

NON-AGENDA

October 20, 202

Board Policy EL-7 Communication and Support to the Board The BAOs shall inform and support the Board in its work.

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112	Memo from Bhavani Yerrapotu, DOO to Rick Callender, CEO, dated 10/12/23, providing supplemental information regarding residential real estate acquisitions for the Coyote Creek Flood Management Measures Project, Part of the Federal Energy Regulatory Commission Order Compliance Project – Nguyen-Dai Vu Tran and Andrew Lam owners.
	INCOMING BOARD CORRESPONDENCE
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173	Email from Brigitte Rince to the board, dated 10/13/23, regarding encampments along the Guadalupe River near her residence. C-23-0254
176	Email from Ron Cachopo to Jennifer Codianne (with response), copied to the board, dated 10/13/23, regarding broken fence along Saratoga Creek near 1400 Bowe Avenue, Santa Clara. C-23-0255
181	Email from Kelly Cure to Director Eisenberg, dated 10/16/23, requesting a follow up after the Silicon Valley Leadership Group event. C-23-0256
183	Email from Ron Cachopo to Jennifer Codianne, copied to the board, dated 10/17/23, regarding broken fence along Saratoga Creek near 1400 Bowe Avenue, Santa Clara. C-23-0257

	OUTGOING BOARD CORRESPONDENCE
189	Email from Director Beall to Chris Kouretas, dated 10/12/23, responding to concerns about encampments along Guadalupe River adjacent to Highway 87 and Lelong Avenue.
197	Email from Director Beall to Brigitte Rince, dated 10/12/23, responding to concern about relocating encampments near her residence.
200	Email from Director Hsueh to Thomas Lawrence, dated 10/17/23, responding to concerns for erosion danger along Calabazas Creek.

CEO BULLETIN

CEO BULLETIN



To: Board of Directors

From: Rick L. Callender, CEO

Weeks of October 6 – October 19, 2023

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

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1. Bay-Delta Plan and Voluntary Agreement Update

On September 28, 2023, the California State Water Resources Control Board (State Board) released a draft staff report that informs their pending update on the Sacramento River and related tributaries portion of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta Plan). The report includes, as an alternative, the Voluntary Agreement package that has been under development by water agencies, State agencies, and the U.S. Bureau of Reclamation for several years. The Voluntary Agreement package is now being referred to as the Agreements to Support Healthy Rivers and Landscapes.

The draft staff report is intended to be a California Environmental Quality Act (CEQA)-compliant environmental document that evaluates environmental and economic impacts of alternatives for updating the Bay-Delta Plan. One pathway would implement new year-round inflow requirements on the Sacramento River and its tributaries using a range of unimpaired flows. Another pathway would implement the Voluntary Agreement package, which offers a portfolio of flow and habitat restoration actions. In response, the State Water Contractors (SWC) and various public water agencies published a statement in support of the Voluntary Agreement alternative, summarizing the benefits.

The public has an opportunity to comment on the draft staff report until December 15, 2023. During this time, the State Board will hold two public workshops on October 19 and November 2, 2023 and a public hearing that will be split over three days on November 17, December 1, and December 11, 2023. The State Board then plans to consider these alternatives and adopt the Bay-Delta Plan Update in late 2024.

Valley Water will analyze the impacts the alternatives would have on Santa Clara County and will provide updates.

See the State Board's draft staff report, calendar of events, and other related materials here: https://www.waterboards.ca.gov/waterrights/water issues/programs/bay delta/comp review.html

See the statement in support of the Agreements to Support Healthy Rivers and Landscapes here: https://swc.org/news/

For further information, please contact Vincent Gin at (408) 630-2633.

2. Municipal Regional Stormwater Permit FY 2022-2023 Annual Report Submittal

Valley Water is a permittee of the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (MRP) and complies by implementing actions required by applicable portions of its major provisions, including operation and maintenance of storm drains from our facilities, green stormwater infrastructure, illicit discharge detection and elimination, public information and outreach, construction controls, and other actions. These compliance actions are reported annually to the San Francisco Bay Regional Water Quality Control Board (Water Board). The report provides data and narrative demonstrating Valley Water's compliance, progress, and accomplishments throughout the reporting year. Valley Water serves as Chair of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) Management Committee to work collaboratively with other permittees in the County to meet permit requirements and negotiate with the Regional Board during the permit re-issuance process. In May of 2022, the Water Board issued a new permit (MRP 3.0) effective July 1st, 2022. The Fiscal Year 2022-23 report is the first reporting year for new requirements under MRP 3.0.

Major accomplishments for the Fiscal Year 2022-23 reporting period include:

- Updated the Stormwater Pollution Prevention Plans for all applicable facilities to protect storm drain systems and waterways from potential pollutant sources.
- As one of the few Santa Clara County Permittees with 24-hour availability to conduct stormwater pollution investigations, Valley Water received and responded to 123 reports.
- The Community Projects Review Unit's Code Enforcement Program processed 169 cases, including encroachments and illegal dumping on Valley Water property.
- The Water Waste Program responded to and resolved 1,754 reports of water waste.

 Updated the Construction Enforcement Response Plan and Monthly Environmental Compliance Inspection Report Form to keep construction sites compliant with the MRP and Construction General Permit.

The report also highlights Valley Water's public information and outreach program, including the popular Water Resources Education Outreach Program; Adopt-A-Creek and creek clean up events; attendance at in-person and virtual community events; and the Grants and Partnerships program.

Valley Water's 2022-2023 Stormwater Annual report is available to the public on the State Water Resources Control Board Stormwater Multiple Application and Report Tracking System (SMARTS) at https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml and on the Safe, Clean Water Project B2 Interagency Urban Runoff Program page under Reports and Documents: https://www.valleywater.org/project-updates/b2-interagency-urban-runoff-program.

For further information, please contact John Bourgeois at (408) 630-2990.

3. Next Gen Career Pathways' Green Career Initiative

On September 14, 2023, Valley Water's Next Gen Career Pathways Program presented at the statewide California Environmental Literacy Initiative (CAELI) Green Career Education Innovation Hub meeting in collaboration with Santa Clara County's Office of Education College and Career Pathways. The presentation was designed to spark interest in careers connected to the water industry and highlight Valley Water's efforts to create equitable access to high-growth, living-wage green careers that are essential to building a sustainable future.

The CAELI Green Career Education Innovation Hub facilitates the development of an environmentally literate workforce by fostering the integration of career and environmental education into Career Technical Education (CTE) and other academic coursework across all grade levels K-14 and finds new ways to provide all students with equitable access to high-wage careers that support a green economy.

Valley Water's Next Gen Career Pathways' mission is to create equal opportunities for local high school and college students from disadvantaged communities to access lucrative and sustainable careers in the water industry and develop a skilled and diverse workforce to ensure a sustainable future for water resources in Santa Clara County.

For further information, please contact Patrice McElroy at (408) 630-3159.

4. Notification of USBR Grant Awards Totaling \$680,429 to fund Purified Water and South County Water Reuse Feasibility Studies

On September 27, 2023, Valley Water received notification letters from the United States Department of the Interior, Bureau of Reclamation (USBR), confirming that the feasibility studies for the Purified Water and South County Water Reuse Programs are being considered for award, subject to final review of all pre-award clearances, approvals, and execution of the funding agreement. Valley Water will work diligently with USBR over the next few months to complete all necessary steps to execute the funding agreement. The Board authorized the submission of these two grant applications at the February 14, 2023 Board meeting and delegated the authority to the Chief Executive Officer, or designee, including the Chief Financial Officer, to conduct certain actions to implement these grant programs.

<u>Santa Clara Valley Water District, San José - Clara Purified Water Program Feasibility Study</u> Reclamation Funding: \$381,249 Total Project Cost: \$1,524,996

Valley Water, in collaboration with the Cities of San José and Santa Clara, will assess the feasibility of constructing a new advanced water purification facility in San José for potable reuse through groundwater recharge, raw water augmentation, and/or treated water augmentation. Valley Water relies on imported and local surface water which are vulnerable to drought. Multiple, consecutive dry years, as seen by Valley Water in 2012-2016, depletes Valley Water's main water supplies. As a result, Valley Water has had to rely on water use reductions and emergency water transfers/purchases to mitigate drought risks that will only worsen as drought conditions persist. The planned advanced water purification facility is expected to provide at least 24,000 acre-feet of drought resistant recycled water annually, thereby reducing demand on imported water and improving the resiliency of the water supply. Funding will be used to develop a feasibility study that meets requirements for Reclamation's Large-Scale Water Recycling Program.

Santa Clara Valley Water District, South County Water Reuse Program Feasibility Study Reclamation Funding: \$299,180 Total Project Cost: \$598,360

Valley Water, in collaboration with the Cities of Gilroy and Morgan Hill, will assess the feasibility of implementing several treatment and pipeline reuse projects that were identified in the South County Recycled Water Master Plan. Valley Water faces water supply challenges in South County and is investigating ways to increase the use of locally sourced, reliable, sustainable, and efficient water supplies such as water reuse. This study will identify and evaluate project alternatives through varying analyses including geotechnical review, hydraulic analysis, and the development of cost estimates. If determined to be feasible, the reuse projects identified through this study, once implemented, would help expand the use of recycled water, reducing the reliance on groundwater in the region, and thereby promoting the long-term sustainability of the local groundwater basin.

For further information, please contact Darin Taylor at (408) 630-3068.

5. Planned 6-month Santa Teresa Water Treatment Plant shutdown from November 1, 2023 to April 28, 2024

Starting November 1, 2023, the Santa Teresa Water Treatment Plant (STWTP) will be shut down for six months to facilitate the Snell Pipeline (SPL) inspection and rehabilitation project work. SPL is a treated water distribution pipeline that connects STWTP to the East Pipeline (EPL). Valley Water will also take this opportunity to perform other preventive maintenance and improvement projects at STWTP and other raw water facilities. Performing periodic preventive maintenance is essential to ensure the effectiveness and long-term reliability of our water treatment assets and distribution system infrastructures.

During the shutdown, San Jose Water Company's Graystone Turnout, normally served by STWTP, and the following EPL treated water turnouts (Skyway, Pinos, Silver Creek, and Aborn) will be impacted. All other treated water turnouts, both on the Milpitas and East Pipelines, will remain operational and will be supplied by the Penitencia Water Treatment Plant (PWTP). West Pipeline (WPL) turnouts are not impacted by this shutdown and will continue to be supplied by the Rinconada Water Treatment Plant (RWTP).

The STWTP shutdown schedule has been communicated and coordinated with Valley Water's treated water retailers. The retailers impacted by this shutdown will use their groundwater and/or alternate supplies to meet demand.

The joint Valley Water-San Francisco Public Utilities Commission inter-tie facility will be placed on standby, when available, to provide emergency supply should any operational emergencies occur either at the PWTP or raw water supply.

For further information, please contact Sam Bogale at (408) 630-3505.

6. Recurring Report on Personnel Vacancies

Valley Water strives to attract, develop and retain a talented and diverse workforce. Our employees come from diverse, cultural and professional backgrounds. Valley Water promotes high performance, diversity and equal employment opportunities.

Per the Board's request, a monthly report on staffing levels and vacancies will be provided. The following is information through September 29, 2023.

Valley Water Staffing Levels 919 - Total Positions 855 - Number of positions filled 64 - Total Vacant positions 7% - Vacancy Factor 5 – Separations in September 2023

For further information, please contact Patrice McElroy at (408) 630-3159.

7. Safe, Clean Water Mini-Grant Closeout: Flycasters Conservation and Education Foundation, Inc.'s Trout in the Classroom Project

In Fiscal Year 2023, Valley Water awarded Flycasters Conservation and Education Foundation, Inc. (Flycasters) a \$5,000 Safe, Clean Water Program F9 Mini-Grant for their Trout in the Classroom Project (Project). Flycasters completed the Project on June 1, 2023 and submitted the final invoice items on August 17, 2023, allowing for grant closeout.

Flycasters Conservation and Education Foundation, Inc. is a social club that promotes the sport of fly fishing and preserving the associated natural resources. The grant provided funding to support a partnership with the California Department of Fish and Wildlife's (CDFW) Classroom Aquarium Education Program (CAEP) to provide hands-on experiences for educators and their students using classroom aquariums. The Project involved a classroom experience involving the observation and hatching of trout fish eggs provided by the CDFW. Flycasters coordinated activities designed to foster an understanding of stewardship practices concerning California's fisheries and aquatic ecosystems among students. In the 2022-2023 school year, Flycasters coordinated the installation of 15 aquarium systems within various schools across Santa Clara County. Flycasters engaged with teachers to deliver the classroom lessons tailored primarily to second to sixth-grade student participants and released trout fry into their designated locations per the CDFW permits.

Key Outcomes:

- Supplied 15 new aquarium systems for 15 schools participating in the CAEP.
- Engaged over 800 students from a total of 35 classrooms.
- Received 16 responses out of 35 teacher surveys that were sent to participating classrooms.
 - 100% of respondents rated their overall experience "very good" or "excellent".

For further information, please contact Donald Rocha at (408) 630-2338.

8. Beall

Director Beall requested that staff look at the feasibility of VTA suppling transit passes (or clipper cards) for employees and family members. R-23-0010

Valley Water's Human Resources (HR) reviewed the feasibility of offering the ClipperDirect program and the Santa Clara Valley Transportation Authority (VTA) Smartpass program for employees and family members. None of the programs reviewed had an option of purchasing or utilizing benefits for family members.

The research below provides information on commuter assistance for all Valley Water employees living both inside and outside of Santa Clara County (SCC). Valley Water currently has 864 employees with 67% living within SCC, and 33% who live outside SCC.

Clipper Card Direct Program

The Clipper Direct Program will be sunsetting in December 2023 and is not a viable option.

VTA SmartPass

This is a discounted pass used for VTA bus and light rail lines. The program requires businesses to purchase passes for the full population of employees. Businesses can elect to exclude employees by parameters of excluding full site locations, employees coded as part-time, or employees that are both full-time remote and live outside of SCC. Passes cost \$82.75 per person annually, plus a one-time \$3.00 charge per employee for the physical clipper card. If passes were purchased for all employees, the total cost would be approximately \$74,000.00.

Valley Water's Current Program

Currently, Valley Water has a "Commuter Benefits Program", administered by Benefits Resource Inc. (BRI) that is utilized by only five (5) enrolled employees, less than 1% of the workforce. The program can be used for transportation expenses such as mass transit, ride sharing services, or parking expenses. It is similar to a Flexible Spending Account (FSA) in that employees can elect to participate and designate pre-taxed elections are placed into a BRI account. The 2023 individual monthly election limit is \$300. Enrolled employees receive a Beniversal Prepaid Mastercard or eTRAC Prepaid Mastercard to use at qualified mass transit and/or parking vendors.

Given the low utilization of the current commuter benefit program and the relatively low number of employees living in the Santa Clara County service area, HR will distribute a survey to Valley Water employees to gauge the interest of utilizing the VTA SmartPass. Results will be used to assess the need to provide this additional benefit to Valley Water employees.

For further information, please contact Patrice McElroy at (408) 630-3159.

BOARD MEMBER REQUESTS and Informational Items

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-23-0024	08/22/23	Eisenberg	Yoke	Ndah	Director Eisenberg requests that the current restroom signs inside the visitor's center at the SVAWPC be replaced with the non-binary symbol.	09/11/23		
I-23-0028	10/05/23	Beall	Gibson Baker	Broome	Provide Director Beall with a briefing on federal and state transportation funding efforts for the B.F. Sisk Dam Raise project.	10/25/23		
I-23-0029	10/18/23	Eisenberg	Richardso n	Mccarter	Today valley water claimed to the water commission that mitigation costs are included in the \$2 8 billion Pacheco cost estimate. Please break down the costs for us. Also Valley Water admitted that real estate and water costs are not included. Please estimate. And, please describe what actions are being taken by 9g&e as stated today. Staff said "it's going great." Next, describe what mitigations are being discussed with Amah mutsun, including potentially moving the burial ground? Finally, please point to the exact flood protections now claimed, given that this was relied on by the commission.	11/07/23		
R-23- 0010	08/08/23	Beall	Yoke	Mcelroy	Director Beall requested that staff look at the feasibility of VTA supplying transit passes (or clipper cards) for employees and family members.	08/29/23		
R-23- 0011	08/08/23	Eisenberg	Taylor	Chinte Salandan an	CEO 2023 travel withthe following: For each time away, please provide: 1. Dates 2. Locations traveled to 3. Total cost 4. Whether the district paid in part or in whole (how much, and was it as a legitimate business expense or as a taxable perk) 5. If for official reasons, if not clear from the outside, please provide a brief (one sentence or even partial sentence is fine) description of the nexus e-g. "met with these senators in washington dc: warren, booker, and feinstein" 6. If the district only paid in part, I do not need to know what was happening during the personal time 7. Please provide the budget for travel for that time period and how the actuals compared with the budgeted (this should be very simple)	08/29/23		10/11/23 Information Only: BMR request was updated to change from BAO travel information to only CEO: CEO 2023 travel with the following: For each time away, please provide: 1.Dates 2.Locations traveled to 3.Total cost 4.Whether the district paid in part or in whole (how much, and was it as a legitimate business expense or as a taxable perk) 5.If for official reasons, if not clear from the outside, please provide a brief (one sentence or even partial sentence is fine) description of the nexus e.g. "met with these senators in washington dc: warren, booker, and feinstein" 6.If the district only paid in part, I do not need to know what was happening during the personal time 7.Please provide the budget for travel for that time period and how the actuals compared with the budgeted (this should be very simple); 09/08/23 Information Only: Two additional weeks need. Anticipated completion date of September 22.
R-23- 0013	08/22/23	Beall	Baker	Williams	Staff to investigate if the small empty pond on Sunnyoaks Avenue in Campbell, between the fire department and the training facility, can be used by the city and the fire department.	09/12/23		10/03/23 Information Only: This request will be reponded to during the 11/14 or 12/5 board meeting.; 09/19/23 Information Only: This request will be responded on the 10/24/23 board agenda.; 09/15/23 Information Only: Staff requires a few more days to respond to this request. Anticipated completion date 9/22/23.

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
R-23- 0014	08/22/23	Beall	Baker	Williams	Staff to investigate if other small empty ponds within the City of Campbell can be used for other purposes.	09/12/23		10/03/23 Information Only: This request will be responded to during the 11/14 or 12/5 board meeting.; 09/19/23 Information Only: This BMR will be responded to on the 10/24/23 Board agenda.; 09/15/23 Information

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MEMORANDUM

FC 14 (08-21-19)

TO: Rick L. Callender, Esq.

Chief Executive Officer

FROM:

Bhavani Yerrapotu, P.E.,

Deputy Operating Officer, Watersheds Design &

Construction

SUBJECT:

Supplemental Information Regarding Residential Real Estate Acquisitions for the Coyote Creek Flood Management Measures Project, Part of the Federal Energy Regulatory Commission Order

Compliance Project

DATE:

October 11, 2023

On October 24, 2023, the Board of Directors will be asked to consider and approve the purchase of a residential parcel for the Coyote Creek Flood Management Measures Project (CCFMMP), part of the Federal Energy Regulatory Commission Order Compliance Project.

Santa Clara Valley Water District (Valley Water) is undertaking the Anderson Dam Federal Energy Regulatory Commission (FERC) Order Compliance Project (FOCP) as a result of the February 20, 2020, directive from FERC to implement interim risk reduction measures at Anderson Dam to protect the public from risk of dam failure due to seismic activity. The approved FOCP includes four categories of actions including reservoir drawdown, construction of the Anderson Dam Tunnel Project (ADTP) (anticipated to be completed in 2024), operation and maintenance following ADTP construction, and avoidance and minimization measures (AMMs) necessary to reduce environmental and water supply impacts during implementation of FOCP. To address the higher flows from operation of the tunnel after its completion, flood management measures, identified and to be implemented under the Coyote Creek Flood Management Measures Project (CCFMMP), were included in the FOCP to reduce flood risks within urbanized areas of San José. Specifically, the FOCP's flood management measures include possible acquisition of impacted properties or construction of floodwalls. The construction of CCFMMP is also anticipated to be completed in 2024. The overall flood risk reduction objective of CCFMMP is protecting areas of Covote Creek against a flood event approximately equivalent to the February 2017 flood event. This goal will be met by the completion of CCFMMP.

During the planning process, the flood reduction alternatives for certain low-lying residential parcels along Coyote Creek were considered. Nine residential parcels within the CCFMMP were identified for possible acquisition. Each identified low-lying property was evaluated further during the design phase, while also soliciting the owner's preference, to determine the most suitable alternative disposition for each property.

The property to be considered for acquisition by the Board on October 24, 2023, is located at 180 Arroyo Way, San Jose, CA, and is owned by Ananya Kaewphokha. The property was previously identified as a site appropriate for fee title acquisition. However, based on the Owner's objections to fee title acquisition, staff proposed a floodwall alternative and made an offer to acquire a permanent easement and temporary construction easement on November 22, 2022. Valley Water and Owner were unable to reach an agreement regarding acquisition of

either the entire residential property or the permanent and temporary construction easement. On March 14, 2023, the Board adopted a Resolution of Necessity (Resolution No. 23-18) authorizing District Counsel to acquire a permanent easement and a temporary construction easement from Owner by condemnation, if necessary.

As a result of continued discussions with Owner subsequent to Board adoption of Resolution No. 23-18, an agreement has been reached for acquisition of the entire residential property. The acquisition price of \$2,109,240, is composed of two elements. \$1,435,000, represents the value of the real property as established by an appraisal prepared by Associated Right of Way Services (Attachment 1) and \$674,240, represents settlement for a price differential payment or rental assistance payment as housing of last resort under Valley Water's relocation assistance program and applicable federal and state relocation law.

Per the Valley Water Board approved (February 22, 2022) Relocation Impact Study and Last Resort Housing Plan for the CCFPP and CCFMMP as part of the FOCP, under the Anderson Dam Seismic Retrofit Project (Relocation Plan, on July 18, 2023, the Owner was provided with a Conditional Entitlement Letter (CEL) (Attachment 3) outlining the relocation benefits to which she, as a displaced owner/resident, is entitled. One of these benefits is a price differential payment based on the anticipated cost of a decent, safe, and sanitary comparable replacement dwelling. The amount of the price differential payment is determined to be \$674,240, as set forth in section B. Option 2 of the CEL, on page 3 of 5.

The final sale price of \$2,109,240, represents a final settlement for acquisition of the real property at the appraised value and settlement of the price differential payment element of the Relocation Plan.

Bhavani Yerrapotu
46806059FDEC458...

Bhavani Yerrapotu, P.E., Deputy Operating Officer Watersheds Design and Construction

Attachments: Attachment 1 (Appraisal)

Attachment 2 (Conditional Entitlement Letter)

ec: M. Richardson, C. Hakes, C. Achdjian, B. Magleby

bm:rc



July 18, 2023

Ananya Kaewphokha 180 Arroyo Way San Jose, CA 95112

Re: Conditional Entitlement Letter

Santa Clara Valley Water District – Coyote Creek Flood Management Measures Project

Affected Property: 180 Arroyo Way, San Jose, CA

APN: 467-29-035

Dear Property Owner:

Previously, the Santa Clara Valley Water District (Valley Water) notified you of its efforts to acquire the property that you own and occupy at 180 Arroyo Way in San Jose, California. Valley Water also notified you of your eligibility to receive relocation assistance under its Relocation Assistance Program. Valley Water has developed its Relocation Assistance Program to ensure that uniform, fair, and equitable treatment is afforded to all persons displaced from their homes as a result of its actions so that no person shall suffer disproportionate injury as a result of a project created to benefit the public as a whole.

Based upon the information provided to Valley Water and its relocation consultant, Associated Right of Way Services, Inc., it has been determined that you have been an occupant of the property noted above for 90 consecutive days or more immediately preceding the date Valley Water initiated negotiations with you. Therefore, you are eligible to receive assistance in accordance with the following laws and regulations governing relocation assistance:

Law: California Government Code §7260 et seq.

Regulations: California Code of Regulations, Title 25, Chapter 6

Your Relocation Advisor, Ms. Emily Plurkowski of Associated Right of Way Services, Inc., is available to explain these benefits to you if you have any questions. A more detailed description of this assistance is available in the enclosed Relocation Assistance Handbook. In general, these benefits include the following:

 Relocation Advisory Services. Your Relocation Advisor, Ms. Plurkowski, will help you find comparable replacement housing in the area. She will also help you file claims for payment with Valley Water and will deliver all necessary notices.

Your Relocation Advisor will identify comparable replacement dwellings within your financial means that are available to you and will provide assistance in obtaining comparable housing of your choice, including assistance in the referral of complaints of discrimination to the appropriate Federal, State, or local fair housing enforcement agency. Please continue to

Ananya Kaewphokha July 18, 2023 Page 2 of 5

communicate with Ms. Plurkowski and provide her with information as requested so that she can provide you with assistance as needed.

All services will be provided to you in such as way as to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state and federal anti-discrimination laws, or any other arbitrary circumstances.

- Payment for Moving Expenses. You may choose one of the following options to cover costs related to moving your personal property to a replacement site;
 - pay a professional moving company to move your personal property and be reimbursed by Valley Water upon completion,
 - (B) receive a fixed moving expense and dislocation allowance of \$2,690 to move eight (8) rooms worth of items if you choose to move your own personal property, or
 - (C) choose a combination of the two moving options, depending upon your circumstances.

You may also be eligible for certain storage costs for up to 12 months. More detail on what is covered under Moving Expenses can be found in the enclosed Relocation Assistance Handbook.

III. Replacement Housing Payment. Since you have occupied the property as your primary residence for at least 90 days immediately prior to the initiation of negotiations, you are eligible to receive a replacement housing payment to help you rent or purchase a replacement dwelling. The payment will be based on the cost of a comparable replacement dwelling that has been determined, as well as the actual cost you pay to acquire a new permanent dwelling.

Valley Water has determined that you are eligible to receive assistance under the Last Resort Housing Program so that the cost to purchase a comparable house is affordable to you. Valley Water recently approved a Last Resort Housing Plan to support your household's effort to relocate. Under this Plan, you may choose one of two options for your Replacement Housing Payment. It is important that you understand the options presented here. Please meet with your Relocation Advisor and your attorney to ensure that you have an opportunity to understand the Relocation Assistance Program and the options presented to you before making any decisions.

A. Option 1: Traditional Price Differential Payment

Comparable Replacement Dwelling. Valley Water will assist you with purchasing a comparable home that is Decent, Safe, and Sanitary¹. Valley Water has determined that a comparable replacement dwelling would be \$1,860,000. This determination was based upon a review of comparable replacement housing in the community including the property listed at 15080 McVay Avenue in San Jose. This property is a 4,373 square foot single family residence with 5 bedrooms and 4.5 bathrooms situated on a .30 acre lot. Given the current housing market, this

¹ State regulations define Decent, Safe, and Sanitary as housing that is sound, weather tight condition, and in good repair. It is housing that meets local occupancy codes, safe electrical wiring system for lighting and other devices; contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees). Please speak with your Relocation Advisor.

Ananya Kaewphokha July 18, 2023 Page 3 of 5

property may no longer be available for sale. However, Valley Water will continue to provide referrals to you for similar properties for sale at \$1,860,000 or less and will adjust its determination of the cost of most comparable replacement dwelling if such an adjustment is warranted.

Valley Water has offered to purchase your property for \$1,435,000. In order to receive the maximum Price Differential Payment of \$425,000, you would need to purchase a home for \$1,860,000 or greater. Your maximum Price Differential Payment under this option is shown below.

Option 1: Traditional Price Differential Payment

List Price of Most Comparable Replacement Property	\$1,860,000
Minus Valley Water's Offer to Purchase Current Home	(\$1,435,000)
Maximum Price Differential Payment	\$425,000

Under Option 1, you could claim payment for the following under the Relocation Assistance Program if you purchase and occupy a replacement property within 12 months of the date you receive just compensation for your current property or the date you vacate your current home (whichever is later).

