Ridder Park Drive, San Jose, California*, March 2, 2001

In 2001, Kleinfelder performed shallow soil sampling at the property to determine if residual levels of pesticides and heavy metals were present. Kleinfelder also reviewed available aerial photographs to determine areas of the property that were previously used for agriculture.

Using aerial photographs from 1954 to 1994, Kleinfelder concluded the majority of the property was used for agriculture except for the "southeastern" corner which in 1954 was used to raise livestock.

Therefore, Kleinfelder collected shallow soils from across the property except for the area that was used for livestock in 1954. Kleinfelder interpreted the photographs as indicated that area was vacant in the 1960s to the 1990s and was never used for growing crops. AllWest reviewed aerial photographs from the same source and time frame. The area used for livestock was actually the northeastern corner of the property, and AllWest interpreted the photographs from the 1960s to the 2000s as indicating the entire property including the former livestock area was used for growing hay or a similar crop from the 1970s to the 1990s.

Twenty-four shallow soil samples were collected by Kleinfelder and composited into six samples. The composite samples were analyzed for pesticides and metals. Two grab soil samples were also collected and were analyzed for lead. The laboratory data was not provided with the copy of the report provided to AllWest, but, a table was provided with the copy of the report provided by the CSJPD. Up to 0.029 ppm DDE and 0.013 ppm DDT were detected. The metals arsenic, barium, chromium, cobalt, copper, lead, mercury, nickel, vanadium and zinc were detected in the soil samples. The DDE, DDT and metals concentrations, except for arsenic, were less than the PRGs for industrial sites. The arsenic concentrations were just above detection limits and were within background concentrations. Kleinfelder concluded no releases of arsenic took place at the site, and no further investigation of the property was deemed necessary.

The following table presents the data from the table attached to the Kleinfelder report comparing the 2001 results with PRGs published in 2004 and with the ESLs published by the RWQCB in 2005.

Table 2
Summary of 2001 Kleinfelder Shallow Soil Sampling Data

Sample ID	DDE	DDT	As	Ba	Cr	Co	Cu	Pb	Hg	Ni	V	Zn
SRP-1	0.022	ND	4.1	160	59	12	29	27	ND	100	36	73
SRP-2	0.016	0.011	3.5	150	66	15	33	43	0.086	100	45	83
SRP-3	0.017	ND	3.4	130	47	10	26	22	0.092	61	28	63
SRP-4	0.029	0.013	3.5	149	49	11	26	27	0.073	83	29	85
SRP-5	ND	ND	3.9	160	50	11	28	16	0.092	77	33	63
SRP-6	ND	ND	ND	190	61	15	36	16	0.084	95	42	76
SRP-3C4	NA	NA	NA	NA	NA	NA	NA	26	NA	NA	NA	NA
SRP-4C4	NA	NA	NA	NA	NA	NA	NA	22	NA	NA	NA	NA

RPGs	7	-	0.25 (1)	67,000	450	1,900	41,000	800	310	20,000	1,000	10,000
ESLs	4	4	5.5	1,500	58	10	230	750	10	150	200	600
CA Background Levels	N/A	N/A	0.63 - 12.3	197 - 1,110	14.8 - 392	2.7 - 46.9	7.41 - 77.8	9.64 - 48.8	0.0445 - 0.899	6.25 - 207	39 - 288	88 - 236

Notes

- DDE - dichlorodiphenyldichloroethene
- DDT - dichlorodiphenyltrichloroethane
- As - arsenic
- Ba - barium
- Cr - chromium
- Co - cobalt
- Cu - copper
- Pb - lead
- Hg - mercury
- Ni - nickel
- V - vanadium
- Zn - zinc
- SRP-# - composite soil sample
- SRP=C-L - grab soil sample
- ND - not detected or at above detection limit
- N/A - not analyzed
- PRG - Preliminary Remediation Goals, established by USEPA Region 9, except where noted, for industrial sites, 2004
- ESLs - Environmental Screening Levels, established by the RWQCB, Region 2, for commercial and industrial sites with shallow groundwater not a drinking water source, 2005
- (1) California PRG
- CA Background Levels - published by Bradford et al., Kearney Foundation of Soil Science, 1996
- N/A - not applicable

As shown in the table, the observed concentrations of DDE and DDT were less than the PRGs for industrial sites and ESLs for commercial and industrial sites. Based on the evaluation of the pesticide results, the presence of the residual levels of DDE and DDT are not expected to pose a significant environmental risk; however, if use of the property is changed to residential, the presence of the pesticides may need to be re-evaluated.

The observed concentrations of metals in the shallow soils are less than the PRGs, except for arsenic which exceed the PRG by approximately an order of magnitude. The arsenic concentrations are within the background concentrations established for California. When compared to the ESLs, the metals concentrations were less than the ESLs for commercial and industrial sites, except for chromium, cobalt and nickel. As for the arsenic results, the results for chromium, cobalt and nickel were within the background levels. The remaining metals concentrations were also within background levels. Based on this, the metals present are from natural sources and do not represent releases at the property. No further evaluation of the metals at the property is deemed necessary; however, if use of the property is changed in the future to residential, further evaluation may be necessary at that time.

In summary, the Kleinfelder investigation did not evaluate a portion of the property at its northeastern corner based on their interpretation of the aerial photographs. They interpreted the aerial photographs as demonstrating that portion of the property was never used for agriculture and therefore did not need to be evaluated for pesticides or metals. While it does appear

that this area was used for agriculture, based on AllWest's interpretation of the aerial photographs, it is unlikely the concentrations of DDE, DDT and metals for this area would differ significantly from the results noted for the rest of the property. No further evaluation of the pesticides and metals in the shallow soils is deemed necessary.

City of San Jose, *Draft Environmental Impact Report, North San José Development Policies Update*, March 2005

The City of San Jose is proposing to intensify development allowed in the Rincon de los Esteros Redevelopment Area, in which the property is located. The intensification would encourage the construction of taller office/R&D buildings along the North First Street light rail line and additional residential development. The City would upgrade the transportation network in the area and modify existing transportation policies that currently restrict development.

Several sites were identified in the draft EIR listed in various regulatory databases as contaminated sites; having used, stored or generated hazardous materials and wastes; being LUST sites and/or having USTs. The draft EIR concluded development of parcels within the project area could expose construction workers and/or the public to hazardous materials during site preparation and/or construction as a result of one or more of the following: 1) hazardous materials that have been accidentally released in the past that contaminated soil or groundwater; 2) the presence of asbestos or lead-based paint in buildings that are demolished; and/or 3) removal of underground storage tanks during redevelopment. Existing or future businesses within the project area could use hazardous materials that pose health or safety risks to nearby sensitive land uses, including new residential development that is proposed as part of this project, or residential support uses such as schools, that could be developed in the future. Development in the project area could expose persons to unsafe levels of airborne chlorine or sulfur dioxide in the unlikely event of a general catastrophic failure at the water pollution control plant (WPCP), combined with winds blowing from the chlorine and sulfur dioxide storage area towards the project area or in the event of an accident damaging a rail car on Los Esteros Road. Existing safeguards make these impacts highly unlikely to occur. The implementation and enforcement of local, State and Federal regulations regarding the use, storage and transport of hazardous materials will reduce the potential for impacts to school children and future residents and conformance with the above listed General Plan policies, would reduce all hazardous materials impacts associated with the proposed project to a less than significant level.

Environmental Site Assessment, 17.38-Acre Vacant Lot, East Brokaw Road and Interstate I-880, San Jose, California. 2006. AllWest Environmental

As part of the ESA of the property, AllWest reviewed historical information describing the historical uses of the property and its surrounding area, reviewed regulatory agency information to document hazardous materials/waste use at the property and nearby sites of concern, and visited the property to document current conditions at the property and nearby sites. AllWest did not identify environmental risks for the property during the ESA, but did state that the shallow soils at the property contain residual levels of pesticides at concentrations less than cleanup levels for commercial and industrial sites. If the property's use were to be changed to residential use, the concentrations would need to be reevaluated. In addition, due to the proximity of the property to Coyote Creek, erosion and runoff control might need to be implemented during development of the property.

Included with the documents supplied by the current owner in 2006, there was a list of various disclosures regarding the property:

1. The current owner has owned the property since approximately 1960, and the property was unimproved during the ownership.
2. The property was occupied for several years by a farmer for the production of reds oats. The farmer also moved the weeds and may have used pesticides, herbicides and/or insecticides on the property.
3. The property is adjacent to Coyote Creek. Government agencies may place restrictions on portions of the property adjacent to the creek. The property may extend into the creek bed.
4. Homeless people may be living near Coyote Creek.
5. A footpath is present along Coyote Creek used by persons unknown.
6. Unknown parties have dumped unwanted materials on the property. The materials have included cement blocks and yard clippings.
7. Before the sale is closed, the owner will "cap off" the water line extending onto the property from the well located on an adjacent property also owned by the current owner.
8. Construction debris has been buried on the property and could include asbestos containing materials and petroleum products.

During this assessment, AllWest investigated these listed items:

1. AllWest reviewed aerial photographs and other sources of historical information, and no improvements to the property were noted from

approximately 1960 to the present. Previously, a small pond and a feeding/water trough was present near the northeastern corner of the property for the raising of livestock. The pond and trough were gone by 1960.

2. From at least 1954 to the late 1990s, the property appeared to be used in the production of hay or similar crops. Pesticides, herbicides and/or insecticides were often used for these crops. In 2001, as stated above, Kleinfelder sampled the shallow soil at several locations to determine if pesticides were present. Residual levels of DDE and DDT (types of organochlorine insecticides that linger in the environment) were detected at concentrations not expected to be a concern for the property. The soil samples were not analyzed for herbicides; herbicides typically decay relatively quickly and do not linger long in the environment and are not expected to pose a significant environmental concern for the property.

3. The property is located adjacent to Coyote Creek. A levee separates the property from the creek. Even though the levee is present, the local agencies overseeing the development of the property and who manage the maintenance of the creek channel will likely require, at a minimum, erosion and runoff control. It is unlikely the property extends into the creek bed; the creek bed and the levees are generally property of the County and is overseen by the Santa Clara Valley Water District.

4. A homeless encampment with tents, a large dog, and a brick stove/oven was noted on the northern side (i.e. stream side) of the levee bordering the property. The encampment is located near the center point of the property line along the levee.

5. A footpath is present along the levee. Branches of the footpath extend from the levee into the creek channel and onto the property. The footpaths appear to be related to foot traffic passing from Ridder Park Drive to Brokaw Road and vice versa. It is likely that much of the foot traffic is related to the homeless encampment noted on the stream side area of the levee.

6. AllWest did not observe large quantities of debris on the property. A few fragments of concrete and asphalt and sheets of plywood were noted on the property. No concrete blocks or lawn clippings were noted. A burst bag of garbage was noted near the western property line along the off-ramp from I-880.

7. AllWest did not observe the well located on the adjacent property.

8. No evidence of buried construction debris was noted during the site visit or during review of the historical aerial photographs. However, this does not preclude the existence of buried debris on the property. If encountered during development of the property, the debris should be inspected for possible asbestos and petroleum content. If suspected, samples of the debris should be collected and submitted to a laboratory for analysis.

On May 16, 2006, Ms. Leslie Spencer, a representative of the current owners, Northwest Publications, prepared a letter addressed to Lincoln Property Company regarding Item 8 of the list of "Seller's Disclosures." Apparently, construction materials may have been stored on the property during improvements to the nearby streets and may have become buried on the property as a result of those construction activities. In followup to questions posed by LPC, the owner investigated the issue and could not locate anyone who knew that construction materials were stored or buried on the property. As stated in the letter, "Item 8 in the Seller's Disclosures is inaccurate, since it is stated as a fact, while it should have indicated it was an opinion. On closer inspection, it appears to be an opinion that is not supported by the evidence in KR [Knight Ridder] files." This letter indicates that no construction debris was buried on the property or there was no information available indicating construction debris was buried on the property. However, this does not preclude the presence of construction debris buried on the property. The precautions described above should still be used if any debris is encountered during the development of the property.

B. PHYSICAL CHARACTERISTICS

1. **TOPOGRAPHY:** The subject property slopes gently to the west. The site vicinity topography slopes gently to the west. The subject property lies at an approximate elevation of 50 to 60 feet above mean sea level (MSL), according to the USGS topographic map (7.5-Minute Milpitas, California, Quadrangle, 1980).
2. **VEGETATION:** The property is undeveloped and vacant. The weeds and grasses were disced in the autumn of 2006 to reduce the risk of fire. Fresh weed and grass growth was present on the property. Shrubs were present along the periphery of the property near the fence lines to the west and southeast. No stressed vegetation was noted.
3. **SOILS:** The discing of the grasses and weeds on the property exposed the surface soils. The surface soil was a medium brownish gray silty

clay/clayey silt. A few scattered fragments of concrete and asphalt were noted on the property. No large deposits of construction debris or other wastes were observed on the property.

According to the 1947 Soil Survey of Santa Clara prepared by the USDA and the University of California, the is underlain by soils of the Mocho series which are alluvial fan or flood plain deposits.

In 2001, Kleinfelder performed a shallow soil sampling at the property to investigate the potential for residual levels of agricultural chemicals. The report did not describe the soils present at the property.

4. GEOLOGY: The property is located in the Coast Ranges geomorphic province of California. The Coast Ranges are northwest-trending mountain ranges (2,000 to 4,000, occasionally 6,000 feet elevation above sea level) and valleys. The ranges and valleys trend northwest, subparallel to the San Andreas Fault. To the west is the Pacific Ocean. The coastline is uplifted, terraced and wave-cut. The Coast Ranges are composed of thick Mesozoic and Cenozoic sedimentary strata. The northern and southern ranges are separated by a depression containing the San Francisco Bay.

AllWest reviewed the 1972 *Preliminary Geologic Map of Milpitas Quadrangle, California* prepared by the USGS. The property is underlain by Quaternary alluvium consisting of surficial deposits. No faulting was depicted at or near the property.

AllWest reviewed the 1989 *Quaternary Geologic Map of Milpitas Quadrangle, California* prepared by the USGS. The property is underlain by Holocene aged levee deposits consisting of loose, moderately to well sorted sandy or clayey silt grading to sandy or silty clay. No faulting was depicted at or near the property.

5. HYDROLOGY: Based on the westerly sloping topography of the property's vicinity, AllWest expects the groundwater to flow to the west. AllWest reviewed reports for nearby LUST sites available online at the State of California's Geotracker website and the Santa Clara County Environmental Health Department. The depth to groundwater was approximately 13 to 21 feet bgs with a northwesterly groundwater flow direction.

No major bodies of water are located in the property's vicinity, except for Coyote Creek which borders the property on the northeast.

Surface water flow generally follows the topography on the subject property to the west. There are no water supply wells, above ground water tanks or water reservoirs at the subject property. The property does not fall under requirements of the National Pollutant Discharge Elimination System (NPDES).

C. NATURAL HAZARDS

1. SEISMICITY: Based on available geologic literature, no active fault traces traverse the subject property. The site is not located within an Alquist-Priolo Special Study Zone for fault rupture hazard, according to the California Department of Conservation Special Studies Areas maps. The primary seismic hazard for this property is strong ground shaking and possible liquefaction, induced by earthquakes generated along active faults in the region.
2. RADON: Outgassing of radon has not been identified as a problem in San Jose. In 1990, the California Department of Health Services (DHS) published the interim results of a state-wide radon survey. According to the report for the survey, Santa Clara County is located in Region 6, where 5.5 percent of the homes are expected to have radon concentrations exceeding 4 picoCuries per liter (pCi/L). The radon concentration arithmetic and geometric means and median were 1.1, 0.5 and 0.6 pCi/L. Based on the non-residential use and the low expected concentrations of radon, radon is not expected as a significant risk for the property.
3. SENSITIVE ECOLOGICAL AREAS: Sensitive ecological areas include wetlands, rivers or creeks, marsh areas, and land dedicated for open space. No wetlands, rivers or creeks, marsh areas are located on the subject property. Coyote Creek is located immediately northeast of the property.
4. FLOODING: AllWest reviewed the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map (FIRM) covering the subject property. According to the community panel covering the property (0603490014E, December 16, 1988), the property is in Flood Zones A6 and D. Zone A6 is a flood insurance rate zone corresponding to the 100-year floodplains that are determined in the Flood Insurance Study by detailed methods. In most instances, Base Flood Elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Mandatory flood insurance purchase requirements apply. The Zone D designation is used for areas where there are possible but undetermined flood hazards. In areas designated as Zone D, no analysis of flood hazards

has been conducted. Mandatory flood insurance purchase requirements do not apply, but coverage is available. The flood insurance rates for properties in Zone D are commensurate with the uncertainty of the flood risk.

