

**REPORT #:** PID 1670710  
**APN#:** 055-1902-007-00

**ESCROW/FILE  
NUMBER:**

**ESCROW AGENT:**

**SUBJECT PROPERTY:**  
2412 MARTIN LUTHER KING J  
WAY  
BERKELEY, CA 94704  
ALAMEDA

**DATE:** 11/27/2006

EPID 1670710

**ORDERED BY:**  
HOLLY ROSE  
COLDWELL BANKER  
1495 SHATTUCK AVENUE  
BERKELEY, CA 94709  
APID 1670710

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*\*Provided in buyer's copy only*

### **NOTICE TO BUYER:**

This report applies to the property described by the street address and/or county assessor's parcel number as shown above. Please verify this information for accuracy. If this report has been issued in connection with an identified escrow and your escrow transaction number fails to match the escrow number enumerated in this report, then this report is invalid and must be reordered. This report is issued as of the date shown above and is based upon an examination of maps as published by the applicable government agencies. This report does not constitute an opinion as to the advisability of completing the transaction.  
*Property I.D. Corporation will issue four original copies of this report for distribution to the parties involved in the transaction.*

# NATURAL HAZARD DISCLOSURE STATEMENT AND DISCLOSURE REPORT RECEIPT

This statement applies to the following property: **2412 MARTIN LUTHER KING JR WAY BERKELEY CA 94704** Date: 11/27/2006 3:02:00 PM

The transferor and his or her agent(s) or a third-party consultant disclose the following information with the knowledge that even though this is not a warranty, prospective transferees may rely on this information in deciding whether and on what terms to purchase the subject property. Transferor hereby authorizes any agent(s) representing any principal(s) in this action to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property. The following are representations made by the transferor and his or her agent(s) based on their knowledge and maps drawn by the state and federal governments. This information is a disclosure and is not intended to be part of any contract between the transferee and transferor. **THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S):**

- 1. A SPECIAL FLOOD HAZARD AREA** (Any type Zone "A" or "V") designated by the Federal Emergency Management Agency. Refer to Report.  
Yes \_\_\_ No X Pending \_\_\_ Do not know and information not available from local jurisdiction \_\_\_
- 2. AN AREA OF POTENTIAL FLOODING** shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code. Refer to Report.  
Yes \_\_\_ No X Do not know and information not available from local jurisdiction \_\_\_
- 3. A VERY HIGH FIRE HAZARD SEVERITY ZONE** pursuant to Section 51178 or 51179 of the Government Code. The owner of this property is subject to the maintenance requirements of Section 51182 of the Government Code. Refer to Report.  
Yes \_\_\_ No X
- 4. A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS** pursuant to Section 4125 of the Public Resources Code. The owner of this property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code. Refer to Report.  
Yes \_\_\_ No X
- 5. AN EARTHQUAKE FAULT ZONE** pursuant to Section 2622 of the Public Resources Code. Refer to Report.  
Yes \_\_\_ No X
- 6. A SEISMIC HAZARD ZONE** pursuant to Section 2696 of the Public Resources Code. Refer to Report.  
Yes (Landslide Zone) \_\_\_ Yes (Liquefaction Zone) \_\_\_ No X Map not yet released by state \_\_\_

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

Signature of Transferor(s) \_\_\_\_\_ Date \_\_\_\_\_  
Signature of Transferor(s) \_\_\_\_\_ Date \_\_\_\_\_  
Agent(s) \_\_\_\_\_ Date \_\_\_\_\_  
Agent(s) \_\_\_\_\_ Date \_\_\_\_\_

Check only one of the following:

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

Third-Party Disclosure Provider(s) \_\_\_\_\_ Property I.D. \_\_\_\_\_ Date \_\_\_\_\_ 11/27/2006 3:02:00 PM \_\_\_\_\_

Transferee represents that he or she has read and understands this document. Pursuant to Civil Code Section 1103.8, the representations made in this Natural Hazard Disclosure Statement do not constitute all of the transferor's or agent's disclosure obligations in this transaction.

Items 7-17 below indicate additional statutory disclosures and legal information provided in the report.

- 7. ENVIRONMENTAL RISK REPORT** (Enclosed if ordered and automatically enclosed for Santa Clara and San Mateo Counties.)
- 8. INDUSTRIAL USE ZONE DETERMINATION** (where available) pursuant to Section 1102.17 of the California Civil Code. Refer to Report.
- 9. FLOOD HAZARD DETERMINATION** pursuant to 42 U.S.C. Section 4001 *et seq.* Refer to Report.
- 10. LOCAL JURISDICTION HAZARDS** (May include but will not be limited to one or more of the following: Fault Activity, Methane Gas, Landslide Inventory Reports, Liquefaction Susceptibility, Fire, Naturally Occurring Asbestos, Airport Influence, Tsunami, Radon, Williamson Act, Right to Farm, Groundwater Deficiency, Hydro Compaction, Flood and Inundation Hazards, Critical Habitats, Duct Sealing Requirements, Methamphetamine Contamination, Mines, and Underground Reservoirs) Refer to Report.
- 11. MELLO-ROOS & SPECIAL ASSESSMENTS** pursuant to Section 53311-53365.7 / 53754 of the California Government Code; **NOTICE OF SUPPLEMENTAL PROPERTY TAX BILL** pursuant to Civil Code Section 1102.6c. Refer to Report.
- 12. MILITARY ORDNANCE FACILITIES** pursuant to California Civil Code Sections 1102.15 and 1940.7. Refer to Report.

Items 13-17 below are guides enclosed in Buyer's Copy of report.

- 13. ENVIRONMENTAL HAZARDS:** "A Guide for Homeowners, Buyers, Landlords and Tenants" pursuant to California Health and Safety Code Section 25100 *et seq.*, 25417, and 26100, Business and Professions Code Section 10084, and Civil Code Section 2079.7. Refer to Report.
- 14. EARTHQUAKE SAFETY:** "The Homeowner's Guide To Earthquake Safety" and "Residential Earthquake Hazards Report" form pursuant to California Business and Professions Code Section 10149, and Government Code Sections 8897.1, 8897.2, and 8897.5. Refer to Report.
- 15. RESIDENTIAL EARTHQUAKE HAZARDS REPORT FORM** pursuant to California Business and Professions Code Section 10149, and California Government Code Sections 8897.1, 8897.2, and 8897.5. Refer to enclosed "The Homeowner's Guide to Earthquake Safety".
- 16. LEAD-BASED PAINT:** "Protect Your Family From Lead In Your Home" pursuant to HUD Mortgage Letter 92-94, Title X of Housing and Com. D.V. Act of 1992. Refer to Report.
- 17. MOLD:** Chapter VI re mold, pursuant to Health and Safety Code Section 25100 *et seq.*, 25417, and 26100, Business and Professions Code Section 10084, and Civil Code Section 2079.7. Refer to Report.