- Valley Water would deposit a Price Differential Payment into the escrow for your replacement home based on the calculations shown in the above Traditional Price Differential Payment. If you purchase a replacement property that costs less than \$1,860,000 or if Valley Water pays more than \$1,435,000 for your current home, your Price Differential Payment would be adjusted to reflect the difference between the cost of your replacement property and the amount Valley Water pays you for your current property.
- Valley Water would reimburse you for non-recurring closing costs to support your purchase of a comparable replacement property valued at \$1,860,000 or less.
- Valley Water would assess increased mortgage costs owed to you for a reasonable replacement loan.

You would need to fully document your claims. This includes submitting documentation related to your replacement home purchase, certified copies of your closing statement, a copy of a professional Home Inspection Report, and cooperation with Valley Water to allow an inspection of your replacement property to ensure it meets Decent, Safe, and Sanitary standards. Your Relocation Advisor will work with you to help secure the necessary documentation to support your claims.

B. Option 2: Settlement Agreement under Housing of Last Resort

Comparable Replacement Dwelling. Valley Water has considered the current housing market and the fact that homes are selling for above list price. As a result, Valley Water proposes to adjust its determination of the cost of a comparable, Decent, Safe, and Sanitary replacement home. Under this option, Valley Water would adjust the cost of a comparable by 113.4%.

Ananya Kaewphokha July 18, 2023 Page 4 of 5

Under this option, Valley Water would adjust the list price of the most comparable property at 15080 McVay Avenue in San Jose by 113.4% resulting in an anticipated sale price of \$2,109,240. Given the current housing market, this property may no longer be available for sale. Valley Water can provide referrals to other comparable properties listed for \$2,109,240 or less upon request.

Under this option, Valley Water would enter into a settlement agreement with you for \$2,109,240. This settlement would include the following:

- · The purchase of your current property
- Any Price Differential Payment you would receive under the Relocation Assistance Program

The settlement would not include the following, and therefore, you could claim these costs under the Relocation Assistance Program if you purchase and occupy a replacement property within 12 months of the date you receive just compensation for your current property.

- Reimbursement for non-recurring closing costs to support your purchase of a comparable replacement property valued at \$2,109,240 or less.
- Payment of increased mortgage costs for a reasonable replacement loan.

You would need to fully document your request for non-recurring closing costs and increased mortgage costs. This includes submitting documentation related to your replacement home purchase, certified copies of your closing statement, a copy of a professional Home Inspection Report, and cooperation with Valley Water to allow an inspection of your replacement property to ensure it meets Decent, Safe, and Sanitary standards.

Payment of Claims. You must move into a replacement rental dwelling within one year of the date you vacate the home acquired by Valley Water. You must file all claims for payment within 18 months of the date you vacate. Your Relocation Advisor can help you to prepare all claims under the Relocation Program. You should submit all signed and documented claims to your Relocation Advisor for processing. Please note that it typically takes three weeks to receive payment for a claim once all documentation has been submitted and approved.

- IV. Your Right to Appeal. If you do not agree with a decision made by Valley Water related to the Relocation Assistance Program, you may appeal the decision. All appeals must be submitted within 18 months following the date you move from the property you currently occupy. Information on the Appeal Process is available upon request. Please speak with your Relocation Advisor for additional information on the appeal process.
- V. Relocation Payments are Not Considered Income. 42 U.S.C. 4636 states that payments are not to be considered as income for revenue purposes or for eligibility for assistance under Social Security Act or other Federal Law. No payment received under 49 CFR 24 shall be considered as income for the purposes of title 26, U.S. Code; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act [42 U.S.C. 301 et seq.] or any other Federal law (except for any Federal law providing low-income housing assistance).

Ananya Kaewphokha July 18, 2023 Page 5 of 5

- VI. This is not a notice to vacate. Valley Water intends to continue negotiating with you in good faith. You have at least 90 days from the date of this notice before you would be required to vacate.
- VII. Renting from Valley Water. If you continue to live on the property after Valley Water takes possession, you are required to pay rent. Failure to pay rent can result in eviction. If you receive a Notice to Vacate from Valley Water and it is required to take legal action to move you from the property, Valley Water will seek rent and damages.

Please refer to the enclosed Relocation Assistance Handbook. It explains your rights and some things you must do to obtain relocation payments. Therefore, do not commit yourself to rent or buy a replacement dwelling until you arrange to have the home inspected by your Relocation Advisor. Your Relocation Advisor will be available to assist you in the relocation process and will explain your rights and help you obtain the relocation payments and other assistance for which you are eligible. If you have any questions, please contact your Relocation Advisor, Ms. Plurkowski by phone at (925) 691-2863 or via electronic mail at EPlurkowski@arws.com.

We appreciate your cooperation in this process as Valley Water continues its efforts to improve our community.

Sincerely,	00-	1
2:01	Ma	Sell
2901/	2.009	1
Bill Magleby, SR	/WA	

Senior Real Estate Agent

Enclosures

Cc: Emily Plurkowski, AR/WS, Inc.

	Certifica	tion of	Delive	ery						
This Notice and enclosures were Return Receipt Requested.	sent to the	business	owner	via	USPS	First	Class	and	Certified	Mail
Signate	ure		-				Date			









No. 23032

Appraisal Report

for

Santa Clara Valley Water District Coyote Creek Flood Management Measures Project

Kaewphokha Property

180 Arroyo Way San Jose, CA APN: 467-29-035

Prepared by:
Brian Drake, R/W-AC
Appraiser

June 2023

Associated Right of Way Services, Inc.

2300 Contra Costa Blvd., Suite 525 Pleasant Hill, CA 94523 925.691.8500



2300 Contra Costa Blvd. Suite 525 Pleasant Hill, CA 94523

925.691.8500 phone 925.691.6505 fax www.arws.com

June 23, 2023

Bill Magleby, SR/WA
Real Estate Services Unit Manager
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Re: Coyote Creek Flood Management Measures Project

District File No.: 4021-289 Owner: Kaewphokha

Property Address: 180 Arroyo Way, San Jose, CA

APN: 467-29-035

Dear Mr. Magleby:

In accordance with our contract with the Santa Clara Valley Water District (Valley Water), an appraisal has been made of the fair market value of the above referenced property as requested for the Coyote Creek Flood Management Measures Project. The proposed property interest to be acquired includes a full fee simple acquisition of the property that is the subject of this appraisal.

This Appraisal Report is prepared in conformance with the Uniform Standards of Professional Appraisal Practice, Standard Rule 2-2(a). This report contains a description of the subject property, the property rights to be acquired, and a valuation conclusion for the property to be acquired. I have completed an inspection of the subject, gathered pertinent information, sales and other data relevant to the valuation and analyzed the data to reach my conclusions.

Contact was made with a representative of the owner, Ron Atkins. Permission to enter onto the subject to conduct an inspection of the property was not granted, so it was limited to what could be seen from the public right of way during a site visit on May 11, 2023, the date of value. I previously appraised the subject on November 4, 2022, with a date of value of September 14, 2022, for a partial acquisition valuation for the same project. The property owner was sent a Notice of Decision to Appraise letter dated August 8, 2022.

The opinion of the fair market value of the property considered for acquisition for the project is as shown in the following Summary of Salient Facts and Conclusions, which is made a part of this transmittal letter and appraisal report and is subject to the Assumptions and Limiting Conditions included herein. The accompanying report is submitted for your review and approval for acquisition purposes.

Sincerely,

Brian Drake, R/W-AC

State Certified General Appraiser

CA License No. AG031568

Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha



Summary of Salient Facts and Conclusions

Estimate of Fair Market Value

\$1,435,000

Date of Valuation: May 11, 2023 (date of site visit)

Assessor's Parcel Number: 467-29-035

Property Location/Address: 180 Arroyo Way, San Jose, CA 95112

Owner: Ananya Kaewphokha

Owner's Address: 180 Arroyo Way, San Jose, CA 95112

Owned Since: December 24, 2019

Occupied By: Property owner

Principal Improvements: Wood-framed, single-family residence built in 1963, with

1,984 square feet of livable space, consisting of six total rooms, two of them bedrooms, and an attached two car garage, according to public records and city permit

information (See Extraordinary Assumptions)

Site Area: 27,372 square feet or approximately 0.63 of an acre,

with about 18,234 square feet located below the west bank of Coyote Creek and 9,138 square feet being the

above the bank portion (Client Estimate)

Zoning: R-1-8 – Single-Family Residence District

General Plan: Residential Neighborhood and Open Space, Parklands,

and Habitat (portion in Coyote Creek)

Highest and Best Use:

As If Vacant Development of a single-family residence

As Improved Continue the current single-family residential use

Flood Hazard Information: Flood Zone AE, Map No. 06085C0253H, dated May 18,

2009

Earthquake Information: Not located in an Earthquake Fault Zone

Coyote Creek Flood Management Measures Project

APN: 467-29-035 - Kaewphokha



Environmental Assessment:

None Provided. This appraisal assumes that no environmental remediation would be required regarding

the subject property

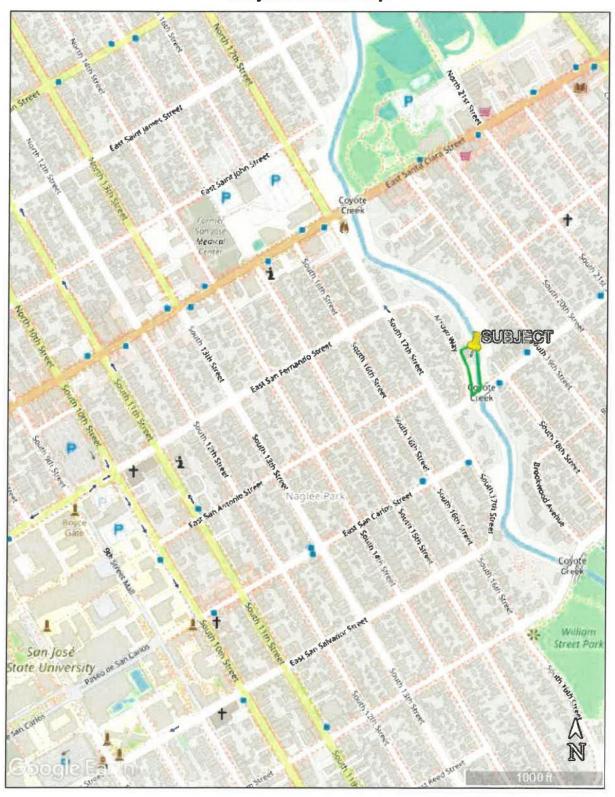
The intent of this appraisal assignment is to conduct an investigation approximating the thoroughness that a typical buyer would conduct when considering similar property on the open market in the subject's neighborhood and competing markets, and in conformance with the necessary policies and techniques used by appraisers in developing an estimate of fair market value.

The sales comparison approach is the most accepted method to value improved single-family residential properties and has been applied in the valuation of the subject property. In the sales comparison approach, searches of public records, real estate listings and sales services were employed to obtain data. Relevant property sales were researched and confirmed to the extent possible. The conclusion of value for the sales comparison approach is determined following appropriate adjustments to properties that have sold and are similar to the subject. The income approach is not considered applicable to this assignment, since this approach does not typically apply to the valuation of improved single-family residential properties. The cost approach has not been applied either, given the age of the subject improvements.

Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha



Subject Location Map



Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha



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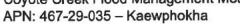
LETTER OF TRANSMITTAL

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

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COMPARABLE SALES PARCEL MAPS PROJECT PLAN SHEET LEGAL DESCRIPTION & PLAT MAP NOTICE OF DECISION TO APPRAISE PRELIMINARY TITLE REPORT APPRAISER QUALIFICATIONS

Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha



Introduction

Purpose of the Appraisal

The purpose of this appraisal is to furnish an opinion of the fair market value of a full fee simple acquisition of the property that is the subject of this appraisal for the Coyote Creek Flood Management Measures Project.

Scope of Assignment

I inspected the subject to determine the size, condition, and utility of the land and any impacted improvements (see Extraordinary Assumptions). Descriptive data about the property was gathered from online data resources, such as public record summary, assessor's parcel map, aerial map and flood map, in addition to any data provided by the Client. Planning department personnel with the City of San Jose were contacted and their website utilized to obtain data about land use ordinances as they apply to the subject. Macro and micro-economic information was gathered from the internet and various news publications. Market participants were interviewed. Analysis of market conditions was completed, both general and specific to the market. Searches of public records, real estate listings and sales services were employed to obtain comparable data. Relevant property sales were researched and confirmed to the extent possible. The data and conclusions are set out in the Valuation section of this report.

The Appraisal Report conforms to Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice. The information contained in this report is specific to the needs of the Client and for the intended use stated in this report. I am <u>not responsible for unauthorized use of this report</u>. The intent of this report is to provide sufficient data and analysis so as to have no misleading information and a conclusion of value of high reliability.

Intended Use of the Appraisal

The intended use of the appraisal and report is to provide Valley Water with a basis for determining just compensation to be offered and payable to the property owner for the proposed full fee simple acquisition of the subject property. The appraisal report is subject to administrative review by the Client.

Client and Intended User of the Appraisal

The Client and the intended user of this appraisal report is Valley Water.

Date of Valuation

The property in this report has been valued as of May 11, 2023. The date of value is the date of the site inspection.

Coyote Creek Flood Management Measures Project

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Property Interest Appraised

This appraisal addresses the fee simple estate in the subject property. The fee simple estate is defined as follows:

"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."

(The Dictionary of Real Estate Appraisal, Seventh Edition, published by the Appraisal Institute)

Market Value Defined

(California Code of Civil Procedure, Section 1263.320)

- "(a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.
- (b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable."

Reasonable Exposure Time

Uniform Standards of Professional Appraisal Practice (USPAP 2020/2021 edition*: Definitions) defines exposure time as follows:

"EXPOSURE TIME: an opinion, based on supporting market data, of the length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal."

Exposure time is presumed to be a reasonably adequate and sufficient period of time with adequate effort necessary to result in a sale fulfilling the definition of value. It is presumed to be a period immediately preceding the effective date of value. However, based on the definition of market value under the Code of Civil Procedure cited above, developing an opinion of exposure time is not required. An opinion of exposure time has not been developed for this appraisal.

*USPAP's 2020-21 edition is effective through December 31, 2022.

Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha



Certification of Appraiser

I hereby certify that to the best of my knowledge and belief:

I have personally inspected the property that is the subject of this report.

The statements of fact contained in the appraisal report are true and correct, and the information upon which the opinions expressed therein are based is correct; subject to the Limiting Conditions therein set forth.

I understand that such appraisal may be used in connection with the proposed acquisition of the subject property to be acquired by Valley Water; that such appraisal has been made in conformity with the appropriate State laws, and regulations, policies and procedures applicable to the appraisal of right of way for such purposes; and that to the best of my knowledge, no portion of the value assigned to such property consists of items which are non-compensable under the established law of the State of California.

Neither my employment nor my compensation for completing this assignment is in any way contingent upon the values reported herein. My compensation is not contingent upon the developing or reporting of predetermined values or direction in value that favors the cause of the Client, the amounts of the value opinions, the attainment of a stipulated result or the occurrence of a subsequent event directly related to the intended use of this appraisal.

I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the acquiring agency and I will not do so until so authorized by said officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.

I previously appraised the subject on November 4, 2022, with a date of value of September 14, 2022, for the same client and project for a proposed partial acquisition valuation of the property.

The owner or representative for the owner has been given an opportunity to accompany me during the inspection of the subject property.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

The reported analyses, opinions, and conclusions are limited only by the reported Assumptions and Limiting Conditions, and are my own personal, impartial, unbiased professional analyses, opinions, and conclusions.

Any decrease or increase in the fair market value of the subject real property prior to the date of valuation caused by the project or improvements for which a portion of such property is acquired, or by the likelihood that the property would be acquired for such project or improvements, other

Coyote Creek Flood Management Measures Project

APN: 467-29-035 - Kaewphokha



than due to physical deterioration within the reasonable control of the owner, has been disregarded in appraising the subject property.

The reported analyses, opinions, and conclusions were developed, and this report, to the best of my knowledge and belief, has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP).

Joe Castellanos provided assistance in the entire process of the appraisal report, including the writing of portions of this report, property inspection, and analysis of the subject property, neighborhood, highest and best use, and sales comparison approach analysis. No one else provided significant real property assistance to the person signing this certification.

The opinion of fair market value for the proposed acquisition of the subject property as of the date of valuation is set forth in the Summary of Salient Facts and Conclusions and is based upon my independent appraisal and the exercise of professional judgment.

I hereby certify that my opinion of the market value of the property appraised as described in this report is included herein and that my opinions and conclusions were made subject to the Assumptions and Limiting Conditions in this report and without collusion, coercion or direction from anyone as to value.

June 23, 2023

Date

Brian Drake, R/W-AC

State Certified General Appraiser

CA License No. AG031568

Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha

ASSOCIATED RIGHT OF WAY SERVICES, INC.

Assumptions and Limiting Conditions

The following Assumptions and Limiting Conditions have been relied upon and used in making this appraisal and estimating the respective values required by the purpose of the appraisal and its intended use.

- No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable, unless otherwise stated in this report.
- The property is appraised free and clear of any or all liens and encumbrances, unless otherwise stated in this report.
- Responsible ownership and competent property management are assumed, unless otherwise stated in this report.
- The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
- Sketches, plat maps, or photographs contained in this report are included to assist the reader in visualizing properties and I have made no survey of the property.
- No responsibility is assumed for discovery of hidden or non-apparent conditions of the
 property, subsoil, or the structures that render it more or less valuable. Encroachment of
 real property improvements is assumed to not exist. No responsibility is assumed for
 arranging for engineering studies or a survey, which may be required to discover these
 conditions.
- It is assumed that the subject is in full compliance with all applicable Federal, State, and local environmental regulations and laws, unless otherwise stated in this report.
- It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been stated, defined, and considered in this report.
- It is assumed that all required licenses, certificates of occupancy, or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been, or can be, obtained or renewed for any use on which the value conclusions contained in this report are based.
- I am not a soil expert. The existing soil and substructure have been assumed adequate
 for existing or proposed uses unless contrary information is provided and contained in this
 report. It is advisable to have a soil analysis and report completed by a qualified soil
 engineer, or other qualified expert, so that any interested party will become knowledgeable
 as to the important soil information including seismic data, soil contaminants, type of fill, if
 any, or other relevant matters.
- Unless otherwise stated in this report, it is assumed that there are no hazardous or toxic substances in the soil comprising the subject land.

Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha



- Unless otherwise stated in this report, the subject property is appraised without a specific
 compliance survey having been conducted to determine if the property is or is not in
 conformance with the requirements of the Americans with Disabilities Act. The presence
 of architectural and communications barriers that are structural in nature and would restrict
 access by disabled individuals may adversely affect the property's values, marketability,
 or utility.
- The distribution, if any, of the total valuation in this report between land and improvements
 applies only under the stated program of utilization. The separate allocations for land and
 improvements must not be used in conjunction with any other appraisal and are invalid if
 so used.
- Possession of this report, or a copy thereof, does not carry with it the right of publication.
 It may not be used for any purpose by any person other than the party to whom it is addressed without my written prior consent, and in any event, only with proper written qualification and only in its entirety.
- The delivery and/or possession of this report does not require that I attend or give testimony at any meeting, public hearing, pretrial conference, deposition or court trial unless there is a written agreement between myself and the party possessing or relying on this report or requesting such services.
- Neither all nor any part of the contents of this report (especially any conclusions as to value, my identity, or the firm with which I am affiliated) shall be disseminated to the public through advertising, public relations, news sales, or other media.

Project Assumptions and Limiting Conditions

- A preliminary title report for the subject property was reviewed, and is displayed in the Addenda. I relied on information contained in the report including the ownership, legal description, and title exceptions.
- I relied on public records, assessor's parcel maps, and/or exhibits provided by the Client to determine the location, size, and shape of the subject site. Property boundaries were not staked by survey.
- The Jurisdictional Exception Rule of the Uniform Standards of Professional Appraisal Practice (USPAP) is invoked where the USPAP requirements conflict with federal or state laws relating to appraisals for the acquisition of real property by public agencies. The exceptions include the disregard of the proposed public project, which is included as a hypothetical condition within this report. Disregarding the proposed public project as required by California Code of Civil Procedure Section 1263.330 is contrary to Standards Rule 1-2(e) because the effects of the public project on the subject's property value are being ignored. In addition, Evidence Code Section 822 excludes using comparable data involving acquisitions by public agencies having the power of eminent domain, listings and offers, assessed values and appraising any property or property interest other than that being valued. This may conflict with Standards Rule 1-4, which requires the appraiser to

Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha

ARWS ASSOCIATED RIGHT OF WAY SERVICES, INC.

collect, verify and analyze all information necessary for credible assignment results and further specifies that the appraiser analyze such comparable sales data as are available to indicate a value conclusion.

Hypothetical Conditions

Uniform Standards of Professional Appraisal Practice (USPAP 2020/2021 edition*: Definitions) defines hypothetical condition as follows:

"HYPOTHETICAL CONDITION: a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

<u>Comment</u>: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis."

The following hypothetical condition is used for this appraisal and may affect the assignment results:

The analysis of the subject of this appraisal is made under the hypothetical condition that the project and steps leading up to the project do not exist.

Extraordinary Assumptions

Uniform Standards of Professional Appraisal Practice (USPAP 2020/2021 edition*: Definitions) defines extraordinary assumptions as follows:

"EXTRAORDINARY ASSUMPTION: an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions.

<u>Comment</u>: Uncertain information might include physical, legal, or economic characteristics of the subject property; or conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis."

The following extraordinary assumptions are used for this appraisal and may affect the assignment results:

- A preliminary title report for the subject is dated October 7, 2020. It is assumed for this
 appraisal that a current title report would not reveal any conditions that affect market value.
- I was not given permission by the owner to enter onto the subject property, and therefore
 my inspection was limited to only what could be viewed from public right of way. Details

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regarding the subject improvements that could not be gleaned from observations at the time of the site visit are based on public records and city permit information. This appraisal assumes that the public records and city permit information relied upon is representative of what existed on the date of value and that the quality and condition of what could not been seen is similar to what was seen.

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General Information

Region, City and Neighborhood Data



The subject is located in the City of San Jose, in Santa Clara County, which is included as one of the nine counties that comprise the San Francisco Bay Area. The counties which border Santa Clara County are Alameda, Stanislaus, Merced, San Benito, Santa Cruz, and San Mateo. Santa Clara County is situated at the southern end of the San Francisco Bay, in between the Diablo Range to the east and the Santa Cruz Mountains to the west, encompassing 1,304 square miles. Steep slopes, active earthquake faults, and areas of geologic instability are prevalent in both mountain ranges. One of the other major topographical features of Santa Clara County is the Santa Clara Valley, ringed by rolling hills that run its entire length from north to south. northwestern part of the county, adjacent

to the waters of the San Francisco Bay, consists mostly of vast salt evaporation ponds and remnant areas of salt marsh and wetlands. The Mediterranean climate of the region is temperate year-round due to the area's geography and its proximity to the Pacific Ocean, remaining warm and dry through most of late spring, summer, and early fall. The northern portion of Santa Clara County is extensively urbanized, housing approximately 90% of the County's residents, while the southern part remains predominantly rural. According to the California Department of Finance, the County had an estimated population of 1,886,079, as of January 2023, a minimal decrease over the population estimate from the year prior.

Santa Clara County is at the center of an area known as "Silicon Valley," so named because this is the birthplace of the computer chip and the resulting high-tech employment sector. Silicon Valley is a region in the southern part of the Bay Area that serves as a global center for high technology, innovation, venture capital, and social media. It corresponds roughly to the geographical Santa Clara Valley. Many of the world's largest high-tech corporations are headquartered in Silicon Valley, including more than 30 businesses in the Fortune 1000, according to an online publication. The Bay Area has the largest concentration of high-tech companies in the United States, with about 387,000 high-tech jobs, of which nearly 60% are in Silicon Valley. It also has the highest concentration of high-tech workers of any metropolitan area, as reported by the same web source. In addition, the region has the highest average high-tech salary in the United States, at about \$144,800. Silicon Valley also accounts for one-third of all of the venture capital investment in the United States, which has helped it to become a leading hub and startup ecosystem for high-tech innovation and scientific development. The region has also established itself as a leader in bioscience, one of the larger industries in the state, with nearly

Coyote Creek Flood Management Measures Project

APN: 467-29-035 - Kaewphokha



430,000 Californians employed in the life sciences. There are more than 1,300 life science establishments in Santa Clara County, which is the largest number in the Bay Area and has contributed to more than 38,000 high-paying jobs.

There are 15 incorporated cities and towns in Santa Clara County, including San Jose. The city covers about 181 square miles located in the northeasterly portion of Santa Clara County, at the south end of the San Francisco Bay. With a current population estimate of 959,256, San Jose is the largest city in the Bay Area by a wide margin. The City's population comprises just over 50% of the total population in Santa Clara County. The next largest city is Sunnyvale, with 156,317 people.

San Jose was the first incorporated city in California and the site of the first state capital. Once largely an agrarian community up through the 1960s, in recent decades, San Jose has earned a global reputation as the high-tech sector with the largest concentration of high technology engineering, computer, and microprocessor companies. With its strategic central location within this technology industry, San Jose has been nicknamed the capital of Silicon Valley. According to the City's website, San Jose is home to more than 6,600 technology companies that drive the City's economy, employing nearly half of the current workforce of 558,600 (Employment Development Department). Commercial, retail, professional, high-tech manufacturing, electronic assembly, and service businesses all have a presence in San Jose. The table displayed below lists the principal employers in San Jose, according to their 2020 Comprehensive Annual Financial Report.

CITY OF SAN JOSE	2022						
PRINCIPAL EMPLOYERS Company or Organization	Number of Employees	Rank	Percent of Total Employment				
County of Santa Clara	19,900	1	3.79%				
Cisco Systems	7,500	2	1.43%				
City of San José	7,413 (1)	3	1.41%				
San José State University	4,512	4	0.86%				
Paypal Inc.	4,250	5	0.81%				
Adobe Systems Inc.	3,825	6	0.73%				
Kaiser Permanente	3,673	7	0.70%				
Western Digital	2,892	8	0.55%				
Broadcom	2,753	9	0.52%				
eBay Inc.	2,700	10	0.51%				
Target Stores	2,437	11	0.46%				
Super Micro Computer	2,180	12	0.42%				
IBM	2,070	13	0.39%				
Cadence Design Systems	1,956	14	0.37%				
Good Samaritan Health System	1,850	15	0.35%				

San Jose is one of the wealthiest major cities in the United States, and has the third highest GDP per capita in the world (after Zürich, Switzerland and Oslo, Norway), according to the Brookings Institution. The U.S. Census Bureau reports that the median household income within the city

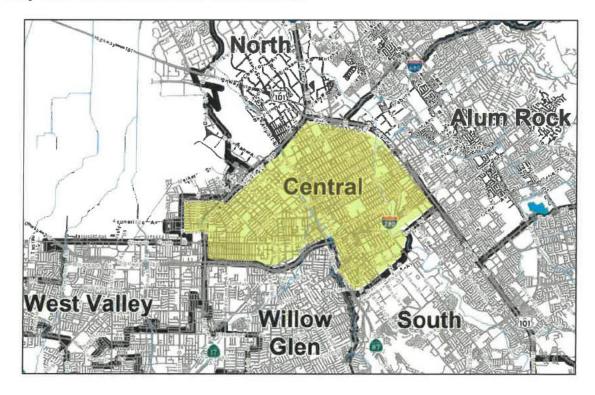
Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha



limits is \$109,593 (2019 dollars), and approximately 84.6% of San Jose's residents over the age of 25 have at least some college experience, with 43.7% having a bachelor's degree or higher.

San Jose benefits from a number of freeways, arterials, and expressways that provide access to most areas of the region, including three interstate highways, I-280, I-880, and I-680, in addition to several federal and state highways, US-101, CA-85, CA-87, CA-17, and CA-237. Santa Clara Valley Transportation Authority (VTA) light rail and bus services provide mass transit for San Jose. San Jose is also serviced by Bay Area Rapid Transit (BART), offering a connection to the rest of the San Francisco Bay Area with the Silicon Valley BART extension that began construction in 2019. In addition to the new Milpitas Station, the Berryessa/North San Jose Station opened for service in June 2020. The extension to downtown San Jose is targeted for completion in 2030. Located two miles north of the downtown is the Norman Y. Mineta San Jose International Airport.