5. MASS WASTING: No physical evidence of mass wasting, such as landslides or ground subsidence, was observed at the subject property.
6. METHANE: According to the San Jose Planning Department, the property is not located near a landfill.

D. SITE CHARACTERISTICS

1. PARKING: No parking is provided on the property. Parking is available immediately adjacent to the property along Ridder Park Drive.
2. ROADWAYS: The property is bordered on the north by East Brokaw Road and on the southeast by Ridder Park Drive.
3. FENCES: Chain link fencing is present on the property along the western and southeastern property lines.
4. OUTSIDE STORAGE: No exterior storage areas were noted on the property.
5. EASEMENTS: There are no known easements at the property except for public utilities.
6. WELLS: AllWest did not observe any water supply wells, groundwater monitoring wells, dry wells, injection wells and/or other wells on the property. According to the SCVWD, no wells are permitted for the property.
7. SUMPS: No sumps are located on the property.
8. CATCH BASINS: No storm drain catch basins were observed at the subject property.
9. PONDS: No ponds were observed at the subject property.
10. SEWAGE SYSTEM: The property is not generating waste water. No processing of wastewater was noted. No sewage discharge permit was issued for the property.

11. POTABLE WATER SYSTEM: No water service is currently provided to the property.
12. WASTE WATER SYSTEMS: No waste water system was observed at the subject property. According to the City of San Jose, there are no permits for industrial waste discharge at the subject property.
13. POWER DISTRIBUTION SYSTEMS: No electrical or natural gas service is currently provided to the property.

E. HAZARDOUS MATERIALS IN FACILITY AND OPERATIONAL SYSTEMS

1. BUILDING STRUCTURE: No buildings are present on the property.
2. BUILDING MATERIALS: No buildings are present on the property.
3. MECHANICAL AND HVAC SYSTEMS: No mechanical or HVAC systems are present on the property.
4. BUILDING EQUIPMENT: No building equipment was observed on the property.
5. INDUSTRIAL EQUIPMENT: No industrial equipment was observed on the property.

F. TOXIC AND FLAMMABLE MATERIALS, COMPRESSED GASES, AND PETROCHEMICALS

1. MANUFACTURE/USE: The property is vacant and undeveloped. No manufacturing was noted on the property. The use of toxic or flammable materials and petrochemicals was not observed on the subject property during AllWest's site visit.
2. STORAGE: No hazardous materials were noted on the subject property.
3. DISPOSAL: No evidence of present disposal of toxic, flammable or hazardous materials was observed on the subject property.

4. UNDERGROUND STORAGE TANKS: No evidence of USTs was noted on the property.
5. ABOVEGROUND STORAGE TANKS: No evidence of ASTs was noted on the property.

G. POLLUTION SOURCES, CONTROLS AND TREATMENT

1. AIR: No olfactory evidence of fugitive air pollution sources was noted at the property during the site inspection.
2. SOIL & GROUNDWATER: There was no visual evidence, such as surface staining, spills or distressed vegetation, to indicate the soil or groundwater have been impacted by the current or previous tenants.

Based on the long history of agricultural use, there is a possibility agricultural chemicals such as pesticides and herbicides were used onsite. As described in Section IV.A.10, residual levels of pesticides were detected in the shallow soil at the property by Kleinfelder in 2001. Kleinfelder compared the results to the PRGs prepared by the USEPA and the State of California; the results were less than the PRGs. AllWest compared the results to the ESLs prepared by the RWQCB for commercial and industrial sites. The results were less than the ESLs.

Based on the results of this assessment, it is very unlikely the historical agricultural use of property has adversely impacted the soil or groundwater and no further evaluation of the soil and/or groundwater is deemed necessary. However, if the use of the property is changed to residential, further evaluation of the shallow soil may be necessary at that time.

AllWest was not provided information regarding the relationship of the property's purchased price to its fair market value. While AllWest considers this a data gap, it does not impact our ability to evaluate conditions indicative of a release or threatened release of hazardous substances.

AllWest contracted EDR to perform a search for environmental liens on the property. As of the date of this search, Monday, December 11, 2006, no environmental liens were found.

3. SOLID WASTE: No solid waste is currently generated by onsite operations and stored Onsite.

4. HAZARDOUS WASTE: No generation, storage or disposal of hazardous wastes was noted at the subject property.
5. MEDICAL WASTE: No evidence of medical wastes was observed on the property.

H. OFF-SITE ENVIRONMENTAL CONCERNS

To address off-site environmental concerns as provided by federal, tribal, state and local government records and recorded environmental clean-up liens AllWest contracted the services of Environmental Data Resources, Inc (EDR®). The purpose of the records search was to assess the potential presence of hazardous substance contamination at the subject site as a result of activities conducted on the subject site and properties within the ASTM designated search distances. A list of the state and federal regulatory databases searched, summary of findings, and detailed records are presented in Appendix A.

One hundred and seven regulatory listed sites were identified by EDR® as being within the approximate minimum search distance from the subject site. These sites are listed in Appendix A and their respective locations identified by number in Appendix A's Figures. Some map locations shown on the Figures refer to more than one site, and some sites are listed multiple times in the EDR® report. EDR® listed 11 orphan sites (sites whose address is poorly inadequate or incomplete as to render locating the site on a map ineffective) that could be within the approximate minimum search distance. However, AllWest used other sources of information, when possible, to locate and evaluate the orphan sites listed by EDR®, and none of the orphan sites are believed to be located within the search radius. The sites identified by EDR® are tabulated below.

The property was not listed in the EDR report.

**Table 2
Regulatory Database Search Summary**

Regulatory List	Search Radius	Number of Sites
NPL	1 mile	None
CERCLIS	1/2 mile	None
RCRA-Correct	1 mile	2
RCRA-TSD	1/2 mile	None
EnviroStor	1 mile	16
Historical CalSites	1 mile	1

Regulatory List	Search Radius	Number of Sites
Toxic Pits	1 mile	None
State Landfills (SWF/LF)	½ mile	2
SLIC	½ mile	9
LUST	½ mile	76
Oil & Gas Wells	½ mile	None
ERNS	Site & Adjoining	None
RCRA Generators	Site & Adjoining	1
Registered USTs (UST)	Site & Adjoining	None
HAZNET	Site & Adjoining	None

1. U.S. Environmental Protection Agency: National Priority List (NPL)

The NPL is an U.S. Environmental Protection Agency (USEPA) database listing of the United States worst uncontrolled or abandoned hazardous waste sites. NPL sites are targeted for possible long-term remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. In addition, the NPL Report includes information concerning cleanup agreements between the U.S. EPA and potentially Responsible Parties (commonly called Records of Decision, or RODS), any liens filed against contaminated properties, as well as the past and current U.S. EPA budget expenditures tracked within the Superfund Consolidated Accomplishments Plan (SCAP). The list publication date is September 27, 2006.

The search radius for NPL is one-mile. The subject property is not listed on NPL. There are no NPL sites within one-mile of the subject property.

2. U.S. Environmental Protection Agency: Comprehensive Environmental Response, Compensation, and Liability Act Information System (CERCLIS)

The CERCLIS (Active) database is a comprehensive listing of known or suspected uncontrolled or abandoned hazardous waste sites. These sites have either been investigated, or are currently under investigation by the U.S. EPA for the release, or threatened release of hazardous substances. Once a site is placed in CERCLIS, it may be subjected to several levels of review and evaluation, and ultimately placed on the National Priorities List (NPL) In addition to site events and milestone dates, the CERCLIS report

also contains financial information from the SCAP. The list publication date is August 9, 2006.

The search radius for CERCLIS is ½ mile. The subject property is not listed on CERCLIS. There are no CERCLIS sites within ½ mile of the subject property.

3. U.S. Environmental Protection Agency: CERCLIS Archive -No Further Remedial Action Planned Sites

The No Further Remedial Action Planned report (NFRAP) database, also known as the CERCLIS Archive, contains information pertaining to sites which have been removed from the U.S. EPA's CERCLIS Active database. NFRAP sites may be sites where, following an initial investigation, either no contamination was found, contamination was removed quickly without need for the site to be placed on the NPL, or the contamination was not serious enough to require federal Superfund action or NPL consideration. The list publication date is October 10, 2006.

The search radius for NFRAP is the subject property. The subject property is not listed on NFRAP.

4. U.S. Environmental Protection Agency: Resource Conservation and Recovery Act Information System (RCRIS) Corrective Action (CORRACTS) Facilities

The RCRIS CORRACTS contains information pertaining to hazardous waste treatment, storage, and disposal facilities (CRA TSDs) which have conducted, or are currently conducting, a corrective action(s) as regulated under the Resource Conservation and Recovery Act. The list publication date is September 27, 2006. The following information is included within the CORRACTS:

- Information pertaining to the status of facilities tracked by the CRA Administrative Action Tracking System (RAATS):
- Inspections & evaluations conducted by Federal and state agencies:
- All reported facility violations, the environmental statute(s) violated, and any proposed & actual penalties; and
- Information pertaining to corrective actions undertaken by the facility or U.S. EPA.

The search radius for CORRACTS is one mile. The subject property is not listed on CORRACTS. There are two CORRACTS sites listed by

EDR as within one mile of the subject property; one of the sites was incorrectly identified as being within a mile but is located more than a mile south of the property; this site is not expected to pose an environmental risk for the property.

<u>Facility Name</u>	<u>Address</u>	<u>Distance</u>	<u>Groundwater Gradient</u>
<i>Van Waters & Rogers</i>	<i>2256 Junction Ave.</i>	<i>4,100 feet WNW</i>	<i>Downgradient</i>

Based on its distance from the property and its downgradient location, this site is not expected to pose an environmental risk for the property.

5. U.S. Environmental Protection Agency: Resource Conservation and Recovery Act Information System (RCRIS) Treatment, Storage, and Disposal (TSD) Facilities

The RCRIS-TSD is an U.S. EPA listing of facilities that were permitted under RCRA to perform on-site treatment, storage, or disposal of hazardous wastes. The list publication date is June 13, 2006. The sites listed in RCRIS-TSD do not necessarily pose an environmental threat to the surrounding properties because the TSD permit imposes stringent monitoring and reporting requirements. The following information is also included in the RCRIS TSD database:

- Information pertaining to the status of facilities tracked by the CRA Administrative Action Tracking System (RAATS);
- Inspections & evaluations conducted by federal and state agencies; and
- All reported facility violations, the environmental statute(s) violated, and any proposed & actual penalties.

The search radius for RCRIS-TSD is ½ mile. The subject property is not listed as a RCRIS-TSD facility. There are no RCRIS-TSD sites located within ½ mile of the subject property.

6. California Department of Toxic Substances Control: Historical CalSites (HIST CALSITES) Sites

The HIST CALSITES is a California Department of Toxic Substances Control (DTSC) list and contains potential or confirmed hazardous substance release properties. In 1996, California EPA reevaluated and significantly reduced the number of sites in the Calsites database. No longer updated by the state agency. It has been replaced by ENVIROSTOR. The list publication date is August 8, 2005.

The search radius for HIST CALSITES is one mile. The subject property is not listed on HIST CALSITES. One HIST CALSITES site is located within one mile of the subject property.

<u>Facility Name</u>	<u>Address</u>	<u>Distance</u>	<u>Groundwater Gradient</u>
<i>Proto Mold</i>	<i>1390 Old Bayshore Rd.</i>	<i>4,300 feet SSE</i>	<i>Crossgradient</i>

Based on its distance from the property and its crossgradient location, this site is not expected to pose an environmental risk for the property.

7. California Department of Toxic Substances Control: EnviroStor (ENVIROSTOR) Sites

The Department of Toxic Substances Control's (DTSC's) Site Mitigation and Brownfields Reuse Program's (SMBRP's) EnviroStor database identifies sites that have known contamination or sites for which there may be reasons to investigate further. The database includes the following site types: Federal Superfund sites (National Priorities List (NPL)); State Response, including Military Facilities and State Superfund; Voluntary Cleanup; and School sites. EnviroStor provides similar information to the information that was available in CalSites, and provides additional site information, including, but not limited to, identification of formerly-contaminated properties that have been released for reuse, properties where environmental deed restrictions have been recorded to prevent inappropriate land uses, and risk characterization information that is used to assess potential impacts to public health and the environment at contaminated sites. The list publication date is November 28, 2006. The search radius for ENVIROSTOR is one mile.

The subject property is not listed on ENVIROSTOR list. There are 16 ENVIROSTOR sites located within one mile of the subject property. Fourteen of the sites are located more than a 1/4 of a mile from the property and are not expected to pose an environmental risk for the property.

<u>Facility Name</u>	<u>Address</u>	<u>Distance</u>	<u>Groundwater Gradient</u>
<i>1633 Old Oakland Rd. Site</i>	<i>1633 Old Oakland Rd.</i>	<i>950 feet E</i>	<i>Upgradient</i>
<i>1040-1080 Brokaw Rd.</i>	<i>1040-1080 Brokaw Rd.</i>	<i>1,100 feet NE</i>	<i>Up-to Crossgradient</i>

For the 1633 Old Oakland Road Site, a remedial action workplan (RAW) was approved in 2004 requiring excavation and off-site disposal of all soil

contaminated with PCBs greater than 10 mg/kg and the excavation and consolidation of all other soils exceeding the site-specific cleanup goals for the other chemicals of concern. The first quarter of 2006 Groundwater Monitoring Report shows that TPH and VOC contamination in the groundwater were greater than the ESLs and MCLs. Groundwater monitoring will continue on a semi-annual basis. Vinyl Chloride continues to be detected above the MCL. Implementation of the cleanup activities had commenced. Investigations determined that the primary chemicals of concern were PCBs and lead. The investigations defined the extent of the soil contamination and the extent of a refuse pit that existed on the site. It also found limited groundwater contamination. A Voluntary Cleanup Agreement was completed and executed. Due to the potential soil and groundwater contamination on the property caused by the routine operations of the former metal recycling facility and/or pear orchard previously on the property, the 2004 initial study determined that the removal action would not cause any adverse effects to the environment and did not require any modifications to the site. After removal action is completed, the site would be returned to its pre-removal activities. The existing debris pit will be capped to meet Toxics Substances Control Act (TSCA) and Local Enforcement Agency (LEA) requirements. Based on its distance from the site, the active cleanup, and the oversight of regulatory agencies, this site is not expected to pose an environmental risk for the property.

Based on the distance from the property, the 1040 Brokaw Road site is not expected to pose an environmental risk for the property.

8. California Department of Toxic Substances Control: Toxic Pits Cleanup Act Sites (Toxic Pits)

The TPCA is a California Department of Toxic Substances Control (DTSC) listing of hazardous waste cleanup sites regulated pursuant to the California Toxic Pits Cleanup Act (Toxic Pits). The list publication date is July 1, 1995. The search radius for TPCA is one mile.

The subject property is not listed on TPCA site list. There are no Toxic Pits sites located within one mile of the subject property.

9. California Integrated Waste Management Board: Solid Waste Information System (SWF/LF) Facilities

The SWF/LF is a California Integrated Waste Management Board (CIWMB) listing of all permitted active, inactive, or closed landfills. The

list publication date is September 13, 2006. The search radius for SWF/LF is ½ mile.

The subject property is not listed on SWF/LF list. There are two SWF/LF sites within ½ mile of the subject property.

<u>Facility Name</u>	<u>Address</u>	<u>Distance</u>	<u>Groundwater Gradient</u>
<i>Markovitz & Fox Disposal Site</i>	<i>1633 Old Oakland Rd.</i>	<i>1,800 feet ESE</i>	<i>Upgradient</i>
<i>Waste Mgmt of Santa Clara</i>	<i>1675 Rogers Ave.</i>	<i>2,200 feet SSW</i>	<i>Crossgradient</i>

These sites are located more than a quarter mile from the property. Based on this, these sites are not expected to pose an environmental risk for the property.

10. California Regional Water Quality Control Board: Spills, Leaks, Investigations, and Cleanup (SLIC)

The SLIC is a California Regional Water Quality Control Board (RWQCB) listing of sites that have reported spills, leaks, investigative activities, and/or cleanup actions. The list publication date is October 11, 2006. The search radius for SLIC list is ½ mile.