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

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



**EARTHQUAKE FAULT ZONE DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on PROPERTY I.D.'s research of the current official Earthquake Fault Zone Map(s) issued by the State of California, the following determination is made:

**THE SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIAL  
EARTHQUAKE FAULT ZONE**

**DISCUSSION:**

If the subject property is partially or wholly within an OFFICIAL EARTHQUAKE FAULT ZONE, it may be subject to (city, county, or state) requirements necessitating geologic study prior to any new or additional construction. When a property is located in this zone, it may not mean that a fault line exists on the property. In certain areas, the zones are more than one-quarter of a mile wide.

Earthquake Fault Zones are delineated and adopted by the State of California as part of the Alquist-Priolo Special Studies Zone Act of 1972 to assure that homes, offices, hospitals, public buildings, and other structures for human occupancy are not built on active faults. Earthquake Fault Zones are areas on both sides of known or suspected active earthquake faults. The State Mining and Geology Board has adopted policies and criteria for the implementing of these zones.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained.*

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NOTE: Disclosure of the above information constitutes a material fact. In accordance with Section 2621.9 of the California Resources Code this information must be disclosed to the buyer by the agent for the seller or the seller of the subject property.

**FAULT ACTIVITY  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on PROPERTY I.D.'s research of the current maps contained in the Alameda County Safety Element, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED WITHIN 1/4 MILE OF A MAPPED  
FAULT\***

**DEFINITION:**

"**Active**" faults are defined as faults that have been active within the last 0 to 11,000 years before the present.

"**Potentially Active**" faults are defined as faults that may have been active between 11,000 years and 500,000 years before the present.

"**Conditionally Active**" faults are defined as faults that may have had activity 750,000 years before the present or uncertain activity.

**DISCUSSION:**

As a part of long-term planning, localities are required to include mapping of known seismic or other geologic hazards on a local level. Information may vary between jurisdictions, and may include information about all locally known seismic hazard zones, including an area's susceptibility to strong ground shaking, liquefaction, landslides, or other ground failure. The absence of earthquake activity at a particular location does not necessarily mean that earthquakes will not occur there in the future. Moderate to large earthquakes have often been preceded by or followed by long periods of quiescence. The apparent correlation between seismic activity and mapped faults should confine areas of higher probability of earthquake occurrence to somewhat restricted zones.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained.*

**FLOOD HAZARD ZONE DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on PROPERTY I.D.'s research of the current Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, the following determination is made:

**SUBJECT PROPERTY IS LOCATED IN ZONE C**

Areas of Special Flood Hazard (100-year flood) include Zones A, AE, AH, AO, AR, A1-A30, A99, V, V1-30 and VE.

**EXPLANATION OF ZONE DESIGNATIONS**

<b>A</b>	AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
<b>AE</b>	BASE FLOOD ELEVATIONS DETERMINED.
<b>AH</b>	AREAS OF 100-YEAR SHALLOW FLOODING WHERE DEPTHS ARE BETWEEN ONE (1) AND THREE (3) FEET; BASE FLOOD ELEVATIONS ARE SHOWN, BUT NO FLOOD HAZARD FACTORS ARE DETERMINED.
<b>AO</b>	AREAS OF 100-YEAR SHALLOW FLOODING WHERE DEPTHS ARE BETWEEN ONE (1) AND THREE (3) FEET; AVERAGE DEPTHS OF INUNDATION ARE SHOWN, BUT NO FLOOD HAZARD FACTORS ARE DETERMINED.
<b>AR</b>	AREAS OF 100-YEAR FLOOD, WHERE RESTORATION OF LEVEE SYSTEM TO LEVEL OF BASE FLOOD IS UNDERWAY (TEMPORARY UNTIL FLOOD PROTECTION SYSTEM IS RESTORED)
<b>A1-A30</b>	AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED.
<b>A99</b>	AREAS OF 100-YEAR TO BE PROTECTED BY FLOOD PROTECTION SYSTEM UNDER CONSTRUCTION BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
<b>B</b>	AREAS BETWEEN THE LIMITS OF THE 100-YEAR FLOOD AND THE 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.
<b>C</b>	AREAS OF MINIMAL FLOODING.
<b>D</b>	AREAS OF UNDETERMINED, BUT POSSIBLE, FLOOD HAZARDS.
<b>NSFHA</b>	AREAS THAT ARE NOT A SPECIAL FLOOD HAZARD.
<b>V</b>	AREAS OF 100-YEAR COASTAL FLOOD WITH VELOCITY (WAVE ACTION); BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
<b>V1-V30</b>	AREAS OF 100-YEAR COASTAL FLOOD WITH VELOCITY (WAVE ACTION); BASE FLOOD ELEVATION AND FLOOD HAZARD FACTORS DETERMINED.
<b>VE</b>	COASTAL FLOOD WITH VELOCITY HAZARD (WAVE ACTION); BASE FLOOD ELEVATIONS DETERMINED.
<b>X</b>	AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.
<b>X500</b>	AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained.*

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NOTE: The above information constitutes a material fact and will assist the agent in fulfilling State and Federal requirements for determining eligibility for Flood Insurance. In accordance with real estate disclosure laws, this information should be disclosed to the buyer by the agent for the seller of the subject property.

**WILDLAND FIRE AREA (STATE FIRE RESPONSIBILITY AREA)  
AND VERY HIGH FIRE HAZARD SEVERITY ZONE DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on Property I.D.'s research of the current maps issued by the California Department of Forestry and Fire Protection, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED STATE FIRE RESPONSIBILITY AREA**

**DEFINITION:**

A State Fire Responsibility Area is defined as "lands exclusive of cities and federal lands regardless of ownership, classified by the State Board of Forestry as areas in which the primary financial responsibility for preventing and suppressing fire is that of the State. These are lands covered wholly or in part by timber, brush, undergrowth or grass, whether of commercial value or not, which protect the soil from erosion, retard runoff of water or accelerated percolation, and lands used principally for range or forage purposes." State Fire Responsibility Areas are generally wildland areas, and may require state-imposed additional duties, such as maintaining fire breaks.

Note: If the property is located in a State Fire Responsibility area, Seller shall, within the time specified disclose this fact in writing to Buyer (Public Resources Code §§4136). Disclosure may be made in the Real Estate Transfer Disclosure Statement (CAR Form TDS -14). Government regulations may impose building restrictions and requirements that may substantially impact and limit construction and remodeling of improvement. Disclosure of these areas is required only if the Seller has actual knowledge that the Property is located in such an area or maps of such areas have been provided to the county assessor's office.

Based on Property I.D.'s research of the current maps issued by the California Department of Forestry and Fire Protection\*, and /or the maps currently adopted by the applicable local agency\*\*, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN A VERY HIGH FIRE HAZARD SEVERITY ZONE\***

**SUBJECT PROPERTY IS NOT LOCATED IN A VERY HIGH FIRE HAZARD SEVERITY ZONE\*\***

\*\*"Local Agency": A city, county, city and county or district responsible for fire protection within a very high fire hazard severity zone

**DEFINITION:**

Lands in the state of California are classified in accordance with their propensity for very high fire hazard, where public officials are able to identify measures to retard the rate of spread of fires, and reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property. These areas are classified as such based upon fuel loading, slope, fire weather, and other relevant factors. For an area designated as a very high fire hazard severity zone, vegetation removal or management must be undertaken for fire prevention or suppression purposes. Other measures such as the maintenance of fire breaks around the property, clearance of brush and other flammable substances, provide and the provision and maintenance of a screen near the outlet of chimneys and stovepipes, and the requirement of a proscribed fire retardant roof.