The subject is located in San Jose's Central Planning Area, one of fifteen subareas of the city, as defined by the General Plan, which divides its sphere of influence into several neighborhood-oriented areas. The Central Planning Area is roughly bounded by US 101 to the north and east, I-880 / Highway 17 to the north and west, and to the south, I-280 to the west of Highway 87 and Story Road and Barnard Avenue to the east of it.



The Central Planning Area is urban in nature and encompasses the City's downtown core and several distinct residential neighborhoods that feather out from it. The subject is included in Naglee Park, a historic single-family residential neighborhood built-out in the early 1900s that is located to the east of the downtown area and San Jose State University. The subject is adjacent to Coyote Creek, which defines the eastern boundary of the neighborhood, and it reaches as far north as East Santa Clara Street and I-280 to the south. In the late 1960s, with the growth of the

Coyote Creek Flood Management Measures Project

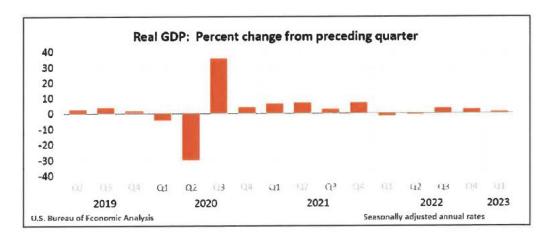
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college, SJSU students were allowed to live off campus, and many of the larger homes were converted into apartments as the result of zoning changes that allowed for multifamily development. This also attracted board and care facilities for mentally disabled people that moved into the area. However, the zoning was reverted at the request of neighborhood residents, and during the 1990s and 2000s, many of the converted homes were renovated and returned to the single-family dwellings they once had been. The schools that service Naglee Park are Horace Mann Elementary, Muwekma Ohlone Middle School, and San Jose High.

Real Estate Market Conditions

Until recently, the world had been dealing with the spread of the coronavirus, COVID-19, a global pandemic that lasted for several years. In the initial stages of the outbreak in the early part of 2020, the economy experienced a significant downturn, with most major markets declining by as much as 20%. Most COVID-19 related restrictions were lifted in mid-2021 throughout the state, with approximately half of Californians vaccinated at that time, but the progression of COVID-19 continued with the emergence of multiple variants. However, at present, health experts consider COVID-19 to be no longer a public health emergency, despite their warning that it remains a threat.



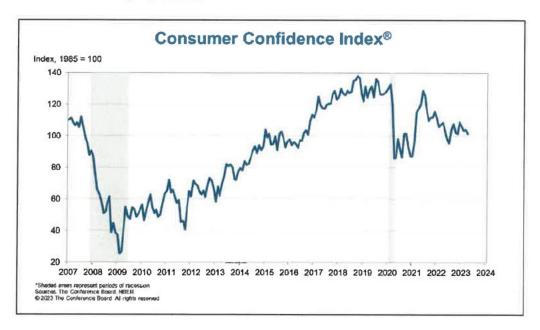
COVID-19's toll on the nation's economy became emphatically clearer with the Bureau of Economic Analysis's (BEA) estimate of real gross domestic product (GDP) for the second quarter 2020, which decreased at an annual rate of 31.4%, after a decline of 5.0% in the first quarter 2020. Real gross domestic product (GDP) is a comprehensive measure of economic activity and the most popular indicator of the nation's overall economic health. According to the Commerce Department, the most devastating three-month collapse on record in the second quarter 2020 wiped away nearly five years of growth as consumers cut back spending, businesses pared investments, and it would have been even more severe without trillions of dollars in government aid to households and businesses. The attempt to freeze the economy and defeat the virus had not produced the rapid rebound that many envisioned, and a surge in coronavirus cases and deaths across the country in the second quarter of 2020 led to a renewed pullback in economic activity, reflecting consumer unease and renewed shutdowns. Fortunately, a recovery started in the following quarter. According to the BEA's third estimate, third quarter (Q3) 2020 GDP increased at an annual rate of 33.4%, the largest single quarter of economic growth on record.

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This rebound recovered two-thirds of the economic output lost due to the pandemic during the first half of the year and brought the economy back to only 3.5 percentage points below its prepandemic level (see graph displayed previously).

To start 2021, widespread vaccinations and government spending helped bring the U.S. closer to where it was before the COVID-19 pandemic struck, the Commerce Department reported. The increase in GDP in the first half of 2021 reflected the continued economic recovery influenced by the reopening of establishments, and the unending government response related to the COVID-19 pandemic. Despite a resurgence of COVID-19 cases, the U.S. economy grew more-than-expected to end 2021, influenced by sizeable boosts in inventories and consumer spending. GDP contracted for the first half of 2022, where Q1 2022 was the first decline recorded since the major losses of Q2 2020. Losses experienced in the first half of 2022 were recovered in the second half, with an increase at an annual rate of 2.9% in Q3 2022 and 2.6% in Q4 2022, followed by a lesser increase of 1.1% for 1Q 2023, according to BEA's "advance" estimate. The GDP for 1Q 2023 reflected increases in consumer spending, exports, federal government spending, state and local government spending, and nonresidential fixed investment that were partly offset by decreases in private inventory investment and residential fixed investment. Imports, which are a subtraction in the calculation of GDP, increased.



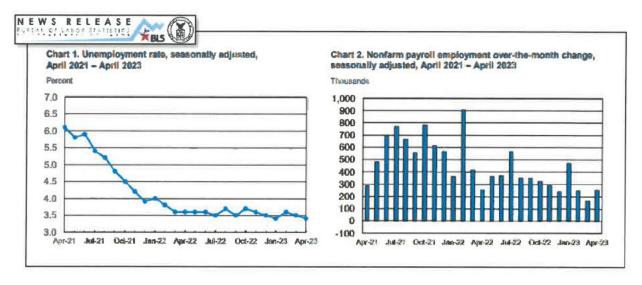
The Conference Board Consumer Confidence Index (CCI) decreased in April 2023 from the previous month. The CCI is a barometer of the health of the U.S. economy from the perspective of the consumer. The index is based on consumer's perceptions of current business and employment conditions, as well as their expectations for six months regarding business conditions, employment conditions, and income. The CCI now stands at 101.3, down from 104.0 in March, whereas 100 is the benchmark. "While consumers' relatively favorable assessment of the current business environment improved somewhat in April, their expectations fell and remain below the level which often signals a recession looming in the short-term," said Ataman Ozyildirim, Senior Director, Economics at The Conference Board. "Consumers became more pessimistic about the outlook for both business conditions and labor markets. Compared to last month, fewer

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households expect business conditions to improve and more expect worsening of conditions in the next six months. They also expect fewer jobs to be available over the short term."

The unemployment rate is the most frequently cited indicator of labor market health. For April 2023, the national unemployment rate changed little from the previous month, which has been the trend over the past year, and now stands at 3.4% (see graphic displayed below). Nonfarm payroll employment rose by 253,000 jobs, according to the U.S. Bureau of Labor Statistics (BLS). The unemployment rate had been on a downward trajectory through about March 2022 after having spiked to 14.7%, when 870,000 jobs were lost in March 2020, followed by a record 20.5 million in April 2020, with much of the U.S. in self-imposed shutdown mode to prevent the spread of Covid-19. The job losses in those two months were by far the largest decline since the government began tracking the data in 1939, and amount to layoffs so severe, they more than doubled the 8.7 million jobs lost during the Great Recession and nearly wiped out the 22.8 million jobs gained over 10 years since the 2008 financial crisis. The last time American joblessness was that severe was the Great Depression, when the unemployment rate peaked at 24.9% in 1933, according to historical annual estimates from the BLS.



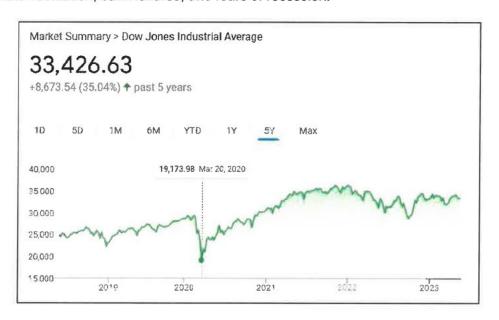
For April 2023, employment continued to trend up in professional and business services, health care, leisure and hospitality, and social assistance. With the unemployment rate at 3.4% and unemployed persons at 5.7 million, April 2023 unemployment is at levels seen just prior to COVID-19 (3.5% and 5.7 million, respectively, in February 2020). The unemployment rate in Santa Clara County was 2.9% for April 2023, which compares with an unemployment rate of 4.5% for California for the same period.

Global stock markets initially suffered dramatic falls due to the COVID-19 pandemic. The Dow Jones Industrial Average (DJIA), one of the most closely watched U.S. benchmark indices tracking targeted stock market activity, reported its largest-ever single day decline of almost 3,000 points on March 16, 2020, beating its previous record of 2,300 points that was set only four days earlier. It had increased steadily since the end of the "Great Recession" to record-high levels but fell sharply in the latter part of February 2020 after mounting coronavirus fears. Since the dips in February and March of 2020, the DJIA was on an upward trajectory through 2021, setting

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numerous all-time highs since the later part of 2020. The trajectory has fluctuated throughout 2022 and into 2023; however, the index is still at a level well above the losses seen in the initial stages of COVID-19. The rises and falls in 2022 and into 2023 can be attributed to inflation, interest rate fluctuation, bank failures, and fears of recession.



Housing Market

Generally, housing is seen as one of the sectors to rise or fall as economic conditions improve or degrade. The California housing market ended 2020 on a high note, with the statewide median home price reaching record highs. That same momentum was carried forward in 2021, and in April, the median home price throughout the state reached above the \$800,000 mark for the first time, according to the data released by the California Association of Realtors. While median home prices are an imperfect measure of the current value of any individual home, they do provide important information regarding the overall health of residential real estate markets. For April 2023, the median sales price of existing single-family homes statewide was \$815,340, up 3.0% from March and a decline of 7.8% from a year earlier. The number of sales of existing homes declined by 4.7% and 36.1%, respectively, for all of California over the same time period.

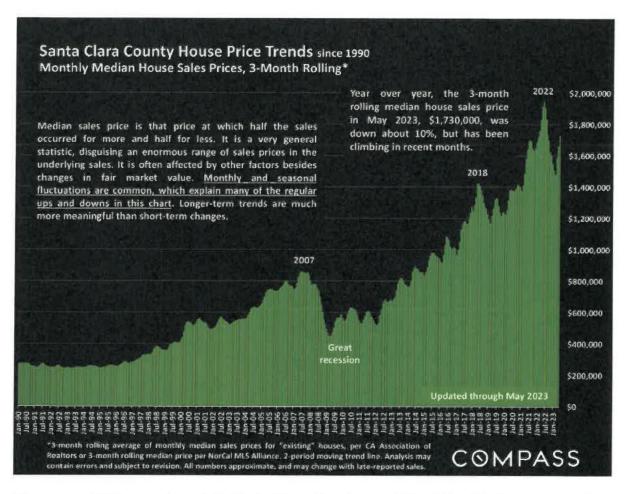
The tight inventory and high demand fueling California's high home prices has begun to taper through 2022 and into 2023, partially the result of increased interest rates. According to Freddie Mac, the 30-year mortgage rate averaged 6.39% as of May 18, 2023, compared to a low of 2.65% and 0.7 points as of January 7, 2021; however, homebuyers are adjusting to current rates and pursuing homeownership.

In Santa Clara County, sales of single-family re-sale homes were down 16% year-over-year in May 2023 with 747 homes sold, according to MLSListings source data. Comparatively, the monthly average since 2000 is 987. May marked the seventeenth month in a row that home sales were lower than the year before.

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At \$1,788,000, the median sales price for single-family, re-sale homes in Santa Clara County in May 2023 was down minimally compared to April with a 0.1% decrease. Year over year median sales price fell 7.1%. The chart displayed below shows the trend for median home sales prices in Santa Clara County over the last several years on a three-month rolling average through May 2023.



There were 647 homes for sale in Santa Clara County, as of May 5th, while the average since 2000 is 2,703. Inventory of single-family re-sale homes was down for the second month in a row, decreasing by 37.7% compared to last year. At the May rate of sales, it would take 26 days to sell all homes listed for sale, while the average since 2003 is 89.

The graphic presented below shows the median sales price for single-family, re-sale homes in Central San Jose and other relevant data about the local residential real estate market.

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May 2023 Report Single Family Homes in Santa Clara County, San Jose, Central San Jose

Trends At a Glance	May-23	Previous Month	Year-over-Year
Median Price	\$1,186,000 (-0.2%)	\$1,188,890	\$1,376,500 (-13.8%)
Average Price	\$1,319,240 (+2.2%)	\$1,290,450	\$1,512,710 (-12.8%)
No. of Sales	39 (+85.7%)	21	38 (+2.6%)
Pending	65 (-8.5%)	71	72 (-9.7%)
Active	36 (+2.9%)	35	46 (-21.7%)
Sale vs. List Price	104.5% (-0.2%)	104.80%	113.4% (-7.8%)
Days on Market	34 (-2.1%)	35	13 (+164.9%)
Days of Inventory	28 (-42.7%)	48	36 (-23.7%)

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Project Description

The Coyote Creek Watershed consists of a 322 square mile area with six major tributary creeks and is the largest watershed in Santa Clara County. It extends from the urbanized valley floor upward to the vast natural areas of the Diablo range. Coyote Creek, its main waterway, is the longest creek in the county.

Flooding has occurred repeatedly within the Coyote Creek Watershed, including along portions of Coyote Creek, most recently in February 2017. The worst flooding since the construction of the Anderson Dam in 1950 occurred during the 2017 flood event. Coyote Creek overtopped its banks at several locations between Montague Expressway and Tully Road. Businesses and hundreds of homes were inundated by creek waters, some by up to six feet. Highway 101 near Watson Park and various local streets were closed due to the flooding, and thousands of residents were evacuated and sheltered.

Soon after the 2017 flood, Valley Water, the flood protection agency for Santa Clara Valley, acted on a series of immediate flood risk reduction efforts, the largest of which was the construction of a flood barrier and levee in the Rock Springs, Nordale, and Bevin Brook neighborhoods of San Jose. The primary goal of the Coyote Creek Flood Protection Project and Coyote Creek Flood Management Measures Project is to reduce the risk of flooding to homes, schools, businesses, and highways from a flood event equivalent to the one experienced in February of 2017. A sheet pile wall of varying height is proposed as a flood mitigation measure within the project limits (see Project Plan Sheet), which is located in the central section of the Coyote Watershed on the midsection of Coyote Creek, extending approximately nine miles between Montague Expressway and Tully Road, all within the city limits of San Jose. The Coyote Creek Flood Management Measures Project includes Reaches 5, 6, and 7 and the Coyote Creek Flood Protection Project includes Reaches 4 and 8 (see Project Exhibit). Select residential properties within the Project limits, primarily along Reach 7, will retain access to the creek area through flood doors placed at these property locations along the wall. Additionally, these residential property owners will be given a selection of wall treatments to choose from to improve the aesthetics of the 'corrugated steel' sheet pile flood wall.

Coyote Creek is an active riparian corridor serving as habitat for wildlife. Urban growth has drastically reduced and altered the natural habitat surrounding Coyote Creek. The riparian corridor has become narrow and discontinuous because of adjacent land use. Creek ownership varies from public entities to private owners, creating challenges for consistent and comprehensive maintenance. Non-native and invasive plants have also decreased the value of riparian habitat for native wildlife along the creek. Project objectives will include enhancing and restoring stream habitat, while improving upon water quality within the project limits, and to minimize the need for future operations and maintenance activities to create a self-sustaining natural system. Wherever feasible, the use of non-structural and/or minimal hardscape features will be included for creek improvements.

The Project was originally funded by the countywide Clean, Safe Creeks and Natural Flood Protection Plan parcel tax passed by voters in November 2000. In November 2012, it was transitioned to the Safe, Clean Water and Natural Flood Protection Program.

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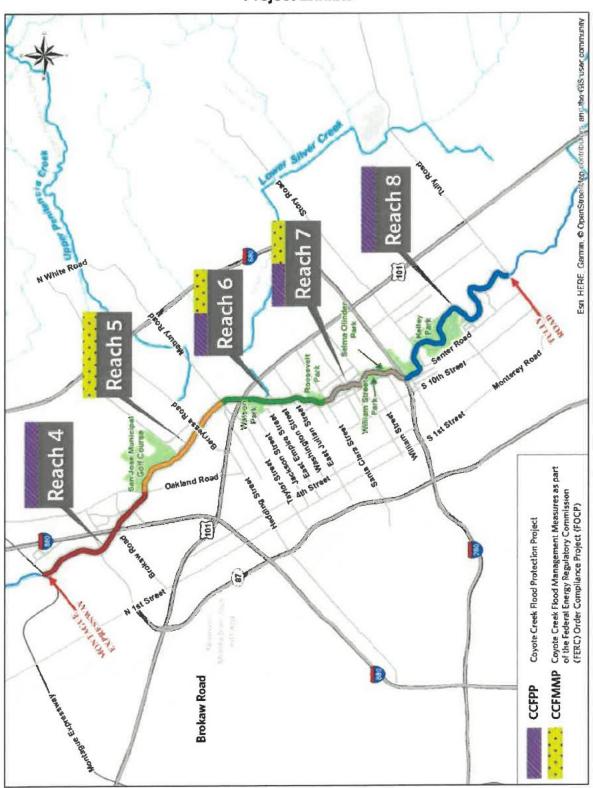


In an effort to implement the Project, Valley Water is proposing to acquire private property within the project limits, which includes all or a portion of the subject.

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Project Exhibit



Coyote Creek Flood Management Measures Project

APN: 467-29-035 - Kaewphokha



Subject Property Information

Subject Property Data Summary

Assessor's Parcel Number:

467-29-035

Property Location/Address:

180 Arroyo Way, San Jose, CA 95112

Owner:

Ananya Kaewphokha

Owned Since:

December 24, 2019

Occupied By:

Property owner

Principal Improvements:

Wood-framed, single-family residence built in 1963, with 1,984 square feet of livable space, consisting of six total rooms, two of them bedrooms, and an attached two car garage, according to public records and city permit

information (See Extraordinary Assumptions)

Site Area:

27,372 square feet or approximately 0.63 of an acre, with about 18,234 square feet located below the west bank of Coyote Creek and 9,138 square feet being the

above the bank portion (Client Estimate)

Flood Hazard Information:

Flood Zone AE, Map No. 06085C0253H, dated May 18.

2009

Earthquake Information:

Not located in an Earthquake Fault Zone

Environmental Assessment:

None Provided. This appraisal assumes that no environmental remediation would be required regarding

the subject property.

Zoning:

R-1-8 - Single-Family Residence District

General Plan:

Residential Neighborhood and Open Space, Parklands,

and Habitat (portion in Coyote Creek)

Highest and Best Use:

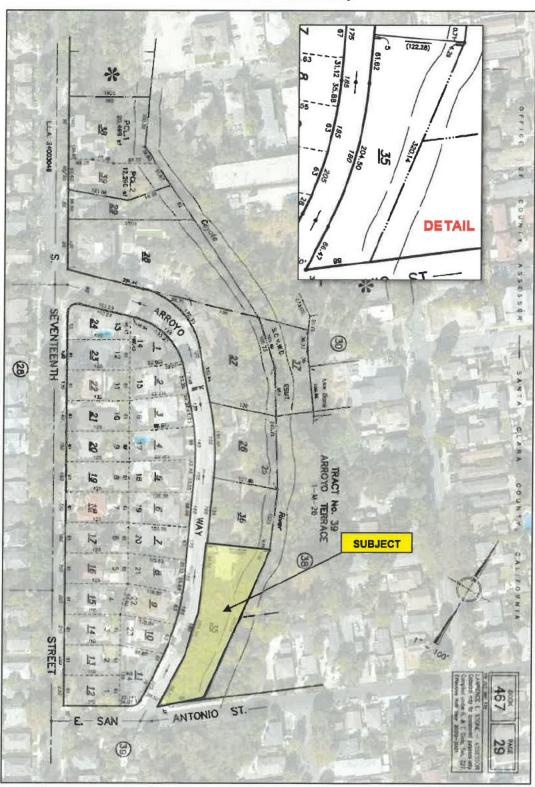
As If Vacant As Improved Development of a single-family residence

Continue the current single-family residential use

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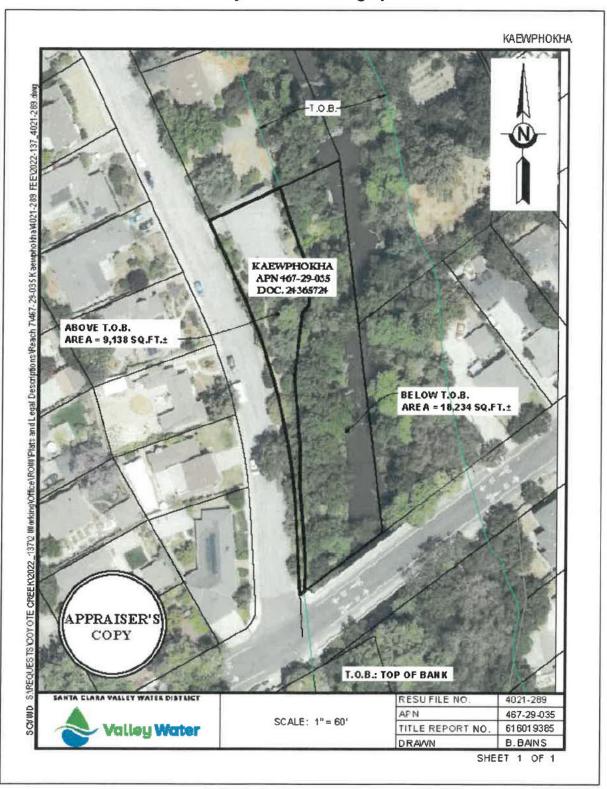
Assessor's Parcel Map



Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha



Subject Aerial Photograph

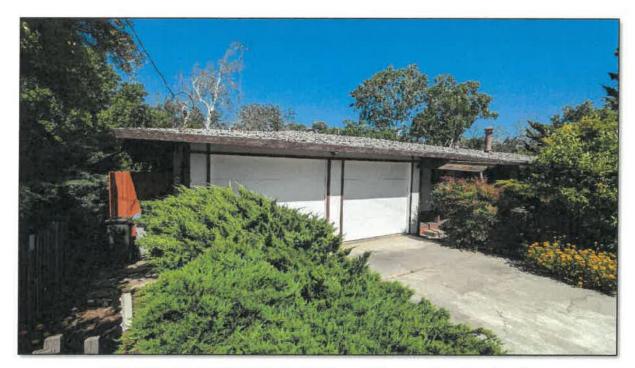


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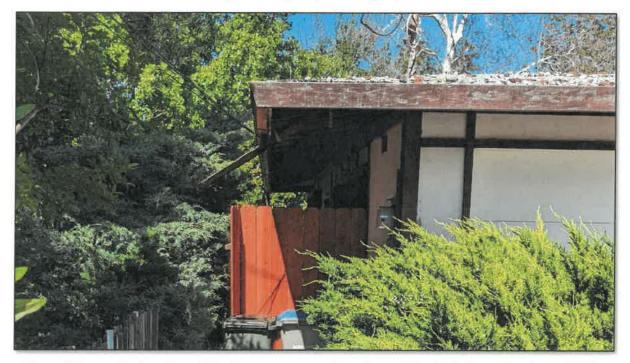
View of the front entry to the house on the subject property, as seen from the subject driveway (best that could be seen from the street)



View of the attached garage (best that could be seen from the street)

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View of the north elevation of the house, as seen from the public right of way (best possible)



View of the front (west) elevation of the house, as seen from the public right of way (best possible)

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View of the front yard space, as seen from Arroyo Way



View of the front (west) elevation of the house where it meets the south elevation, as seen from the public right of way (best possible)

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View of the southern portion of the property, as seen from Arroyo Way



View of Coyote Creek and rear portion of the subject property, as seen from the E. San Antonio Street Bridge

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View of Arroyo Way, as seen from in front of the subject property, facing south



View of Arroyo Way, as seen from in front of the subject property, facing north

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Property Description

Site Description

The subject property is located at the northeast corner of the Arroyo Way and E. San Antonio Street intersection and along the west bank of Coyote Creek in the City of San Jose, in Santa Clara County (see Region, City and Neighborhood Data). Arroyo Way is an interior residential street comprised of two lanes, one in each direction, that travels generally north-south in the Naglee Park neighborhood of San Jose providing access to the subject and neighboring residential properties. Curbs and gutters line both sides of the street, and there is a sidewalk on the west side. A barricade where Arroyo Way meets South 17th Street, to the north of the subject, restricts through traffic from that direction. The street address for the subject is 180 Arroyo Way.

The subject is in an area of predominately single-family residential uses with improvements that were mostly built prior to the 1950s. Single-family residential properties are located directly to the north and across E. San Antonio Street to the south of the subject, Coyote Creek to the east (Brookwood Terrace neighborhood) and Arroyo Way to the west. William Street Park is located within walking distance and offers the potential for recreational activities. Commercial services available to neighborhood residents are concentrated along Santa Clara Street were South 17th Street transitions to North 17th Street. From this location, Santa Clara Street leads west to the downtown area. The light rail line runs along Santa Clara Street, and a station is nearby. US-101 and I-280 provide the nearest freeway access to the subject, which are roughly one mile from the subject.

The subject site is an irregular shaped parcel with approximately 338 feet of frontage along Arroyo Way. All public utilities are available at the street and serve the subject improvements (see Improvement Description). A plat map accompanying a legal description for the subject provided by the Client, which is displayed in the Addenda, indicates a site size of 27,372 square feet or approximately 0.63 of an acre, and has been used for this assignment. The site is terraced, with a slope down from street grade before it meets Coyote Creek and extending to the approximate center line of the waterway. The area below the creekbank occupies roughly two thirds of the site, or approximately 18,234 square feet (see Subject Aerial Photograph), so 9,138 square feet is the portion above the top of the bank.

Improvement Description

The subject property is improved with a two-story single-family, ranch-style house that is situated towards northwest portion of the site. According to public records, the residence is 1,984 square feet in size and was built in 1963, which is consistent with a permit filed with the City of San Jose. Public information also indicates that there is a total of six rooms, two of which are bedrooms, but the number of bathrooms is not noted. There is an attached two car garage.

From a cursory inspection of the exterior, as seen from the public right of way (see Extraordinary Assumptions), the condition of the improvements is commensurate with the chronological age. Deteriorating facia boards on the front elevation observed at the time of inspection, suggests that there could be other deferred maintenance items that need to be addressed. The most recent permit on the City's website is for a reroof from the late 1990s, which is tar and gravel.

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A city inspection report conducted after the 2017 flood (see Project Description), indicates that the lower level of the house was inundated with water up to the four-foot level. The floors, consisting of wood and carpet, sheetrock walls, wood paneling, electrical, hot water heater, and furnace had been submerged. There is no record on the City's website indicating that any repairs had been made.

The site has been landscaped in addition to the natural occurring vegetation located along Coyote Creek. As seen at the time of a site visit prior to the date of value, the landscaping consists of various sized trees, bushes, and other plant life, some of which were potted. Stone or masonry walkways, steps, and retaining walls have been incorporated into the landscape design. Sections of fencing were also observed. A small dock could be seen at the edge of the water, with kayaks and canoes tied up to it. The landscaping appeared healthy, but overgrown in the front yard space that requires pruning.

Personal Property Description

The subject was occupied at the time of inspection; however, because I was unable to enter on to the site, an inventory of personal property was not taken, and is assumed to be typical of a property being used for single-family residential purposes.

Title and Property History

A preliminary title report for the subject property was provided for use in this assignment and is included in the Addenda. The preliminary report was prepared by Old Republic Title Company and dated October 7, 2020. According to the report reviewed, the subject's fee ownership is vested in:

Ananya Kaewphokha, an individual, Subject to Exception Nos. 6 and 7

- Any interest in said land of Richard W. Kilby as Trustee of the Richard W. Kilby 2008
 Revocable Trust dated June 5, 2008, as disclosed by Individual Grant Deed
 Recorded : July 21, 2008 in Official Records under Recorder's Serial Number
 19929073
- Terms and conditions contained in the Richard W. Kilby 2008 Revocable Trust dated June 5, 2008 as disclosed by Individual Grant Deed.