The subject property is not listed on the SLIC list. There are nine SLIC sites listed within ½ mile of the subject property. One site is listed twice.

<u>Facility Name</u>	<u>Address</u>	<u>Distance</u>	<u>Groundwater Gradient</u>
<i>Vacant Residence</i>	<i>1765 Old Oakland Rd.</i>	<i>1,300 feet NE</i>	<i>Crossgradient</i>
<i>1545 Berger Drive</i>	<i>1545 Berger Drive</i>	<i>2,500 feet SE</i>	<i>Upgradient</i>
<i>Teltec Corporation</i>	<i>1497 Berger Drive</i>	<i>2,500 feet SE</i>	<i>Upgradient</i>
<i>1757 Junction Avenue</i>	<i>1757 Junction Avenue</i>	<i>1,000 feet W</i>	<i>Downgradient</i>
<i>Velcron Filters</i>	<i>1761 Junction Avenue</i>	<i>1,000 feet W</i>	<i>Downgradient</i>
<i>Junction Court</i>	<i>1701-1711 Junction Ct.</i>	<i>1,100 feet W</i>	<i>Downgradient</i>
<i>Connor Formed Metal</i>	<i>1729 Junction Avenue</i>	<i>1,300 feet SW</i>	<i>Crossgradient</i>
<i>495 E. Brokaw Road</i>	<i>495 East Brokaw Rd.</i>	<i>2,000 feet W</i>	<i>Downgradient</i>

These sites are located more than a quarter mile from the property and/or cross- to downgradient of the property. Based on this, these sites are not expected to pose an environmental risk for the property.

11. California Regional Water Quality Control Board: Leaking Underground Storage Tanks (LUST)

The LUST is a California Regional Water Quality Control Board (RWQCB) listing of sites that have reported leaking underground storage tanks. The list publication date is October 11, 2006. A site may be listed on LUST by reporting that the tank system(s) failed tank testing, that routine monitoring of tank system(s) showed evidence of leakage, or that verification sampling during tank removal showed subsurface contamination. The search radius for the LUST list is one-half mile.

The subject property is not listed on the LUST database. There are 76 LUST sites listed in the EDR report within ½ mile of the subject property. Twenty-eight of the sites are listed twice, and one is listed three times; therefore, 46 LUST sites are located within a ½ mile of the property. Forty of the sites are located more than a 1/4 from the property and are not expected to pose an environmental risk for the property. The remaining six are listed below.

<u>Facility Name</u>	<u>Address</u>	<u>Distance</u>	<u>Groundwater Gradient</u>
<i>San Jose Mercury News</i>	<i>705 Ridder Park Dr.</i>	<i>100 feet SE</i>	<i>Upgradient</i>
<i>Vacant Residence</i>	<i>1765 Old Oakland Rd.</i>	<i>1,300 feet NE</i>	<i>Crossgradient</i>
<i>Mission Valley Ford</i>	<i>780 E. Brokaw Road</i>	<i>400 feet W</i>	<i>Downgradient</i>
<i>Velcron Filters</i>	<i>1761 Junction Avenue</i>	<i>1,000 feet W</i>	<i>Downgradient</i>
<i>Advantage Tire Service</i>	<i>1765 Junction Avenue</i>	<i>1,100 feet W</i>	<i>Downgradient</i>
<i>Kamper Kits</i>	<i>1781 Junction Avenue</i>	<i>1,300 feet W</i>	<i>Downgradient</i>

The cases for all the sites, except for the Velcron Filters site, are closed and are not expected to pose an environmental risk for the property. Based on its downgradient location, the Velcron Filters site is not expected to pose an environmental risk for the property.

12. U.S. Environmental Protection Agency: Emergency Response Notification System (ERNS) List

The Emergency Response Notification System (ERNS) list is a U.S. EPA maintained list of reported incidents that concerning the sudden and/or accidental release of hazardous substances, including petroleum, into the environment. The list publication date is December 31, 2005. The search radius for ERNS is the subject site and adjoining properties.

The property is not listed on the ERNS list. There are no listed ERNS incidents which occurred on properties adjacent to the subject property.

13. U.S. Environmental Protection Agency: Resource Conservation and Recovery Act Information System (RCRIS) Generator List

The RCRIS generators list is an US EPA listing of facilities that generate hazardous wastes or meet other applicable waste generating requirements under RCRA. The list publication date is June 13, 2006. The sites listed in RCRIS Generator List have not necessarily released hazardous waste into the environment or pose an environmental threat to the surrounding properties. These listed sites are required to properly contain the wastes generated and remove their wastes from the site within 90 days. Furthermore, the facilities that report waste generation activities are more inclined to perform the required monitoring. The search radius for RCRIS generator list is the site and adjoining properties.

The property was not listed as a generator of hazardous waste. One large quantity generator of hazardous was listed adjacent to the subject property.

<u>Facility Name</u>	<u>Address</u>	<u>Distance</u>	<u>Groundwater Gradient</u>
<i>San Jose Mercury News</i>	<i>750 Ridder Park Dr.</i>	<i>Adjoining E</i>	<i>Upgradient</i>

Violations were reported at this facility for the generation of hazardous wastes in 1993 and 2004; the violations were subsequently abated. Based on the lack of active violations, the generation of hazardous wastes at this site is not expected to pose a significant environmental risk for the property at this time.

14. California Water Resources Control Board: Registered Underground Storage Tank (UST) List

The California Water Resources Control Board Underground Storage Tank Program maintains a list of registered underground storage tanks (UST) of the site area. The list publication date is October 11, 2006. The sites listed on the UST list have not necessarily released hazardous substances into the environment or pose environmental threat to the surrounding properties. Since Federal and California UST regulations require periodic monitoring for UST leakage and the immediate reporting of evidence of UST leakage, only those sites listed on leaking underground storage tanks (LUST) have the potential of environmental impact. The search radius for the UST list is the subject site and adjoining properties.

The subject property is not listed on the UST database. No adjoining properties are listed on the UST database.

15. California Department of Toxic Substances Control: Hazardous Waste Information System (HAZNET) List

The data on the HAZNET list is extracted from the copies of hazardous waste manifests received each year the State Department of Toxic Substances Control (DTSC). The list publication date is December 31, 2003. The annual volume of manifests is typically 700,000 - 1,000,000 annually, representing approximately 350,000 - 500,000 shipments. Data are from the manifests submitted without correction, and therefore, many contain some invalid values for data elements such as generator ID, TSD ID, waste category, and disposal method. The search radius for HAZNET is the site and adjoining properties.

The property address is not listed on the HAZNET list for the generation of solid wastes and asbestos waste. No HAZNET sites were identified to be adjacent to the property.

16. California Oil and Gas Wells

The California Oil and Gas Wells shows oil and natural gas production wells located in the State of California. There are no oil or gas wells at the subject property. No oil and gas wells are within a half mile of the subject property vicinity.

Summary

In summary, the agency database search found no sites that may have impacted the groundwater beneath the subject site.

AllWest's search for recorded environmental clean-up liens and reviews of federal, tribal, state and local government records did not encounter data gaps that diminish our ability to provide an opinion on a release or potential release of hazardous substances at the subject property.

VII. INFORMATION SOURCES

A. HISTORICAL SOURCES

Aerial Photographs

Pacific Aerial Surveys, Oakland, California:

2/28/54, AV129-9-13, 1:9,600
8/22/60, AV385-6-7, 1:30,000
5/16/66, AV710-15-44, 1:36,000
8/11/71, AV1006-12-9, 1:12,000
10/4/76, AV1277-12-9, 1:12,000
7/23/80, AV1905-12-11, 1:12,000
7/1/84, AV2485-12-10, 1:12,000
8/30/90, AV3845-25-66, 1:12,000
7/11/94, AV4625-126-65, 1:12,000
6/29/99, AV6100-127-71, 1:12,000
3/15/05, KAV9010-101-27, 1:10,000

Sanborn® Fire Insurance Maps

Environmental Data Resources, Inc., Milford, Connecticut - coverage not available

City Directories

San Jose Dr. Martin Luther King Jr. Library; Polk and Haines City Directories: 1940, 1945, 1949-50, 1955, 1960, 1965, 1970, 1975, 1981, 1985, 1990-1991, 1995-1996, 2000-2001 and 2004

Topographic Maps

UC Berkeley Library, USGS 7.5-Minute Milpitas, California, Quadrangle Topographic Maps: 1953, 1955, 1961, 1968, 1973 and 1980

B. AGENCY DATABASES

EDR®-Radius Map Report, January 17, 2007, Environmental Data Resources, Inc., Milford, Connecticut

- National Priorities List, September 27, 2006, United States Environmental Protection Agency (U.S. EPA).

- Comprehensive Environmental Response, Compensation and Liability Act Information System (CERCLIS), August 9, 2006, U.S. EPA..
- Corrective Action Report, September 27, 2006, U.S. EPA.
- Resource Conservation and Recovery Information System (RCRIS), June 13, 2006, U.S. EPA.
- Emergency Response Notification System (ERNS), December 31, 2005. U.S. EPA.
- Expenditure Plan for the Hazardous Clean-up Bond Act of 1984 and 1990, California Department of Health Services.
- Historical Cal-Sites (HIST CALSITES), August 8, 2005, California Environmental Protection Agency (DTSC).
- EnviroStor Database (ENVIROSTOR), November 28, 2006, California Department of Toxic Substances Control (DTSC).
- Solid Waste Information System SWF/LF (SWIS), September 13, 2006. State of California Integrated Waste Management Board (CIWMB).
- Hazardous Waste and Substances Site List, December 1994, California Office of Planning and Research.
- Hazardous Waste Information System (HAZNET), December 31, 2003. California Environmental Protection Agency.
- Leaking Underground Storage Tank Information System (LUST), October 11, 2006, State Water Resources Control Board.
- Active UST Facilities (UST), October 11, 2006. State Water Resources Control Board.

C. ENVIRONMENTAL STUDIES

Alquist-Priolo Special Studies Zones Act. Special Publication No. 42. 1997. California Division of Mines and Geology.

California Statewide Radon Survey. 1990. California Department of Health Services.

California's Groundwater, Bulletin 118, 2003, California Department of Water Resources.

Flood Insurance Rate Map, Community Panel (0603490014E, December 16, 1988, Federal Emergency Management Agency.

Interim Guidance for Sampling Agricultural Soils, State of California Department of Toxic Substances Control (DTSC), June 2000

Preliminary Geologic Map of Milpitas Quadrangle. California, 1972, USGS

Quaternary Geologic Map of Milpitas Quadrangle. California. 1989, USGS

D. ZONING & BUILDING

San Jose Planning Department, 200 East Santa Clara Street San Jose, CA 95113.
(408) 535-3555

San Jose Building Department, 200 East Santa Clara Street San Jose, CA 95113.
(408) 535-3555

E. ENVIRONMENTAL HEALTH

San Jose Fire Department Fire Prevention. 200 East Santa Clara
CA 95113 (408) 535-7750

Santa Clara County Environmental Health Department. 5957 S. Mooney Blvd.,
Visalia, California, (559) 733-6441

F. WATER QUALITY

California Regional Water Quality Control Board. San Francisco Bay Region.
1515 Clay Street, Suite 1400 Oakland, CA 94612 (510) 622-2300

Santa Clara County Environmental Health Department. 1555 Berger Drive. Suite
300. San Jose. CA 95112 (408) 918-3400

G. HAZARDOUS MATERIALS

San Jose Fire Department Fire Prevention. 200 East San
CA 95113 (408) 535 7750

Santa Clara County Environmental Health Department, 1555 Berger Drive, Suite 300, San Jose, CA 95112 (408) 918-3400

H. PREVIOUS REPORTS

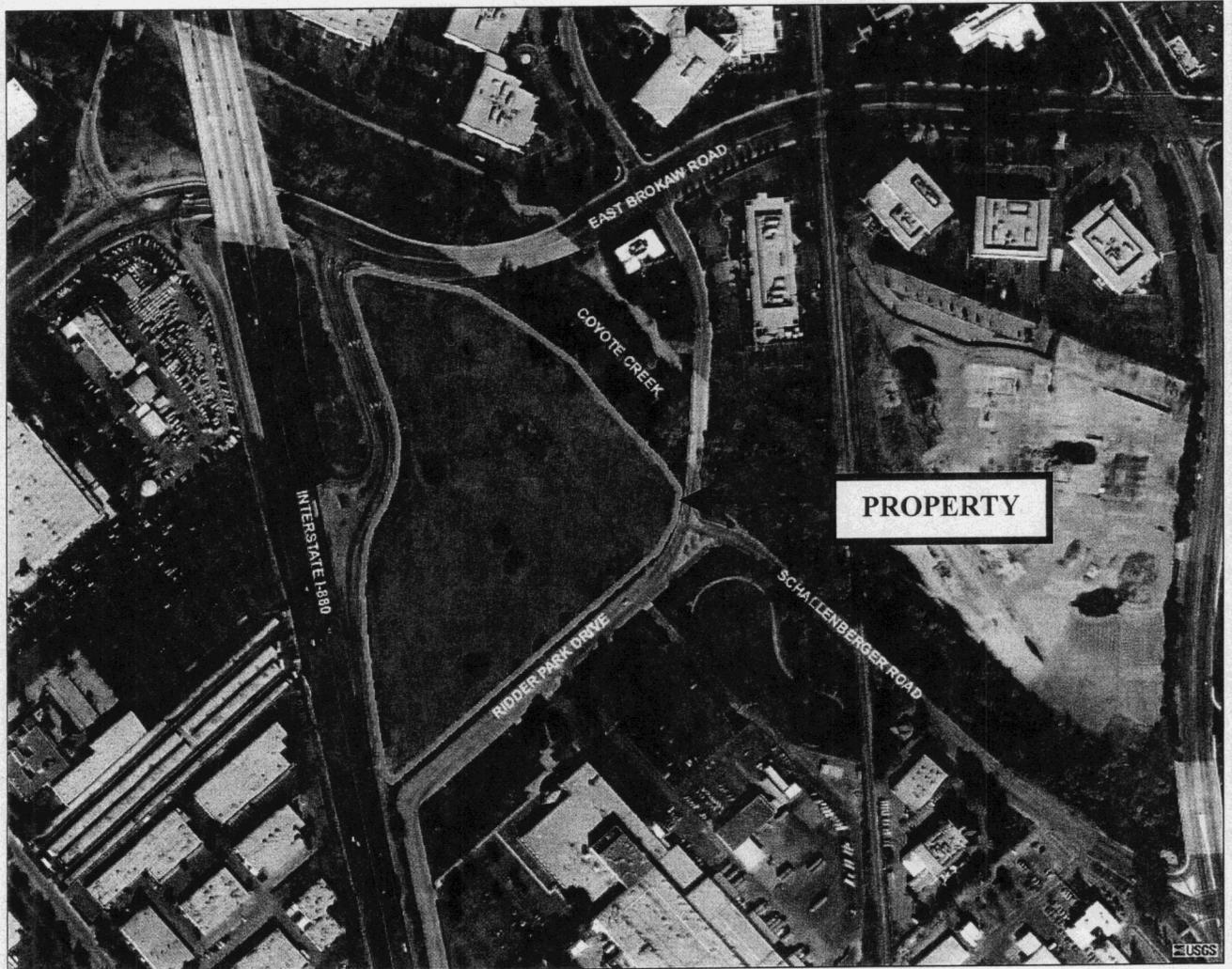
Aerial Photograph Review and Soil Sample Results for Creekside Plaza Site, Ridder Park Drive, San Jose, California, 2001, Kleinfelder

Environmental Site Assessment, 17.38-Acre Vacant Lot, East Brokaw Road and Interstate I-880, San Jose, California, 2006. AllWest Environmental

Phase I Environmental Site Assessment, Commercial Property, Schallenburger (sic) Road and Ridder Park Drive, San Jose, California, 1998. ATC Associates

C:\Documents and Settings\Admin\Desktop\26299.29, East Brokaw Rd, SJ\26299.29 East Brokaw Rd. ESA REPORT TEXT.wpd

FIGURES



AERIAL PHOTOGRAPH

Scale: 1:3,600
 Date: 2/27/2004
 Photo ID No. USGS (via
terraserver.microsoft.com)

N↑



AllWest Environmental, Inc.
 530 Howard Street, Suite 300
 San Francisco, California 94105
 Phone: 415/391-2510
 Fax: 415/391-2008