*Property I.D. has obtained the information in this report from the above-referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained.*

**NOTE:** Under Public Resources Code Section 51182, a person who owns or occupies a structure within a very high fire severity zone is required at all times to maintain and provide measures intended to retard or prevent fires. Government regulations may impose building restrictions, which may impact and limit construction and remodeling improvement.

**LANDSLIDE INVENTORY REPORT  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on PROPERTY I.D.'s research of the current maps issued by the California Geological Survey\* and the current maps adopted by the City of Berkeley General Plan\*\*, the following determinations are made:

**SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED  
EARTHQUAKE-INDUCED LANDSLIDE HAZARD ZONE\***

**SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED  
LANDSLIDE AREA \*\***

**DISCUSSION:**

The California Geological Survey map explanation defines earthquake-induced landslides as areas where previous occurrences of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacement such that mitigation as defined in the Public Resources code Section 2693 (c) would be required. Section 2693 (c) defines "mitigation" to mean those measures that are consistent with established practice and that will reduce seismic risk to acceptable levels.

**Important Note:** The map upon which this determination is based may not show all areas that have the potential for landsliding or other earthquake and geologic hazards. Also, a single earthquake capable of triggering landslide failure will not uniformly affect the entire area zoned.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" or "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained.*

**LIQUEFACTION SUSCEPTIBILITY DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on PROPERTY I.D.'s research of the current maps issued by the California Geological Survey\* and the current maps adopted by the City of Berkeley General Plan\*\*, the following determinations are made:

**SUBJECT PROPERTY IS LOCATED WITHIN 1/4 MILE OF AN OFFICIALLY DESIGNATED LIQUEFACTION HAZARD ZONE\***

**SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED AREA OF POTENTIAL FOR GROUND FAILURE INCLUDING LIQUEFACTION \*\***

**DEFINITIONS:**

**Liquefaction** is the sudden loss of strength of water-saturated sandy soils resulting from shaking during an earthquake. Ground areas most susceptible to liquefaction are those that are underlain at shallow depth -- usually less than 30 feet -- by layers of water-saturated fine sand.

**DISCUSSION:**

The map explanation defines liquefaction as areas where historic occurrence of liquefaction, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacement such that mitigation as defined in Public Resources Code Section 2693 (c) would be required. Section 2693 (c) defines "mitigation" to mean those measures that are consistent with established practice and that will reduce seismic risk to acceptable levels.

**Important Note:** The map upon which this determination is based may not show all areas that have the potential for liquefaction or other earthquake and geologic hazards. Also, a single earthquake capable of causing liquefaction will uniformly affect the entire area zoned. Liquefaction zones may also contain areas susceptible to the effects of earthquake induced landslides. This situation typically exists at or near the toe of existing landslides, down slope from rock fall or debris flow source areas, or adjacent to steep stream banks.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" or "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained.*

**FLOOD AND INUNDATION HAZARD DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on PROPERTY I.D.'s research of the current maps issued by the Office of Emergency Services\*, and/or the maps currently adopted by the applicable local agency\*\*, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED  
DAM INUNDATION AREA\***

**SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED  
AREA OF POSSIBLE DAM INUNDATION\*\***

\*\*"Local Agency": A city, county, city and county, or district

**DISCUSSION:**

There are 29 dams in Alameda County. These impound about 291,000 acres feet of water, of which 92% is contained by the four largest dams: Calaveras, Del Valle, James H. Turner, and Upper San Leandro. Dam failure may or may not be caused by an earthquake. Watershed runoff and stream overflow is normally controlled within a dam or debris basin. These basins may overflow due to periodic heavy winter rainfalls, tidal fluctuations, and watershed runoff. The potential for downstream flooding is in large part directly related to upstream conditions. The dam inundation hazard area determination is only concerned with the regional vulnerability to dam failure. The actual risk of dam failure is not defined. Inundation maps completed for dams in Alameda County indicate the maximum area of potential flooding. However, they do not give an accurate description of maximum depths of flood waters. This information would also be needed to evaluate the severity of the dam inundation hazard.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" or the term "area" or the term "mapped" are words strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained.*

**MELLO-ROOS COMMUNITY FACILITIES DISTRICT DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on PROPERTY I.D.'s research of available tax records for the Property County, the following determination is made:

**SUBJECT PROPERTY IS LOCATED IN A MELLO-ROOS COMMUNITY  
FACILITIES DISTRICT AS OF THE DATE OF THIS REPORT.**

Name	Start	End	Purpose	% Increase	Annual Fee
679 COMMUNITY FACILITIES DISTRICT NO. 1	2001	2021	FIRE EQUIPMENT & SERVICES		39.62

**DISCUSSION:** This is a notification to you prior to your purchasing this property. This property is subject to a special tax, which is in addition to the regular property taxes and any other charges and benefit assessments on the parcel. This special tax may not be imposed on all parcels within the city or county where the property is located. If you fail to pay this tax when due each year, the property may be foreclosed upon and sold. The tax is used to provide public facilities or services that are likely to particularly benefit the property. You should take this tax and the benefits from the public facilities and services for which it pays into account in deciding whether to buy this property. These facilities may not yet have all been constructed or acquired and it is possible that some may never be constructed or acquired. You may obtain a copy of the resolution of formation which authorized creation of the community facilities district, and which specifies more precisely how the special tax is apportioned and how the proceeds of the tax will be used, from the local tax authority. There may be a charge for this document not to exceed the estimated reasonable cost of providing the document. You may terminate the contract to purchase or deposit receipt after receiving this notice from the owner or agent selling the property within three days if the notice was received in person or within five days after it was deposited in the mail by giving written notice of that termination to the owner or agent selling the property.

*Note: The applicable county tax assessor/collector and Property I.D. update their Mello-Roos Community Facilities District information yearly or quarterly. Only Mello-Roos Community Facilities Districts that were levying taxes against properties at the time Property I.D. obtained the tax records are disclosed. This information is subject to change by the tax authority and Property I.D. is not responsible for any changes that may occur. Only information that was provided to Property I.D. by the tax authority at the time Property I.D. obtained the record is reported. The above explanation of Mello-Roos Community Facilities Districts is intended to be general in nature and is not a substitute for a title report or title insurance. Detailed information may be available by contacting the local tax authority or agency that administers the Mello-Roos Community Facilities District Bond. If detailed information is desired, Property I.D. recommends that an appropriate professional consultant be retained.*

**MILITARY ORDNANCE  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on Property I.D's research of the information issued by the U.S. Army Corps of Engineers, in conjunction with the Department of Defense, of former Federal and State Defense Sites for the State of California, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED WITHIN 1 MILE OF A FORMERLY KNOWN MILITARY ORDNANCE SITE\***

*\*The above mentioned determination is made from a list of known Formerly Used Defense Sites in the state of California that are listed in the official government databases. There is a possibility that the database utilized does not include some of the most recently modified RAC scores, recently discovered sites and/or information exempt from release.*

Each site's evaluation is contained within an Inventory Project Report (INPR), which indicates a Risk Assessment Code (RAC) for each site. The RAC score is used to prioritize the remedial action at the site. A one (1) RAC score indicates a high likelihood of hazard severity and is the most dangerous. The five (5) RAC score indicates the least hazardous category.