Recorded July 21, 2008 in Official Records under Recorder's Serial Number 19929073

I am not aware of any offers to purchase the subject property. A transfer of ownership was recorded on December 24, 2019, for no consideration. No market transactions have occurred within the past five years and the subject is currently not being offered for sale or lease.

The subject site appears to have been split off from the property to north in the early 1960s and house built in 1963 (see Improvement Description). A lot line adjustment seems to have occurred

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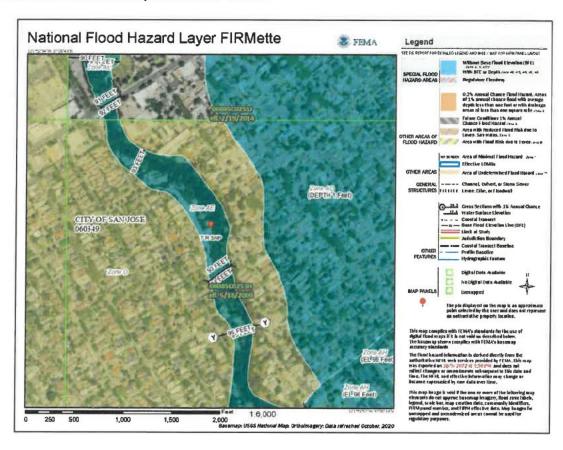
sometime after, adding an additional 5 feet to the northern end of the site. The owner currently occupies the property.

Existing Easements

The title report reviewed does not identify any existing recorded easements that encumber the subject property.

Flood Hazard Information

The subject property is in a mapped area designated to be in Flood Zone AE by the Federal Emergency Management Agency (FEMA). Flood Zone "AE" is defined as the base floodplain where base flood elevations are provided on the FEMA Flood Insurance Rate Map. The FEMA Flood Zone Map Panel is 06085C0253H and the effective date is May 18, 2009. A copy of the Flood Insurance Rate Map is included below.



Earthquake Information

All properties in California are subject to some degree of seismic risk. The Alquist-Priolo special Studies Zone Act of 1972 was enacted by the State of California to regulate development near

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active earthquake faults. The Act required the State Geologist to delineate "special studies zones" along known active faults in California. Cities and counties affected by the identified zones must limit certain development projects within the zones unless geologic investigation demonstrates that the sites are not threatened by surface displacement from future faulting.

According to the California Department of Conservation, California Geological Survey, the subject property is not located in an Earthquake Fault Zone as designated under the Alquist-Priolo Earthquake Fault Zoning Act. Related development limitations, therefore, do not apply.

Environmental Assessment

An environmental assessment regarding the subject property has not been provided for use in this assignment. It is not shown as a current cleanup site with either the California Department of Toxic Substances Control (EnviroStor) or the California State Water Resources Control Board (GeoTracker). This appraisal assumes that no environmental remediation would be required.

Zoning and General Plan of the Subject Property

Zoning	General Plan	Current Use	
R-1-8 – Single-Family Residence District	Mix of Residential Neighborhood & Open Space, Parklands, and Habitat (portion in Coyote Creek)	Single-Family Residential	

The zoning category for the subject is R-1-8 – Single-Family Residence District, synonymous with Single-Family Residential (Up to 8 Dwelling Units per Acre), as indicated on the zoning map, a section of which is displayed following this report section. The purpose of this district is to reserve land for the construction, use and occupancy of single-family subdivisions, with an allowable density range of one to eight dwelling units per acre. The following table depicts some of the significant development standards that must be adhered within the zoning district.

Building and Site Standards	R-1-8 District
Minimum Lot Size	5,445
Maximum Building Height / Stories:	35 feet / 2.5
Yard Setbacks (Minimums)*	
Front:	20 feet
Side (Interior Lots):	5 feet
Rear:	20 feet

San Jose has more than 30 streams that form approximately 136 miles of riparian corridors. The City has policies and requirements for the protection of riparian resources, habitat, flood safety, and bird-safe design in the General Plan, the Habitat Plan, the San Jose Municipal Code, and other City Council Policies. The Riparian Corridor Policy Study, revised in 1999, analyzed

Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha

ARWS ASSOCIATED RIGHT OF WAY SERVICES, INC.

numerous streams and riparian corridors found within San Jose and provided detailed policy recommendations on how various types of development should be designed to protect and preserve the City's riparian corridors. The General Plan incorporates by reference the policy recommendations in the Policy Study for protecting riparian corridors. The General Plan goals, policies, and implementing actions further riparian protection, including establishment of a standard *100-foot riparian corridor setback, with an exception for projects where no significant environmental impact will occur.

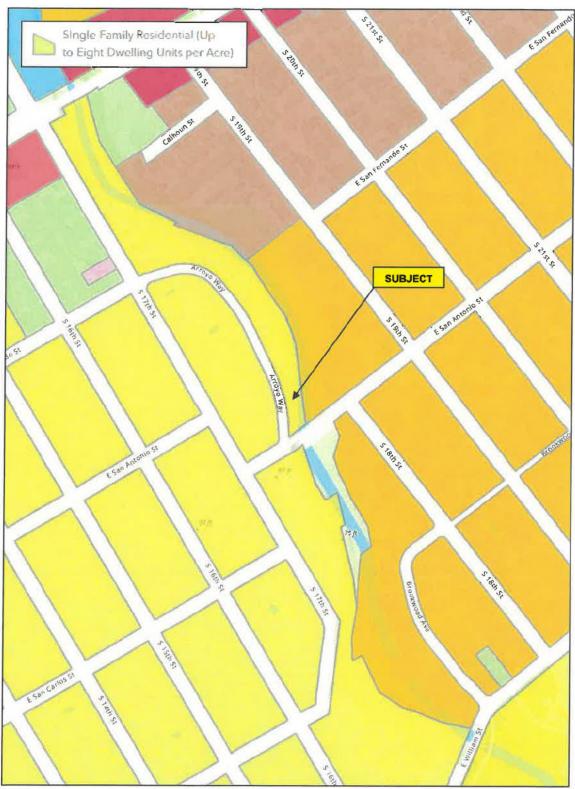
The General Plan land use designation for the developable portion of the subject property is Residential Neighborhood. It is stated in the General Plan that this designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. The portion of the subject property located in the confines of Coyote Creek has been designated Open Space, Parklands, and Habitat by the General Plan. A section of the General Plan map, delineating the land use designations in the vicinity of the subject, is included following the zoning map.

The subject property does not meet all of the minimum building setbacks and seems to be legal non-conforming in this regard, but otherwise appears to conform to the other applicable land use ordinance requirements.

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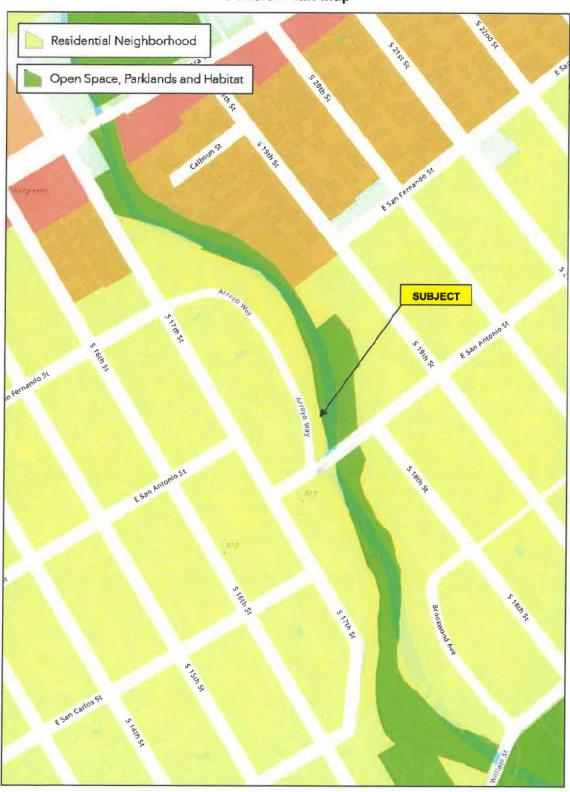
Zoning Map



Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha



General Plan Map



Coyote Creek Flood Management Measures Project

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Highest and Best Use Analysis

The following definition of the term "Highest and Best Use" provides a reasonable basis for analyzing the subject property:

The reasonable, probable and legal use of vacant land or improved properties which is physically possible, appropriately supported, financially feasible, and results in the highest value.

Inherent in this definition are the following four criteria:

Legally Permissible: What uses are permitted, given existing deed and lease restrictions,

zoning, building codes, historic controls, and environmental

regulations?

Physically Possible: What uses of the site are possible, given the physical

characteristics as revealed in the site analysis?

Financially Feasible: Which possible and permissible uses will produce positive net

income from the development of the site after paying operating

expenses and other financial obligations?

Maximally Productive: Which financially feasible use will provide the highest value or rate

of return on investment?

The primary purpose of the highest and best use analysis is to identify the most productive, competitive use to which the property can be put. This analysis is done in two parts. The first part considers the possible uses of the site as if vacant. The second part evaluates the improvements to determine if they represent the highest and best use or if they should be modified.

Another purpose of the highest and best use analysis is to assist in defining the scope of the appraisal. In investigating the highest and best use, items that affect value such as accrued depreciation and functional and external obsolescence are identified. Also, by defining the highest and best use the selection of the comparable sales is narrowed, as they typically have the same or similar highest and best use.

Based on the four tests of legally permissible, physically possible, financially feasible, and maximally productive, the highest and best use of the subject has been analyzed as if vacant and as improved.

As If Vacant

Single-family housing is the principal use type allowed under the subject zoning (see Zoning and General Plan of the Subject Property). The subject is an approximately 27,372 gross square foot lot (see Site Description) and the zoning allows for a minimum lot size of 5,445 square feet. However, considering the subject's other physical characteristics, including roughly two thirds of the site being in the riparian area along Coyote Creek and approximately 9,138 square feet above the top of the bank, as well as its downward slope and irregular shape, subdivision of the lot is unlikely. The subject parcel can accommodate a single-family residential use, as it is currently

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improved; there is a standard 100-foot riparian corridor setback, but the City's Habitat Plan provides a number of options for minimum required setbacks, including an allowance for reduction of the otherwise required minimum setback based on the extent to which meeting the required setback would result in demonstrable hardship (i.e. denies an owner any economically viable use of the land or adversely affects recognized real property interest). Market data gathered during the valuation process (see Real Estate Market Conditions) suggests that a single-family residential use is financially feasible. It has been concluded that the maximumly productive use and the highest and best use of the subject (as if vacant) is to improve the property with a single-family residence.

As Improved

The subject's current use is consistent with the highest and best use conclusion of the subject (as if vacant). The house located on the property was occupied at the time of inspection, and despite its age, having been constructed in the early 1960s with no signs of updating, it has been determined that the improvements could endure under the current utilization for many years with the proper maintenance. It has been concluded that the highest and best use of the subject (as improved) is the continued use of the improvements located on the property.

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Valuation

Valuation Methodology

There are three generally recognized approaches considered in the valuation of real property. These are the cost approach, sales comparison approach, and income approach. The type and age of the property and the quantity and quality of the available data affect the applicability of each approach in a specific appraisal situation.

The Cost Approach estimates, through support sources, the cost of constructing the subject improvements. Accrued depreciation from all causes is estimated and deducted from the estimates of cost new of the improvements. The market value of the land is added to this depreciated cost estimate to indicate the value of the subject property by the cost approach. The Land Value Estimate in the valuation process is usually a separate step, which is generally accomplished through the application of the sales comparison approach. The land value conclusion is then incorporated into the cost approach.

The **Sales Comparison Approach** involves a search for recent sales of properties similar to the subject. The prices paid for these properties provide the basis for estimating the value of the subject by comparison. Adjustments are made for the differences in the properties as they compare to the subject. A correlation of the data provides a value estimate for the subject. This is the most used, and considered the most reliable, approach to estimating the value of land.

The Income Approach looks at the relationship between a property's income producing ability and the value buyers and sellers assign to the income. An estimate is made of the market rent to indicate an annual gross income. Estimated fixed and variable operating expenses are deducted from the annual gross income to provide an annual net operating income. An indicated value of the subject is derived through direct capitalization of the indicated net income by a market derived overall rate or through the use of the discounted cash flow technique.

Reconciliation involves consideration of the relevance and influence of each approach in relation to the actions of typical users and investors of properties and particularly the subject property. The three indications of value are discussed and reconciled into a final conclusion of market value.

Valley Water has requested an appraisal of the current market value of the proposed full acquisition of the subject property.

The fair market value of the improved subject property has been estimated by applying the sales comparison approach. The cost and income approaches did not offer substantial insight into this estimate of market value. Sellers, buyers, and my peers in this market rarely rely on the cost and income approaches when offering, purchasing, or valuing properties similar to the subject. Therefore, the income and cost approaches were not utilized.

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Sales Comparison Approach

A search was made for improved single-family residential properties that transacted over the past several months in the Naglee Park neighborhood of San Jose, with emphasis on similar houses on large lots that are located next to a natural watercourse and in the flood plain, like the subject. A limited number of recent sales were uncovered that met these criteria, so the timeline and other criteria were expanded. The following table displays a summary of the selected sales reflecting the actions of buyers and sellers in the marketplace and judged to be the most representative of an indicator of value for the property under analysis. The comparable sales were researched, inspected, and verified to the extent possible. A location map and comparable data sheets, including photographs for each comparable sale, are presented on the following pages, and assessor's parcel maps are included in the Addenda.

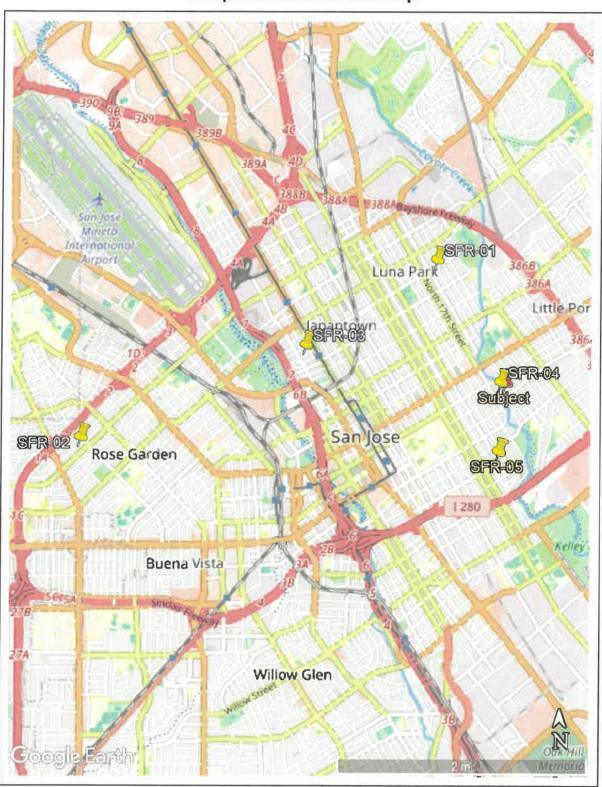
Sales Data Summary

No.	Address City, State APN	Sales Contract Date COE	Sq. Pt. (Building) Improvements Parcel Size (Sq. Pt.)	Bedrooms/ Bathrooms Year Built	Sales Price \$/Sq. Ft. (Building)
SFR-01	888 Jackson St		2,143		
	San Jose, CA	04/24/23	SFR & Two Car Attached Garage	3/2	\$1,300,000
	249-26-039	05/31/23	4,865	1977	\$606.63
SFR-02	1652 Bel Air Ave		1,799		
	San Jose, CA	03/20/23	SFR & Two Car Attached Garage	3/2	\$1,495,000
	274-26-065	04/17/23	8,589	1949	\$831.02
SFR-03	117 Rankin Ave		1,709		
	San Jose, CA	3 Weeks	SFR & Two Car Attached Garage	2/2.5	\$1,275,000
	259-19-011	04/06/23	6,616	1941	\$746.05
	10000 000 0000	F STATE OF S	AAA.00-007	(Updated)	
SFR-04	175 Аггоуо Way		2,174		
	San Jose, CA	03/01/23	SFR & Two Car Attached Garage	3/3	\$1,570,000
	467-29-007	03/14/23	7,329	1951	\$722.17
				(Updated)	
SFR-05	589 S 13th St		1,787		
	San Jose, CA	08/05/22	SFR & One Car Attached Garage	3/2	\$1,433,000
	472-29-078	09/12/22	5,700	1955	\$801.90
				(Updated)	
Subject		DOV			
	San Jose, CA	05/11/23	1,984		
	467-29-035	_	SFR & Two Car Attached Garage	2/2	
			9,138 (above TOB)	1963	

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Comparable Sale Location Map



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Comparable Sale Data Sheet

SFR-01

Property Type Single Family Res. - Improved

Type of Transaction

COE

Sales Contract Date Sales Price

\$/Sq. Ft. (Building)

Address City, State Zip

APN

Buyer Seller

Document# Terms

Jian Yu

95112

Sale

05/31/23

04/24/23

\$606.63

\$1,300,000

888 Jackson St

San Jose, CA

249-26-039

James Garofolo 25481826

Conventional loan

Sq. Ft. (Building) 2,143

SFR & Two Car Attached Garage Improvements

Bedrooms/Bathrooms 3/2 Year Built 1977 Parcel Size (Sq. Ft.) 4,865

Zoning R-1-8

General Plan Residential Neighborhood

Verified By Jian Yu - Buyer Agent/Buyer

Comments This is the sale of a three bedroom two bathroom home built in 1977 and in original

> condition. The buyer indicated that the home was original; however, there was no major work required other then cosmetics. The buyer was also the buyer agent and the buyer agent commission of \$20,000 was waived. The floorplan included a loft balcony and an additional storage room that could potentially be used as an office; it was believed that these areas were included in the 2,143 square foot size. The landscaping was average in quality but needed some maintenance. The MLS lists the lot size as 4,865 square feet however the buyer relied on the 4,667 square foot size provided by public records. The buyer believed they overpaid by about \$50,000, but the property was sold for \$98,000 less

than the list price.



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Comparable Sale Data Sheet

SFR-02

Property Type

Single Family Res. - Improved

Type of Transaction COE

Sale 04/17/23

Sales Contract Date

03/20/23 \$1,495,000

Sales Price \$/Sq. Ft. (Building)

\$831.02

Address City, State

1652 Bel Air Ave San Jose, CA

Zip APN 95126 274-26-065

Buyer Seller Kaihui Mo & Shuo Yang Louis David Wilson, Tr.

Document #

25462863

Terms

Conventional loan; 20% downpayment

Sq. Ft. (Building)

1,799

Improvements

SFR & Two Car Attached Garage

Bedrooms/Bathrooms

3/2 1949

Parcel Size (Sq. Ft.)

8,589

Year Built

Zoning

R-1-8

General Plan

Residential Neighborhood

Verified By

Elisa Schweizer - Listing Co-Agent

Comments

This is the sale of a 1,799 square foot single family residence in the Rose Garden neighborhood of San Jose. This was probate sale with the beneficiaries being Harvard and two other schools. It was sold off-market. A family member facilitated the sale but did not benefit from it. The listing agent indicated that the home needed \$40,000+ to bring it to a more marketable condition; however, no improvements were made prior to the sale. According to the listing co-agent, the residence was largely in original condition and was in need of updates and renovations. The master bedroom had a Jack and Jill style bathroom with the second door leading to the hallway. This bathroom was reported to have been updated but was done so in a way that was not desirable to the market. Items to be addressed by the buyer included a roof mounted furnace that needed to be relocated, as well as a water heater that also required proper installation, and a roof replacement. The front and rear yard spaces were well kept and included front and rear patios and landscaping. The size of the lot varies depending on the source, and the listing agent does not recall where the MLS lot size came from. 8,589 square feet was the lot size marketed at the time of the sale and has been relied on. This sale included seller credits of \$5,000.

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Comparable Sale Data Sheet

SFR-03

Property Type Single Family Res. - Improved Sale

Type of Transaction

04/06/23

COE Sales Contract Date

Address

City, State

3 Week Escrow \$1,275,000 \$746.05

Sales Price \$/Sq. Ft. (Building)

> 117 Rankin Ave San Jose, CA

Zip 95110 APN 259-19-011

Buyer Douglas W Ballou Seller Sparky Harlan, Tr. 25459169 Document #

Terms Conventional loan; 22% downpayment

1,709 Sq. Ft. (Building)

SFR & Two Car Attached Garage **Improvements**

Bedrooms/Bathrooms 2/2.5

Year Built 1941 (Updated)

Parcel Size (Sq. Ft.) 6,616

R-1-8 Zonina

General Plan Residential Neighborhood

Verified By Robin Wrigley - Listing Agent

Comments This is the sale of a three bedroom, two and one half bathroom single-family residence that

> was constructed in 1941. The kitchen had been remodeled 6-7 years ago and included updated plumbing and electrical. The bathrooms were original but very tasteful and in good condition. There is a bonus living room with a bathroom that was indicated could be a bedroom. The rear yard was reported to be very nicely landscaped and included features such as rock patios, deck, gazebo, and a wood burning built in grill. No deferred maintenance was reported. No concessions or credits. The lot size of 6,616 square feet on MLS was pulled from CoreLogic and is slightly larger than the 6,500 square foot size indicated on the Assessor's Parcel Map. Since 6,616 square feet was the lot size marketed at the time of the sale, it has been relied on. The property sold within a week of being

offered and sold for more than the list price of \$1,148,000.



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Comparable Sale Data Sheet

SFR-04

Property Type

Single Family Res. - Improved

Type of Transaction

Sale

COE

03/14/23

Sales Contract Date

03/01/23 \$1,570,000

Sales Price \$/Sq. Ft. (Building)

\$722.17

Address City, State 175 Arroyo Way

San Jose, CA

Zip APN 95112

.

467-29-007

Buyer

Michael A. Yoshikami & Cecilia Garcia Yoshikami, Tr.

Seller

Carolus Boekema & Willemyntje M. Scholten, Tr.

Document#

25448952

Terms

Cash

Sq. Ft. (Building)

2,174

Improvements

SFR & Two Car Attached Garage

Bedrooms/Bathrooms

3/3

Year Built

1951 (Updated)

Parcel Size (Sq. Ft.)

7,329

Zoning

R-1-8

General Plan

Residential Neighborhood

Verified By

Joan Sakyo - Buyer Agent

Comments

This is the sale of a three bedroom, three bathroom single-family residence on a non-through street in Naglee Park. The home had been remodeled several years ago and was in great condition with quality finishes inside and out. No work to the home was required by the buyer. The home included a detached office, in the rear yard area that was believed to be permitted. The agent contacted did not believe that the office space (approximately 100 square feet) was included in the 2,174 square foot size of the home. The rear yard includes small patio areas and landscaping. The front yard includes a fenced area with covered patio and seating area surrounded by landscaping. Additional landscaping is located outside of the front fenced area along the street frontage. The MLS listing indicates the home as a mid-century ranch that features spacious indoor/outdoor living; laundry room and detached office. Additional items listed on the MLS include new exterior/interior paint, refinished hardwood floors, and modern kitchen with slow-close cupboards, stainless steel appliances, and storage. The landscaping features mature trees and drought tolerant plants.

70





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Comparable Sale Data Sheet

SFR-05

Property Type Type of Transaction Single Family Res. - Improved

COE

Sale 09/12/22 08/05/22

Sales Contract Date Sales Price

\$1,433,000

\$/Sq. Ft. (Building)

\$801.90

Address City, State 589 S. 13th St San Jose, CA

Zip 95112

APN

472-29-078

Buyer

Brennan Glenn William Johnson & Gina Malorie Johnson

Seller

Justin S. & Lindsay T. Teller, Tr.

Document #

25370761

Terms

Conventional loan; 10% downpayment

Sq. Ft. (Building)

1,787

Improvements

SFR & One Car Attached Garage

Bedrooms/Bathrooms

3/2

Year Built

1955 (Updated)

Parcel Size (Sq. Ft.)

5,700

Zoning

R-1-8

General Plan

Residential Neighborhood

Verified By

Katie Busche - Listing Agent

Comments

This is the sale of a 1,787 square foot, three bedroom, two bathroom single-family residence in Naglee Park. The property sold for \$1,433,000 in August 2022, a time of changing market conditions as interest rates where rising and inventory began to increase. It was sold for less than the list price of \$1,475,888. One of the bedrooms is situated off of the living room and kitchen and was described as somewhat functionally obsolete. The condition of the home was above average with major updates including solar, EV Charger, backup battery system, updated electrical panel, tankless water heater, furnace, and xeriscape water conscious front yard. The kitchen was updated with heated floors. The primary bedroom included a walk-in closet, modernized bathroom with oversized shower, heated floors and sun tunnels. The updated guest bathroom included custom made vanity, vessel sink, wall-mounted faucet and shiplap detail. The listing agent had originally sold the home to the sellers and indicated that the sellers had completed about \$250,000 in

upgrades over the years.

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Sales Data Analysis

Adjustments are made to the comparable sale prices for the differences in the properties as they compare to the subject. The comparable data has been adjusted for inferior and superior characteristics. For Example: where a comparable had an inferior characteristic, a positive (+) adjustment to the comparable was made. Where the comparable had a superior characteristic, a negative (-) adjustment was made to the comparable. Adjustments were made sequentially for property rights conveyed, financing terms, conditions of sale, expenditures incurred by the buyer immediately after the sale, and market conditions at the time of sale. Adjustments for location characteristics, physical characteristics, use and non-realty components of value are subsequently added and applied. None of the sales are known to have included non-realty components of value.

A summary of the adjustments made to the comparable sales for the various factors affecting value, as compared to the subject, is included in the table below, followed by a discussion that expands upon the adjustments made in greater detail. Bold and/or larger font reflects a more significant adjustment.

Comparable	SFR-01	SFR-02	SFR-03	SFR-04	SFR-05
Address	888 Jackson St	1652 Bel Air Ave	117 Rankin Ave	175 Arroyo Way	589 S. 13th St
City, State	San Jose, CA	San Jose, CA	San Jose, CA	San Jose, CA	San Jose, CA
Sale Date	May-23	Apr-23	Apr-23	Mar-23	Sep-22
Sales Price	\$1,300,000	\$1,495,000	\$1,275,000	\$1,570,000	\$1,433,000
Sq. Ft. (Building)	2,143	1,799	1,709	2,174	1,787
Property Rights Conveyed	Ø	Ø	Ø	Ø	Ø
Financing Terms	Ø	Ø	Ø	Ø	Ø
Conditions of Sale	Ø	Ø	Ø	Ø	Ø
Expenditures After Purchase	Ø	Ø	Ø	Ø	Ø
Market Conditions (Time)	Ø	Ø	Ø	Positive	Positive
Location	Positive	Negative	Positive	Negative	Ø
Building Size / # of Beds/Baths	Negative	Ø	Positive	Negative	ø
Age / Condition / Quality of Improv.	Negative	Positive	Negative	Negative	Negative
Amenities / Features	Ø	Ø	Negative	Negative	Negative
Lot Size	Positive	Positive	Positive	Positive	Positive
Net Adjustment	Positive	Negative	Positive	Negative	Similar

Comparables SFR-04 and SFR-05 sold in a housing market with property values that were trending upward, and positive adjustments have been applied for changing market conditions, supported by data displayed in a previous report section. SFR-01 through SFR-03 sold around the date of value and warrant no adjustment.

No additional adjustments were determined to be warranted for the other transactional elements of comparison.

The subject is located in the Naglee Park neighborhood of San Jose, backing to Coyote Creek and located in a FEMA flood mapped area. Flooding has occurred along Coyote Creek, most recently in February 2017, as previously discussed in prior report sections. None of the comparables are in areas subject to flood hazards. SFR-04 and SFR-05 are also in Naglee Park, and SFR-04 is located across the street from the subject, and like the subject, SFR-04 is on Arroyo Way, a relatively short dead-end street that is only used by destination traffic. SFR-04 has

Valley Water

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a similar location as the subject; however, it is not located in a FEMA mapped flood area, resulting in a downward adjustment. SFR-05 is also not within a FEMA mapped flood area, but is on an inferior through street. This is offset with the subject's superior location on a dead-end street and inferior location within a flood zone, resulting in no adjustment for this factor. SFR-01 and SFR-03 are in neighborhoods to the north of Santa Clara Street and the downtown area of San Jose, judged to be inferior, resulting in positive adjustments. SFR-02 is in the desirable Rose Garden neighborhood of San Jose, warranting a significant downward adjustment.