Site Name: 17.38-Acre Undeveloped Parcel
 East Brokaw Road and Interstate
 I-880
 San Jose, California

Project Number: 26299.29

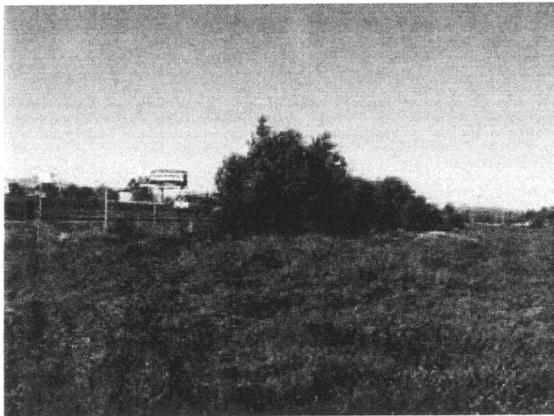
PHOTOGRAPHS



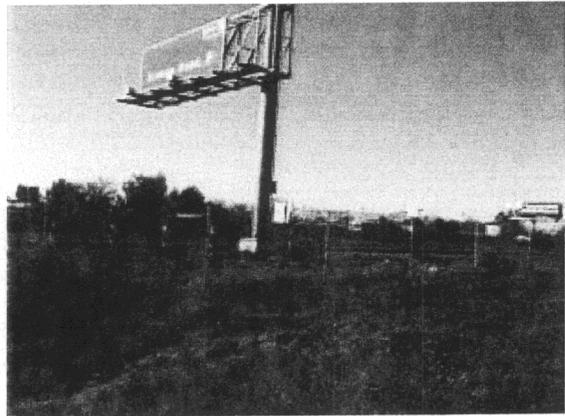
View of the property from the south (1 of 4)



View of the property from the south (2 of 4)



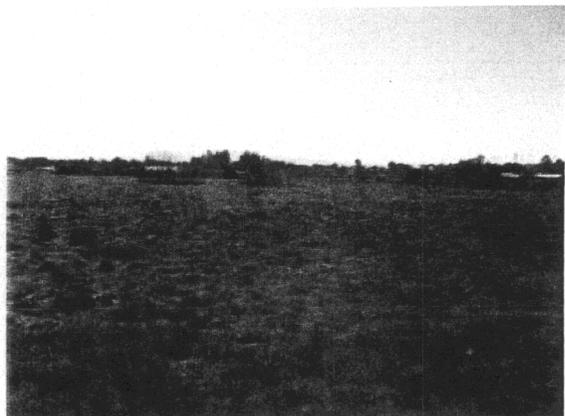
View of the property from the south (3 of 4)



View of the property from the south (4 of 4)



View of the property from the northeast (1 of 3)



View of the property from the northeast (2 of 3)



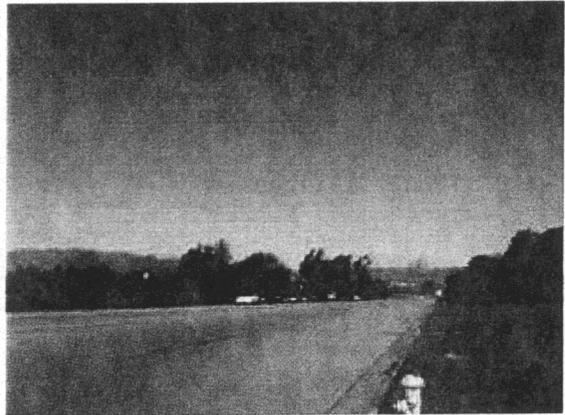
View of the property from the northeast (3 of 3)



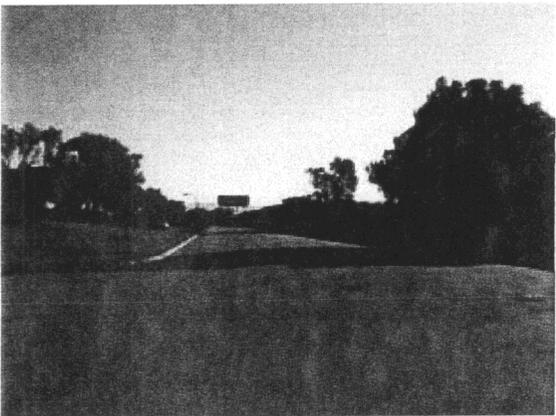
View of Coyote Creek north of the property



View of a homeless encampment along Coyote
Creek north of the property



View of Ridder Park Drive northeast of the
property



View of Industrial Avenue south of the property



View of I-880 and its off-ramp

Appendix A



EDR® Environmental
Data Resources Inc

The EDR Radius Map™ Report

**Vacant Lot
East Brokaw Road/Ridder Park Drive
San Jose, CA 95131**

Inquiry Number: 1837321.1s

January 17, 2007

The Standard in Environmental Risk Management Information

440 Wheelers Farms Road
Milford, Connecticut 06461

Nationwide Customer Service

Telephone: 1-800-352-0050
Fax: 1-800-231-6802
Internet: www.edrnet.com

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Detail Map.....	3
Map Findings Summary.....	4
Map Findings.....	6
Orphan Summary.....	301
EPA Waste Codes.....	EPA-1
Government Records Searched/Data Currency Tracking.....	GR-1

GEOCHECK ADDENDUM

GeoCheck - Not Requested

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-05) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

TARGET PROPERTY INFORMATION

ADDRESS

EAST BROKAW ROAD/RIDDER PARK DRIVE
SAN JOSE, CA 95131

COORDINATES

Latitude (North): 37.380500 - 37° 22' 49.8"
Longitude (West): 121.901800 - 121° 54' 6.5"
Universal Tranverse Mercator: Zone 10
UTM X (Meters): 597228.4
UTM Y (Meters): 4137445.5
Elevation: 56 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 37121-D8 MILPITAS, CA
Most Recent Revision: 1980

South Map: 37121-C8 SAN JOSE WEST, CA
Most Recent Revision: 1980

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

FEDERAL RECORDS

NPL..... National Priority List
Proposed NPL..... Proposed National Priority List Sites
Delisted NPL..... National Priority List Deletions
NPL RECOVERY..... Federal Superfund Liens
CERCLIS..... Comprehensive Environmental Response, Compensation, and Liability Information System
RCRA-TSDF..... Resource Conservation and Recovery Act Information

EXECUTIVE SUMMARY

ERNS.....	Emergency Response Notification System
HMIRS.....	Hazardous Materials Information Reporting System
US ENG CONTROLS.....	Engineering Controls Sites List
US INST CONTROL.....	Sites with Institutional Controls
DOD.....	Department of Defense Sites
FUDS.....	Formerly Used Defense Sites
US BROWNFIELDS.....	A Listing of Brownfields Sites
CONSENT.....	Superfund (CERCLA) Consent Decrees
UMTRA.....	Uranium Mill Tailings Sites
ODI.....	Open Dump Inventory
TRIS.....	Toxic Chemical Release Inventory System
TSCA.....	Toxic Substances Control Act
FTTS.....	FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
SSTS.....	Section 7 Tracking Systems
ICIS.....	Integrated Compliance Information System
RADINFO.....	Radiation Information Database
CDL.....	Clandestine Drug Labs
LUCIS.....	Land Use Control Information System
PADS.....	PCB Activity Database System
MLTS.....	Material Licensing Tracking System
MINES.....	Mines Master Index File
FINDS.....	Facility Index System/Facility Registry System
RAATS.....	RCRA Administrative Action Tracking System

STATE AND LOCAL RECORDS

SCH.....	School Property Evaluation Program
Toxic Pits.....	Toxic Pits Cleanup Act Sites
CA WDS.....	Waste Discharge System
WMUDS/SWAT.....	Waste Management Unit Database
SWRCY.....	Recycler Database
CA FID UST.....	Facility Inventory Database
UST.....	Active UST Facilities
AST.....	Aboveground Petroleum Storage Tank Facilities
CHMIRS.....	California Hazardous Material Incident Report System
DEED.....	Deed Restriction Listing
CLEANERS.....	Cleaner Facilities
WIP.....	Well Investigation Program Case List
CDL.....	Clandestine Drug Labs
HAZNET.....	Facility and Manifest Data
EMI.....	Emissions Inventory Data

TRIBAL RECORDS

INDIAN RESERV.....	Indian Reservations
INDIAN LUST.....	Leaking Underground Storage Tanks on Indian Land
INDIAN UST.....	Underground Storage Tanks on Indian Land

EDR PROPRIETARY RECORDS

Manufactured Gas Plants...	EDR Proprietary Manufactured Gas Plants
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SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified in the following databases.

EXECUTIVE SUMMARY

Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property.

Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

FEDERAL RECORDS

CERCLIS-NFRAP: Archived sites are sites that have been removed and archived from the inventory of CERCLIS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

A review of the CERC-NFRAP list, as provided by EDR, and dated 10/10/2006 has revealed that there are 2 CERC-NFRAP sites within approximately 0.5 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
CALIFORNIA ELECTRO-PLATING CO	1722 JUNCTION AVE	1/4 - 1/2 SW	N47	79
<i>SOLID STATE SOURCES</i>	<i>2178 PARAGON DR</i>	<i>1/4 - 1/2 NNW</i>	<i>125</i>	<i>198</i>

CORRACTS: CORRACTS is a list of handlers with RCRA Corrective Action Activity. This report shows which nationally-defined corrective action core events have occurred for every handler that has had corrective action activity.

A review of the CORRACTS list, as provided by EDR, and dated 09/27/2006 has revealed that there are 2 CORRACTS sites within approximately 1 mile of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>VAN WATERS AND ROGERS INC</i>	<i>2256 JUNCTION AVE</i>	<i>1/2 - 1 WNW</i>	<i>AF133</i>	<i>214</i>
<i>MICRO METALLICS</i>	<i>1695 S 1ST ST</i>	<i>1/2 - 1 SW</i>	<i>141</i>	<i>284</i>

RCRAInfo: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRAInfo replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS). The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month. Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month. Large quantity generators generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month. Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

A review of the RCRA-LQG list, as provided by EDR, and dated 06/13/2006 has revealed that there are 3

EXECUTIVE SUMMARY

RCRA-LQG sites within approximately 0.25 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
SAN JOSE MERCURY NEWS	750 RIDDER PARK DRIVE	0 - 1/8 NE	A2	6
<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
DYNAFLEX A PARLEX COMPANY	1756 JUNCTION AVENUE	0 - 1/8 SW	C8	24
VELCON FILTERS INCORPORATED	1761 JUNCTION AVENUE	1/8 - 1/4 WSW	E20	48

RCRAInfo: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRAInfo replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System(RCRIS). The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month. Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month Large quantity generators generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month. Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

A review of the RCRA-SQG list, as provided by EDR, and dated 06/13/2006 has revealed that there are 14 RCRA-SQG sites within approximately 0.25 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
PACIFIC BELL	L1N SCHALLENBERGER ROAD	1/8 - 1/4 SE	35	66
<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
BAY-TEK CO	755 E BROKAW RD	1/8 - 1/4 W	10	27
MAC CAL CO	1737 JUNCTION AVE	1/8 - 1/4 SSW	D11	27
MAC CAL COMPANY	1737 JUNCTION AVE	1/8 - 1/4 SSW	D12	29
FOXBORO/ICT INC	1750 JUNCTION AVE	1/8 - 1/4 WSW	E14	31
GOODMARK FOODS INC	1744 JUNCTION AVE	1/8 - 1/4 SSW	D16	34
CONNOR SPRING	1729 JUNCTION AVE	1/8 - 1/4 SSW	H27	59
PERFORMANCE MANUFACTURED PRODUI	709 JUNCTION CT	1/8 - 1/4 SSW	J31	63
NAT ADVANCED SYST	1705 JUNCTION CT	1/8 - 1/4 S	J33	65
CONSOLIDATED CIRCUITS	1758 JUNCTION AVE STE H	1/8 - 1/4 WSW	K37	68
UNITED SUPERTEK INC	1758 JUNCTION AVE UNIT	1/8 - 1/4 WSW	K38	68
DYNAFLEX A PARLEX COMPANY	1758 JUNCTION AVE STE E	1/8 - 1/4 WSW	K39	70
ADVANCED CHEMICAL TRANSPORT IN	689 E BROKAW RD	1/8 - 1/4 W	L40	73
PERFORMANCE PAINTING	1711 JUNCTION CT STE 24	1/8 - 1/4 SW	42	75

RODS: Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid the cleanup.

A review of the ROD list, as provided by EDR, and dated 10/07/2006 has revealed that there is 1 ROD site within approximately 1 mile of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
VAN WATERS AND ROGERS INC	2256 JUNCTION AVE	1/2 - 1 WNW	AF133	214

EXECUTIVE SUMMARY

STATE AND LOCAL RECORDS

HIST CAL-SITES: Formerly known as ASPIS, this database contains both known and potential hazardous substance sites. The source is the California Department of Toxic Substance Control. No longer updated by the state agency. It has been replaced by ENVIROSTOR.

A review of the HIST Cal-Sites list, as provided by EDR, and dated 08/08/2005 has revealed that there is 1 HIST Cal-Sites site within approximately 1 mile of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
PROTO MOLD	1390 OLD BAYSHORE HIGHW	1/2 - 1 SSE	136	271

BEP: Department of Health Services developed a site-specific expenditure plan as the basis for an appropriation of Hazardous Substance Cleanup Bond Act funds. It is not updated.

A review of the CA BOND EXP. PLAN list, as provided by EDR, and dated 01/01/1989 has revealed that there are 2 CA BOND EXP. PLAN sites within approximately 1 mile of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
PROTO MOLD	1390 OLD BAYSHORE HIGHW	1/2 - 1 SSE	136	271

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
VAN WATERS AND ROGERS, INC.	2256 JUNCTION AVENUE	1/2 - 1 WNW	AF135	267

SWF/LF: The Solid Waste Facilities/Landfill Sites records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. The data come from the Integrated Waste Management Board's Solid Waste Information System (SWIS) database.

A review of the SWF/LF list, as provided by EDR, and dated 09/13/2006 has revealed that there are 2 SWF/LF sites within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
MARKOVITS AND FOX DISPOSAL SIT	1633 OLD OAKLAND ROAD	1/4 - 1/2 ESE	53	88

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
WASTE MANAGEMENT OF SANTA CLAR	1675 ROGERS AVENUE	1/4 - 1/2 SSW	V81	132

CORTESE: This database identifies public drinking water wells with detectable levels of contamination, hazardous substance sites selected for remedial action, sites with known toxic material identified through the abandoned site assessment program, sites with USTs having a reportable release and all solid waste disposal facilities from which there is known migration. The source is the California Environmental Protection Agency/Office of Emergency Information.