**RISK ASSESSMENT CODE:**

**RAC 1** Imminent Hazard

**RAC 2** High Priority

**RAC 3** Recommend further action to determine presence of ordnance

**RAC 4** Recommend further action to determine presence of ordnance

**RAC 5** Recommend no further action

**DISCUSSION:**

The sites are former locations used by various United States armed forces during the Second World War, and they have been reported and identified as contaminated with ordnance or other chemical warfare material. Some confirmed sites have different kinds of contaminants - not all are artillery/ordnance contaminants.

Many sites are known by the federal and state government as former defense sites, whereupon there is potential for ordnance and similar explosive type contaminants, however this potential may not be confirmed.

Due to national security concerns, the US Army Corps of Engineers has not provided public updates on Formerly Used Defense Sites (FUDS) since January 2003.

*PID has obtained the information in this report from the above-referenced governmental agency. The terms "mapped" and "area" are strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained.*

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**NOTE:** Civil Code 1102.15 and 1940.7 provide the disclosure of former federal or state ordnance locations that may contain potentially explosive munitions .

**LAND CONSERVATION DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CA 94704**

Based on Property I.D.'s research of the current maps issued by the California Department of Conservation, Division of Land Resource Protection and in conjunction with local county agencies, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN LANDS UNDER CONTRACT  
PURSUANT TO THE CALIFORNIA LAND CONSERVATION (WILLIAMSON)  
ACT**

**DEFINITION:** The Williamson Act was passed by the California Legislature in 1965 to preserve agricultural and open space lands in Agricultural Preserves by discouraging premature and unnecessary conversion to urban uses. The term "Agricultural Preserve" is defined as the boundary of an area, which shall consist of no less than 100 acres, within which a city or county will enter into contracts with landowners to devote land to agricultural or open-space uses, pursuant to the California Land Conservation (Williamson) Act. The boundary is designated by resolution of the board of supervisors or city council having jurisdiction. Only land which is located within an Agricultural Preserve is eligible for a Williamson Act contract. Preserves are regulated by rules and restrictions designated in the resolution to ensure that the land within the Preserve is maintained for agricultural or open space use.

**DISCUSSION:** The Williamson Act authorizes local governments and property owners to (voluntarily) enter into 10-year rolling term contracts to commit land to specified uses. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value. A Williamson Act contract runs with the land and is binding on all successors in interest of the landowner. A landowner's failure to meet the conditions of the contract may be considered a breach of the contract, which will allow the local government to sue the landowner and/or not renew the contract.

Additionally, if the Subject Property is located at or near Agricultural Preserves, inconvenience or discomfort may arise from the use of the land for agricultural activity or processing activity in a manner consistent with proper and accepted customs and standards. Agricultural activity, operation, or facility, or appurtenances thereof shall include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including timber, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with those farming operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market. Agricultural processing activity, operation, facility, or appurtenances thereof includes, but is not limited to, the canning or freezing of agricultural products, the processing of dairy products, the production and bottling of beer and wine, the processing of meat and egg products, the drying of fruits and grains, the packaging and cooling of fruits and vegetables, and the storage or warehousing of any agricultural products, and includes processing for wholesale or retail markets of agricultural products.

*PID has obtained the information in this report from the above-referenced governmental agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in a Williamson Act Zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**INDUSTRIAL USE ZONE DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on PROPERTY I.D.'s research of the current maps issued by the local jurisdiction, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN AN OFFICIALLY DESIGNATED  
INDUSTRIAL USE ZONE**

**DISCUSSION:**

An Industrial Use Zone is a zone or district that allows manufacturing, commercial or airport use. These zones or districts may be established by any city, city and county, or county under authority of law wherein certain manufacturing, commercial or airport uses are expressly permitted.

Pursuant to Section 1102.17 of the Civil Code, the seller of residential real property subject to this article who has actual knowledge that the property is affected by, or zoned to allow, an industrial use described in Section 731a of the Code of Civil Procedure, which allows manufacturing, commercial or airport uses in zones that have been established under authority of law for those uses, shall give written notice of that knowledge as soon as practicable before transfer of title.

The existence of various conditions such as traffic, noise, odors, pollution, obstructed views, and other such conditions that are reasonable and necessary in Industrial Use Zones, cannot be enjoined or restrained, nor shall such use be deemed a nuisance as outlined in Section 731a of the Code of Civil Procedure.

*No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in an Industrial Use Zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**NOTICE OF SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT  
COMMISSION JURISDICTION DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CA 94704**

Based on PROPERTY I.D.'s research of the current maps issued by the San Francisco Bay Conservation and Development Commission, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN THE SAN FRANCISCO BAY  
CONSERVATION AND DEVELOPMENT COMMISSION JURISDICTION  
AREA**

**DISCUSSION:** If the Subject Property is located in the San Francisco Bay Conservation and Development Commission Jurisdiction, use and development of property within the commission's jurisdiction may be subject to special regulations, restrictions and permit requirements. You may wish to investigate and determine whether they are acceptable to you and your intended use of the property before you complete your transaction.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" or "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in a regulated area does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**RIGHT-TO-FARM ORDINANCE  
FOR  
BERKELEY, ALAMEDA COUNTY, CALIFORNIA**

Alameda County permits operation of properly conducted agricultural operations within the County. You are hereby notified that the property you are acquiring an interest in may be located within 2,000 feet of agricultural land, agricultural operations or agricultural processing facilities or operations. You may be subject to inconvenience or discomfort from lawful agricultural or agricultural processing facilities operations. Discomfort and inconvenience may include, but is not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents and/or the operation of machinery (including aircraft) during any 24-hour period. Should any dispute arise regarding any inconvenience or discomforts from an agricultural operations the parties may submit the dispute, within 30 days of the date of the occurrence, to the Alameda County Agricultural Advisory Committee created by the Board of Supervisors. This committee will provide mediation assistance for the parties involved. One or more of the inconveniences described above may occur as a result of agricultural operations which are in compliance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

Lawful ground rig or aerial application of pesticides (including herbicides, fungicides, rodenticides) and fertilizers occurs in farming operations. Should you be concerned about spraying, you may contact the Alameda County Agricultural Commissioner. Alameda County Right to Farm Ordinance does not exempt farmers, agricultural processors or others from compliance with law. Should a farmer, agricultural processor or other person not comply with appropriate state, federal or local laws, legal recourse may be possible by, among other ways, contacting the appropriate agency.