According to public records, the subject has 1,984 square feet of livable space including two bedrooms (see Property Description) and is assumed to have two full bathrooms, when considering the size of the house (see Extraordinary Assumptions). SFR-01 and SFR-04 have more livable space compared to the subject, three bedrooms, and SFR-04 has three full bathrooms. SFR-01 and SFR-04 were judged to rate superior to the subject for this element of comparison, necessitating downward adjustments, with a more significant adjustment to SFR-04. SFR-02 and SFR-05 are both smaller than the subject, but no adjustment has been applied when considering that these two comparables have an additional bedroom. SFR-03 has a similar number of bedrooms compared to the subject, but less livable space, warranting a positive adjustment that is partially offset by a lesser negative adjustment for an additional half bathroom.

The house located on the subject property was built in 1963 (see Improvement Description) and is assumed to have had virtually no updating, based on observations at the time of inspection, as viewed from the street (see Extraordinary Assumptions). SFR-01 was constructed after the subject was built, and like the subject, was in original condition; however, the roof of SFR-01 was reported to have about 10 years of life remaining, while the roof of the subject appeared to be in poor condition and in need of replacement. A downward adjustment has been applied to SFR-01 for this element of comparison. For SFR-02, the improvements are determined to be in similar condition when considering items of deferred maintenance (see Comparable Sale Data Sheets), but a slight downward adjustment is judged to be warranted when considering that the house was built more than 10 years prior to the subject. SFR-03 through SFR-05 were also constructed prior to the subject, but have been renovated with significant upgrades (see Comparable Sale Data Sheets), necessitating negative adjustments of varying degrees for this factor.

Public records indicates that the subject has a forced air heating system and is assumed to have a fireplace or wood burning stove, given the ventilation observed protruding through the roof of the home. The subject's mechanical systems are assumed to be in good working order. The subject's garage can accommodate two cars. The subject's landscaping blends into the natural vegetation along Coyote Creek, and is judged to rate average (see Property Description). All of the comparables have a forced air heating system and air conditioning, but the HVAC system of SFR-02 was original and needed to be replaced. With the exception of SFR-05, all of the comparables have a two-car garage, and were judged to have average quality landscaping; however, the hardscaping of SFR-03 through SFR-05 is judged to rate superior. Additionally, SFR-04 had a high quality shed that was converted into finished office space with a cooling system and SFR-05 has an EV charging system, solar, and a battery backup system. SFR-03 through SFR-05 were judged to rate superior in their amenities and features warranting downward adjustments, but adjustments for differences between the subject and SFR-01 and SFR-02 for this factor were concluded to be offsetting.

Valley Water

Coyote Creek Flood Management Measures Project APN: 467-29-035 – Kaewphokha



The subject's lot size is 27,372 square feet, with 9,138 square feet above the top of the bank of Coyote Creek (see Site Description), and all of the comparables are smaller than the subject. Market data suggests that larger single-family residential sites are more desirable to buyers in this market, and therefore upward adjustments have been applied to varying degrees.

Sales Comparison Approach Value Conclusion

The unadjusted selling prices of the comparable sales range from \$1,275,000 to \$1,570,000. After adjustments, the comparable sales indicate a value for the subject property similar to that of SFR-05, with no overall net adjustment. Based on the prior analysis and discussion, the estimated fair market value for the subject property, utilizing the sales comparison approach, is concluded to be \$1,435,000.

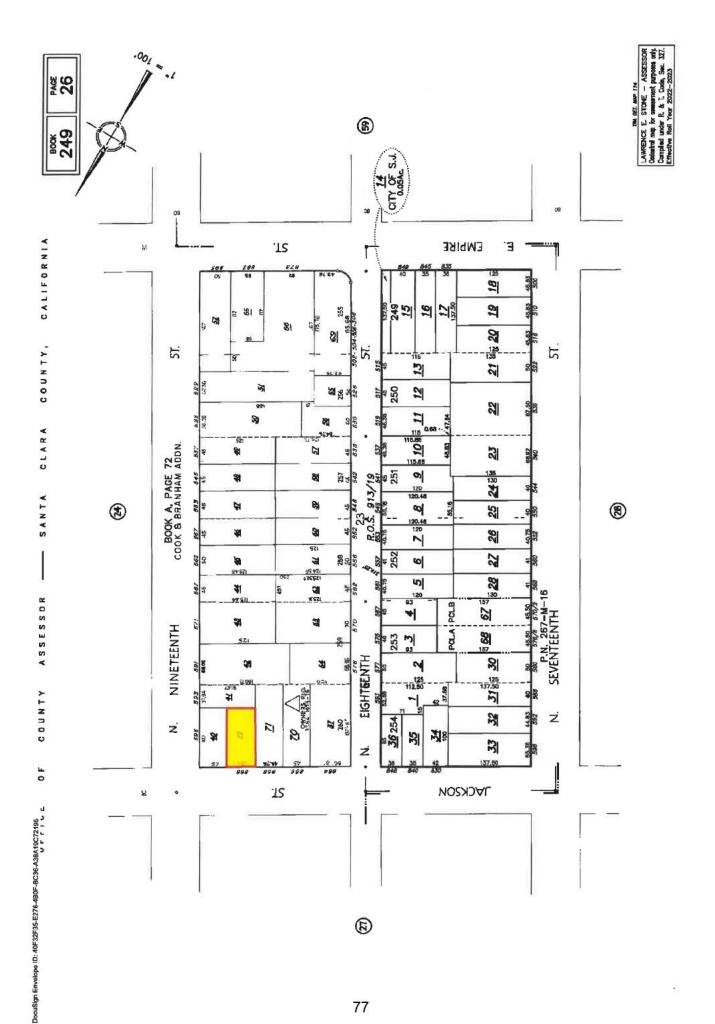
Estimated Fair Market Value Conclusion

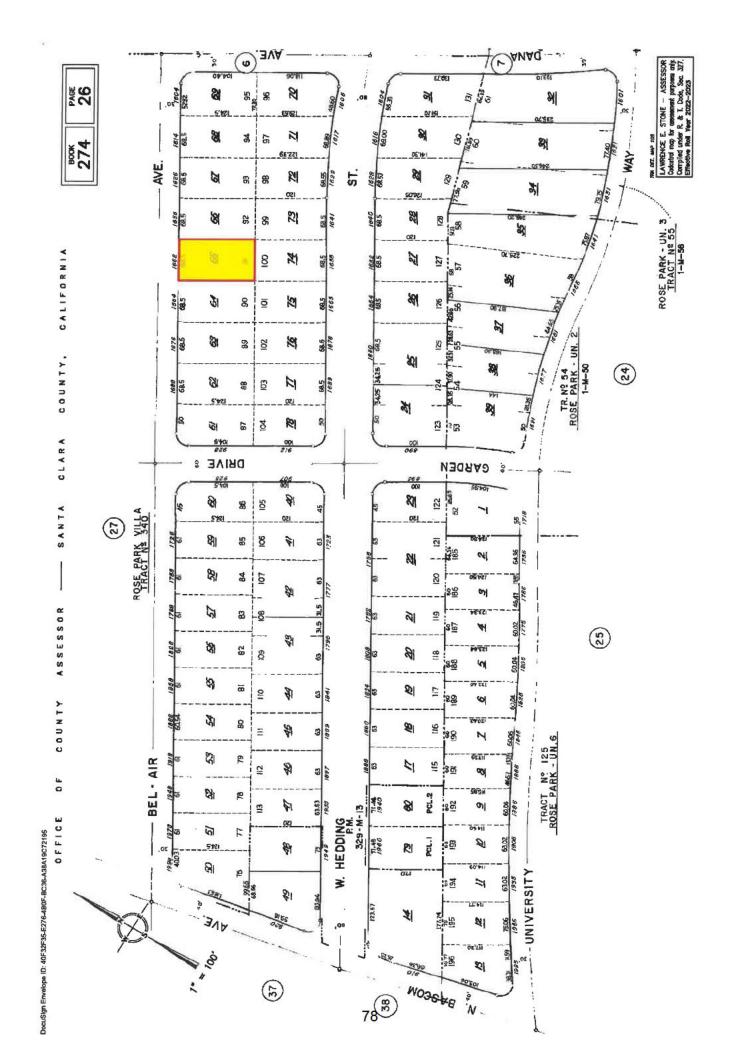
Based on the forgoing data and analysis, my opinion of the fair market value of the fee simple interest in the subject property, to be used as a basis for determining just compensation, is as follows:

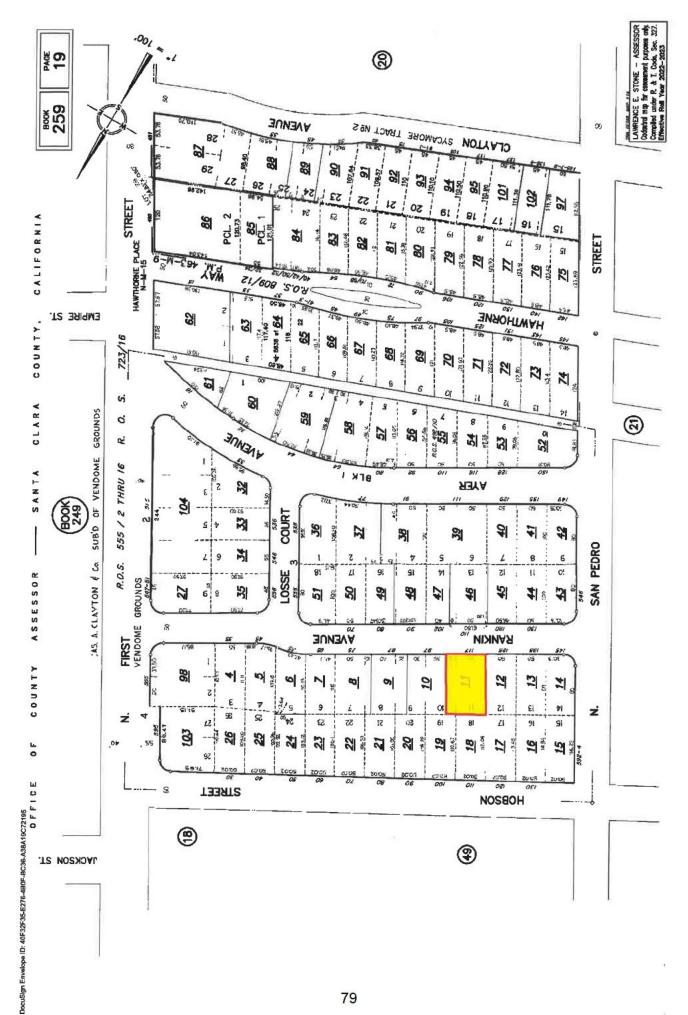
Estimated Fair Market Value: \$1,435,000

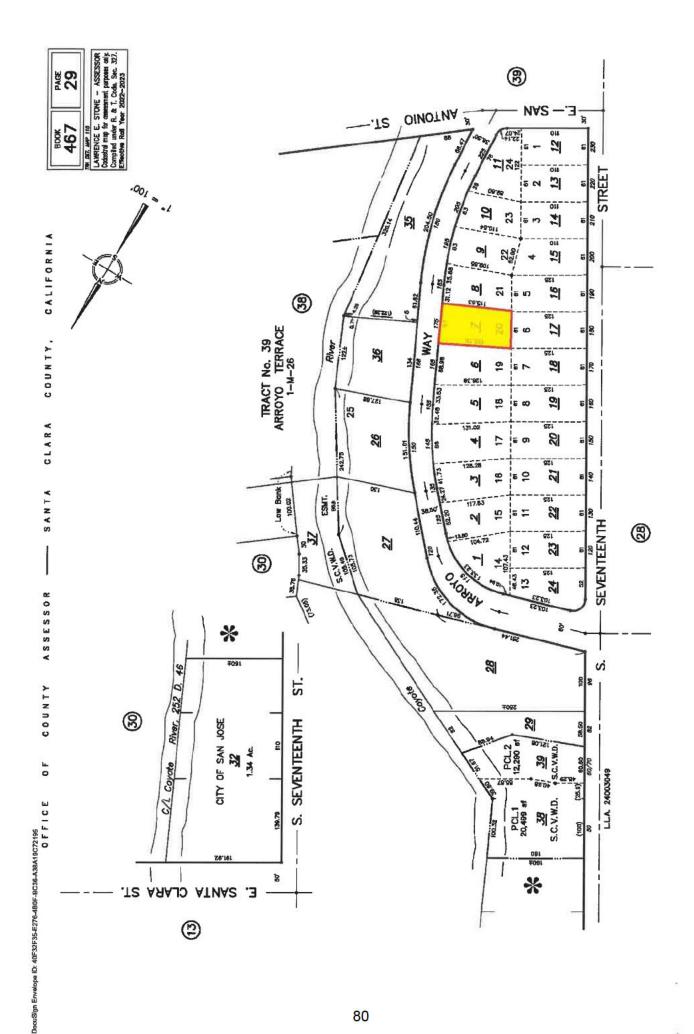
ADDENDA

COMPARABLE SALES PARCEL MAPS

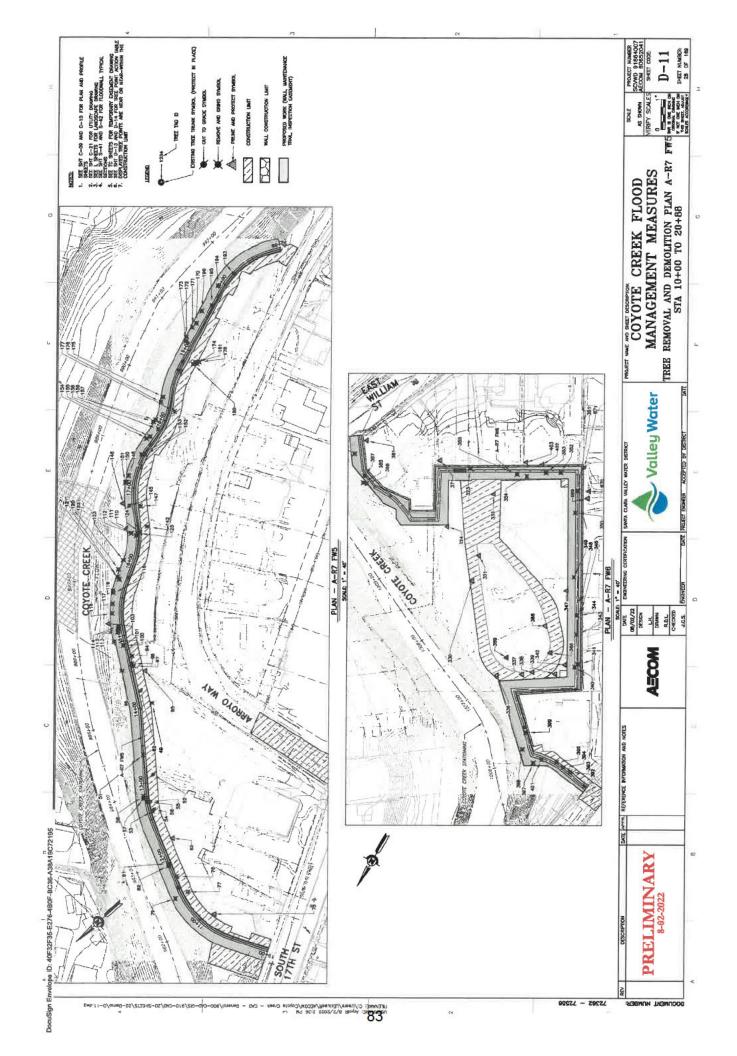








PROJECT PLAN SHEET



LEGAL DESCRIPTION & PLAT MAP

Santa Clara Valley Water District San Jose, California

PROJECT: COYOTE CREEK FLOOD

COYOTE CREEK FLOOD RESU File No.: 4021-289
MANAGEMENT MEASURE By: B. Bains

PROJECTS

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, as described in that certain Deed, recorded as Document Number 24365724, filed on December 24, 2019, in the Office of the Recorder, County of Santa Clara, State of California, more particularly described as follows:

All of the lands described as "PARCEL ONE" and "PARCEL TWO" in that certain Deed, recorded as Document Number 24365724, filed on December 24, 2019, in the Office of the Recorder, County of Santa Clara, State of California

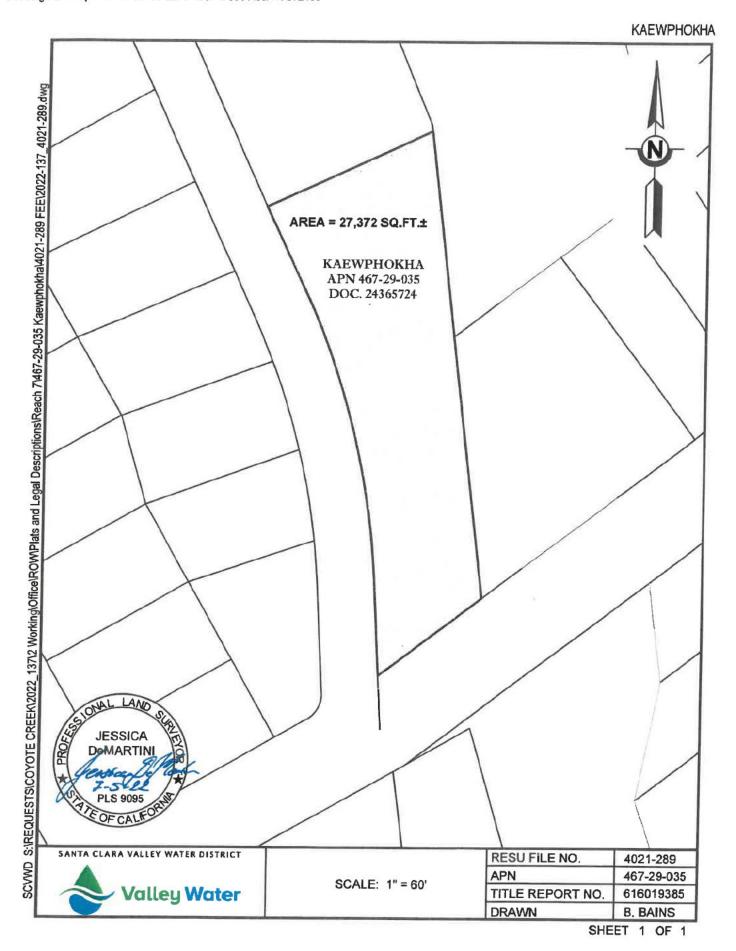
Containing 27,372 square feet of land, more or less.

SURVEYOR'S STATEMENT:

The description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

Jessica DeMartin, PLS 9095

7/5/99 Date



NOTICE OF DECISION TO APPRAISE



2300 Contra Costa Blvd. Suite 525 Pleasant Hill, CA 94523

925.691.8500 phone 925.691.6505 fax www.arws.com

August 8, 2022

Notice of Decision to Appraise

Ananya Kaewphokha 180 Arroyo Way San Jose, CA 95112

Project: Coyote Creek Flood Management Measures Project

District File No.: 4021-289, -392

Property Address: 180 Arroyo Way, San Jose, CA 95112

APN: 467-29-035

Subject: Notice of Decision to Appraise (Invitation to Accompany the Appraiser)

Dear Property Owner:

The Santa Clara Valley Water District (Valley Water) is proposing to acquire property rights from portions of the above-referenced parcel for its Coyote Creek Flood Management Measures Project. The enclosed exhibits show the general area and the location of the areas that Valley Water is seeking to acquire.

Associated Right of Way Services, Inc. (AR/WS) will be making a fair market value appraisal of the proposed acquisitions to assist Valley Water in its determination of the amount of probable compensation for the areas needed from your property for the project. I would like to contact you for the purposes of conducting an inspection. You can reach me by phone at 925-315-5065 (mobile) or email bdrake@arws.com to arrange a mutually convenient time for the site visit. This will give you an opportunity to advise me of facts about the property that may bear on determining the fair market value.

For questions relating to the purpose of the proposed acquisitions, please contact Jacqui Carrasco, Associate Real Estate Agent at 408-613-4428. If Valley Water is still contemplating acquiring the proposed acquisitions after completion of the appraisal, then one of Valley Water's representatives will contact you to make an offer to purchase in an amount determined to be just compensation, and in no event less than the value reported in the approved appraisal.

Sincerely.

Brian Drake, R/W-AC

State Certified General Appraiser

CA License No. 031568

cc: Jacqui Carrasco, Associate Real Estate Agent – Valley Water Bill Magleby, SR/WA, Senior Real Estate Agent – Valley Water

> Julianne O'Brien, Associate Engineer – Valley Water Ty Cademartori, Right of Way Consultant – AR/WS

PRELIMINARY TITLE REPORT



226 Airport Parkway, Suite 200 San Jose, CA 95110 (408) 557-8400 Fax: (408) 249-2314

PRELIMINARY REPORT

Our Order Number 0616019385-IM

SANTA CLARA VALLEY WATER DISTRICT 5750 Almaden Expy San Jose, CA 95118

Attention: BLISS QUILATAN

When Replying Please Contact:

Ida Maciel imaciel@ortc.com (408) 557-8400

Property Address:

180 Arroyo Way, San Jose, CA 95112

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE COMPANY, as issuing Agent of Old Republic National Title Insurance Company, hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit I attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the Homeowner's Policy of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit I. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit I of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of October 7, 2020, at 7:30 AM

OLD REPUBLIC TITLE COMPANY

For Exceptions Shown or Referred to, See Attached

Page 1 of 5 Pages

OLD REPUBLIC TITLE COMPANY ORDER NO. 0616019385-IM

The form of policy of title insurance contemplated by this report is:

Homeowners Policy of Title Insurance - 2013; AND CLTA Standard Coverage Policy -1990; AND ALTA Loan Policy - 2006. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee

Title to said estate or interest at the date hereof is vested in:

Ananya Kaewphokha, an individual, Subject to Exception Nos. 6 and 7

The land referred to in this Report is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Parcel One:

That portion of Lot 25, as shown upon that certain Map entitled, "TRACT NO. 39, ARROYO TERRACE, SAN JOSE, CALIFORNIA", which Map was filed for record in the office of the Recorder of the county of Santa Clara, State of California, in Book 1 of Maps, Page 26 and 27, and more particularly described as follows:

BEGINNING at a steel pin at the intersection of the Northwesterly line of San Antonio Street 60.00 feet wide with the Easterly line of Arroyo Way, 38.50 feet wide, as said streets are shown upon said map, thence North 4 degrees 02' 30" West and along the Easterly line of Arroyo Way, 66.47 feet to an iron pipe; thence continuing along said Easterly line of Arroyo Way, on a curve to the left with a radius of 538.50 feet, and tangent to the preceding course through a central angle of 21 degrees 41' 30" for an arc distance of 204.50 feet; thence tangent to said curve and continuing along said Easterly line of Arroyo Way, North 25 degrees 48' West 61.62 feet to a point distant along said line South 25 degrees 48' East 139.00 feet from the most Southerly corner of that certain parcel of land conveyed by E.H Renzel, Jr., et ux, to Dorothy Smith, by Deed recorded in said Recorder's office, February 8, 1938 in Book 859 Official Records, page 392; thence leaving said line of Arroyo Way, North 64 degrees 12' East 122.28 feet to the intersection thereof with the Easterly line of said Lot 25 in the centerline of Coyote Creek; thence along said Easterly line of Lot 25 up the centerline of Coyote Creek, South 7 degrees 44' East 320.14 feet to the intersection thereof with said Northwesterly line of San Antonio Street; thence along said Northwesterly line of San Antonio Street, South 51 degrees 59' West 88.00 feet to the point of beginning.

Parcel Two:

A strip of land 5.00 feet in width, being the Southerly 5.00 feet, measured at right angles, Northwesterly from the Southeasterly line of that certain 0.382 acre parcel of land, as said 0.382 acre parcel is shown up that certain Map entitled, "Record of Survey of a Portion of Lot 25, Tract No. 39, Arroyo Terrace", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on May 26,1960 in Book 120 of Maps, at Page 48.

APN: 467-29-035

OLD REPUBLIC TITLE COMPANY ORDER NO. 0616019385-IM

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

Taxes and assessments, general and special, for the fiscal year 2020 - 2021, as follows:

Assessor's Parcel No : 467-29-035 Code No. : 017-194

1st Installment : \$1,029.87 NOT Marked Paid 2nd Installment : \$1,029.87 NOT Marked Paid

Land Value : \$17,082.00 Imp. Value : \$53,207.00

- The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.
- Any easement for water course over that portion of said land lying within the banks of Coyote Creek and any changes in the boundary lines of said land that have occurred or may hereafter occur from natural causes.
- 4. Covenants, Conditions and Restrictions which do not contain express provision for forfeiture or reversion of title in the event of violation, but omitting any covenants or restriction if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as provided in an instrument.

Entitled : Declaration of Restrictions Affecting Arroyo Terrace Recorded : April 9, 1936 in Book 763 of Official Records, Page 547

NOTE: "If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

OLD REPUBLIC TITLE COMPANY ORDER NO. 0616019385-IM

Terms and provisions as contained in an instrument,

Entitled : Agreement

Executed By : Gene Holweger and Selma S. Holweger and Santa Clara County Flood

Control and Water Conservation District

Recorded : June 9, 1961 in Book 5194 of Official Records, Page 725

 Any interest in said land of Richard W. Kilby as Trustee of the Richard W. Kilby 2008 Revocable Trust dated June 5, 2008, as disclosed by Individual Grant Deed

Recorded : July 21, 2008 in Official Records under Recorder's Serial Number

19929073

 Terms and conditions contained in the Richard W. Kilby 2008 Revocable Trust dated June 5, 2008 as disclosed by Individual Grant Deed.

Recorded July 21, 2008 in Official Records under Recorder's Serial Number

19929073

The requirement that:

A Certification of Trust be furnished in accordance with Probate Code Section 18100.5; and

If the acting trustee is a successor trustee the additional requirement the Company is provided a complete copy of the trust, with all amendments and any intervening trustee is no longer acting in that capacity by providing copies of resignation letters, etc.

The Company reserves the right to make additional exceptions and/or requirements upon review of the above.

 The requirement that this Company be provided with a suitable Owner's Declaration (form ORT 174). The Company reserves the right to make additional exceptions and/or requirements upon review of the Owner's Declaration.

	Informational	Notes	
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A. The applicable rate(s) for the policy(s) being offered by this report or commitment appears to be section(s) 1.1 and 2.1.

Page 4 of 5 Pages

OLD REPUBLIC TITLE COMPANY ORDER NO. 0616019385-IM

B. The above numbered report (including any supplements or amendments thereto) is hereby modified and/or supplemented to reflect the following additional items relating to the issuance of an American Land Title Association loan form policy:

NONE

NOTE: Our investigation has been completed and there is located on said land a single family residence known as 180 Arroyo Way, San Jose, CA 95112.

The ALTA loan policy, when issued, will contain the CLTA 100 Endorsement and 116 series Endorsement.

Unless shown elsewhere in the body of this report, there appear of record no transfers or agreements to transfer the land described herein within the last three years prior to the date hereof, except as follows:

Individual Grant Deed executed by Ananya Kaewphokha, as Trustee of the Richard W. Kilby 2008 Revocable Trust dated June 5, 2008 to Anaya Kaewphokha, an individual recorded December 24, 2019 in Official Records under Recorder's Serial Number 24365724.

Exhibit I

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12/02/13) ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

- 1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;
 - d. improvements on the Land;
 - e. land division; and
 - f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.

- The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
- 3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
- 4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - that first occur after the Policy Date this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
- Failure to pay value for Your Title.
- Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.

- The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state
 insolvency, or similar creditors' rights laws.
- 8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake or subsidence.
- 9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1.00% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 18:	1.00% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19:	1.00% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21:	1.00% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00

Exhibit I

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990 (11/09/18) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses which arise by reason of:

- (a) Any law, ordinance, or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the land:
 - (ii) the character, dimensions, or location of any improvement now or hereafter erected on the land;
 - (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or
 - (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
 - (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- 3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
- Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or
 the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing-business laws of
 the state in which the land is situated.
- Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
- Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the
 transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency
 or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE

SCHEDULE B - PART I

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
 - Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- 2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
- 3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
- Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c)
 water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public
 records.
- 6. Any lien or right to a lien for services, labor or material unless such lien is shown by the public records at Date of Policy.