A review of the Cortese list, as provided by EDR, and dated 04/01/2001 has revealed that there are 45 Cortese sites within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
SAN JOSE MERCURY NEWS	750 RIDDER PARK DRIVE	0 - 1/8 NE	A2	6
MARKOVITS & FOX	1633 OLD OAKLAND RD	1/8 - 1/4 E	F19	45
OYAMA BROTHERS	1254 MURPHY AVE	1/4 - 1/2 ENE	48	80

EXECUTIVE SUMMARY

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
SCCTA - EAST YARD	1505 SCHALLENBERGER RD	1/4 - 1/2ESE	49	82
VACANT PROPERTY	1765 OLD OAKLAND RD	1/4 - 1/2NE	O51	86
MIKE RAWITER GOLF SHOP	1560 OLD OAKLAND RD	1/4 - 1/2ESE	88	144
KINGS ROW INDUSTRIAL CENTER	701 KINGS ROW	1/4 - 1/2SSE	Y92	160
ROOF KING INC.	692 KINGS ROW	1/4 - 1/2SSE	Y95	163
ROLAND & SON PAINTING, INC.	677 KINGS ROW	1/4 - 1/2SSE	Y97	165
SUPREME COACH WORKS	661 KINGS ROW	1/4 - 1/2SSE	Z99	169
STOP N GO	1460 OLD OAKLAND RD	1/4 - 1/2SE	105	178
SORICH PROPERTY	1515 BERGER DR	1/4 - 1/2SE	AA108	180
GSA BUILDING 2	1555 BERGER DR	1/4 - 1/2SE	AB113	186
TRUMPP BROTHERS	1540 INDUSTRIAL AVE	1/4 - 1/2SSE	AD117	190
ACCU-BURR METAL FINISHING	1522 BERGER DR	1/4 - 1/2SE	119	192
CORRIGAN, WILFRED J.	1560 BERGER DR	1/4 - 1/2SE	AE122	194
FJM TRUCK REPAIR	1535 INDUSTRIAL AVE	1/4 - 1/2SSE	AD124	196
<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
MISSION VALLEY FORD	780 BROKAW RD E	0 - 1/8 W	B3	20
VELCON FILTERS	1761 JUNCTION AVE	1/8 - 1/4WSW	E23	54
ADVANTAGE TIRE SERVICE	1765 JUNCTION AVE	1/8 - 1/4WSW	G24	56
KAMPER KITS	1781 JUNCTION AVE	1/8 - 1/4W	M44	76
PHOTOTRON CORPORATION	524 E BROWKAW RD	1/4 - 1/2W	P54	89
SCR-495 EAST BROKAW ASSOC	495 BROKAW	1/4 - 1/2W	P57	95
PRECISION ROOFING	510 E BROKAW RD	1/4 - 1/2W	P58	96
WESTERN STEEL CUTTINGS	1788 ROGERS AVE	1/4 - 1/2W	Q60	98
BURKE CO THE 03	1726 ROGERS AVE	1/4 - 1/2SW	R61	100
NORTHERN DISTRIBUTING	1711 ROGERS AVE	1/4 - 1/2SW	R64	105
APPLE'S TRACTOR	1720 ROGERS AVE	1/4 - 1/2SW	S65	107
PEARLMAN, DON	1705 ROGERS AVE	1/4 - 1/2SW	S67	111
NESTOR INSULATION	1792 ROGERS AVE	1/4 - 1/2W	Q69	113
W.A. CALL MANUFACTURING CO.INC	1710 ROGERS AVE	1/4 - 1/2SW	S71	115
SCAFFOLD WORKS	1697 ROGERS AVE	1/4 - 1/2SW	T72	118
ROBLES BROTHERS INC.	1700 ROGERS AVE	1/4 - 1/2SSW	T74	120
AUTOMATIC MERCHANDISING CO.	1698 ROGERS AVE	1/4 - 1/2SSW	T76	122
MIDWEST PLATE GLASS	1990 HARTOG DR	1/4 - 1/2WNW	U77	125
PENSION FUND	1977 O'TOOLE AVE	1/4 - 1/2NNW	79	127
TERADYNE INC SAN JOSE	880 FOX LANE	1/4 - 1/2N	80	129
ANR FREIGHT SYSTEMS	1675 ROGERS AVE	1/4 - 1/2SSW	V83	134
TAYLOR, R. WATSON	1680 ROGERS AVE	1/4 - 1/2SSW	V85	138
JOHNSON'S CATERING	1670 ROGERS AVE	1/4 - 1/2SSW	W87	142
SUPERIOR TILE COMPANY	1625 REMUDA LN	1/4 - 1/2SW	89	147
SPECIALTY TRUCK PARTS INCORPOR	1605 INDUSTRIAL AVE	1/4 - 1/2SSE	X90	150
DITTO FREIGHT LINES	1575 INDUSTRIAL AVE	1/4 - 1/2SSE	X101	171
CHAVEZ PROPERTY	2000 O'TOOLE AVE	1/4 - 1/2NNW	AC114	188
SAN JOSE DRY WALL	1609 REGATTA LN	1/4 - 1/2SW	118	190

LUST: The Leaking Underground Storage Tank Incident Reports contain an inventory of reported leaking underground storage tank incidents. The data come from the State Water Resources Control Board Leaking Underground Storage Tank Information System.

A review of the LUST list, as provided by EDR, and dated 10/11/2006 has revealed that there are 76 LUST sites within approximately 0.5 miles of the target property.

EXECUTIVE SUMMARY

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
SAN JOSE MERCURY NEWS	750 RIDDER PARK DR	0 - 1/8 NE	A1	6
SAN JOSE MERCURY NEWS	750 RIDDER PARK DRIVE	0 - 1/8 NE	A2	6
Facility Status: Case Closed				
MARKOVITS & FOX	1633 OLD OAKLAND RD	1/8 - 1/4 E	F19	45
Facility Status: Case Closed				
OYAMA BROTHERS	1254 MURPHY AVE	1/4 - 1/2 ENE	48	80
Facility Status: Case Closed				
SCCTA - EAST YARD	1505 SCHALLENBERGER RD	1/4 - 1/2 ESE	49	82
Facility Status: Pollution Characterization				
VACANT RESIDENCE	1765 OAKLAND RD	1/4 - 1/2 NE	O50	84
Facility Status: Case Closed				
VACANT RESIDENCE	1765 OLD OAKLAND RD	1/4 - 1/2 NE	O52	86
Facility Status: Case Closed				
MIKE RAWITER GOLF SHOP	1560 OLD OAKLAND RD	1/4 - 1/2 ESE	88	144
Facility Status: Case Closed				
NOBLE FORD TRACTOR, INC.	701 KINGS ROW (38-B)	1/4 - 1/2 SSE	Y91	158
Facility Status: Case Closed				
KINGS ROW INDUSTRIAL CENTER	701 KINGS ROW	1/4 - 1/2 SSE	Y92	160
Facility Status: Case Closed				
KINGS ROW INDUSTRIAL CENTER	701 KINGS ROW	1/4 - 1/2 SSE	Y93	163
ROOF KING INC.	692 KINGS ROW	1/4 - 1/2 SSE	Y94	163
ROOF KING INC.	692 KINGS ROW	1/4 - 1/2 SSE	Y95	163
Facility Status: Case Closed				
ROLAND & SON PAINTING, INC.	677 KINGS ROW	1/4 - 1/2 SSE	Y96	165
ROLAND & SON PAINTING, INC.	677 KINGS ROW	1/4 - 1/2 SSE	Y97	165
Facility Status: Case Closed				
OYAMA BROTHERS	1254 MURPHY AVE	1/4 - 1/2 ENE	98	169
SUPREME COACH WORKS	661 KINGS ROW	1/4 - 1/2 SSE	Z99	169
Facility Status: Case Closed				
SUPREME COACH WORKS	661 KINGS ROW	1/4 - 1/2 SSE	Z100	171
GEORGE D. GARCIA	643 KINGS ROW	1/4 - 1/2 SSE	Z102	175
GEORGE D. GARCIA	643 KINGS ROW	1/4 - 1/2 SSE	Z103	175
Facility Status: Case Closed				
DITTO FREIGHT LINES	1575 INDUSTRIAL AVE	1/4 - 1/2 SSE	X104	178
AXIAL TOME	1559 INDUSTRIAL	1/4 - 1/2 SSE	X107	179
Facility Status: Case Closed				
SORICH PROPERTY	1515 BERGER DR	1/4 - 1/2 SE	AA108	180
Facility Status: Case Closed				
SORICH PROPERTY	1515 BERGER DR	1/4 - 1/2 SE	AA109	182
ACCU-BURR METAL FINISHING	1522 BERGER DR	1/4 - 1/2 SE	AB111	184
SANTA CLARA CO OF GSA SERVICE	1555 BERGER DR BLDG #3	1/4 - 1/2 SE	AB112	184
Facility Status: Case Closed				
ACCU-BURR METAL FINISHING	1522 BERGER DR	1/4 - 1/2 SE	119	192
Facility Status: Case Closed				
GSA BUILDING #2	1555 BERGER DR	1/4 - 1/2 SE	AE120	194
CORRIGAN, WILFRED J.	1560 BERGER DR	1/4 - 1/2 SE	AE121	194
CORRIGAN, WILFRED J.	1560 BERGER DR	1/4 - 1/2 SE	AE122	194
Facility Status: Case Closed				

EXECUTIVE SUMMARY

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
FJM TRUCK REPAIR FJM TRUCK REPAIR Facility Status: Case Closed	1535 INDUSTRIAL AVE 1535 INDUSTRIAL AVE	1/4 - 1/2 SSE 1/4 - 1/2 SSE	AD123 AD124	196 196
MISSION VALLEY FORD Facility Status: Case Closed	780 E BROKAW RD	0 - 1/8 W	B5	21
MISSION VALLEY FORD VELCON FILTERS, INC. VELCON FILTERS Facility Status: Leak being confirmed	780 E BROKAW RD 1761 JUNCTION AVE 1761 JUNCTION AVE	0 - 1/8 W 1/8 - 1/4 WSW 1/8 - 1/4 WSW	B6 E22 E23	23 54 54
ADVANTAGE TIRE SERVICE Facility Status: Case Closed	1765 JUNCTION AVE	1/8 - 1/4 WSW	G24	56
ADVANTAGE TIRE SERVICE KAMPER KITS KAMPER KITS Facility Status: Case Closed	1765 JUNCTION AVE 1781 JUNCTION AVE 1781 JUNCTION AVE	1/8 - 1/4 WSW 1/8 - 1/4 W 1/8 - 1/4 W	G25 M43 M44	58 75 76
PHOTOTRON CORPORATION Facility Status: Pollution Characterization	524 E BROKAW RD	1/4 - 1/2 W	P54	89
PRECISION ROOFING Facility Status: Pollution Characterization	510 E BROKAW RD	1/4 - 1/2 W	P58	96
WESTERN STEEL CUTTINGS WESTERN STEEL CUTTINGS Facility Status: Case Closed	1788 ROGERS AVE 1788 ROGERS AVE	1/4 - 1/2 W 1/4 - 1/2 W	Q59 Q60	98 98
BURKE CO THE 03 Facility Status: Case Closed	1726 ROGERS AVE	1/4 - 1/2 SW	R61	100
BURKE COMPANY NORTHERN DISTRIBUTING NORTHERN DISTRIBUTING Facility Status: Case Closed	1726 ROGERS AVE 1711 ROGERS AVE 1711 ROGERS AVE	1/4 - 1/2 SW 1/4 - 1/2 SW 1/4 - 1/2 SW	R62 R63 R64	104 105 105
APPLE'S TRACTOR Facility Status: Case Closed	1720 ROGERS AVE	1/4 - 1/2 SW	S65	107
APPLE'S TRACTOR PEARLMAN, DON Facility Status: Case Closed	1720 ROGERS AVE 1705 ROGERS AVE	1/4 - 1/2 SW 1/4 - 1/2 SW	S66 S67	110 111
PEARLMAN, DON NESTOR INSULATION Facility Status: Pollution Characterization	1705 ROGERS AVE 1792 ROGERS AVE	1/4 - 1/2 SW 1/4 - 1/2 W	S68 Q69	113 113
W.A. CALL MANUFACTURING CO.INC W.A. CALL MANUFACTURING CO.INC Facility Status: Case Closed	1710 ROGERS AVE 1710 ROGERS AVE	1/4 - 1/2 SW 1/4 - 1/2 SW	S70 S71	115 115
SCAFFOLD WORKS Facility Status: Case Closed	1697 ROGERS AVE	1/4 - 1/2 SW	T72	118
SCAFFOLD WORKS ROBLES BROTHERS INC. Facility Status: Case Closed	1697 ROGERS AVE 1700 ROGERS AVE	1/4 - 1/2 SW 1/4 - 1/2 SSW	T73 T74	120 120
ROBLES BROTHERS INC. AUTOMATIC MERCHANDISING CO. Facility Status: Pollution Characterization	1700 ROGERS AVE 1698 ROGERS AVE	1/4 - 1/2 SSW 1/4 - 1/2 SSW	T75 T76	122 122

EXECUTIVE SUMMARY

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
MIDWEST PLATE GLASS Facility Status: Case Closed	1990 HARTOG DR	1/4 - 1/2 WNW	U77	125
MIDWEST PLATE GLASS PENSION FUND Facility Status: Case Closed	1990 HARTOG DR 1977 O'TOOLE AVE	1/4 - 1/2 WNW	U78 1/4 - 1/2 NNW 79	127 127
ANR FREIGHT SYSTEMS ANR FREIGHT SYSTEMS Facility Status: Case Closed	1675 ROGERS AVE 1675 ROGERS AVE	1/4 - 1/2 SSW	V82 V83	134 134
TAYLOR, R. WATSON TAYLOR, R. WATSON Facility Status: Case Closed	1680 ROGERS AVE 1680 ROGERS AVE	1/4 - 1/2 SSW	V84 V85	138 138
JOHNSON'S CATERING JOHNSON'S CATERING Facility Status: Case Closed	1670 ROGERS AVE 1670 ROGERS AVE	1/4 - 1/2 SSW	W86 W87	142 142
SUPERIOR TILE COMPANY Facility Status: Case Closed	1625 REMUDA LN	1/4 - 1/2 SW	89	147
SPECIALTY TRUCK PARTS INCORPOR Facility Status: Post remedial action monitoring	1605 INDUSTRIAL AVE	1/4 - 1/2 SSE	X90	150
DITTO FREIGHT LINES Facility Status: Case Closed	1575 INDUSTRIAL AVE	1/4 - 1/2 SSE	X101	171
CHAVEZ PROPERTY Facility Status: Case Closed	2000 O'TOOLE AVE	1/4 - 1/2 NNW	AC114	188
SUPERIOR TILE COMPANY CHAVEZ PROPERTY SAN JOSE DRY WALL Facility Status: Case Closed	1625 REMUDA LN 2000 O'TOOLE AVE 1609 REGATTA LN	1/4 - 1/2 SW 1/4 - 1/2 NNW 1/4 - 1/2 SW	115 AC116 118	189 190 190

CA SLIC: SLIC Region comes from the California Regional Water Quality Control Board.

A review of the SLIC list, as provided by EDR, and dated 10/11/2006 has revealed that there are 9 SLIC sites within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
VACANT RESIDENCE 1545 BERGER DRIVE Facility Status: Case Open	1765 OAKLAND RD 1545 BERGER DRIVE	1/4 - 1/2 NE 1/4 - 1/2 SE	O50 AA106	84 178
TELTEC CORPORATION Facility Status: Remedial Action Underway	1497 BERGER DRIVE	1/4 - 1/2 SE	AA110	182
<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
1757 JUNCTION AVENUE VELCON FILTERS INCORPORATED Facility Status: Remedial Action Underway	1757 JUNCTION AVE 1761 JUNCTION AVENUE	1/8 - 1/4 WSW	E15 E20	33 48
VELCON FILTERS CONNOR FORMED METAL FAC (FORME Facility Status: Remedial Action Underway	1761 JUNCTION AVE 1729 JUNCTION AVENUE	1/8 - 1/4 WSW 1/8 - 1/4 SSW	E23 H26	54 58
JUNCTION COURT Facility Status: Case Open	1701-1711 JUNCTION COUR	1/8 - 1/4 S	J34	65

EXECUTIVE SUMMARY

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
495 E. BROKAW ROAD Facility Status: Remedial Action Underway	495 EAST BROKAW	1/4 - 1/2W	P56	95

HIST LUST SANTA CLARA: A listing of open and closed leaking underground storage tanks. This listing is no longer updated by the county. Leaking underground storage tanks are now handled by the Department of Environmental Health.