This notification is given in compliance with the Alameda County Code Section 6.28.080 By initialing below, you are acknowledging receipt of this notification.

**I HEREBY ACKNOWLEDGE RECEIPT OF THE ALAMEDA COUNTY RIGHT  
TO FARM ORDINANCE**

Transferor's Initials \_\_\_\_\_

Transferee's Initials \_\_\_\_\_

*The failure to give the notice required by this section shall not invalidate any transfer. (Ord. 2000-61 § 1 (part))*

*PID has obtained the information in this report from the above-referenced governmental agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above-referenced area does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**BERKELEY CREEK REGULATED AREA DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on PROPERTY I.D.'s research of the current maps issued by the City of Berkeley, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN A POTENTIAL BERKELEY  
CREEK REGULATED AREA**

**DISCUSSION:**

In an effort to promote its policy of protecting and restoring its creeks, the City of Berkeley has adopted its Creeks Ordinance. Property owners within 30 feet of a creek's centerline are regulated under the City's Ordinance. Creeks are broadly defined to include naturally occurring watercourses (whether seasonal or perennial) and those portions of a creek that have been placed in culverts (usually underground) but remain in the location where they naturally occurred before being placed in the culvert. To implement this policy, the ordinance prevents new development of a structure with a roof from occurring within 30 feet of the centerline of a creek.

If the property is regulated, any pre-existing roofed structures within 30 feet of the centerline of a creek may remain and be maintained indefinitely. However, no new structures can be built that encroach within 30 feet of the centerline of the creek, and no additions are permitted that would either encroach within 30 feet of the centerline of the creek or add on to an existing encroachment (e.g. a second floor on an encroaching portion of a home). A structure, or any portion thereof, may be replaced or reconstructed as long as all the following conditions exist: A. The structure, or any portion thereof, has been destroyed by causes such as fire, earthquake or flood. B. The proposed structure to replace or reconstruct the structure or portion thereof, is reasonably similar in use, dimensions, floor area, square footage, lot coverage and footprint to the destroyed structure and complies with all currently applicable building codes. C. If a culvert exists on the parcel and the proposed replacement will be within 30 feet of the centerline of such culvert, the applicant has submitted a report by a licensed structural engineer demonstrating to the satisfaction of the City that the proposed replacement structure will not negatively affect the culvert and that the replacement structure is designed with a foundation, such as pile supported, which does not exert any bearing load on the culvert. In making this determination, the report included information related to the proposed foundation design, the bearing strength of the soil, and the depth and size of the culvert. Alternatively, the applicant has submitted a report by a licensed structural engineer which has demonstrated to the City's satisfaction either that there is no feasible alternative to avoid imposing additional loading on the culvert, and the analysis provided has determined that the culvert has sufficient strength to resist such loading or the applicant proposes to reinforce the culvert as part of the project at the applicant's expense in a manner satisfactory to the City.

The maps issued by the City of Berkeley pursuant to this ordinance are based on the best information available. The City of Berkeley cannot always tell from available information the exact location of a creek's centerline, and because the City's creek regulations depend on a definition of a creek and not on the map, the fact that a property is not on the map does not exclude it from being potentially regulated under the Creeks Ordinance. There may be watercourses in the City of Berkeley that meet the definition of a creek under the ordinance but are not shown on the City's map.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" or "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. The fact that the subject property is not located totally or partially in the above-referenced area does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained.*

**DATABASE DISCLOSURE  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CA 94704**

NOTICE: Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an internet website maintained by the Department of Justice at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). Depending on an offender's criminal history, this information will include either the address at which the offender resides or the community of residence and ZIP Code in which he or she resides.

The California Legislature has created this statewide website to enable the public to secure information regarding the location of registered sex offenders. Anyone who is interested in this information should go on-line at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov) prior to removing their inspection contingency. Brokers and Property I.D. cannot and will not verify the information provided by the Government. Neither Brokers nor Property I.D. make any representations or guarantees as to the timeliness or accuracy of the information supplied at this website.

*PID has obtained the information in this report from the above-referenced governmental agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above-referenced area does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**NOTICE OF NATURALLY OCCURRING ASBESTOS HAZARD ZONE  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, California 94704**

Based on PROPERTY I.D.'s research of the current maps issued by the Division of Mines and Geology, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN A NATURALLY  
OCCURRING ASBESTOS HAZARD ZONE**

If the Property is in the zone, then this Property is located within an area identified by the State Geologist as potentially containing naturally occurring asbestos. Exposure to asbestos may create a significant health risk, and the presence of asbestos-bearing minerals may result in restrictions on the use or development of the Property. You should consider the potential risks associated with the Property before you complete your purchase and determine whether they are acceptable to you.

Natural asbestos commonly occurs in association with altered ultramafic rocks, including serpentinite or serpentine - the California state rock. State and federal officials consider all types of asbestos to be hazardous because asbestos is a known carcinogen. Wind and water can carry asbestos fibers, and certain human activities such as mining, grading, quarrying operations, construction or driving over unpaved roads or driving on a road paved in part with asbestos-bearing rock, can release dust containing asbestos fibers. As with any other potential environmental hazard, it is recommend that Buyers fully investigate and satisfy themselves as to the existence of exposed naturally occurring asbestos / serpentine rock on the Property or within its vicinity or any serpentine-surfaced roads within the vicinity of the Property and the hazards, if any, posed thereby . That investigation should include consulting with appropriate expert(s) who can identify and test any exposed naturally occurring asbestos / serpentine rock on the Property or within its vicinity to determine whether it may present a health risk to Buyers. Buyers are encouraged to review all relevant information resulting from these studies and other information pertaining to the risk of exposure to harmful forms of naturally occurring asbestos fibers prior to removing their inspection contingency.

For further information contact: the U.S. Environmental Protection Agency  
<http://www.epa.gov/region09/toxic/noa>, the Agency for Toxic Substances and Disease Registry  
<http://www.atsdr.cdc.gov>, the State of California Department of Toxic Substances Control  
<http://dtsc.ca.gov/index.html>, the Air Resources Board at, <http://arbis.arb.ca.gov/homepage.htm>, and the local Air Pollution Control District Offices.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" or "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in a potential Ultramafic Rock Zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**AIRPORT VICINITY DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CA 94704**

Based on PROPERTY I.D.'s research of the current maps / lists issued by the Federal Aviation Administration (FAA), the Department of Transportation, Division of Aeronautics and the local land use commission, the following determinations are made:

**SUBJECT PROPERTY IS NOT LOCATED IN AN AIRPORT INFLUENCE  
AREA**

**SUBJECT PROPERTY IS LOCATED WITHIN 2 MILES OF AN FAA  
APPROVED LANDING FACILITY**

**DISCUSSION:** Pursuant to Section 1103.4 of the Civil Code, if the above-referenced property is located in the vicinity of an airport, within what is known as an Airport Influence Area, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

*Note: In some instances, a facility's property line was not surveyed, rather an FAA-designated central point of the facility was used as a reference for the two mile proximity determinatio*

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in/out of a zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**RED-LEGGED FROG CRITICAL HABITAT DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on PROPERTY I.D.'s research of the current maps issued by the U.S. Fish and Wildlife Service, the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED IN A CRITICAL HABITAT FOR  
THE CALIFORNIA RED-LEGGED FROG**

**DISCUSSION:**

Pursuant to the Endangered Species Act of 1973, the habitat for the California Red-Legged Frog, (*Rana aurora draytonii*), has been designated by the U.S. Fish and Wildlife Service as critical habitat. Under the Endangered Species Act, critical habitat refers to specific geographic areas that are essential for the conservation of a threatened or endangered species and would require special management considerations including, but not limited to, habitat restoration, removal of nonnative species (such as predators), reestablishment of the California Red-Legged Frog populations, and restrictions on development.