Exhibit I

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY OF TITLE INSURANCE (06/17/06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

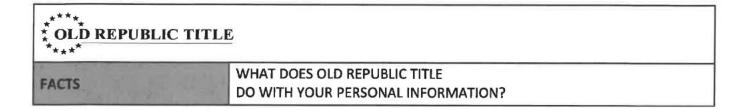
- (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- 2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
- Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
- Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE SCHEDULE B - PART I

Except as provided in Schedule B - Part II, this policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

- (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or
 assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or
 assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public
 Records.
- Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
- 3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
- 6. Any lien or right to a lien for services, labor or material unless such lien is shown by the Public Records at Date of Policy.



Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.
	The types of personal information we collect and share depend on the product or service you have with us. This information can include:
What?	 Social Security number and employment information Mortgage rates and payments and account balances Checking account information and wire transfer instructions
	When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Old Republic Title chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does Old Republic Title share?	Can you limit this sharing?
For our everyday business purposes — such as to process your transactions, maintain your account(s), or respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes — to offer our products and services to you	No	We don't share
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For non-affiliates to market to you	No	We don't share

Go to www.oldrepublictitle.com (Contact Us)



Who we are	
Who is providing this notice?	Companies with an Old Republic Title name and other affiliates. Please see below for a list of affiliates.

How does Old Republic Title protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguard and secured files and buildings. For more information, visi https://www.oldrepublictitle.com/privacy-policy
How does Old Republic Title collect my personal information?	We collect your personal information, for example, when you: Give us your contact information or show your driver's license Show your government-issued ID or provide your mortgage information Make a wire transfer We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.
Why can't I limit all sharing?	Sharing for affiliates' everyday business purposes - information about your creditworthiness Affiliates from using your information to market toyou Sharing for non-affiliates to market toyou State laws and individual companies may give you additional rights to limit sharing. See the State Privacy Rights section location at https://www.oldrepublictitle.com/privacy-policy for your rights under state law.

Affiliates	Companies related by common ownership or control. They can be financial and nonfinancial companies. • Our affiliates include companies with an Old Republic Title name, and financial companies such as Attorneys' Title Fund Services, LLC, Lex Terrae National Title Services, Inc., Mississippi Valley Title Services Company, and The Title Company of North Carolina.
Non-affiliates	Companies not related by common ownership or control. They can be financial and non financial companies. • Old Republic Title does not share with non-affiliates so they can market to you
Joint marketing	A formal agreement between non-affiliated financial companies that together market financial products or services to you. • Old Republic Title doesn't jointly market.



American First Title & Trust Company	American Guaranty Title Insurance Company	Attorneys' Title Fund Services, LLC	Compass Abstract, Inc.	eRecording Partners Network, LLC
Genesis Abstract, LLC	Guardian Consumer Services, Inc.	iMarc, Inc.	Kansas City Management Group, LLC	L.T. Service Corp.
Lenders Inspection Company	Lex Terrae National Title Services, Inc.	Lex Terrae, Ltd.	Mississippi Valley Title Services Company	National Title Agent's Services Company
Old Republic Branch Information Services, Inc.	Old Republic Diversified Services, Inc.	Old Republic Escrow of Vancouver, Inc.	Old Republic Exchange Company	Old Republic National Ancillary Services, Inc.
Old Republic National Commercial Title Services, Inc.	Old Republic Title and Escrow of Hawaii, Ltd.	Old Republic National Title Insurance Company	Old Republic Title Company	Old Republic Title Companies, Inc.
Old Republic Title Company of Conroe	Old Republic Title Company of Indiana	Old Republic Title Company of Nevada	Old Republic Title Company of Oklahoma	Old Republic Title Company of Oregon
Old Republic Title Company of St. Louis	Old Republic Title Company of Tennessee	Old Republic Title Information Concepts	Old Republic Title Insurance Agency, Inc.	Old Republic Title, Ltd.
RamQuest Software, Inc.	Republic Abstract & Settlement, LLC	Sentry Abstract Company	Surety Title Agency, Inc.	The Title Company of North Carolina
Trident Land Transfer Company, LLC				

Updated: January 1, 2020

Privacy Notice for California Consumers

This Privacy Notice for California Consumers supplements the information contained in the Master Privacy Notice for Old Republic Title and applies to consumers that reside in the State of California. The terms used in this Privacy Notice have the same meaning as the terms defined in the California Consumer Privacy Act ("CCPA").

What Personal Information We Collect

In accordance with the CCPA, personal information is information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal information does not include:

Information outside the scope of the CCPA such as:

- Health or medical information covered by the Health Insurance Portability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA).
- Personal Information covered by the Gramm-Leach-Bliley Act (GLBA), the Fair Credit Reporting Act (FCRA), the California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994,
- Publicly available information that is available from federal, state, or local government records, and
- De-identified or aggregated consumer information.

Please see the chart below to learn what categories of personal information we may have collected about California consumers within the preceding twelve months, the sources of and business purposes for that collection and the third parties with whom the information is shared, if any.

Category	Examples	Collected	Sources	Business Purpose for Collection	Categories of Third Parties with Whom Information is Shared
dentifiers	Real name, alias, postal address, unique personal identifier, online identifier, Internet protocol address, email address, account name, social security number, driver's license number, passport number or other similar identifiers	Yes	Consumers, Lenders, Brokers, Attorneys, Real Estate Agents, and Title Agents associated with the transaction	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints, detecting security incidents, protecting against malicious,	Service providers associated with the transaction for a business purpose

				deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	
Personal information described in California Customer Records statute (Cal. Civ. Code § 1798.80(e))	Name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, or any other financial information, medical information, or health insurance information. "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.	Yes	Consumers, Lenders, Brokers, Attorneys, Real Estate Agents, and Title Agents associated with the transaction	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints, detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	Service providers associated with the transaction for a business purpose
Characteristics of protected classifications under California or federal law	Age (40 years or older), race, color, ancestry, national origin, citizenship, religions or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related	Yes	Consumers, Lenders, Brokers, Attorneys, Real Estate Agents, and Title Agents associated with the transaction	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints. Other audit or operational purposes.	Service providers associated with the transaction for a business purpose

	medical conditions), sexual orientation, veteran or military status, or genetic information (including familial genetic information).				
Internet or other electronic network activity	Browsing history, search history, information about a consumer's interaction with a website, application, or advertisement.	Yes	Consumers, Lenders, Brokers, Attorneys, Real Estate Agents, and Title Agents associated with the transaction	To provide access to certain online services. To understand the interests of visitors to our online services, to support certain features of our site, for navigation and to display certain features more effectively. Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	Not Disclosed
Geolocation data	Geographic tracking data, physical location and movements	Yes	Consumers, Lenders, Brokers, Attorneys, Real Estate Agents, and Title Agents associated with the transaction	To provide access to certain online services. To understand the interests of visitors to our online services, to support certain features of our site, for navigation and to display certain features more effectively. Other audit or operational purposes.	Not Disclosed

What Personal Information We Share and Why We Share It

The CCPA requires us to tell you what categories of personal information we "sell" or "disclose." We do not sell and will not sell your personal information as that term is commonly understood. We also do not sell and will not sell your personal information, including the personal information of persons under 16 years of age, as that term is defined by the CCPA. When it is necessary for a business purpose, we share or disclose your personal information with a service provider, and we enter a contract with the service provider that limits how the information may be used and requires the service provider to protect the confidentiality of the information.

In the preceding twelve months, we have disclosed the following categories of personal information for the following business purposes. Where the personal information is shared with third parties, as that term is defined in the CCPA, the category of the third party is indicated.

Category	Examples	Business Purpose for Disclosure	Categories of Third Parties with Whom Information is Shared
Identifiers	Real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account name, social security number, driver's license number, passport number or other similar identifiers	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints, detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	Service providers associated with the transaction for a business purpose
Personal information described in California Customer Records statute (Cal. Civ. Code § 1798.80(e))	Name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints, detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	Service providers associated with the transaction for a business purpose

Characteristics of protected classifications under California or federal law	Age (40 years or older), race, color, ancestry, national origin, citizenship, religions or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, or genetic information (including familial genetic information).	Underwriting or providing other products or services, responding to policyholder/consumer claims, inquiries or complaints. Other audit or operational purposes.	Service providers associated with the transaction for a business purpose
Internet or other electronic network activity	Browsing history, search history, information about a consumer's interaction with a website, application, or advertisement.	To provide access to certain online services. To understand the interests of visitors to our online services, to support certain features of our site, for navigation and to display certain features more effectively. Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity. Other audit or operational purposes.	Not Disclosed
Geolocation data	Geographic tracking data, physical location and movements	To provide access to certain online services. To understand the interests of visitors to our online services, to support certain features of our site, for navigation and to display certain features more effectively. Other audit or operational purposes.	Not Disclosed

We may also transfer to a third party the personal information of a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the business.

Your Rights and Choices

The CCPA provides California consumers with certain rights regarding their personal information. This chart describes those rights and certain limitations to those rights.

Right	What This Means	
Notice	At or before the time your personal information is collected, you will be given written notice of the categories of personal information to be collected and the purposes for which the categories of personal information will be used.	
Access	At your verifiable request, but no more than twice in a twelve month period, we shall disclose to you: 1) the categories of personal information we have collected about you, 2) the	

	categories of sources for the personal information we collected about you, 3) our business and commercial purpose for collecting or selling your personal information, 4) the categories of		
	third parties with whom we share your personal information, 5) The specific pieces of		
	information we have collected about you, 6) the categories of personal information disclosed		
	for a business purpose, and		
	7) If we sold personal information, the categories of personal information sold and the		
	categories of third parties to whom it was sold.		
Deletion	You have the right to request that we delete any of your personal information that we		
Deletion	collected from you, subject to certain exceptions. Once we receive and verify your request, we will delete (and direct our service providers to delete) your personal information from our records unless an exception applies. We may deny your request if retention of the information is necessary for us or our service providers to:		
	 Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you. 		
	 Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities. 		
	 Debug products to identify and repair errors that impair existing intended functionality. 		
	 Exercise free speech, ensure the right of another consumer to exercise their free 		
	speech rights, or exercise another right provided for by law.		
	 Comply with the California Electronic Communications Privacy Act (Cal. Penal Code §1546 et seq.) 		
	Engage in public or peer reviewed scientific, historical, or statistical research in the		
	public interest that adheres to all other applicable ethics and privacy laws, when the		
	information's deletion may likely render impossible or seriously impair the research's		
	achievement, if you previously provided informed consent.		
	Enable solely internal uses that are reasonably aligned with consumer expectations		
	based on your relationship with us.		
	Comply with a legal obligation.		
	 Make other internal and lawful uses of that information that are compatible with the context in which you provided it. 		
	 Or if it is the type of personal information that falls outside the scope of the CCPA, (HIPAA, CIMA, GLBA, or publicly available information) 		
Opt-Out of Sale	With some limitations, you may direct a business that sells personal information to third parties not to sell the personal information to these third parties.		
	A business may not sell the personal information of persons less than sixteen years of age		
	without their affirmative consent, and in the case of those less than thirteen years of age, the		
	consent must come from a parent.		
Opt-In to Sale	consent must come from a parent.		
Non-Discrimination	We will not discriminate against you for exercising your rights under the CCPA. Unless		
Non-Disci mination	otherwise permitted by the CCPA we will not:		
	Deny you goods or service		
	Charge you different prices or rates for goods or services, including through granting discounts or other handits, or imposing panelties.		
	discounts or other benefits, or imposing penalties		
	Provide a different level or quality of goods or services		
	 Suggest that you will receive a different price or rate for goods or services or a different level or quality of goods or services 		

To Exercise Your Rights

To Opt-out of the Sale of Your Personal Information

The CCPA gives consumers the right to direct a business that sells personal information about the consumer to third parties not to sell the consumer's personal information. We do not sell and will not sell your personal information as that term is commonly understood. We also do not sell and will not sell your personal information, as that term is defined by the CCPA.

To Request Access to or Deletion of Your Personal Information

To exercise your access or deletion rights described above, please submit a verifiable consumer request to us by either: Calling us at 1-855-557-8437 or contacting us through our website CCPA Consumer Request.

Only you or your representative that you authorize to act on your behalf (Authorized Agent) can make a verifiable consumer request for your personal information. You may also make a request for your minor child. The verifiable request must provide enough information that allows us to reasonably verify you are the person about whom we collected personal information. We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and to confirm the personal information relates to you.

We work to respond to a verifiable consumer request within 45 days of its receipt. If we require additional time, we will inform you of the extension period (up to an additional 45 days), and the reason for the extension in writing. If you have an account with us, we will deliver our response to that account. If you do not have an account with us, we will deliver our response by mail or electronically, depending on your preference. The response we provide will also explain any reasons why we cannot comply with a request.

You may only make a consumer request for access twice within a twelve-month period. Any disclosures we provide will apply to the twelve-month period preceding the consumer request's receipt.

Contact Us

If you have any questions regarding our Privacy Notice or practices, please contact us via phone at 1-855-557-8437 or send your written request to: CCPA@oldrepublictitle.com, or Old Republic Title c/o CCPA Consumer Request Group, 275 Battery Street, Suite1500, San Francisco, CA 94111-3334.

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APPRAISER QUALIFICATIONS



BRIAN DRAKE, R/W-AC

Industry experience since 2004

Current Responsibilities

Brian C. Drake joined *Associated Right of Way Services, Inc.*, in 2011, with 7 years professional appraisal and valuation experience, and currently serves as **Real Estate Appraiser**. The scope of Mr. Drake's work includes complex appraisals on improved and unimproved properties for public improvement projects, as well as valuations for full and partial acquisitions of residential, commercial, industrial, and agricultural properties for transportation and utility improvement projects. Mr. Drake's work is performed in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act, Uniform Standards of Professional Appraisal Practice, Caltrans standards, and state and federal guidelines.

Prior Experience

Prior to joining the AR/WS team, Mr. Drake was a Real Estate Appraiser at *The Schmidt-Prescott Group* (San Jose, CA), where he appraised proposed and existing commercial, industrial, agricultural, and residential property. His experience includes appraising offices, medical offices, surgery centers, self-storage facilities, warehouses, R&D facilities, retail strip and shopping centers, auto dealerships, restaurants, fast food restaurants, commercial condominiums, apartment complexes, and single-family and multi-family dwellings. Mr. Drake prepared appraisal reports for commercial, retail, industrial and residential properties throughout the greater Bay Area and Central Valley. His assignments also included the preparation of rent surveys for commercial, retail and industrial properties. Mr. Drake gained knowledge in various agricultural specific markets in the counties of Alameda, Contra Costa, Merced, Santa Clara, San Benito, San Joaquin and Stanislaus during his career as an appraiser. Valuation of property rights included fee simple, leased fee, leasehold, and ground rent. His clients included lenders, attorneys, accountants, corporations, municipalities, and individuals for eminent domain, estate planning, mortgage lending, litigation support, partnership disputes, taxation, gifting, investment, purchase, and sale.

Education

San Francisco State University, BA, Broadcast Communications

Mr. Drake has taken several courses in matters of real property appraisal through the Appraisal Institute and IRWA to broaden his scope of knowledge and provide higher levels of service.

State of California Certified General Real Estate Appraiser No. AG031568
Member, International Right of Way Association (IRWA)
R/W-AC, Appraisal Certified, International Right of Way Association



BRIAN C. DRAKE, R/W-AC

Related Course Work:

The Appraisal Institute

Effective Appraisal Writing; Appraisal Principals; Basic Appraisal Procedures; Uniform Standards of Professional Appraisal Practice; Basic Income Capitalization; General Applications; Report Writing and Valuation Analysis; Business Practices & Ethics; Advanced Income Capitalization; Condemnation Appraising: Principals and Applications; Supervisory Appraiser/Trainee Appraiser Course; Eminent Domain and Condemnation; and USPAP Continuing Education

International Right of Way Association (IRWA)

Ethics and the Right of Way Profession; The Valuation of Partial Acquisitions; Easement Valuation; Principals of Real Estate Engineering; Property Descriptions; Standards of Practice for the Right of Way Professional; Environmental Due Diligence and Liability; Non-Residential Relocation Assistance; Principles of Real Estate Negotiation; and Reviewing Appraisals in Eminent Domain

National Highway Institute (US Department of Transportation)

Real Estate Acquisition Under the Uniform Act

Other

Real Estate Principles; Real Estate Practice; Legal Aspects of Real Estate



MEMORANDUM

FC 14 (08-21-19)

TO: Rick L. Callender, Esq. Chief Executive Officer FROM:

Bhavani Yerrapotu, P.E.,

Deputy Operating Officer, Watersheds Design &

Construction

SUBJECT:

Supplemental Information Regarding

Residential Real Estate Acquisitions for the Coyote Creek Flood Management Measures Project, Part of the Federal Energy Regulatory Commission Order

Compliance Project

DATE:

October 12, 2023

On October 24, 2023, the Board of Directors will be asked to consider and approve the purchase of a residential parcel for the Coyote Creek Flood Management Measures Project (CCFMMP), part of the Federal Energy Regulatory Commission Order Compliance Project.

Santa Clara Valley Water District (Valley Water) is undertaking the Anderson Dam Federal Energy Regulatory Commission (FERC) Order Compliance Project (FOCP) as a result of the February 20, 2020, directive from FERC to implement interim risk reduction measures at Anderson Dam to protect the public from risk of dam failure due to seismic activity. The approved FOCP includes four categories of actions including reservoir drawdown, construction of the Anderson Dam Tunnel Project (ADTP) (anticipated to be completed in 2024), operation and maintenance following ADTP construction, and avoidance and minimization measures (AMMs) necessary to reduce environmental and water supply impacts during implementation of FOCP. To address the higher flows from operation of the tunnel after its completion, flood management measures, identified and to be implemented under the CCFMMP, were included in the FOCP to reduce flood risks within urbanized areas of San José. Specifically, the FOCP's flood management measures include possible acquisition of impacted properties or construction of floodwalls. The construction of CCFMMP is also anticipated to be completed in 2024. The overall flood risk reduction objective of CCFMMP is protecting areas of Coyote Creek against a flood event approximately equivalent to the February 2017 flood event. This goal will be met by the completion of CCFMMP and the Coyote Creek Flood Protection Project (CCFPP).

During the planning process, the flood reduction alternatives for certain low-lying residential parcels along Coyote Creek were considered. Nine residential parcels within the CCFMMP were identified for possible acquisition. The residential structure located at 382 South 17th Street, is elevated and, therefore, was not evaluated as part of the properties to be acquired for CCFMMP. However, the owners, Nguyen-Dai Vu Tran and Andrew Lam, recently listed the property for sale. Staff re-evaluated the property and determined that acquisition of the property will enable its use in conjunction with adjoining properties already owned by Valley Water, to create an enhanced mitigation area and provide enhanced access for the future maintenance of the floodwall being built as part of CCFMMP.

Valley Water obtained an appraisal of the real property which established the fair market value as \$2,100,000 (Attachment 1). This value is consistent with the listed sale price. An offer of

\$2,100,000 was made to the owners on August 23, 2023. After limited discussion, Valley Water staff and the owners agreed on a sale price of \$2,120,000, subject to board approval.

110 N

Bhavani Yerrapotu, P.E. Deputy Operating Officer

Watersheds Design and Construction

Attachments: Attachment 1 (Appraisal)

cc: M. Richardson, C. Hakes, C. Achdjian, B. Magleby, M. Thummaluru, C. McAlpine

bm:rc

APPRAISAL REPORT OF



382 S 17th St San Jose, CA 95112-2245

PREPARED FOR

Carlos Herrera Santa Clara Vallet Water District 5750 Almaden Expressway San Jose, Ca 95118

AS OF

August 28, 2023

PREPARED BY

Patrick W. McElroy AG010778 1935 Giampaoli Drive San Martin, Ca 95046 metro1234@aol.com (408) 683-4923

Patrick W. McElroy AG010778 1935 Giampaoli Drive San Martin, Ca 95046 metro1234@aol.com

08/31/2023

Santa Clara Vallet Water District 5750 Almaden Expressway San Jose, Ca 95118

RE: n/a

382 S 17th St

San Jose, CA 95112-2245

File No. 08282023 Case No. 08282023

Dear Carlos Herrera:

In accordance with your request, I have personally inspected and prepared an appraisal report of the real property located at:

382 S 17th St, San Jose, CA 95112-2245

The purpose of this appraisal is to estimate the market value of the property described in the body of this appraisal report.

Enclosed, please find the appraisal report which describes certain data gathered during our investigation of the property. The methods of approach and reasoning in the valuation of the various physical and economic factors of the subject property are contained in this report.

An inspection of the property and a study of pertinent factors, including valuation trends and an analysis of neighborhood data, led the appraiser to the conclusion that the market value, as of August 28, 2023

> \$ 2,100,000

The opinion of value expressed in this report is contingent upon the limiting conditions attached to this

Patrick W. Mc Elwy

It has been a pleasure to assist you. If I may be of further service to you in the future, please let me know.

Respectfully submitted,

Signature:_

Patrick W. McElroy AG010778

METROPOLITAN APPRAISAL SERVICES

File No. 08282023 Case No. 08282023

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METROPOLITAN APPRAISAL SERVICES

SUMMARY OF SALIENT FEATURES File No. 08282023

			Case No. 08282023
SUBJECT IN	FORMATION		
	Subject Address	382 S 17th St	_
	Legal Description	See Preliminary Title Report (See Attached)	
	City	San Jose	
	County	Santa Clara	_
	State	CA	-
	Zip Code	95112-2245	-
	Census Tract	5013.00	-
	Map Reference	62 C2	-
SALES PRIC	E		
	Sale Price \$	n/a	
	Date of Sale	n/a	-
CLIENT	Date of Sale	THE	
	Borrower	n/a	-
	Lender/Client	Santa Clara Vallet Water District	-
DESCRIPTIO	N OF IMPROVEMENT		
	Size (Square Feet)	2,780	-
	Price per Square Foot \$	755.40 MV	-
	Location	B;Res;Creek	-
	Age	32	_
	Condition	C2	_
	Total Rooms	8	-
	Bedrooms	4	-
	Baths	3.0	-
APPRAISER	The Color of		
	Appraiser	Patrick W. McElroy	_
	Date of Appraised Value	August 28, 2023	_
/ALUE			
	Final Opinion of Value \$	2,100,000	-
		asian 0/0044 Deadward by Clint FORMS Software 900 622 972	7 Page 1 of

Uniform Residential Appraisal Report

	The purpose of this appraisal report is to provid	e the lende	er/client with an accu	urate, and a	dequately support	ed, opinion of the	market value o	of the subject	ct property.	
	Property Address 382 S 17th St	THE ISSUE			City	San Jose	State	CA Zip	Code 95112	-2245
	Borrower n/a		Owner of Public Rec	cord Tr	ran Nguyen-Dai	Vu and Andre	w Lam	County	Santa Clar	a
	Legal Description See Preliminary Title R	Report (S	ee Attached)							
_	Assessor's Parcel # 467-39-103				rough and a sugar and		022		\$ 21,721	00
ECT	Neighborhood Name Naglee Park Tract				lap Reference	62 C2	0	Census Tra	Part of the second seco	er month
2			ehold Other (d	occribo)		PUD HOA\$	0		per year pe	ei monui
S	Property Rights Appraised X Fee Simple Assignment Type Purchase Transaction	Ref	inance Transaction		(describe)		Market Valu	ie Purpos	es	
	Lender/Client Santa Clara Vallet Water	District	Address 57	750 Almad	den Expresswa					
	Is the subject property currently offered for sale	e or has it	been offered for sale	e in the twel	ve months prior to	the effective date	of this apprais	al? X	res No	
	Report data source(s) used, offerings price(s),	and date(s). DOM 60; Sub	ject prop	erty was offered	for sale.;Orig	inal Price \$3	2,098,000	Original Date	10
	06/29/2023;MLS #81931648									
	I did did not analyze the contract f	for sale for	the subject purchas	e transactio	on. Explain the resu	ilts of the analysis	of the contrac	ct for sale or	why the analysis	was not
5	performed.									
\$	Contract Price \$ n/a Date of Co	antroot	le the pr	oporty collo	r the owner of publi	ic record?	es No I	Data Source	(2)	
ONTRACT	Contract Price \$ n/a Date of Co Is there any financial assistance (loan charges									No
8	If Yes, report the total dollar amount and descri			n paymont						
W										
	Note: Race and the racial composition of th	ne neighbo					0 11-11		D	- 24
	Neighborhood Characteristics		The second secon		lousing Trends	Declining	One-Unit I	AGE	One-Unit	70 %
٥	and the second s	Rural Inder 25%	Property Values Demand/Supply	Shortage			\$ (000)	(yrs)	2-4 Unit	5 %
8		low	Marketing Time		nths X 3-6 mths	Over 6 mths	600 Lov		Multi-Family	5 %
표	Neighborhood Boundaries Subject's neighborhood						2,500 Hig		Commercial	20 %
80	and Hwy 101 to the East						900 Pre	ed. 80	Other Vacant	0 %
EIGHBORHOOD	Neighborhood Description See Comment	t Addend	um							
Ě										
	Market Conditions (including support for the al			volues pr	rocontly appear	to be etable w	ith a low in	enton, of	properties for	eale
	When sales concessions occur, they a	bove conci	be reasonable	with little	or no effect up	on values. The	market has	s a low in	ventory: howe	ver. the
	number of sales is also low. The real of	estate m	arket and econo	mic pictur	e are stable in	Santa Clara Co	ounty.			
	Dimensions Irregular		Area	2345				View	N;Res;Cree	k
	Specific Zoning Classification R1				Residential					
	Zoning Compliance X Legal Legal No	onconformi	ng (Grandfathered L	Jse) N	lo Zoning Illes	al (describe)				
	Is the highest and best use of subject property	as improv	ed (or as proposed p	per plans an	nd specifications) the	ne present use?	X Yes	No If No. o	describe.	
		as improv								rivato
ш	Utilities Public Other (describe)		Public	Other (des		Off-site Imp	rovements		Public Pr	rivate
SITE	Utilities Public Other (describe) Electricity X	Water	Public			Off-site Imp	rovements			rivate
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Uniform Residential Appraisal Report