A review of the HIST LUST list, as provided by EDR, and dated 03/29/2005 has revealed that there are 42 HIST LUST sites within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
SAN JOSE MERCURY NEWS	750 RIDDER PARK DRIVE	0 - 1/8 NE	A2	6
MARKOVITS & FOX	1633 OLD OAKLAND RD	1/8 - 1/4 E	F19	45
OYAMA BROTHERS	1254 MURPHY AVE	1/4 - 1/2 ENE	48	80
SCCTA - EAST YARD	1505 SCHALLENBERGER RD	1/4 - 1/2 ESE	49	82
VACANT RESIDENCE	1765 OLD OAKLAND RD	1/4 - 1/2 NE	O52	86
MIKE RAWITER GOLF SHOP	1560 OLD OAKLAND RD	1/4 - 1/2 ESE	88	144
NOBLE FORD TRACTOR, INC.	701 KINGS ROW (38-B)	1/4 - 1/2 SSE	Y91	158
KINGS ROW INDUSTRIAL CENTER	701 KINGS ROW	1/4 - 1/2 SSE	Y92	160
ROOF KING INC.	692 KINGS ROW	1/4 - 1/2 SSE	Y95	163
ROLAND & SON PAINTING, INC.	677 KINGS ROW	1/4 - 1/2 SSE	Y97	165
SUPREME COACH WORKS	661 KINGS ROW	1/4 - 1/2 SSE	Z99	169
GEORGE D. GARCIA	643 KINGS ROW	1/4 - 1/2 SSE	Z103	175
SORICH PROPERTY	1515 BERGER DR	1/4 - 1/2 SE	AA108	180
SANTA CLARA CO OF GSA SERVICE	1555 BERGER DR BLDG #3	1/4 - 1/2 SE	AB112	184
ACCU-BURR METAL FINISHING	1522 BERGER DR	1/4 - 1/2 SE	119	192
CORRIGAN, WILFRED J.	1560 BERGER DR	1/4 - 1/2 SE	AE122	194
FJM TRUCK REPAIR	1535 INDUSTRIAL AVE	1/4 - 1/2 SSE	AD124	196
<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
MISSION VALLEY FORD	780 E BROKAW RD	0 - 1/8 W	B5	21
VELCON FILTERS	1761 JUNCTION AVE	1/8 - 1/4 WSW	E23	54
ADVANTAGE TIRE SERVICE	1765 JUNCTION AVE	1/8 - 1/4 WSW	G24	56
KAMPER KITS	1781 JUNCTION AVE	1/8 - 1/4 W	M44	76
PHOTOTRON CORPORATION	524 E BROWKAW RD	1/4 - 1/2 W	P54	89
PRECISION ROOFING	510 E BROKAW RD	1/4 - 1/2 W	P58	96
WESTERN STEEL CUTTINGS	1788 ROGERS AVE	1/4 - 1/2 W	Q60	98
BURKE CO THE 03	1726 ROGERS AVE	1/4 - 1/2 SW	R61	100
NORTHERN DISTRIBUTING	1711 ROGERS AVE	1/4 - 1/2 SW	R64	105
APPLE'S TRACTOR	1720 ROGERS AVE	1/4 - 1/2 SW	S65	107
PEARLMAN, DON	1705 ROGERS AVE	1/4 - 1/2 SW	S67	111
NESTOR INSULATION	1792 ROGERS AVE	1/4 - 1/2 W	Q69	113
W.A. CALL MANUFACTURING CO.INC	1710 ROGERS AVE	1/4 - 1/2 SW	S71	115
SCAFFOLD WORKS	1697 ROGERS AVE	1/4 - 1/2 SW	T72	118
ROBLES BROTHERS INC.	1700 ROGERS AVE	1/4 - 1/2 SSW	T74	120
AUTOMATIC MERCHANDISING CO.	1698 ROGERS AVE	1/4 - 1/2 SSW	T76	122
MIDWEST PLATE GLASS	1990 HARTOG DR	1/4 - 1/2 WNW	U77	125
ANR FREIGHT SYSTEMS	1675 ROGERS AVE	1/4 - 1/2 SSW	V83	134
TAYLOR, R. WATSON	1680 ROGERS AVE	1/4 - 1/2 SSW	V85	138
JOHNSON'S CATERING	1670 ROGERS AVE	1/4 - 1/2 SSW	W87	142
SUPERIOR TILE COMPANY	1625 REMUDA LN	1/4 - 1/2 SW	89	147
SPECIALTY TRUCK PARTS INCORPOR	1605 INDUSTRIAL AVE	1/4 - 1/2 SSE	X90	150
DITTO FREIGHT LINES	1575 INDUSTRIAL AVE	1/4 - 1/2 SSE	X101	171

EXECUTIVE SUMMARY

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>CHAVEZ PROPERTY</i>	<i>2000 O'TOOLE AVE</i>	<i>1/4 - 1/2NNW</i>	<i>AC114</i>	<i>188</i>
<i>SAN JOSE DRY WALL</i>	<i>1609 REGATTA LN</i>	<i>1/4 - 1/2SW</i>	<i>118</i>	<i>190</i>

HIST UST: Historical UST Registered Database.

A review of the HIST UST list, as provided by EDR, and dated 10/15/1990 has revealed that there are 7 HIST UST sites within approximately 0.25 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>SAN JOSE MERCURY NEWS</i>	<i>750 RIDDER PARK DRIVE</i>	<i>0 - 1/8 NE</i>	<i>A2</i>	<i>6</i>
<i>MARKOVITS & FOX, INC</i>	<i>1633 OAKLAND RD</i>	<i>1/8 - 1/4E</i>	<i>F17</i>	<i>36</i>

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>SOUTH BAY FORD TRUCK(MISSION V</i>	<i>780 E BROKAW RD</i>	<i>0 - 1/8 W</i>	<i>B4</i>	<i>20</i>
<i>MISSION VALLEY FORD</i>	<i>780 E BROKAW RD</i>	<i>0 - 1/8 W</i>	<i>B5</i>	<i>21</i>
<i>VELCON TEST LAB</i>	<i>1761 JUNCTION AVE</i>	<i>1/8 - 1/4WSW</i>	<i>E21</i>	<i>51</i>
<i>SAN JOSE 1 BUILDING</i>	<i>1766 JUNCTION AVE</i>	<i>1/8 - 1/4WSW</i>	<i>I29</i>	<i>62</i>
<i>SUPERIOR COMPONENTS</i>	<i>1781 JUNCTION AVE</i>	<i>1/8 - 1/4W</i>	<i>M45</i>	<i>78</i>

SJ HAZMAT: San Jose Hazmat Facilities.

A review of the SAN JOSE HAZMAT list, as provided by EDR, and dated 12/07/2006 has revealed that there are 12 SAN JOSE HAZMAT sites within approximately 0.25 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>SAN JOSE MERCURY NEWS</i>	<i>750 RIDDER PARK DRIVE</i>	<i>0 - 1/8 NE</i>	<i>A2</i>	<i>6</i>
<i>KTEH CHANNEL 54</i>	<i>1585 SCHALLENBERGER RD</i>	<i>0 - 1/8 ESE</i>	<i>7</i>	<i>24</i>

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>MISSION VALLEY FORD</i>	<i>780 E BROKAW RD</i>	<i>0 - 1/8 W</i>	<i>B5</i>	<i>21</i>
<i>PARLEX CORP SAN JOSE DIV</i>	<i>1756 JUNCTION AVENUE</i>	<i>0 - 1/8 SW</i>	<i>C9</i>	<i>25</i>
<i>MAC CAL CO</i>	<i>1737 JUNCTION AVE</i>	<i>1/8 - 1/4SSW</i>	<i>D11</i>	<i>27</i>
<i>SANTA CLARA COUNTY OFFICE OF E</i>	<i>1290 RIDDER PARK DR</i>	<i>1/8 - 1/4N</i>	<i>13</i>	<i>31</i>
<i>VELCON TEST LAB</i>	<i>1761 JUNCTION AVE</i>	<i>1/8 - 1/4WSW</i>	<i>E21</i>	<i>51</i>
<i>FARBEN INDUSTRIAL FINISHIN</i>	<i>1732 JUNCTION AV SUITE</i>	<i>1/8 - 1/4SSW</i>	<i>H30</i>	<i>62</i>
<i>NWE TECHNOLOGY INC</i>	<i>1705 JUNCTION CT STE 20</i>	<i>1/8 - 1/4S</i>	<i>J32</i>	<i>64</i>
<i>CAL PRINTING</i>	<i>1771 JUNCTION</i>	<i>1/8 - 1/4WSW</i>	<i>I36</i>	<i>66</i>
<i>NU IONS</i>	<i>685 E BROKAW RD</i>	<i>1/8 - 1/4W</i>	<i>L41</i>	<i>75</i>
<i>KAMPER KITS</i>	<i>1781 JUNCTION AVE</i>	<i>1/8 - 1/4W</i>	<i>M44</i>	<i>76</i>

SWEEPS: Statewide Environmental Evaluation and Planning System. This underground storage tank listing was updated and maintained by a company contacted by the SWRCB in the early 1980's. The listing is no longer updated or maintained. The local agency is the contact for more information on a site on the SWEEPS list.

A review of the SWEEPS UST list, as provided by EDR, and dated 06/01/1994 has revealed that there are

EXECUTIVE SUMMARY

3 SWEEPS UST sites within approximately 0.25 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>SAN JOSE MERCURY NEWS MARKOVITS & FOX, INC</i>	<i>750 RIDDER PARK DRIVE 1633 OAKLAND RD</i>	<i>0 - 1/8 NE 1/8 - 1/4 E</i>	<i>A2 F17</i>	<i>6 36</i>
<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>MISSION VALLEY FORD</i>	<i>780 E BROKAW RD</i>	<i>0 - 1/8 W</i>	<i>B5</i>	<i>21</i>

NOTIFY 65: Notify 65 records contain facility notifications about any release that could impact drinking water and thereby expose the public to a potential health risk. The data come from the State Water Resources Control Board's Proposition 65 database.

A review of the Notify 65 list, as provided by EDR, and dated 10/21/1993 has revealed that there is 1 Notify 65 site within approximately 1 mile of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>EQUILON SAN JOSE TERMINAL (SHE)</i>	<i>2165 O'TOOLE AVE</i>	<i>1/2 - 1 NNW</i>	<i>AG138</i>	<i>276</i>

VCP: Contains low threat level properties with either confirmed or unconfirmed releases and the project proponents have request that DTSC oversee investigation and/or cleanup activities and have agreed to provide coverage for DTSC's costs.

A review of the VCP list, as provided by EDR, and dated 11/28/2006 has revealed that there are 2 VCP sites within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>1633 OLD OAKLAND ROAD SITE</i>	<i>1633 OAKLAND RD</i>	<i>1/8 - 1/4 E</i>	<i>F18</i>	<i>39</i>
<i>1040-1080 BROKAW ROAD</i>	<i>1040-1080 BROKAW ROAD</i>	<i>1/8 - 1/4 NE</i>	<i>28</i>	<i>60</i>

RESPONSE: Identifies confirmed release sites where DTSC is involved in remediation, either in a lead or oversight capacity. These confirmed release sites are generally high-priority and high potential risk.

A review of the RESPONSE list, as provided by EDR, and dated 11/28/2006 has revealed that there are 2 RESPONSE sites within approximately 1 mile of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>RINGWOOD/MCKAY SITE</i>	<i>RINGWOOD AVE. / MCKAY</i>	<i>1/2 - 1 NE</i>	<i>128</i>	<i>203</i>
<i>PROTO MOLD</i>	<i>1390 OLD BAYSHORE HIGHW</i>	<i>1/2 - 1 SSE</i>	<i>136</i>	<i>271</i>

ENVIROSTOR: The Department of Toxic Substances Control's (DTSC's) Site Mitigation and Brownfields Reuse Program's (SMBRP's) EnviroStor database identifies sites that have known contamination or sites for which there may be reasons to investigate further. The database includes the following site types: Federal Superfund sites (National Priorities List (NPL)); State Response, including Military Facilities and State Superfund; Voluntary Cleanup; and School sites. EnviroStor provides similar information to the information that was available in CalSites, and provides additional site information, including, but not limited to, identification of formerly-contaminated properties that have been released for reuse, properties where

EXECUTIVE SUMMARY

environmental deed restrictions have been recorded to prevent inappropriate land uses, and risk characterization information that is used to assess potential impacts to public health and the environment at contaminated sites.

A review of the ENVIROSTOR list, as provided by EDR, and dated 11/28/2006 has revealed that there are 16 ENVIROSTOR sites within approximately 1 mile of the target property.

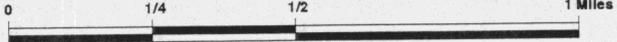
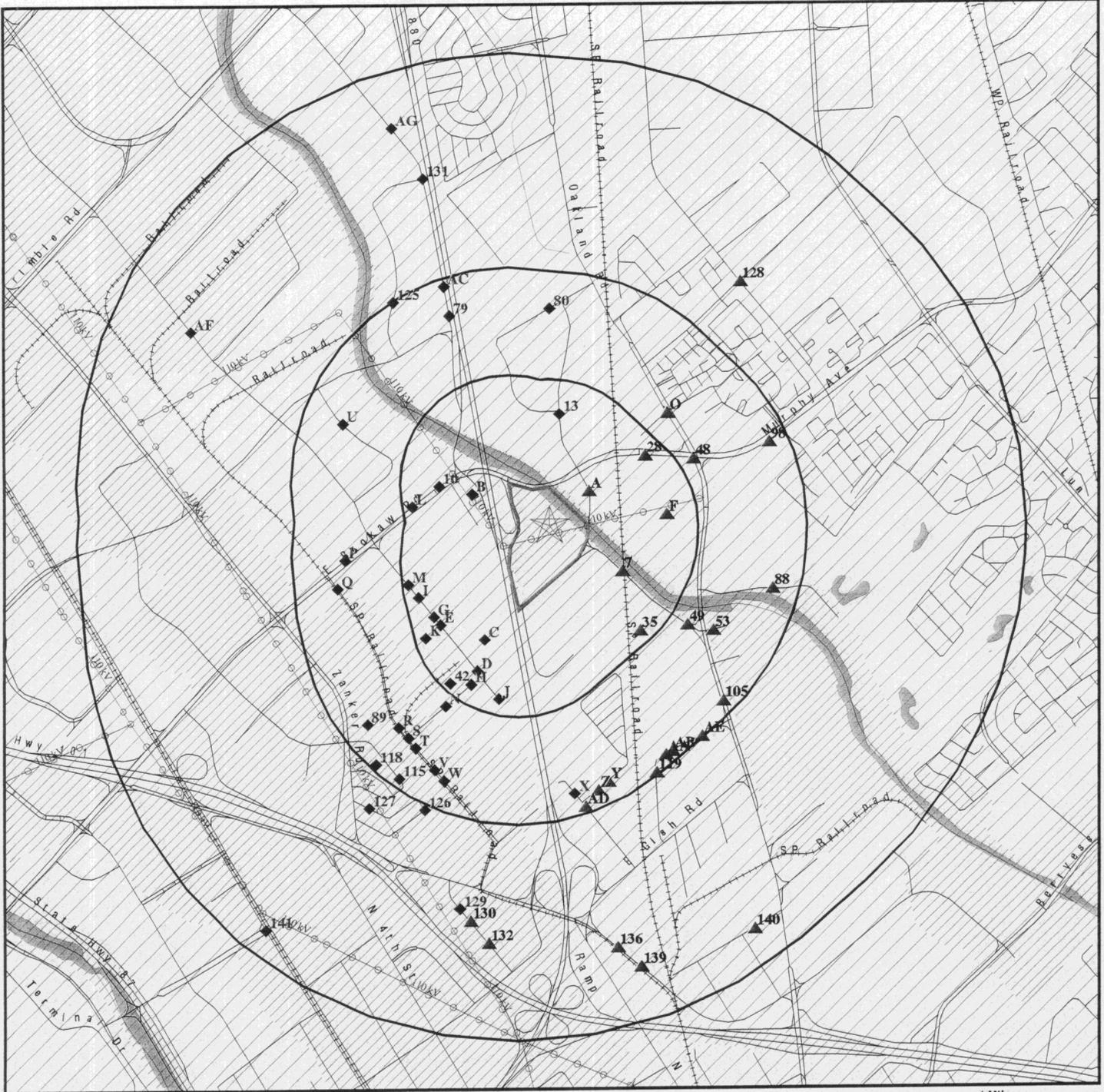
<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
1633 OLD OAKLAND ROAD SITE Facility Status: Active	1633 OAKLAND RD	1/8 - 1/4 E	F18	39
1040-1080 BROKAW ROAD Facility Status: Active	1040-1080 BROKAW ROAD	1/8 - 1/4 NE	28	60
RINGWOOD/MCKAY SITE Facility Status: No Further Action	RINGWOOD AVE. / MCKAY	1/2 - 1 NE	128	203
SAN JOSE PLATING WORKS II Facility Status: Active	1575-1585 TERMINAL AVEN	1/2 - 1 S	130	207
SAN JOSE PLATING WORKS, INC. Facility Status: Active	1501 TERMINAL AVENUE	1/2 - 1 S	132	213
PROTO MOLD Facility Status: Certified	1390 OLD BAYSHORE HIGHW	1/2 - 1 SSE	136	271
MOYER CHEMICAL COMPANY Facility Status: Refer: RCRA	1310 OLD BAYSHORE HWY	1/2 - 1 SSE	139	280
GARDEN VALLEY FERTILIZER COMPA Facility Status: No Further Action	565 CHARLES STREET	1/2 - 1 SE	140	281
<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
CALIFORNIA ELECTRO-PLATING CO. Facility Status: No Further Action	1722 JUNCTION AVE.	1/4 - 1/2 SW	N46	78
FMC CORPORATION Facility Status: Inactive - Needs Evaluation	495 EAST BROKAW RD	1/4 - 1/2 W	P55	92
ULTRA-CHEM C L SCOTT ENTERPRIS Facility Status: No Further Action	460 REYNOLDS CIR	1/2 - 1 SSW	126	199
ELDO DRAPERY & DRY CLEANING Facility Status: Refer: RWQCB	413 REYNOLDS CIRCLE	1/2 - 1 SW	127	202
CASCADE COMPUTER COATING Facility Status: Active	1615 TERMINAL AVENUE	1/2 - 1 S	129	206
SANMINA CORPORATION Facility Status: No Further Action	2101 O'TOOLE AVENUE	1/2 - 1 NNW	131	208
VAN WATERS & ROGERS, INC. Facility Status: Refer: RWQCB	2256 JUNCTION AVE	1/2 - 1 WNW	AF134	266
SHELL OIL CO, SAN JOSE PIPELIN Facility Status: Refer: RWQCB	2165 OTOOLE AVENUE	1/2 - 1 NNW	AG137	275