The California Red-Legged Frog, the largest native frog in the western United States, was designated as a Threatened Species on May 23, 1996. The frogs breed in aquatic habitats such as streams, ponds, marshes and stock ponds, however, the frogs may move through upland habitats during wet weather. Any project that would adversely modify or destroy critical habitat would also jeopardize the continued existence of the species, and that reasonable and prudent alternatives to avoid jeopardizing the species would also avoid adverse modification of critical habitat. In order to preserve this critical habitat, certain activities that may need Federal authorization or funding will be affected. These activities are those that require a Federal action (permitting, authorization, or funding) and may remove or destroy California Red-Legged Frog habitat by mechanical, chemical, or other means (e.g. grading, overgrazing, timber harvesting within riparian areas, construction, road building, herbicide application, recreation use) or appreciably decrease habitat value or quality through indirect effects (e.g., edge effects invasion of exotic plants or animals, fragmentation of habitat). Additionally, activities initiated by a Federal agency will potentially be affected. These activities include grazing permits, commercial or silvicultural logging prescriptions, Flood Control projects, Federal Emergency Management Act (FEMA) activities, Federal Highway Administration actions, Federal Housing Act actions. 66 FR 14625-14674, March 13, 2001.

A listing on the Endangered Species Act provides strict protection for a species. Developers and local governments can have their development projects prohibited or curtailed around protected critical habitats.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" or "area" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in a Critical Habitat area does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**RADON GAS DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA, 94704**

Based on PROPERTY I.D.'s research of the current maps issued by the U.S. Environmental Protection Agency, the following determination is made:

**THE COUNTY IN WHICH THE SUBJECT PROPERTY IS LOCATED IS  
DESIGNATED AS A ZONE 2 FOR RADON GAS POTENTIAL**

**DEFINITIONS**

Zone 1 - Highest Potential (greater than 4pCi/L) (picocuries per liter)

Zone 2 - Moderate Potential (from 2 to 4 pCi/L) (picocuries per liter)

Zone 3 - Low Potential (less than 2 pCi/L) (picocuries per liter)

**DISCUSSION:**

Radon is a naturally occurring colorless, odorless radioactive gas formed by the natural disintegration of uranium in soil, rock and ground water as it radioactively transmutes to form stable lead.

Radon gas forms from the decay of radioactive elements at depth. Air pressure inside a building is usually lower than pressure in the soil around the building's foundation. Because of this difference in pressure, buildings act like a vacuum, drawing radon in through foundation cracks and other openings. As cracks develop in rocks, radon gas rises into the local ground water and may also be present in well water and can be released into the air in buildings when water is used for showering and other household uses. In most cases, radon entering a building through water is a small risk compared with radon entering a building from the soil. In a small number of homes, the building materials can give off radon, although building materials alone rarely cause radon problems. The Surgeon General has warned that radon is the second leading cause of lung cancer in the United States. Only smoking causes more lung cancer deaths. Smokers that live in homes with high radon levels, are at an especially high risk for developing lung cancer.

According to the U.S. Environmental Protection Agency, the determination above is consistent with the potential for radon throughout the county. The only way to detect radon is by testing. For further information about radon testing and mitigation, contact the California Department of Health Services at <http://www.dhs.ca.gov>, The National Environmental Health Association (NEHA) at <http://www.neha.org>, and the National Environmental Radon Safety Board (NRSB) at <http://www.nrsb.org>.

*No visual examination of the subject site was performed. PID has obtained the information in this report from the above-referenced governmental agency. The term "Zone" or "area" is strictly defined as a specific boundary within which the area is drawn, and is a designation identified in the legends of the maps prepared by the above-referenced agency. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, Property I.D. recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above-referenced hazard zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other construction type impediments that may place a constraint for development.*

**NOTICE OF SPECIAL ASSESSMENT  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, California 94704  
APN# 055-1902-007-00**

Based on PROPERTY I.D.'s research of current and available tax records for the Property County, the following determination is made:

**SUBJECT PROPERTY IS LOCATED IN A SPECIAL TAX ASSESSMENT DISTRICT**

Name	Contact	Annual Fee
182 STREET LIGHTING	CITY OF BERKELEY (510) 981-2489	34.24
183 LANDSCAPE & PARK MAINTENANCE	CITY OF BERKELEY (510) 981-2489	320.08
186 REFUSE SERVICE	CITY OF BERKELEY (510) 981-2489	752.16
188 LIBRARY SERVICE	CITY OF BERKELEY (510) 981-2489	441.12
300 MOSQUITO ABATEMENT DISTRICT SPECIAL TAX	ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT (510) 783-7744	1.74
301 COUNTY SERVICE AREA E.M. 1983-1 (PARAMEDIC)	COUNTY OF ALAMEDA (510) 272-6347	24.96
302 COUNTY SERVICE AREA V.C. 1984-1 (VECTOR CONTROL)	COUNTY OF ALAMEDA (510) 272-6347	5.92
305 PARAMEDIC SUPPLEMENT	CITY OF BERKELEY (510) 981-2489	85.26
355 COUNTY SERVICE AREA 1991-1 (LEAD ABATEMENT)	COUNTY OF ALAMEDA (510) 272-6347	10.00
420 SCHOOL SPECIAL TAX	BERKELEY UNIFIED SCHOOL DISTRICT (510) 644-6348	401.20
421 BERKELEY UNIFIED SCHOOL DISTRICT MAINTENANCE SPECIAL TAX	BERKELEY UNIFIED SCHOOL DISTRICT (510) 644-6348	157.18
422 BERKELEY U. S. D. 2004 MEASURE B SPECIAL TAX	BERKELEY UNIFIED SCHOOL DISTRICT (510) 644-6348	307.40
599 ALAMEDA-CONTRA COSTA PARCEL TAX	ALAMEDA-CONTRA COSTA TRANSIT DISTRICT (510) 891-4753	48.00
677 EMERGENCY SERVICES FOR SEVERELY DISABLED	CITY OF BERKELEY (510) 981-2489	31.70
700 WET WEATHER FACILITIES CHARGES	EAST BAY MUNICIPAL UTILITIES DISTRICT (186) 403-2683	58.80
702 LANDSCAPE & LIGHTING DISTRICT (EAST BAY TRAILS)	EAST BAY REGIONAL PARK DISTRICT (510) 562-7275	5.44
706 E.B.R.P.D. PARK SAFETY/MAINT	EAST BAY REGIONAL PARK DISTRICT (510) 562-7275	12.00
817 CLEAN STORM WATER	CITY OF BERKELEY (510) 981-2489	56.16
AVALL ALL AD VALOREM TAXES	COUNTY OF ALAMEDA (510) 272-6347	1625.50* (includes property tax)

\* This amount represents the current annual tax fee and is subject to change pursuant to the purchase price of the property.