Thorners 400	mparable pro	ernes cum	ently offere	red for sa	ale in t	he subject neighbo	rhood rai	nging ir	n price in	rom \$ 898,0		to \$		0,000 .
There are 108 cor	mparable sale	s in the su	biect neigh	hborhoo	d withi	n the past twelve n					00,00			,210,000
FEATURE	SUI	BJECT	CC	OMPARA	ABLE	SALE#1	CC	MPAR	RABLE S	ALE#2	C		RABLE S	
Address 382	2 S 17th St			323 S	. 14th	Street		139	S. 19th	Street		600	S. 14th	Street
	CA 95112	-2245	8	San Jo	se, C	A 95112		San J	lose, C	A 95116		San	Jose, C	A 95112
Proximity to Subject				0.19	9 mile	es W		0.	30 mile	es N		(0.28 mil	es S
Sale Price	\$ 0	/a			S	1,623,000			\$	1,500,000			S	1,800,00
Sale Price/Gross Liv. Area	\$ 755.40		\$ 8	372.58		q. ft.	\$ 1	,010.7	78 sc		S	896.4	11 s	q. ft.
	3 700.40	94. IL.				36;DOM 7	-			7;DOM 38				67;DOM 0
Data Source(s)			IVIL		ALCO ACCOUNTS		1416		c #255				c #255	
Verification Source(s)			050	1923 1910 1920	-	20120	DEO	-	-		DE	SCRIP		+(-) \$ Adjust
VALUE ADJUSTMENTS	DESCR	PTION		CRIPTIO	UN	+(-) \$ Adjustment		CRIPTI		+(-) \$ Adjustment	UE			+(-) \$ Adjust
Sale or Financing				rmLth				ArmLth				ArmL		
Concessions			C	Conv;0				Conv;C				Conv		
Date of Sale/Time			s08/2	23;c07/	/23		s08/	23;c0	6/23		s0	7/23;cl		
Location	B;Res;	Creek	N	Res;		+50,000	B;R	es;Cr	eek			N;Re	s;	+50
Leasehold/Fee Simple	Fee S	imple	Fee	e Simpl	le		Fee	e Sim	ple		F	ee Sin	nple	
Site	2345		64	400 sf		+170,560	16	6100 5	sf	+73,560		8098	sf	+153
View	N;Res	701755555	N	Res;		+100,000	N:R	es;Cr	eek			N;Re	s;	+100
Design (Style)	DT2;Cont			ontempo	orany			ontem	10000		DT1	:Conter	nporay	
	Q Q	-	D11,00	Q3	orary	+40,000	Airio	Q4	pording	+80,000		Q2		+20
Quality of Construction	_							122		+40,000		95		+10
Actual Age	3			120		+20,000				+80,000		C2		+20
Condition	C		- 1	C3		+40,000	T	C4	0.11	780,000		_	Dar.	+20
Above Grade	Total Bdm		Total Bo		Baths		Total B		Baths			Bdrms.		
Room Count	8 4	3.0	6		2.00	+20,000	-	3	2.0	+20,000		4	2.0	+20
Gross Living Area	2,780	sq. ft	1,8	60	sq. ft.	+92,000		184	sq. ft.	+129,600	2	800,	sq. ft.	+77
Basement & Finished	0:	sf	200	0sf0sfir	n	-10,000		0sf				0sf		
Rooms Below Grade						28	ADU 29	7 SF + .	JR ADU	-20,000				
Functional Utility	Ave	age	A	verage				verag				Avera	ge	
Heating/Cooling	FWA/C			U/No A		+8,000		U/No		+8,000	_	FAU/C		
	Stan	10		andard		.0,000		tandar	1777	- 0,000		Standa	7.77	
Energy Efficient Items	_						-	gd2dv		+16,000		2ga2c		
Garage/Carport	2ga:			gd2dw						+10,000	-			
Porch/Patio/Deck	Patio/De		+	Deck,P	orcn		Patio,		Porch		Paul		Porch	_
Fireplaces	11		_	1 FP			_	1 FP			_	1 FF		-
Pool/Spa	No	ne	1	None				None				None		
Landscaping	Go	od		Good			-	Good			_	Goo	d	
Net Adjustment (Total)			X +	+ -		\$ 530,560	X +	-	-	\$ 427,160	X	+		\$ 450,78
Adjusted Sale Price			Net Adj	: 33%			Net Ad	j: 28%	6		Net A	dj: 25	%	
of Comparables					4%	\$ 2,153,560	Gross	Adi: 3	1%	\$ 1,927,160	Gross	s Adj:	25%	\$ 2,250,7
				rtransfer	rs of th	e subject property	for the th	ree yea	ars prior	to the effective da	te of thi	is appra	isal.	
Data source(s) CoreLo	gic/County	Records	/MLS											
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METROPOLITAN APPRAISAL SERVICES **EXTRA COMPARABLES 4-5-6**

File No. 08282023 Case No. 08282023

Borrower n/a Property Address 382 S 17th St CA Zip Code 95112-2245 City San Jose
Lender/Client Santa County Santa Clara State Santa Clara Vallet Water District Address 5750 Almaden Expressway, San Jose, Ca 95118

	FEATURE	_	SUBJEC'	T	C		RABLE				ABLE S		C	OMPARA		TANKS N
П		S 17th						Street				Street				Street
	San Jose,	CA 95	5112-22	245				A 95112	S			A 95112	_			A 95112
	Proximity to Subject					0.	.24 mil			0.4	5 mile			0.:	36 mile	35000000000000000000000000000000000000
	Sale Price	\$	n/a				\$	1,710,000			\$	2,160,000	N.		\$	2,249,999
	Sale Price/Gross Liv. Area	\$ 755	5.40 MV	sq. ft.		819.7		q. ft.		20.00	-	q. ft.	\$	451.17		1. ft.
	Data Source(s)				N			96;DOM 8	ML		-	10;DOM 9	M			4;DOM 116
ш	Verification Source(s)		The state of the s	The state of the s			#254	86538			#254		- 1272		tive Li	
В	VALUE ADJUSTMENTS	DE	SCRIPTI	ON	DE	SCRIPT	ION	+(-) \$ Adjustment	DESC	RIPTI	ION	+(-) \$ Adjustment	DE	SCRIPTI		+(-) \$ Adjustment
H	Sale or Financing					ArmLth	1		Ar	mLth	h			ArmLth		
i	Concessions	- CY/12				Conv:0)		Co	nv;C)			Conv;0)	
1	Date of Sale/Time				s06	/23;c0	5/23		s03/2	3;c0:	2/23			Active		
	Location	B;I	Res;Cre	eek		N;Res	;	+50,000	N;	Res	1	+50,000		N;Res		+50,000
	Leasehold/Fee Simple	Fe	ee Simp	ole	Fe	e Sim	ple		Fee	Sim	lpe		F	ee Sim	ple	
	Site	1	23456 s	sf		6120 s	f	+173,360	69	85 s	f	+164,710		7622 s	f	+158,340
100	View	N;	Res;Cre	eek		N;Res	;		N;	Res				N;Res	:	
1.8	Design (Style)	DT2:	Contemp	orary	SD1:0	Contem	porary		DT2;Cold	onial/h	Historic	-200,000	DT2;	Contem	porary	0
- 0	Quality of Construction		Q2	-		Q3		+20,000		Q2				Q2		+20,000
- 6	Actual Age		32			62		+10,000		120		0		116		+10,000
- 17	Condition		C2			C3		+20,000		C2				C2		+20,000
	Above Grade	Total	Bdrms.	Baths	Total I		Baths		Total Bd		Baths		Total	Bdrms.	Baths	
	1 1/2 1/2	8	4	3.0	7	3	2.0	+20,000		4	3.0		12	10	10.0	-140,000
Э	Room Count					086		+69.400		_	sq. ft.	-22,000		987	sq. ft.	-220,700
å	Gross Living Area	- 4	780	sq. ft.	-	00sf0s	sq. ft.	-20,000		sf0s	100000000000000000000000000000000000000	-20,000		Osf	34, 11.	220,700
	Basement & Finished		0sf		20	JUSIUS	m	-20,000	400	5105	1111	-20,000		USI		
- 87	Rooms Below Grade			_			_		Λ					Averag	_	
	Functional Utility	_	Average			verag				erag				-		
ρ	Heating/Cooling		VA/Cen		-	AU/C				U/C				FAU/C		
Է	Energy Efficient Items		Standar			tanda				nda			-	Standar	ra	. 10.000
≰∣	Garage/Carport		2ga2dv		-	1gd2d\		+8,000	-	d2dv	777		_	2dw		+16,000
₹	Porch/Patio/Deck	Patio	/Deck,l	Porch	Patio	Deck,	Porch		Patio, D		Porch		Patio	Deck,	Porch	
z I	Fireplaces		1 FP			1 FP				FP				1 FP		
š	Pool/Spa		None			None				one			_	None		
œ l	Landscaping		Good			Good			-	ood			_	Good		
<u>a</u>	Net Adjustment (Total)				X	+	-	\$ 350,760	+	X .		\$ -27,290		+ X -		\$ -86,360
≥	Adjusted Sale Price				Net A	dj: 219	6		Net Adj:	-1%			Net A	dj: -4%		
-						Adj ::	23%	\$ 2,060,760	O	di 2	1%	\$ 2,132,710	Gross	Adj: 2	8%	\$ 2,163,639
ប	of Comparables				Gross			\$ 2,000,700	Gross A	uj. e						3 2,100,000
ESC																3 2,103,039
ALES CO	of Comparables Report the results of the re-	esearch	and ana	lysis of												
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Comment Addendum

Client:	Santa Clara Vallet Water District	Client File #:	08282023
Subject Property:	382 S 17th St	Appraisal File #:	08282023

Neighborhood:

Subject is part a residential neighborhood located in the City of San Jose, near the Downtown area of San Jose. The neighborhood is made up a mixture of both newer and older homes. The homes in the immediate neighborhood are generally older homes and well maintained. Subject is part of Naglee Park Tract. Schools, shopping facilities, employment, and Highways 680, 101, 87, & 85 are convenient. Silicon Valley provides a broad and stable employment base. The community is served by a variety of recreational facilities.

Site:

Subject is located at 382 S. 17th Street in the City of San Jose. The street is fully improved with curbs, gutters, sidewalks, and street lights. It has a larger than average size lot with 23,456 sf interior site. Subject has all public utilizes. Subject is zoned R1. Subject backs to the Coyote Creek. Subject's site has a good view of the creek and trees along the creek. Subject's site is steep from 17th Street down to the creek with steep site utility. Subject is located in the 100 year flood zone, and may require flood insurance. There are no other apparent adverse influences and/or conditions. Landscaping is good. There is a SCVWD easement over subject's site, see APN map.

Improvements:

Subject property is improved with a 32 year old 4br-3ba 2-story contemporary style home, built in 1991. It has a wood exterior w/rock veneer, composition roof, and wood floors. Subject has a attached 2-car garage, concrete driveway, quartz kitchen counters, custom painted wood kitchen cabinets, forced air heating, central air, interior laundry room, hardwood kitchen floor, stainless steel appliance, gas stove/oven, hardwood floors t/o, plush carpet upper level, tile floor in bathrooms, tile wainscot, dual pane windows, tile faced fireplace, interior laundry room, mable & pedistal bathroom vanities, tile & marble wainscot, tub & shower in master bathroom, coffered ceiling in dining room, covered front porch, french doors, large wood deck, open patio, fire interior springlers, balcony off upper bedroom, 2car attached garage, cyclone and wood fences, and good landscaping.(See Photos). Due to the steepness of subject's site, special engineered foundation, retaining walls, and large concrete colums approximately 20 foot below the house. Santa Clara County trecords show subject has 2,608 SF. My measurements show 2,710 SF. Subject is currently listed on the MLS for \$2,098,000, MLS #81931648.

Rent Restriction Control:

Subject property is a single family home and rent control does not apply. Apartment properties within the City of San Jose provides for a maximum increase of 5.0% for three units and above; however. California State Law went into effect on January 1, 2020, AB1482 (The California Tenant Protection Act of 2019), and ends January 1, 2030. This act limits annual rent increase to no more than 5% + local CPI, inflation rate, or 10% whichever is lower.

Exposure Time:

Exposure time is always presumed to precede the effective date of the appraisal. Based upon an analysis of statistical information about days on the market, information gathered through sales verification and interviews with real estate professionals, and market participants, exposure time has been estimated at 3 to 6 months.

Current Market Conditions:

Marketing conditions for subject property are at this time period is stable; however, due to the increasing interest rates and possible recession. Employment and economic trends are good in Silicon

Client:	Santa Clara Vallet Water District	Client File #:	08282023
Subject Property:	382 S 17th St	Appraisal File #:	08282023

Valley, and residential real estate is currentlystable. Housing supply is still stable with a low inventory of homes for sale. Currently unemployment is under 4.0% in Santa Clara County. Construction in the Bay Area is slowing and sales prices of all types of properties are getting soft. Santa Clara County is driven by the Tech Sector and Large Tech investments, including foreign investors becoming increasingly more active. Most real estate prices and rents have exceeded the highs that existed back in the 2006 peak, prior to the recession and financial crash. Currently the market has slowed and values are getting soft. Demand has weakened due to higher interest rates and there is potential for another recession.

"As of the date of this appraisal, the short and long term impact on the market from the COVID-19 virus is unknown; however, it is reasonable to assume that current restrictions in market activity due to the virus will extend marketing times at least 60 days beyond the current levels. The assumption has been taken into consideration with regards to the estimate of reasonable exposure time. At this time, this appraiser assumes that there is a delay in market activity, but not a significant long term shift in demand or supply, which would result in a change in market prices. These are considered assumptions which, if proven false, could impact the opinions and conclusions expressed herein. Although it is probably too soon for any meaningful market data that will change. The stock market reacts on a dime, while the real estate market often takes some time to incorporate changing market conditions. Current inventory is often the first and best indicator of those changes."

Summary of Sales Comparison Approach:

All Comparables used are typical arm's length transactions, and are the most recent and best available in subject's market area. All comparable were taken from subject's immediate neighborhood. All comparables have superior quality, and they are in superior condition. No recent comparables sales were found that back ti Coyote Creek similar to subject property, except Comp 2.

Comp 1 is a smaller 2br-2ba home with 1,860 sf located at 323 S. 14th Street, and it was taken from subject's immediate neighborhood. It has a 6,400 sf interior level site. It has slightly inferior quality, and it is in slightly inferior condition. It has been updated throughout, including granite counter tops, hardwood floors, kitchen island, dual pane windows, forced air heat, new roof, fireplace, detached 2-car garage, partial basement, and good landscapping. It sold for \$1,623,000 or \$873 per square foot. It sold with conventional financing.

Comp 2 is a 3br-2ba home with a smaller 1,484 sf located at 139 S. 19th Street taken from subject's immediate neighborhood. It has a smaller 16,100 sf interior site that backs to Coyote Creek like subject. It has inferior quality, and it is in inferior condition. It has An ADU & JrADU units. As per MLS, it has hardwood floors t/o, dual pane windows, vaulted ceilings, updated plumbing & electrical, fireplace, detached 1-car garage, 3 storage sheds, RV parking, and good landscaping. It sold for \$1,500,000 or \$1,011 per square foot. It sold with conventional financing.

Comp 3 is a 4br-2ba 2-story contemporay home with 2,008 sf located at 600 S. 14th Street taken from subject's immediate neighborhood. It has a level 8,098 sf interior site. It has slightly inferior quality, and it is in slightly inferior condition. It was built in 1928. As per MLS, it has new hardwood floors t/o, dual pane windows, forced air heat, fireplace, 2-car attached garage, and good landscaping. It sold for \$1,800,000 or \$896 per square foot. It sold with conventional financing.

Comp 4 is a 3br-2ba 1-story home with 2,086 sf located at 590 S. 15th Street, taken from subject's immediate neighborhood. It has a level 6,120 sf interior site. It has slightly inferior quality, and it is in slightly inferior condition. As per MLS, it has an updated chefs kitchen, quartz kitchen counters, 6-burner Viking gas range, breakfast bar, kitchen island, french doors, builtin bookcases, central air, hardwood floors t/o, fireplace, wood cabinets, 1-car detached garage, stamped concrete driveway, and good landscaping. It sold for \$1,710,000 or \$820 per square foot. It sold with conventional financing.

Client:	Santa Clara Vallet Water District	Client File #:	08282023
Subject Property:	382 S 17th St	Appraisal File #:	08282023

Comp 5 is a 4br-3ba 2-story colonial Revival style home with 3,000 sf located at 48 S. 14th Street taken from subject's immediate neighborhood. It has a smaller level 6,985 sf site. It has similar good quality, and it is in similar good condition. As per MLS, it is a Historic home that has been updated and restored, period light fixtures, remodeled kitchen with granite counters, new appliances, coved & boxbeamed ceilings,central air, forced air heat, stainless steel appliances, newer roof, newer plumbing, dual pane windows, central air, forced air heat, 1 fireplace, open patio, newer electrical 200 amp, reworked original windows w/curved glass, sun room, upstairs office, partial unfinished basement, newer detached 2-car garage, and good landscaping. It sold for \$2,160,000 or \$720 per square foot. It sold with conventional financing.

Comp 6 is a 10br-10ba home with 4,987 sf located at 132 S, 13th Street taken from subject's immediate neighborhood. It has a smaller interior level site. It has slightly inferior quality, and it is in slightly inferior condition. As per MLS, it has been updated t/o, new kitchen appliances, dual pane windows, wall furnaces, granite kitchen counters, custom kitchen counters, unfinished basement, and good landscaping. It is an active listing, and it is listed for \$2,249,999 or \$451 per square foot.

\$50,000 was used for location adjustment, subject's creek location.

\$100 per square foot was used for difference in building size.

\$10 per square foot adjustment was used for lot size difference. Subject's site is larger than all comparable, but it has similar site utility.

An adjustment of \$20,000 was used a full bathroom difference.

\$20,000 to \$80,000 was used for condition adjustment.

\$20,000 to \$80,000 was used for quality of construction adjustment.

\$2,000 per year of effective age was used for age adjustment.

\$8,000/car adjustment was used for garage stall difference.

\$4,000 adjustment was used for fireplace difference.

\$8,000 was used as Forced Air Heat vs Wall Furance.

\$8,000 was used for central air conditioning.

\$10,000 was used for landscaping adjustment.

A time adjustment was not deemed necessary based on the stability of subject's current market. Due to subject's rural location, it was necessary to exceed a 1 mile radius for comparable sales and listings.

Due to the complexities of this appraisal, it was necessary to exceed a 25% line adjustment, 15% net adjustment, and a 25% gross adjustment on comparables.

Due to complexities of this appraisal report, it was necessary to use the most recent comparable sales available. It was necessary to use comparable sales that exceed 20% of GLA difference with the subject.

The Cost Approach is typically higher than the market approach for subject's market area and current

Client:	Santa Clara Vallet Water District	Client File #:	08282023
Subject Property:	382 S 17th St	Appraisal File #:	08282023

economic environment.

Subject's indicated a reasonable exposure time of 3 to 6 months.

Priority Services Statement

I have performed no appraisal services as an appraiser regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

This appraisal has not been unduly influenced in the development of this appraisal report as it relates to Dodd-Frank or AIR.

This appraise has not been unduly influenced in the development of this appraisal report as it relates to Dodd-Frank or AIR.

Extent of the Appraisal Process

The appraisal is based on the information gathered by the appraiser from public records, other identified sources, inspection of subject property and neighborhood, and selection of comparable sales within the subject's market area. The original source of comparables is shown in the data source selection of the market grid along with the source of confirmation, if available. The original source is presented first. The sources and data are considered reliable. When conflicting information was provided, the source deemed most reliable was used. Data believed to be unreliable was not included in the appraisal report.

Extent of the Appraisal Process

The appraisal is based on the information gathered by the appraiser from public records, other identified sources, inspection of subject property and neighborhood, and selection of comparable sales within the subject's market area. The original source of comparables is shown in the data source selection of the market grid along with the source of confirmation, if available. The original source is presented first. The sources and data are considered reliable. When conflicting information was provided, the source deemed most reliable was used. Data believed to be unreliable was not included in the appraisal report.

Appraiser's Independence

Said appraiser, Patrick W. McElroy, is competent to complete this appraisal report in accordance with the competency provision in the USPAP.

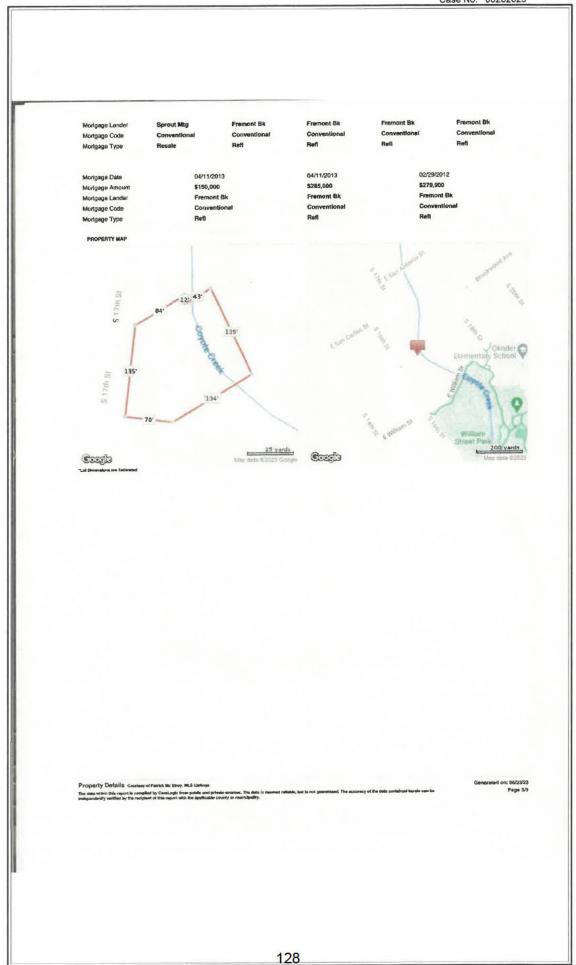
Said appraiser, Patrick W. McElroy, has acted in an independent capacity and that the appraisal assignment is not based on requested minimum valuation. A specific valuation or approval of a loan.

Said appraiser, Patrick W. McElroy, has no direct or indirect interest in the property or transaction and/or bias with respect to the parties involved.

82 S 17th St, San Jos PN: 467-39-103 CLIP: 84	se, CA 95112-2245 76503722	, Santa Clara	County Q Active	Listing		
	MLS Beds	MLS Full Baths	Half Baths	MLS List \$2,098,0		MLS List Date 06/29/2023
A ATA	MLS Sq Ft 2,608	Lot Sq Ft 23,456	MLS Yr Built 1991	Type SFR		
7						
OWNER INFORMATION Owner Name	Tran Nguyen-Dal Vu		Tax Billing Zip+4		2245	
Tax Billing Address	382 S 17th St		Owner Occupied		Yes	
Tax Billing City & State	San Jose, CA		Owner Name 2		Lam An	drew
Tax Billing Zip	95112					
LOCATION INFORMATION					2250	
School District	San Jose		Property Carrier Route		C034	
Community College District Location Influence	San Jose Creek		Zoning Market Area		9	
Census Tract	5013.00		Within 250 Feet of Mu one	ttiple Flood Z	Yes (D,	Ae)
TAX INFORMATION						
APN	467-39-103		Tax Aree		17194	
% Improved	29%				000,47,4%	
ASSESSMENT & TAX						
sessment Year	2023		2022		2021	
ssessed Value - Total	\$1,768,680		\$1,734,000		\$1,869,16	
ssessed Value - Land	\$1,248,480		\$1,224,000		\$1,515,54	0
ssessed Value - Improved	\$520,200		\$510,000		\$353,626	
'OY Assessed Change (\$)	\$34,680		-\$135,166			
OY Assessed Change (%)	2%		-7.23%			
ax Year 021	Total Tax \$23,317		Change (\$)		Change (9	%)
022	\$21,721		-\$1,596		-6,85%	
pecial Assessment			Tax Amount			
aco Vector Contro			\$5.08			
losquito Asmt #2			\$9.00			
fora Measure Aa			\$12.00			
ccosa Asmt Dist 1			\$12.00			
cvwd Flood Contr			\$21,02			
cvosa Measure T			\$24.00			
j. Library Asamt.			\$37.98			
Usd Meas Y 2016			\$72.00			
ale Clean Water			\$74.20			
Current Garbage Services			\$593.16 \$640.32			
Sewer Sani/Storm otal Of Special Assessments			\$1,500.76			
CHARACTERISTICS						
Land Use - CareLogic	SFR		Total Rooms		9	
Land Use - County	Resid Single Family		Bedrooms		4	
Lot Frontage	150		Total Baths		3	
Lot Depth	200		Full Baths		3	220
Lat Acres	0.5385		Heat Type		Forced /	Air
Lot Area	23,456		Cooling Type		None	
Style Voca Bulli	L-Shape 1991		Porch Patio Type		None	
Year Built Effective Year Built	1991		Parking Type		Type Ur	iknown
Gross Area	2,608		Garage Capacity		MLS: 2	
operty Details common or Ponter Se						Generated on: 08/23/2

No. Parking Spaces MLS: 2 Building Sa Ft 2,608 1,463 Garage Sq Ft 450 Ground Floor Area Construction 2nd Floor Area 1,145 Stories Basement Type SELL SCORE Rating NA Value As Of NA Sell Score ESTIMATED VALUE RealAVM™ Confidence Score 87 RealAVM™ Range \$1,855,700 - \$2,192,200 Forecast Standard Deviation Value As Of 08/14/2023 MLB1901648 MLS Curr. List \$ \$2,098,000 MLS Listing Number \$2,098,000 MLS Status Active 06/13/2023 MLS Orig. List \$ MLS Listing Agent 149233-Kim Lem MLS Status Change Date PREMIER CENTURY REAL ESTAT E SERVICES MLS Listing Broker 06/29/2023 MLS Listing Date M81811299 MLS Listing # Sold MLS Status 09/17/2020 MLS Listing Date \$1,699,000 MLS Listing Price \$1,749,000 MLS Orig List S 01/22/2021 MLS Close Date \$1,700,000 MLS List Close \$ 01/26/2021 MLS List Exp Date LAST MARKET SALE & SALES HISTORY Deed Type Grant Deed Recording Date 01/21/2021 Tran Nguyen-Del Vu Lam Andrew 12/16/2020 Settle Date \$1,700,000 Owner Name 2 Freis Loma R Trust Price Per Square Feet 9651.84 24795889 Document Number 07/08/2016 07/09/2003 03/13/2003 01/21/2021 Recording Date \$1,700,000 Sale Price Nominal Freeis Robert D Tran Nyen-Dai V Freeis Lorna R Trust els Lorns A Trust Freels Lorna R Buyer Name Lem Andrew **Buyer Name 2** Freels David G Freis Loma R Trust Freeis Lorna R Freeis David G Trust Seller Name 16883071 24795880 24531902 23359942 17170310 Document Number Affidavit Grant Deed Affidavit **Quit Claim Deed** Grant Deed Document Type 03/30/1990 12/24/2001 12/08/1992 Recording Date \$225,000 Sale Price Freeis David G Buyer Name Freels David G Trust Freels David G & Lorna R Buyer Name 2 Freels Loma R Blackwell K G And Kathleen B Seller Name Freets David G Freels David G 10471307 Document Numbe 16027324 11676968 Partnership Grant Deed Document Type Quit Claim Deed **Grant Deed** MORTGAGE HISTORY 08/11/2014 03/20/2015 08/11/2014 Mortgage Date 01/21/2021 02/18/2020 \$411,000 \$90,000 \$408,000 Mortgage Amount \$1,360,000 \$145.000 Property Details Coursey of Petrick Mc Erroy, MLS Lastings

The data within this report is compiled by Condunyic from public and private sources. The data independently welflad by the adequate of this appeal with the applicable county or municipality. Page 2/3



Agent Full

382 S 17th Street, San Jose, California 95112





MLS #: ML81931648 Beds Baths (F/P): Primary SqFt Apprx Lat: Apprx Acr: Age/Yr Blt: Parcel#: DOM:

3 (3/0) 2,608 SqFt (Realist*) 23,456 SqFt (Realist*) 0.539 Acres 32/1991 (Realist*) 467-39-103 55 (408) 893-5622 Walk Score:

Market Trends & Stats from Aculist

Status:

SYMPIUM ADU options

382 S 17th Street, San Jose 95112 County: Santa Clara Area: 9 - Central San Jose

Area: Class: Land Use:

Comm:

Res. Single Family / Detached

SFR 2.5%

Exclusive Right to Sell, Full Service Not Applicable

L.Type/Service: Special Info: Ownership: Fin Terms: Public:

Active \$2,098,000 Orig Price: List Price: \$2,098,000 Sale Price: \$/Primary SqFt: \$804.45 \$/Total SoFt

Zoning:

Dates Original: List: Sale:

LA Ph:

06/29/2023 06/29/2023

COF: Expires: Off Mrkt: 09/30/2023

City Limit:

City Limit:
Possession:
Highly sought after Naglee Park Home set on a large quiet cul-de-sac lot with 23,456 square feet, this private creekside oasis is truly one of a kind property in San Jose. Built in 1991, featured 2,608 square feet of living space with many upgrades and amenities with today's contemporary style. The Two-Story home features 4 bedrooms, 3 full baths, upstairs laundry room, separate living room 6. family room, formal dinning room and 2 car attached garage. The kitchen has been fully updated with stainless appliances, quartz counters and backsplash. Beautiful hardwood floors throughout the entire main level, plush carpeting upstairs, updated lighting fixtures throughout the home. There is one bedroom and 1 full bath on the main level with French door access to the patio deck. Perfect home for entertaining family and guests in this private backyard with deck and balcony overlooking the creek. Don't miss this unique opportunity and make it your Text agent Kim Lam for more Info. Inspection reports will be available to form the contraction of the pation of the patients.

urean nume coopy: Text agent Kim Lam for more Info. Inspection reports will be available by Friday July 7th, Disclosures: https://app.disclosures.io/link/382-South-17th-Street-t01ui014