EXECUTIVE SUMMARY

Due to poor or inadequate address information, the following sites were not mapped:

<u>Site Name</u>	<u>Database(s)</u>
ROLLINS LEASING CORPORATION	SWEEPS UST
S J CONCRETE PIPE CO -	SWEEPS UST
COCA COLA BOTTLING COMPANY	SWEEPS UST
SAN JOSE IMPORTS	HAZNET, LUST, Cortese, HIST LUST
BUTTERICK DEMOLITION	CERC-NFRAP
SAN JOSE STATE UNIV CHEM DEPT	CERC-NFRAP
STAUFFER CHEM CO RAISCH QUARRY	CERC-NFRAP
SILVERADO CONDOMINIUMS	CERC-NFRAP
VALLEY RECYCLING	SWF/LF
P&G INVESTMENT COMPANY	LUST, HIST LUST
NELLA OIL COMPANY #417	LUST, HIST LUST
VACANT LOT @SENER RDXHILLYER DR	ERNS
CENTURY CITY PARKING LOT	SLIC
PROPOSED COMMUNICATION HILL K-8 SCHOOL	SCH, ENVIROSTOR
MURPHY/LUNDY DEVELOPMENT	ENVIROSTOR

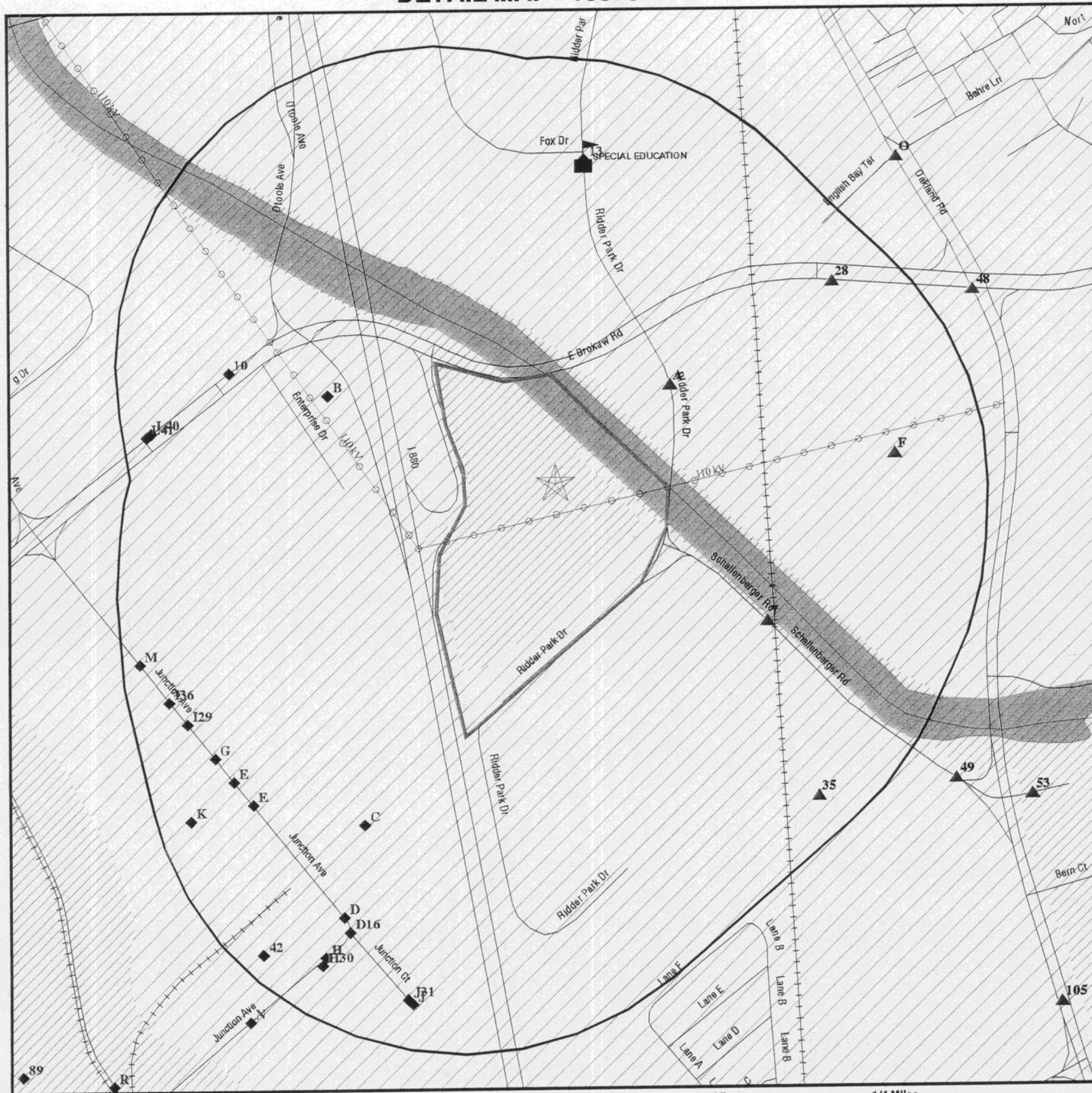
OVERVIEW MAP - 1837321.1s



- ◆ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- ▨ National Priority List Sites
- ▨ Landfill Sites
- ▨ Dept. Defense Sites
- ▨ Indian Reservations BIA
- ▨ Power transmission lines
- ▨ Oil & Gas pipelines
- ▨ 100-year flood zone
- ▨ 500-year flood zone
- ▨ National Wetland Inventory
- ▨ Areas of Concern

<p>SITE NAME: Vacant Lot ADDRESS: East Brokaw Road/Ridder Park Drive San Jose CA 95131 LAT/LONG: 37.3805 / 121.9018</p>	<p>CLIENT: Allwest Environmental Inc. CONTACT: Ed MacDaniel INQUIRY #: 1837321.1s DATE: January 17, 2007 1:24 pm</p>
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DETAIL MAP - 1837321.1s



Target Property

▲ Sites at elevations higher than or equal to the target property

◆ Sites at elevations lower than the target property

▲ Manufactured Gas Plants

■ Sensitive Receptors

▨ National Priority List Sites

▩ Landfill Sites

▧ Dept. Defense Sites

▨ Indian Reservations BIA

--- Power transmission lines

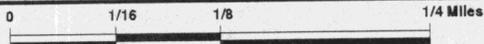
~ Oil & Gas pipelines

▨ 100-year flood zone

▩ 500-year flood zone

▧ National Wetland Inventory

▧ Areas of Concern



SITE NAME: Vacant Lot
 ADDRESS: East Brokaw Road/Ridder Park Drive
 San Jose CA 95131
 LAT/LONG: 37.3805 / 121.9018

CLIENT: Allwest Environmental Inc.
 CONTACT: Ed MacDaniel
 INQUIRY #: 1837321.1s
 DATE: January 17, 2007 1:24 pm

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
<u>FEDERAL RECORDS</u>								
NPL		1.000	0	0	0	0	NR	0
Proposed NPL		1.000	0	0	0	0	NR	0
Delisted NPL		1.000	0	0	0	0	NR	0
NPL RECOVERY	TP		NR	NR	NR	NR	NR	0
CERCLIS		0.500	0	0	0	NR	NR	0
CERC-NFRAP		0.500	0	0	2	NR	NR	2
CORRACTS		1.000	0	0	0	2	NR	2
RCRA TSD		0.500	0	0	0	NR	NR	0
RCRA Lg. Quan. Gen.		0.250	2	1	NR	NR	NR	3
RCRA Sm. Quan. Gen.		0.250	0	14	NR	NR	NR	14
ERNS	TP		NR	NR	NR	NR	NR	0
HMIRS	TP		NR	NR	NR	NR	NR	0
US ENG CONTROLS		0.500	0	0	0	NR	NR	0
US INST CONTROL		0.500	0	0	0	NR	NR	0
DOD		1.000	0	0	0	0	NR	0
FUDS		1.000	0	0	0	0	NR	0
US BROWNFIELDS		0.500	0	0	0	NR	NR	0
CONSENT		1.000	0	0	0	0	NR	0
ROD		1.000	0	0	0	1	NR	1
UMTRA		0.500	0	0	0	NR	NR	0
ODI		0.500	0	0	0	NR	NR	0
TRIS	TP		NR	NR	NR	NR	NR	0
TSCA	TP		NR	NR	NR	NR	NR	0
FTTS	TP		NR	NR	NR	NR	NR	0
SSTS	TP		NR	NR	NR	NR	NR	0
ICIS	TP		NR	NR	NR	NR	NR	0
RADINFO	TP		NR	NR	NR	NR	NR	0
CDL	TP		NR	NR	NR	NR	NR	0
LUCIS		0.500	0	0	0	NR	NR	0
PADS	TP		NR	NR	NR	NR	NR	0
MLTS	TP		NR	NR	NR	NR	NR	0
MINES		0.250	0	0	NR	NR	NR	0
FINDS	TP		NR	NR	NR	NR	NR	0
RAATS	TP		NR	NR	NR	NR	NR	0
<u>STATE AND LOCAL RECORDS</u>								
Hist Cal-Sites		1.000	0	0	0	1	NR	1
CA Bond Exp. Plan		1.000	0	0	0	2	NR	2
SCH		0.250	0	0	NR	NR	NR	0
Toxic Pits		1.000	0	0	0	0	NR	0
State Landfill		0.500	0	0	2	NR	NR	2
CA WDS	TP		NR	NR	NR	NR	NR	0
WMUDS/SWAT		0.500	0	0	0	NR	NR	0
Cortese		0.500	2	4	39	NR	NR	45
SWRCY		0.500	0	0	0	NR	NR	0
LUST		0.500	4	7	65	NR	NR	76
CA FID UST		0.250	0	0	NR	NR	NR	0

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
SLIC		0.500	0	5	4	NR	NR	9
HIST LUST		0.500	2	4	36	NR	NR	42
UST		0.250	0	0	NR	NR	NR	0
HIST UST		0.250	3	4	NR	NR	NR	7
AST		0.250	0	0	NR	NR	NR	0
SAN JOSE HAZMAT		0.250	4	8	NR	NR	NR	12
SWEEPS UST		0.250	2	1	NR	NR	NR	3
CHMIRS	TP		NR	NR	NR	NR	NR	0
Notify 65		1.000	0	0	0	1	NR	1
DEED		0.500	0	0	0	NR	NR	0
VCP		0.500	0	2	0	NR	NR	2
DRYCLEANERS		0.250	0	0	NR	NR	NR	0
WIP		0.250	0	0	NR	NR	NR	0
CDL	TP		NR	NR	NR	NR	NR	0
RESPONSE		1.000	0	0	0	2	NR	2
HAZNET	TP		NR	NR	NR	NR	NR	0
EMI	TP		NR	NR	NR	NR	NR	0
ENVIROSTOR		1.000	0	2	2	12	NR	16
<u>TRIBAL RECORDS</u>								
INDIAN RESERV		1.000	0	0	0	0	NR	0
INDIAN LUST		0.500	0	0	0	NR	NR	0
INDIAN UST		0.250	0	0	NR	NR	NR	0
<u>EDR PROPRIETARY RECORDS</u>								
Manufactured Gas Plants		1.000	0	0	0	0	NR	0

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database



"Linking Technology with Tradition"®

Sanborn® Map Report

Ship To: Ed MacDaniel
Allwest Environmental
530 Howard Street
San Francisco, CA 94105

Order Date: 1/17/2007 **Completion Date:** 1/17/2007
Inquiry #: 1837321.2s
P.O. #: NA
Site Name: Vacant Lot

Customer Project: 26299.29
012916VLA 415-391-2510

Address: East Brokaw Road/Ridder Park Drive
City/State: San Jose, CA 95131
Cross Streets:

This document reports that the largest and most complete collection of Sanborn fire insurance maps has been reviewed based on client supplied information, and fire insurance maps depicting the target property at the specified address were not identified.

NO COVERAGE

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Appendix B



EDR Environmental Data Resources Inc



Real Estate Research
& Information

The EDR Environmental Lien Search Report

EAST BROKAW ROAD
RIDDER PARK DRIVE AND
SCHALLENBERGER ROAD
SAN JOSE, CALIFORNIA

Monday, December 11, 2006

Project Number: L06-9632

The Standard In Environmental Risk Management Information

440 Wheelers Farm Road
Milford, Connecticut 06460

Nationwide Customer Service

Telephone: 1-800-352-0050
Fax: 1-800-231-6802

ENVIRONMENTAL LIEN REPORT

The EDR Environmental LienSearch Report provides results from a search of available current land title records for environmental cleanup liens and other activity and use limitations, such as engineering controls and institutional controls.

A network of professional, trained researchers, following established procedures, uses client supplied property information to:

- search for parcel information and/or legal description;
- search for ownership information;
- research official land title documents recorded at jurisdictional agencies such as recorders' office, registries of deed, county clerks' offices, etc.;
- Access a copy of the deed;
- Search for environmental encumbering instrument(s) associated with the deed;
- Provide a copy of any environmental encumbrance(s) based upon a review of key words in the instrument(s) (title, parties involved and description); and
- Provide a copy of the deed or cite documents reviewed.

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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ENVIRONMENTAL LIEN REPORT

The EDR Environmental Lien Search Report is intended to assist in the search for environmental liens filed in land title records.

TARGET PROPERTY INFORMATION

ADDRESS

EAST BROKAW ROAD
RIDDER PARK DRIVE AND SCHALLENBERGER ROAD
SAN JOSE, CALIFORNIA

RESEARCH SOURCE

Source: Santa Clara County Recorder

DEED INFORMATION

Type of Deed: GRANT DEED

Title is vested in: San Jose Real Property Holdings, LLC, a Delaware limited liability company

Title received from: Northwest Publications, Inc., a Delaware corporation

Deed Dated: 07-03-2006

Deed Recorded: 07-24-2006

Instrument: 19030245

LEGAL DESCRIPTION

Description: All that certain piece or parcel of land being 17.38 acres being a portion of Lot 7 of Crescent Farm Subdivision, lying and situate in the City of San Jose, County of Santa Clara, State of California.

Assessor's Parcel Number: 237-05-053

ENVIRONMENTAL LIEN

Environmental Lien: Found Not Found

1st Party:

2nd Party:

Dated:

Recorded:

Instrument:

Comments:

OTHER ACTIVITY AND USE LIMITATIONS (AULs)

Other AULs: Found Not Found

Appendix C



APPLICATION FOR AUTHORIZATION TO USE

REPORT TITLE: ENVIRONMENTAL SITE ASSESSMENT UPDATE
17.38 Acre Vacant Lot
East Brokaw Road and I-880
San Jose, California

To: AllWest Environmental, Inc.
530 Howard Street, Suite 300
San Francisco, CA 94105

From (Applicant): _____
(Please clearly identify name and address of person/entity applying for permission to use or copy this document)

Ladies and Gentlemen:

Applicant hereby applies for permission to rely upon *AllWest's* work product, as described above, for the purpose of: (state here the purpose for which you wish to rely upon the work product)

Applicant only can accept and rely upon *AllWest* work product under the strict understanding that Applicant is bound by all provisions in the Terms and Conditions attached to the report. Every report, recommendation, finding, or conclusion issued by *AllWest* shall be subject to the limitations stated in the Agreement and subject report(s). If this is agreeable, please sign below and return one copy of this letter to us along with the applicable fees. Upon receipt and if acceptable, our signed letter will be returned. *AllWest* may withhold permission at its sole discretion or require additional re-use fees or terms.