**Discussion:** This is a notification to you prior to your purchasing this property. This property is within the above-named assessment district(s). The assessment district(s) issued bonds to finance the acquisition or construction of certain public improvements that are of direct and special benefit to property within the assessment district. The bonds will be repaid from annual assessment installments on property within the assessment districts. This property is subject to annual assessment installments of the assessment districts that will appear on the property tax bills, but which are in addition to the regular property taxes and any other charges and levies that will be listed on the property tax bill. If you fail to pay assessment installments when due each year, the property may be foreclosed upon and sold. Assessment installments will be collected each year until the assessment bonds are repaid. These facilities may not yet have all been constructed or acquired and it is possible that some may never be constructed or acquired. This assessment and the benefits from the public facilities for which it pays should be taken into account in deciding whether to buy this property. You may terminate the contract to purchase or deposit receipt after receiving this notice from the owner or agent selling the property within three days if the notice was received in person or within five days after it was deposited in the mail.

giving written notice of the termination to the owner or agent selling the property. **This disclosure notice is made pursuant to Government Code Section 53754 and Civil Code Section 1102.6b and satisfies the 1915 Bond and Special Assessment disclosure requirements.**

*Note: The applicable county tax assessor/collector and Property I.D. update their Tax Assessment information yearly or quarterly. Only Assessments that were levying taxes against properties at the time Property I.D. obtained the tax records are disclosed. This information is subject to change and Property I.D. is not responsible for any changes that may occur. No study of the public records was made by Property I.D. to determine the presence of any other tax or assessment. The above explanation of Special Assessments is intended to be general in nature and is not a substitute for a tax bill, title report or title insurance. Detailed information may be available by contacting the agency that administers the Special Assessment. If detailed information is desired, PID recommends that an appropriate professional consultant be retained.*

**NOTICE OF YOUR SUPPLEMENTAL PROPERTY TAX BILL  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, California 94704**

California property tax law requires the Assessor to revalue real property at the time the ownership of the property changes. Because of this law, you may receive one or two supplemental tax bills, depending on when your loan closes. The supplemental tax bills are not mailed to your lender. If you have arranged for your property tax payments to be paid through an impound account, the supplemental tax bills will not be paid by your lender. It is your responsibility to pay these supplemental bills directly to the Tax Collector. If you have any question concerning this matter, please call your local Tax Collector's Office.

*Note: This is a notice to you that the County Assessor will revalue the property and you will be responsible for paying the taxes due according to the reassessed value. It is not a disclosure of actual supplemental property taxes. This notice is general in nature and is not a substitute for the actual supplemental tax bill you will receive from the County Tax Collector. Detailed information may be available by contacting the local tax authority in your county. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property.*

**NOTICE OF DUCT SEALING REQUIREMENTS - 13 SEER  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CALIFORNIA 94704**

Based on Property I.D.'s research of the official climate zone maps issued by the California Energy Commission, the following determination is made:

**SUBJECT PROPERTY IS LOCATED IN A ZONE OFFICIALLY EXEMPTED  
FROM CALIFORNIA ENERGY COMMISSION DUCT SEALING  
REQUIREMENTS**

The California Energy Commission's ("CEC") duct sealing requirements became effective on October 1, 2005, California Code of Regulations, Title 24. Some areas in specific climate zones as designated by the CEC are exempt from compliance and the requirements do not apply to properties in the exemption zones unless otherwise adopted by local governments. Properties that are not located in the exemption zones must comply with the requirements.

Depending upon certain conditions, if a central air conditioner or furnace was installed or replaced after October 1, 2005, the ducts must be tested for leakage. If the ducts leak 15% or more, then repairs must be made to seal the ducts. Additional testing may then be required to verify that the work was done properly. It is strongly recommended that all of this work be done by licensed contractors who should obtain all required permits. These new duct sealing requirements may impact a Seller's disclosure obligations and/or any negotiations between principals regarding replacing heating, ventilating and air conditions (HVAC) systems. These new requirements may increase the costs associated with replacing or installing an HVAC system.

13 SEER - Seasonal Energy Efficiency Ratio is the Federal Government's minimum standard efficiency rating for heating, ventilating, air conditioning and heat pumps. The US Department of Energy requires central air conditioners and heat pumps to meet an efficiency rating of 13 SEER.

Realtors and Property I.D. do not have the requisite expertise to determine the need for testing or sealing ducts and cannot verify the information provided about the condition of the HVAC system by others. For further information contact the California Energy Commission at 800-772-3300 or go to [www.energy.ca.gov/title24/changeout](http://www.energy.ca.gov/title24/changeout).

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in/out of a zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**NOTICE OF METHAMPHETAMINE CONTAMINATION  
FOR  
The State of California**

Methamphetamine use and production are growing throughout the State of California. Properties may be contaminated by hazardous chemicals used or produced in the manufacture of methamphetamine where those chemicals remain and where the contamination has not been remediated. Once the methamphetamine laboratories have been closed, the public may be harmed by the material and residues that remain.

Because the methamphetamine manufacturing process leads to chemical contamination, the Methamphetamine Contaminated Cleanup Act of 2005 requires a property owner to disclose in writing to a prospective buyer if local health officials have issued an order prohibiting the use or occupancy of a property contaminated by methamphetamine laboratory activity. The owner must also provide the buyer with a copy of the pending order to acknowledge receipt in writing. Property owner(s) must retain a methamphetamine laboratory site remediation firm that is an authorized contractor meeting certain requirements, as defined, to remediate the contamination caused by a methamphetamine laboratory activity. Civil penalties up to \$5,000 can be imposed upon a property owner who does not provide a notice or disclosure required by the act, or upon a person who violates an order issued by the local health officer prohibiting use or occupancy of a property contaminated by a methamphetamine laboratory activity. In addition, local health and law enforcement agencies are required to take specified action, including the filing of a lien against a property for cleanup of the contamination.

Realtors and Property I.D. do not have the requisite expertise to determine the need for testing or cleanup of methamphetamine contamination and cannot verify the information provided about such contamination by others.