FEES: A \$750 coordination and reliance fee, payable in advance, will apply. If desired, for an additional \$75 report reproduction fee, we will reissue the report in the name of the Applicant; the report date, however, will remain the same. All checks will be returned if your request for reliance is not approved.

REQUESTED BY

APPROVED BY

Applicant Company

AllWest Environmental, Inc.

Print name and Title

Print Name and Title

Signature and Date

Signature and Date

PROJECT NUMBER: 26299.29
PROJECT NAME: ENVIRONMENTAL SITE ASSESSMENT UPDATE
17.38 Acre Vacant Lot
East Brokaw Road and I-880
San Jose, California

GENERAL CONDITIONS TO THE WORK AUTHORIZATION

AGREEMENT

It is hereby agreed that the Client retains AllWest to act for and represent it in all matters set forth in the Work Authorization attached hereto (the "Work"). Such contract of retainer shall be subject to and is conditioned upon the following terms, conditions, and stipulations, which terms, conditions and stipulations will also apply to any further agreements, purchase orders, or documentation regarding the Work unless modified by a writing signed by both Parties to this Agreement. Signature by client on work authorization constitutes agreement with General Conditions as stated here.

It is recognized and agreed that AllWest has assumed responsibility only for making the investigations, reports and recommendations to the Client included within the Scope of Work. The responsibility for making any disclosures or reports to any third party and for the taking of corrective, remedial, or mitigative action shall be solely that of the Client.

REIMBURSABLE COSTS/INTEREST AND ATTORNEYS FEES

1. Reimbursable Costs will be charged to the Client in addition to the fees for the basic services under this Agreement and all Additional Services under the Agreement. Reimbursable Costs include, but are not limited to, expenses for travel, including transportation, meals, lodging, long distance telephone and other related expenses, as well as the costs of reproduction of all drawings for the Client's use, costs for specifications and type-written reports, permit and approval fees, automobile travel reimbursement, costs and fees of subcontractors, and soil and other materials testing. No overtime is accrued for time spent in travel. All costs incurred which relate to the services or materials provided by a contractor or subcontractor to AllWest shall be invoiced by AllWest on the basis of cost plus twenty percent (20%). Automobile travel reimbursement shall be at the rate of fifty-four cents (\$.54) per mile. All other reimbursable costs shall be invoiced and billed by AllWest at the rate of 1.2 times the direct cost to AllWest. Any rates set forth in this Agreement are subject to reasonable increases by AllWest upon giving thirty days' written notice to Client. Reimbursable costs will be charged to the client *only as outlined* in the attached proposal if the work is a for Phase I Environmental Site Assessment. Client knowingly and willingly agrees to pay interest on the balance of on unpaid invoices overdue more than 30 days at a rate of 18% per annum and all attorney fees incurred by AllWest to secure payment of unpaid invoices. AllWest may waive such fees at its discretion.

WARRANTY AND LIMITATION OF LIABILITY

2. AllWest hereby warrants that it will perform the Work with the usual degree and standard of care and skill observed by members of AllWest's profession in the same geographic area on projects of the type engaged in by AllWest. **Client's sole remedy under this Agreement against AllWest or any of its employees or independent contractors shall be to request that AllWest repeat or correct any of the Work performed by AllWest which fails to meet these standards. The financial liability of AllWest, including its employees and independent contractors including attorney fees, shall not exceed the dollar value of this contract and shall be limited to direct damages.** All other damages such as loss of use, profits, anticipated profits and like losses are consequential damages for which neither AllWest nor its employees or independent contractors are liable. Client hereby releases AllWest from all liability and damage incurred by the Client or other person which are associated with the services provided by AllWest, or the employees, agents, contractors or subcontractors of AllWest, under this Agreement.

Further, Client hereby releases AllWest from any and all liability for risks or damages to the Project site. AllWest assumes no liability or duties regarding the Project site by reason of its performance of the Work at the Project. Client shall hold AllWest harmless from any liabilities or duties with respect to the work or the Project. Client shall further release, indemnify and hold AllWest harmless from any and all claims, liabilities or damages resulting from AllWest's use of technological or design concepts, or any other concepts or uses which, though acceptable and standard at the time the decision to use them was made, are unacceptable or non-standard beginning at the time work commences or any time thereafter. If AllWest must incur additional expenses in the work by reason of the need to incorporate new or different technologies into the Work, whether necessitated by new laws, regulations or guidelines, or by the desire of Client, Client agrees to reimburse AllWest for such expenses, as well as provide compensation for AllWest's services at the rates set forth in the Work Authorization.

Client acknowledges that AllWest and its sub-contractors have played no part in the creation of any hazardous waste, pollution sources, nuisance, or chemical or industrial disposal problem, which may exist, and that AllWest has been retained for the sole purpose of assisting the Client in assessing any problem which may exist and in assisting the Client in formulating a remedial program, if such is within the Scope of Work which AllWest has assumed. Client recognizes that while necessary for investigations, commonly used exploration methods, may penetrate through contaminated materials and serve as a connecting passageway between the contaminated material and an uncontaminated aquifer or groundwater, possibly inducing cross contamination. While back-filling with grout, or other means, according to a state of practice design, is intended to provide a seal against such passageway, it is recognized that such a seal may be imperfect and that there is an inherent risk in drilling borings or performing other exploration methods in a hazardous waste site.

AllWest shall not be required to sign any documents, no matter by whom requested, that would result in AllWest having to certify, guarantee, warrant or opine on conditions whose existence AllWest cannot ascertain. The CLIENT also agrees not to make resolution of any dispute with AllWest or payment of any amount due to AllWest in any way contingent upon AllWest signing any such documents.

TERMINATION

3. This Agreement may be terminated by either party upon seven (7) days' written notice should the other party substantially fail to perform in accordance with its terms through no fault of the party initiating the termination. In the event of termination which is not the fault of AllWest, AllWest shall be paid no less than eighty percent (80%) of the contract price, provided, however, that if AllWest shall have completed more than eighty percent of the Work at the time of said termination, AllWest shall be compensated as provided in the Work Authorization for all services performed prior to the termination date which fall within the scope of work described in the Work Authorization and may as well, at its sole discretion and in accordance with said Schedule of Fees, charge Client its reasonable costs and labor in winding up its files and removing equipment and other materials from the Project.

AllWest may issue notice to other consultants, contractors, subcontractors and to governing agencies having jurisdiction over the Project and take such other actions as are reasonably necessary in order to give notice that AllWest is no longer associated with the Project and to protect AllWest from claims of liability from the work of others.

DOCUMENTS

4. Any documents prepared by AllWest, including but not limited to proposals, project specifications, drawings, calculations, plans and maps, and any ideas and designs incorporated therein, as well as any reproduction of the above are and shall remain the property of AllWest whether or not said documents are actually utilized in connection with the Project. The Client shall be permitted to retain a copy of any documents provided to the Client by AllWest, but said documents may not be used by the Client on other projects or for any other purpose, except the current one, except by agreement in writing with AllWest and with appropriate compensation to AllWest.

Client shall furnish, or cause to be furnished to AllWest, all documents and information known to Client that relate to the identity, location, quantity, nature, or characteristics of any asbestos, PCBs, or any other hazardous materials or waste at, on or under the site. In addition, Client will furnish or cause to be furnished such reports, data, studies, plans, specifications, documents and other information on surface or subsurface site conditions, e.g., underground tanks, pipelines and buried utilities, required by AllWest for proper performance of its services. IF CLIENT fails to provide AllWest with all hazardous material subject matter reports including geotechnical assessments in their possession during the period that AllWest is actively providing expertise (30 days post the final invoice), CLIENT shall release AllWest from any and all liability for risks and damages the CLIENT incurs resulting from their reliance on AllWest's professional opinion. AllWest shall be entitled to rely upon Client - provided documents and information in performing the services required in this Agreement; however, AllWest assumes no responsibility or liability for their accuracy or completeness. Client-provided documents will remain the property of the Client.

ACCESS TO PROJECT

5. Client grants to AllWest the right of access and entry to the Project at all times necessary for AllWest to perform the Work. If Client is not the owner of the Project, then Client represents that Client has full authority to grant access and right of entry to AllWest for the purpose of AllWest's performance of the Work. This right of access and entry extends fully to any agents, employees, contractors or subcontractors of AllWest upon reasonable proof of association with AllWest.

CONFIDENTIAL INFORMATION

6. Both Client and AllWest understand that in conjunction with AllWest's performance of the Work on the project, both Client and AllWest's performance of the Work on the project, both Client and AllWest may receive or be exposed to Proprietary Information of the other. As used herein, the term "Proprietary Information" refers to any and all information of a confidential, proprietary or secret nature which may be either applicable to, or relate in any way to: (a) the personal, financial or other affairs of the business of each of the Parties, or (b) the research and development or investigations of each of the Parties. Proprietary Information includes, for example and without limitation, trade secrets, processes, formulas, data, know-how, improvements, inventions, techniques, software technical data, developments, research projects, plans for future development, marketing plans and strategies. Each of the Parties agrees that all Proprietary Information of the other party is and shall remain exclusively the property of that other party. The parties further acknowledge that the Proprietary Information of the other party is a special, valuable and unique asset of that party, and each of the Parties hereto agrees that at all times during the terms of this Agreement and thereafter to keep in confidence and trust all Proprietary Information of the other party, whether such Proprietary Information was obtained or developed by the other party before, during or after the term of this Agreement. Each of the Parties agrees not to sell, distribute, disclose or use in any other unauthorized manner the Proprietary Information of the other party. AllWest further agrees that it will not sell, distribute or disclose information or the results of any testing obtained by AllWest during the performance of the Work without the prior written approval of Client unless required to do so by federal, state or local statute, ordinance or regulation.

ADDITIONAL SERVICES

7. In addition to the services to be performed by AllWest as described in the Work Authorization, the following items shall for the purposes of this Agreement be termed "Additional Services": (a) work resulting from changes in scope or magnitude of the Work as described therein, (b) work resulting from changes necessary because of construction cost over-runs, (c) work resulting from implementation of alternative or different designs from that first contemplated by the Parties, (d) work resulting from corrections or revisions required because of errors or omissions in construction by the building contractors, (e) work due to extended design or construction time schedules, (f) layout surveys in review of in-place constructed elements, and (g) services as an expert witness in connection with any public hearing, arbitration or proceedings of a court of record with respect to the Work on the Project.

AllWest will be compensated by Client for any Additional Services as provided under the Work Authorization.

DISPOSAL OF CONTAMINATED MATERIAL

8. Client understands and agrees that AllWest is not, and has no responsibility as, a generator, operator, treater, storer, transporter or disposer of hazardous or toxic substances found or identified at the site, including investigation-derived waste. The Client shall undertake or arrange for handling, removal, treatment, storage, treatment of hazardous material shall be the sole responsibility of Client. AllWest's responsibilities shall be limited to recommendations regarding such matters and assistance with appropriate arrangements if authorized by Client.

INDEPENDENT CONTRACTOR

9. Both Client and AllWest agree that AllWest will act as an independent contractor in the performance of the Work under this Agreement. All persons or parties employed by AllWest in connection with the Work are the agents, employees or subcontractors of AllWest and not of Client. Accordingly, AllWest shall be responsible for payment of all taxes arising out of AllWest's activities in performing the Work under this Agreement.

NOTICES

10. (a) All notices, demands or requests provided for or permitted to be given pursuant to this Agreement must be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or if mailed by first class certified mail, return receipt requested, and properly addressed as follows:

To Client: _____
To AllWest: AllWest Environmental, Inc.
530 Howard Street, Suite 300
San Francisco, California 94105

when either (i) the return receipt is signed by the addressee, (ii) the mailing is refused by the addressee, or (iii) the mailing is not delivered because the addressee moved and left no forwarding address; b) By giving the other party to this Agreement ten (10) days' written notice thereof, the parties hereto and their respective successors and assigns shall have the right from time to time and at any time during the term of this Agreement to change their respective addresses and each shall have the right to specify as its address any other address within the United States of America.

ENTIRE AGREEMENT

11. This Agreement contains the entire agreement between the Parties pertaining to the subject matter contained in it and supersedes all prior and contemporaneous agreements, representations and understandings of the Parties. The terms of this Agreement are contractual and not a mere recital. The undersigned have carefully read and understand the contents of this Agreement and sign their names to the same as their own free act. This Agreement was entered into following negotiations between the Parties.

MODIFICATION / WAIVER / PARTIAL INVALIDITY

12. The terms of this Agreement may be modified only by a writing signed by both Parties. No consent or waiver, express or implied, by either party to or of any breach or default by another in the performance by the other of its obligations hereunder shall be deemed or construed to be a consent or waiver to or of any other breach or default in the performance by such other party of the same or any other obligations of such party hereunder. Failure on the part of either party to complain of any act or failure to act of the other, or to declare the other party in default, shall not constitute a waiver by such party of its rights hereunder. If any provision of this Agreement or the application thereof to any person or circumstances shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

INUREMENT / TITLES / ATTORNEYS' FEES

13. Subject to any restrictions on transfers, assignments and encumbrances set forth herein, this Agreement shall inure to the benefit of and be binding upon the undersigned Parties and their respective heirs, executors, legal representatives, successors and assigns. Paragraph titles or captions contained in this Agreement are inserted only as a matter of convenience, and for reference only, and in no way limit, define or extend the provisions of any paragraph. If any legal action or any arbitration or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions of this Agreement, the successful prevailing party shall be entitled to recover reasonable attorneys' fees and other costs incurred in that action or proceeding, in addition to any other relief to which it or they may be entitled. In addition, AllWest and Client shall be entitled to be reimbursed by the other for any attorneys' fees or other costs reasonably incurred in enforcing the terms of this Agreement in the event such fees are incurred without resorting to arbitration or litigation.

INTERPRETATION / ADDITIONAL DOCUMENTS

14. The words "Client" and "AllWest" as used herein shall include the plural as well as the singular. Words used in the neuter gender include the masculine and feminine. Words used in the masculine gender include the feminine and neuter. If there is more than one Client or Consultant, the obligations hereunder imposed on Client or AllWest or Consultant shall be joint and several. Although the printed provisions of this Agreement were drafted by the attorneys for AllWest, the terms of this Agreement were fully negotiated by the Parties and shall not be construed for or against the Client or AllWest but shall be interpreted in accordance with the general meaning of the language herein contained in an effort to reach the intended result. Each of the Parties hereto shall upon request execute and/or acknowledge and/or deliver to each other Party or to its representatives any and all further documents which may now or hereafter be necessary to enable any of the Parties to effectuate any of the provisions of this Agreement.

AUTHORITY

15. Each of the persons executing this Agreement on behalf of a corporation does hereby covenant and warrant that the corporation is *duly authorized and existing under the laws* of its respective state of incorporation, that the corporation has and is qualified to do business in its respective state of incorporation, that the corporation has the full right and authority to enter into this Agreement, that the Board of Directors if required pursuant to the bylaws or resolution of the corporation approved this Agreement, and that each person signing on behalf of the corporation is authorized to do so. If the Client is a joint venture or a general partnership, the signatories below warrant that said joint venture or general partnership is properly and duly organized and existing under the laws of the respective state of its formation and pursuant to the joint venture agreement or a partnership agreement as well as by virtue of the laws of the respective state of its formation, said signatory is a joint venturer or a general partner of said joint venture or general partnership and has the power and authority to bind the joint venture or the general partnership.

COUNTERPARTS / ABSENCE OF PARTNERSHIP OR JOINT VENTURE

16. This Agreement may be signed in counterparts by each of the Parties hereto and, taken together, the signed counterparts shall constitute a single document. It is expressly understood that the Client does not, in any way or for any purpose, become a partner of AllWest in the conduct of its business, or otherwise, or joint venturer or a member of a joint enterprise with AllWest. It is expressly understood that AllWest do not, in any way or for any purpose, become a partner of the Client in the conduct of Client's business, or otherwise, or joint venturer or a member of a joint enterprise with Client.

THIRD PARTY BENEFICIARIES / CONTROLLING LAW

17. There are no intended third party beneficiaries of this Agreement. The services, data & opinions expressed by AllWest are for the sole use of the client, are for a particular project and may not be relied upon by anyone other than the client. This Agreement shall be controlled by the laws of the State of California and any action by either party to enforce this Agreement shall be brought in San Francisco County, California.