*No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in the above-referenced area does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

**ABANDONED / ACTIVE MINES DETERMINATION  
FOR  
2412 MARTIN LUTHER KING JR WAY, BERKELEY, CA 94704**

Based Property I.D.'s research of the current maps and information issued by the Office of Mines and Reclamation and the U.S. Geological Survey the following determination is made:

**SUBJECT PROPERTY IS NOT LOCATED WITHIN 1 MILE OF IDENTIFIED MINING  
OPERATIONS, ACTIVE OR ABANDONED**

Since the 1849 Gold Rush, mines have been dug and abandoned throughout the State of California. The result is that in the state there are tens of thousands of active and abandoned mines, many unmapped, that can pose safety, health, and environmental hazards. Sites can possess serious physical safety hazards, such as open shafts or adits (mine tunnels), and many mines have the potential to contaminate surface water, groundwater, or air with acid-rock drainage, mercury, arsenic, cyanide, asbestos, lead, chromium, or other contaminants.

The cost of closure and remediation of abandoned mines falls on the current property owner and any potentially responsible parties that can be located and are financially liable. Most current landowners had nothing to do with the historic mining, unlike the potentially responsible parties, and the clean-up costs can be daunting.

Further information is available from the Department of Conservation, Office of Mine Reclamation, Abandoned Mine Lands Unit (AMLU)  
[http://www.consrv.ca.gov/OMR/abandoned\\_mine\\_lands/california\\_abandoned\\_mines/overview.htm](http://www.consrv.ca.gov/OMR/abandoned_mine_lands/california_abandoned_mines/overview.htm)  
and the U.S. Geological Survey, <http://minerals.usgs.gov>.

**GENERAL NOTICE OF ABANDONED WELLS**

The Department of Water Resources estimates that there are approximately 750,000 water wells scattered throughout the State of California - some of these wells are abandoned. Wells that have been abandoned pose a serious threat to the safety of humans, especially children, and to animals. Section 24400 of the California Health and Safety Code requires that abandoned excavations be fenced, covered, or filled. In addition, abandoned wells may act as conduits for the contamination of groundwater since inadequately constructed wells provide a physical connection between sources of pollution and useable water.

*PID has obtained the information in this report from the above-referenced governmental agency. The term "zone" is strictly defined as a specific boundary within which the specific hazards are contained and is a designation identified in the legends of the maps prepared by the above-referenced agency. No visual examination of the subject site was performed. This report is not a substitute for a visual examination and/or inspection of the subject property. If detailed on-site information regarding geologic, environmental, engineering or other professional studies is desired, PID recommends that an appropriate professional consultant be retained. The fact that the subject property is not located totally or partially in/out of a zone does not constitute a guarantee or warranty that the subject property is not or will not be subject to other impediments.*

## TERMS AND CONDITIONS

**This Report is a \$20,000,000 Insured Product. Any firm or individual that uses Property I.D.'s disclosure reports and/or forms is automatically covered under the \$20,000,000 policy for ANY legal expenses in defense AND awards by a court as a direct result of their use of Property I.D. disclosure reports and/or forms.**

All parties to the transaction for which this REPORT was issued, including, but not limited to, Buyer, Seller, Sales Associates, Brokers and escrow officers, are all deemed Recipients of this REPORT. This REPORT is for the exclusive reliance of the recipient of the REPORT to whom it is issued ("Recipient"). The liability of Property I.D. Corporation ("Company"), its directors, officers, shareholders and employees is limited to the Recipient. Further, there is no accountability, obligation or liability to any third party. This REPORT may not be referred to or relied upon by any party other than Recipient without the written consent of Company.

This REPORT pertains to the land described in this REPORT and the improvements affixed thereto which by law constitute real property ("Subject Property") provided, however, the term "Subject Property" does not include any property beyond the lines of the area described or referred to in this REPORT, nor any real property described as an easement in the REPORT, nor any right, title, interest, estate or easement in abutting streets, roads, alleys, lanes, ways or waterways.

In preparing this REPORT, we have only reviewed those maps and records specifically referred to in the REPORT which are readily available for public inspection (the "government Records") to determine if and to what extent they are applicable to the Subject Property.

We have relied upon information in the Government Records without further investigation and without any analysis of underlying data supporting the information contained in the Government Records. We have assumed, without independent investigation, that the Government Records are accurate and complete. No responsibility is assumed for the accuracy of information furnished by the Recipient, third parties, or Government Records.

No opinion is rendered as to the title to the Subject Property, nor whether the subject property is comprised of legal lots in conformance with the California Subdivision Map Act and local ordinances enacted pursuant thereto. The legal description of the Subject Property (IF ANY PROVIDED) in this REPORT was furnished to company by RECIPIENT and is assumed to be correct without independent verification by Company.

No responsibility is assumed for matters which are architectural, structural, mechanical, engineering or legal in character or nature. No opinion is given regarding mechanical equipment or structural integrity or adequacy, nor soils and potential for settlement, drainage, subsidence, or other occurrences or problems arising from site conditions; nor marketability of the Subject Property. Company is in no way to be responsible for any costs incurred to correct any deficiencies of any type present in the Subject Property.

No opinion is expressed with respect to the existence of hazardous or toxic materials or substances or any other defects on or within the Subject Property, unless specifically addressed herein. No visual examination or inspection of the Subject Property has been performed by Company. This REPORT is not a substitute for a visual examination or inspection of the Subject Property. Company assumes no responsibility for any costs or consequences arising due to the need, or the lack of need, for earthquake insurance or flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for flood hazard insurance.

This REPORT is intended to include only those items affirmatively addressed in the text hereof. This REPORT does not purport, either explicitly or by implication to include or provide information regarding any other matters not specifically addressed herein.

This REPORT is issued as of the date specified herein. Company has no obligation to advise Recipient or any other person of any relevant fact, circumstance or change that occurs after such date which pertains to the Subject Property or which modified or otherwise affects the information provided in this REPORT. Company will give expert testimony in court or any hearing because of having issued this REPORT and engage in consultation with Recipient or third parties after the issuance of this REPORT without any additional fee.

Any controversy or claim arising out of or relating to this REPORT shall be settled by arbitration in Los Angeles, California, in accordance with the rules of the American Arbitration Association. The arbitrator's decision shall be final and binding and judgment may be entered thereon. In the event a party fails to proceed with arbitration, unsuccessfully challenges the arbitrator's award, or fails to comply with arbitrator's award, the other party is entitled of costs of suit including a reasonable attorney's fee for having to compel arbitration or defend or enforce the award.

This REPORT shall be governed by and construed in accordance with the laws of the State of California. ACCEPTANCE OF, AND/OR USE OF THIS REPORT BY RECIPIENT OR ANY THIRD PARTY CONSTITUTES ACCEPTANCE OF THE ABOVE CONDITIONS. COMPANY LIABILITY EXTENDS ONLY TO STATED RECIPIENT, NOT TO OTHER PARTIES OR USERS. COMPANY SHALL HAVE NO LIABILITY UNLESS AND UNTIL ITS FEE FOR THIS REPORT IS PAID. IN NO EVENT SHALL COMPANY BE LIABLE FOR ANY SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THE PREPARATION, ISSUANCE OR USE OF THIS REPORT.