Showing & Location

Showing Information Occupied By: Call A Show Contact: Call Agent

Occupant Nm:

Private:

Phone:

Instructions:

Man X Street: Directions: Call Listing Agent

E. SAN CARLOS

Prop Faces: Accessibility: Bathroom:

Double Sinks, Full on Ground Floor, Primary - Oversized Tub, Primary - Stall Shower(s), Showers over Tubs - 2+

Bedroom:

Communication: Construct Type: Cooling:

Dining Rm: Energy Sav: Ext. Amenities: Family Room:

Fence: Fireplace: Flooring: Foundation:

Central AC Eat in Kitchen, Formal Room

Separate Family Room

#1 / Living Room, Wood Burning Carpet, Hardwood, Tile Pillars/Posts/Piers Control Forced Air - Gas

Owner of Records

Show type: Occupant Ph: Add Instruct:

School Flem / San Jose Unified / San Jose Unified / San Jose Unified Middle: High: Building #:

No

Features Horse: Interior:

Kitchen: Laundry: Inside

Lot Desc: Other Rooms: Pool YN: Pool / Soa: Prop Condition: Roof:

Security Soll Condition: Stories: Style:

Gt.Code

Cooktop - Gas, Countertop - Quartz, Dishwasher, Garbage Disposal, Microwave, Oven - Built-In

Grade - Varles, Private/Secluded, Stream - Year Round -

Composition

129

Garage/Parking Garage: Carport: Open Parking: Peatures: Open Parking: Attached Garage Utilities Sewer: Sewer Connected Water: Public Consumer Site: Address Format: Green Rated: POS Ord.: Hazard: Cher: Disclosures URL: LA: LA: LA: LA: LA: LA: LA: LA: LA:						
Garget: Open Parling: Gen Parling: Gen Parling: Gen Parling: Gen Rated: Gen Parling: Gen Rated: Ge	Heading.					
Open Patking: Features: Attached Garage — Utilities Electricity: Individual Electric Meters, Individual Gas Meters Public — Distribution VOW-AMN: Yes Address Format: Show Full Address Ocuments and Disclosures Green Rated: POS Ord.: Natural Hazard Disclosure Other: Other:	Garage:		Type:			
Sewer: Sewer Connected Bectricky: Individual Electric Meters, Individual Gas Meters Water: Public Distribution Consumer Ste: Sew Full Address Show Full Address Show Full Address Occuments and Disclosures Treaf Tx: Hazard: Natural Hazard Disclosure Other: Obeclosures URL: Contact Information LA: Contact Information LA: Contact Information LA Em: (408) 993-902 LA Em: (408) 993-900 LO Fx: (408) 993-900 Click Arrow for School Information Source: Lighbox & Greatachools Click Arrow for School Information Additional Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water Schools Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Severe Water School Photos Disclaimer: The above Full Address Disclaimer: The above Photos Photos Photos Photos Photos Phot	Open Parking:		O.S. Size:			
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LO: Principle Century Real Estate Sevices (Offile P01325257) History School Information Source: Ughbox & Greatschools Click Arrow for School Information Additional Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Source: MISListings; ©2023 MISListings Inc. "Deta provided by Realist®, compiled by CoreLogic® from public and private sources, and accuracy of the data is deemed reliable but not guaranteed."	LA: LA Lic#:	01325257		kimlam@premier-ca	otucy.com	
School Information Source: Lighbox & Greatschools Click Arrow for School Information Additional Photos Disclaimer: The above information is deemed to be accurate but not guaranteed. Source: MLSListings: ; ©2023 MLSListings Inc. **Data provided by Realist®, compiled by CoreLogic® from public and private sources, and accuracy of the data is deemed reliable but not guaranteed. **Data provided by Realist®, compiled by CoreLogic® from public and private sources, and accuracy of the data is deemed reliable but not guaranteed.	LO:		LO Ph:	(408) 993-9900	LO Fx:	(408) 993-990
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Disclaimer: The above information is deemed to be accurate but not guaranteed. Sources: MLSListings ; 02023 MLSListings Inc. **Data provided by Realist®, compiled by CoreLogic® from public and private sources, and accuracy of the data is deemed reliable but not guaranteed.	Click Arro		nation Source, Light	DUX E. GIEBESCHOOIS		
	Disclaimer: The	e above information is deemed to be accurate a w Realistic counciled by CoreLogic® from public	c and private sources, a	and accuracy of the data is	deemed reliable	but not guaranteed.



382 S.17TH STREET SAN JOSE, CA 95112

Highly sought after Naglee Park Home set on a large quiet cul-de-sac lot with 23,456 square feet, this private creekside oasis is truly one of a kind property in San Jose. Built in 1991, featured 2,608 square feet of living space with many upgrades and amenities with today's contemporary style. The Two-Story home features 4 bedrooms, 3 full baths, upstairs laundry room, separate living room & family room, formal dinning room and 2 car attached garage. The kitchen has been fully updated with stainless appliances, quartz counters and backsplash. Beautiful hardwood floors throughout the entire main level, plush carpeting upstairs, updated lighting fixtures throughout the home. Perfect home for entertaining family and guests in this private backyard with deck and balcony overlooking the creek. Don't miss this unique opportunity and make it your dream home today!

OFFERED AT: \$2,098,000



KIM LAM
Real Estate Broker
408-893-5622
kimlam@premier-century.com
Lic# 01325257

The property information contained herein as derived from smooth shad may include, but are not be limited to county records and the look. Multiple Listing Service, and approximations and inaccuracies. Although this information is becaused to be accurate, cliently wanted and you should not indiguished without prisonal sentionation. The read against agent providing the relationship the principles of the Fig. Housing Act and the Enack Consolution Act, 19 2021 Not Listing Act and Rights Reserved.

METROPOLITAN APPRAISAL SERVICES AERIAL MAP ADDENDUM

File No. 08282023 Case No. 08282023

 Borrower
 n/a

 Property Address
 382 S 17th St

 City
 San Jose
 County
 Santa Clara
 State
 CA
 Zip Code
 95112-2245

 Lender/Client
 Santa Clara Vallet Water District
 Address
 5750 Almaden Expressway, San Jose, Ca 95118



UAD Version 9/2011 Produced by ClickFORMS Software 800-622-8727

METROPOLITAN APPRAISAL SERVICES PLAT MAP

File No. 08282023 Case No. 08282023

 Borrower
 n/a

 Property Address
 382 S 17th St

 City
 San Jose
 County
 Santa Clara
 State
 CA
 Zip Code
 95112-2245

 Lender/Client
 Santa Clara Vallet Water District
 Address
 5750 Almaden Expressway, San Jose, Ca 95118



METROPOLITAN APPRAISAL SERVICES

FLOOD MAP ADDENDUM

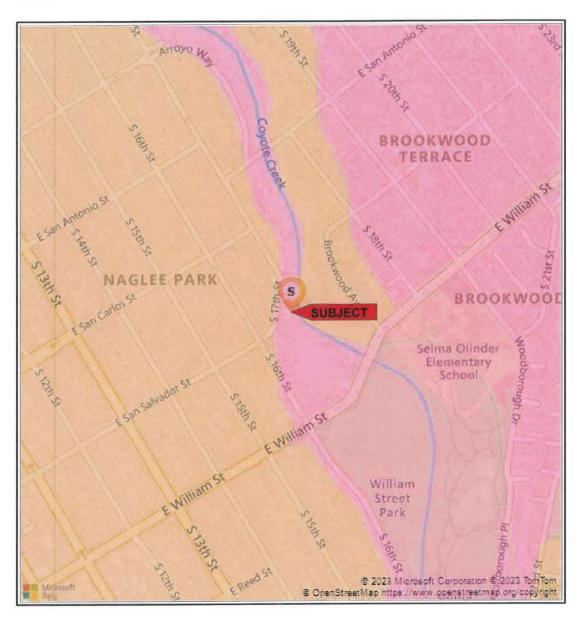
File No. 08282023 Case No. 08282023

 Borrower
 n/a

 Property Address
 382 S 17th St

 City San Jose
 County
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 State
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 Zip Code
 95112-2245

 Lender/Client
 Santa Clara Vallet Water District
 Address
 5750 Almaden Expressway, San Jose, Ca 95118



Floo	d Map Legends
Flood	Zones
	Areas inundated by 100-year flooding
	Areas inundated by 500-year flooding
	Areas of undetermined but possible flood hazards
	Floodway areas with velocity hazard
	Floodway areas
200	COBRA zone

Flood 2	Zone De	terminatio	n				
In Specia	al Flood Ha	zard Area (F	lood Zone):		In		
Within 2	50 ft. of mu	Itiple flood zo	nes?	Within 250 feet			
Commun	nity:			060349			
			SA	N JOSE, CITY	OF		
Map Nur	P. C. Committee		06	085C0253H			
Zone:	100 m	Panel:	0253H	Panel Date:	05/18/2009		
FIPS Code:		06085	Census T	ract:	5013.00		

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METROPOLITAN APPRAISAL SERVICES SKETCH ADDENDUM

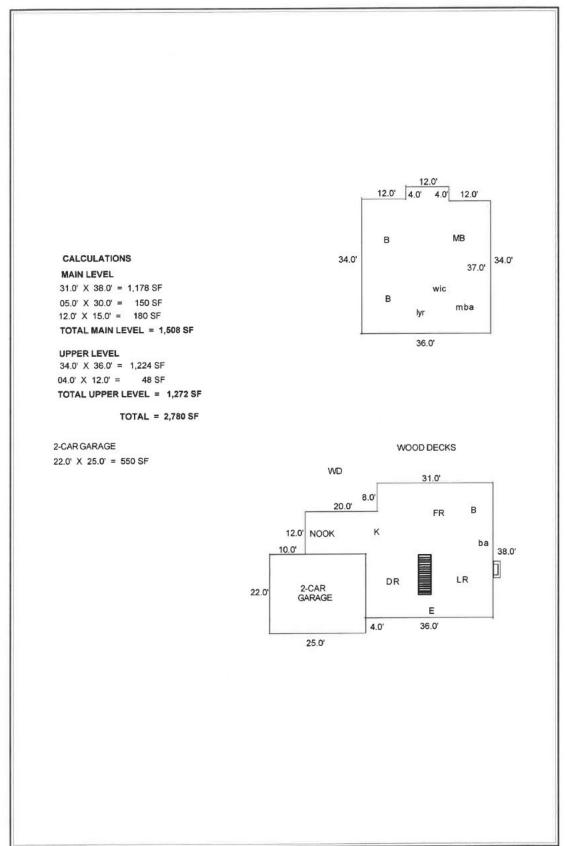
File No. 08282023 Case No. 08282023

 Borrower
 n/a

 Property Address
 382 S 17th St

 City
 San Jose
 County
 Santa Clara
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 CA
 Zip Code
 95112-2245

 Lender/Client
 Santa Clara Vallet Water District
 Address
 5750 Almaden Expressway, San Jose, Ca 95118



File No. 08282023 Case No. 08282023

Borrower n/a							
Property Address	382 S 17th St						
City San Jose		County	Santa Clara	State	CA	Zip Code	95112-2245
	Conta Clara Vallet V	Votor District	Address	5750 Almaden	Evnraceway Sa	n lose Ca 95111	R



FRONT OF SUBJECT PROPERTY 382 S 17th St San Jose, CA 95112-2245



REAR OF SUBJECT PROPERTY



STREET SCENE LOOKING NORTH SUBJECT TO THE RIGHT

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File No. 08282023 Case No. 08282023

Borrower n/a 382 S 17th St Property Address CA 95112-2245 Santa Clara Zip Code State City San Jose Santa Clara Vallet Water District 5750 Almaden Expressway, San Jose, Ca 95118 Lender/Client



STREET SCENE LOOKING SOUTH/SUBJECT TO THE LEFT



SUBJECTS WOOD DECK



SUBJECT'S 2-CAR GARAGE LOOKING SOUTH

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File No. 08282023 Case No. 08282023

Borrower n/a							
Property Address	382 S 17th St						
City San Jose		County	Santa Clara	State	CA	Zip Code	95112-2245
	Canta Clara Vallet V	Motor District	Addross	5750 Almadan	Evarocemay Co	n loce Ca 9511	R



SUBJECT'S CREEK



SUBJECT'S RETAINING WALL GATE OFF DRIVEWAY



SUBJECT'S FOUNDATION/LOWER LEVEL RETAINING WALL & CONCRETE COLUMNS

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File No. 08282023 Case No. 08282023

Borrower n/a 382 S 17th St Property Address Zip Code 95112-2245 CA Santa Clara City San Jose Lender/Client Santa Clara Vallet Water District 5750 Almaden Expressway, San Jose, Ca 95118



SUBJECT'S SMALL REAR YARD



SUBJECT'S WATER HEATER, FURNACE, WATER SOFTNER/FILTER



SUBJECT'S COYOTE CREEK

File No. 08282023 Case No. 08282023

 Borrower
 n/a

 Property Address
 382 S 17th St

 City
 San Jose
 County
 Santa Clara
 State
 CA
 Zip Code
 95112-2245

 Lender/Client
 Santa Clara Vallet Water District
 Address
 5750 Almaden Expressway, San Jose, Ca 95118



SUBJECT'S COVERED DECK & PATIO



SUBJECT'S REAR DECK



SUBJECT'S INTERIOR ENTRANCE

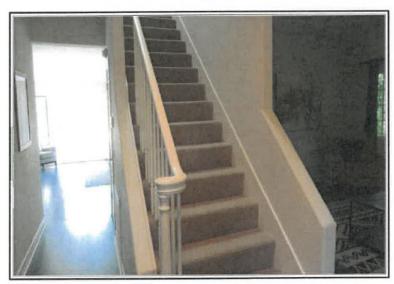
UAD Version 9/2011 Produced by ClickFORMS Software 800-622-8727

File No. 08282023 Case No. 08282023

Borrower n/a 382 S 17th St Property Address 95112-2245 CA Santa Clara Zip Code City San Jose County Address 5750 Almaden Expressway, San Jose, Ca 95118 Lender/Client Santa Clara Vallet Water District



SUBJECT'S LIVINGROOM



SUBJECT'S STAIRWAY TO UPPER LEVEL



SUBJECT'S DINING ROOM

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File No. 08282023 Case No. 08282023

Borrower n/a Property Address 382 S 17th St 95112-2245 City San Jose Santa Clara CA Zip Code County Address 5750 Almaden Expressway, San Jose, Ca 95118 Lender/Client Santa Clara Vallet Water District



SUBJECT'S KITCHEN



SUBJECT NOOK AREA



SUBJECT'S FAMILY ROOM

File No. 08282023 Case No. 08282023

Borrower n/a		12					
Property Address	382 S 17th St						
City San Jose		County	Santa Clara	State	CA	Zip Code	95112-2245
Lender/Client	Santa Clara Vallet	Water District	Address	5750 Almade	n Expressway,	San Jose, Ca	95118



SUBJECT'S BEDROOM 1 MAIN LEVEL



SUBJECTS HALL BATHROOM



SUBJECTS 2-CAR GARAGE

File No. 08282023 Case No. 08282023

Borrower n/a							
Property Address	382 S 17th St						
City San Jose		County	Santa Clara	State	CA	Zip Code	95112-2245
Lender/Client	Santa Clara Vallet	Nater District	Address	5750 Almadei	n Expressway.	San Jose, Ca	95118



SUBJECT'S KITCHEN



SUBJECT'S MASTER BEDROOM 2 **UPPER LEVEL**



SUBJECTS MASTER BATHROOM 2 UPPER LEVEL

UAD Version 9/2011 Produced by ClickFORMS Software 800-622-8727

METROPOLITAN APPRAISAL SERVICES SUBJECT PHOTO ADDENDUM

File No. 08282023 Case No. 08282023

Borrower n/a							
Property Address	382 S 17th St						
City San Jose		County	Santa Clara	State	CA	Zip Code	95112-2245
Lender/Client	Santa Clara Vallet	Water District	Address	5750 Almade	n Expressway,	San Jose, Ca	95118



SUBJECT'S MASTER BATHROOM 2 **TUB & SHOWER/UPPER LEVEL**



SUBJECT'S BEDROOM 3 UPPER LEVEL



SUBJECTS HALL BATHROOM 3 UPPER LEVEL

METROPOLITAN APPRAISAL SERVICES SUBJECT PHOTO ADDENDUM

File No. 08282023 Case No. 08282023

Borrower n/a Property Address 382 S 17th St 95112-2245 City San Jose CA Zip Code County Santa Clara State 5750 Almaden Expressway, San Jose, Ca 95118 Lender/Client Santa Clara Vallet Water District Address



SUBJECT'S BEDROOM 4 **UPPER LEVEL**



SUBJECT'S LAUNDRY ROOM UPPER LEVEL

METROPOLITAN APPRAISAL SERVICES COMPARABLES 1-2-3

File No. 08282023 Case No. 08282023

Borrower n/a Property Address 382 S 17th St 95112-2245 City San Jose Santa Clara State Zip Code County Address 5750 Almaden Expressway, San Jose, Ca 95118 Lender/Client Santa Clara Vallet Water District



COMPARABLE SALE # 323 S. 14th Street San Jose, CA 95112



COMPARABLE SALE # 139 S. 19th Street San Jose, CA 95116



COMPARABLE SALE # 600 S. 14th Street San Jose, CA 95112

METROPOLITAN APPRAISAL SERVICES **COMPARABLES 4-5-6**

File No. 08282023 Case No. 08282023

Borrower n/a Property Address 382 S 17th St 95112-2245 City San Jose Santa Clara State CA Zip Code County Address 5750 Almaden Expressway, San Jose, Ca 95118 Lender/Client Santa Clara Vallet Water District



COMPARABLE SALE # 590 S. 15th Street San Jose, CA 95112



COMPARABLE SALE # 48 S. 14th Street San Jose, CA 95112



COMPARABLE SALE # 132 S. 13th Street San Jose, CA 95112

UAD Version 9/2011 Produced by ClickFORMS Software 800-622-8727

METROPOLITAN APPRAISAL SERVICES SALES LOCATION MAP

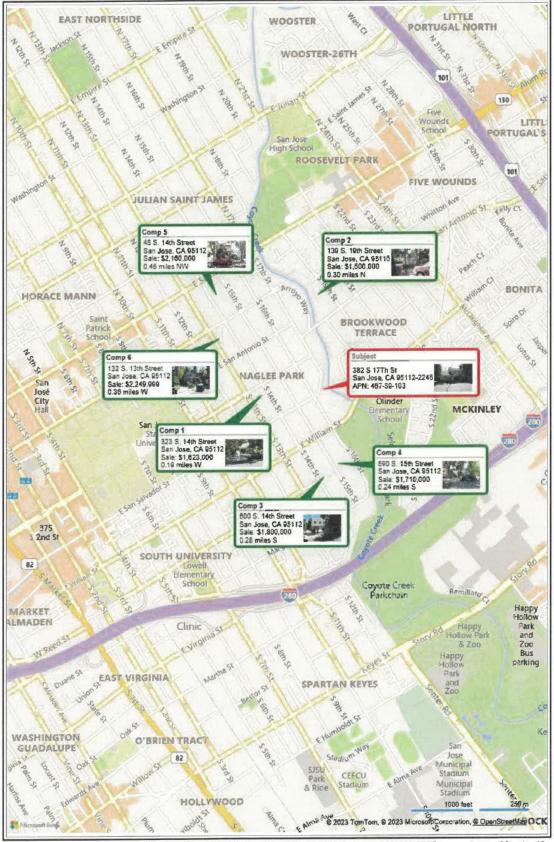
File No. 08282023 Case No. 08282023

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 n/a

 Property Address
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 San Jose
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 Zip Code
 95112-2245

 Lender/Client
 Santa Clara Vallet Water District
 Address
 5750 Almaden Expressway, San Jose, Ca 95118



Uniform Residential Appraisal Report

File No. 08282023 Case No. 08282023

This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit; including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the interior and exterior areas of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

INTENDED USE: The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this appraisal report is the lender/client.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

"Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

- 1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
- The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements.The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size.
- 3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- 4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
- 5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
- 6. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

Uniform Residential Appraisal Report

Case No. 08282023

File No. 08282023

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

- 1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
- 2. I performed a complete visual inspection of the interior and exterior areas of the subject property. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
- 3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- 4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
- 5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
- 6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
- 7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
- 8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
- 9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
- 10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
- 11. I have knowledge and experience in appraising this type of property in this market area.
- 12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
- 13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
- 14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
- 15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
- 16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
- 17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
- 18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
- 19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
- 20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

Fannie Mae Form 1004 March 2005 Page 35 of 42

Uniform Residential Appraisal Report

File No. 08282023 Case No. 08282023

21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

- 22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
- 23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.
- 24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.
- 25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

- 1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
- 2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
- 3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
- 4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- 5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER	SUPERVISORY APPRAISER (ONLY IF REQUIRED)					
Signature Patrol W. McEllon	Signature					
Name Patrick W. McElroy	Name					
Company Name METROPOLITAN APPRAISAL SERVICES	Company Name					
Company Address 1935 Giampaoli Drive	Company Address					
San Martin, Ca 95046	ATTENNESS OF THE PARTY OF THE P					
Telephone Number 408 683-4923	Telephone Number					
Email Address metro1234@aol.com	Email Address					
Date of Signature and Report 04/20/2023	Date of Signature					
Effective Date of Appraisal August 28, 2023	State Certification #					
State Certification # AG010778	or State License #					
or State License #	State					
or Other (describe) State#	Expiration Date of Certification or License					
State Ca.						
Expiration Date of Certification or License 05/31/2025						
	SUBJECT PROPERTY					
ADDRESS OF PROPERTY APPRAISED						
382 S 17th St	Did not inspect subject property					
San Jose, CA 95112-2245	Did inspect exterior of subject property from street					
APPRAISED VALUE OF SUBJECT PROPERTY \$ 2,100,000	Date of Inspection Did inspect interior and exterior of subject property					
LENDER/CLIENT	Date of Inspection					
Name Carlos Herrera						
Company Name Santa Clara Vallet Water District	COMPARABLE SALES					
Company Address 5750 Almaden Expressway	Did not inspect exterior of comparable sales from street					
San Jose, Ca 95118	Did inspect exterior of comparable sales from street					
Email Address	Date of Inspection					

Fannie Mae Form 1004 March 2005

File No. 08282023 Case No. 08282023

PATRICK W. MCELROY
STATE CERTIFIED GENERAL REAL ESTATE APPRAISER
REAL ESTATE BROKER, & CONSULTANT
1935 GIAMPAOLI DRIVE
SAN MARTIN, CA. 95046
Office: (408) 683-4923 FAX: (408) 683-4925 Cell: (408) 843-8876
E-Mail metro 1234@aol.com

QUALIFICATIONS

PATRICK W. MCELROY, State Certified General Real Estate Appraiser - AG010778 and Independent Real Estate Broker

PROFESSIONAL EXPERIENCE

- Presently and for last forty years: Independent Real Estate Broker and Certified General Real Estate Appraiser
 November 1987 April 1996: Appraiser Associate of George H. Miller, C.G.R.E.A., Real Estate Appraiser and Consultant, Saratoga, California
- 3. March 1983 February 1985: Appraiser Associate of Lou Berger, Real Estate Appraiser, Milpitas, California

TYPES OF PROPERTY APPRAISED

- Single Family Residential including New Construction, Condominiums, Cluster Homes, Rowhouses, Patio Homes, Standard Detached Homes, and Residential Subdivisions
- Commercial Properties: Shopping Centers, Restaurants, Retail Stores, Professional Offices, including New Construction and Vacant Land
- 3. Industrial Properties including New Construction and Vacant Land
- 4. Ranch, Ocean, and Mountain Properties
- 5. Special Use Properties including Churches, Gas Stations, Health Club, and Minority Interest Properties
- 6. Properties suffering from Toxic or Hazardous Material Problems

AREAS APPRAISED

Santa Clara County, Santa Cruz County, San Benito County, Monterey County, Alameda County, Contra Costa County, San Mateo County, and San Francisco County

EDUCATIONAL QUALIFICATIONS

- 1. California State University, Hayward: B.S. in Mathematics 1971
- California State University, San Jose
 West Valley College, Saratoga
 San Jose City College, San Jose

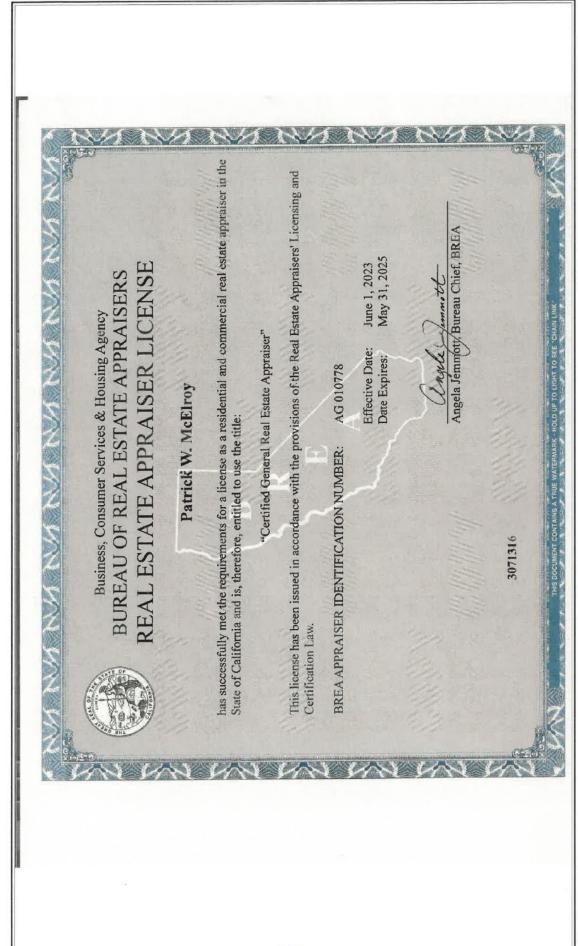
College accredited courses include: Real Estate Finance, Legal Aspects of Real Estate, Professional Skill Development, Real Estate Economics, Real Estate Practice, Real Estate Principles, Real Estate Property Management, Real Estate Appraisal I and II

- 3. Seminars and Continued Education including Real Estate Taxes and Exchanges, Law Updates, Syndications, Contracts, Tax Shelters, Installment Sales, Landlord Tenant Rights, Investment Properties, Real Estate Financing, Appraising Single Family Residential by use of FNMA, FHLMC, Uniform Residential Appraisal Report (URAR), Residential Construction, Fair Housing, Federal and State Laws and Regulations, National Uniform Standards of Professional Practice (USPAP), Income Property Appraisal, Appraisal Review, Limited Appraisals and Scope of Work Decision, Fair Housing, Contract and Agency Law, Factory-Built Housing, Income Capitalization, Appraisal Liability, and Information Technology
- 4. State of California Real Estate Brokers License
- 5. State of California Certified General Real Estate Appraiser, AG010778

PROFESSIONAL AFFILIATIONS

Member of Santa Clara County Real Estate Board Member of California Association of Realtors Member of National Association of Realtors Affiliate Member of Appraisal Institute

File No. 08282023 Case No. 08282023



File No. 08282023 Case No. 08282023

HUDSON INSURANCE GROUP

HUDSON INSURANCE COMPANY 100 William Street, 5th Floor New York, NY 10038

REAL ESTATE APPRAISERS ERRORS AND OMISSIONS INSURANCE POLICY DECLARATIONS

NOTICE: THIS IS A "CLAIMS MADE AND REPORTED" POLICY. THIS POLICY REQUIRES THAT A CLAIM BE MADE AGAINST THE INSURED DURING THE POLICY PERIOD AND REPORTED TO THE INSURER, IN WRITING, DURING THE POLICY PERIOD OR AUTOMATIC EXTENDED REPORTING PERIOD.

THIS POLICY MAY CONTAIN PROVISIONS WHICH LIMIT THE AMOUNT OF CLAIM EXPENSES THE INSURER IS RESPONSIBLE TO PAY IN CONNECTION WITH CLAIMS. CLAIM EXPENSES SHALL BE SUBJECT TO ANY DEDUCTIBLE AMOUNT. THE PAYMENT OF CLAIM EXPENSES WILL REDUCE THE LIMITS OF LIABILITY STATED IN ITEM 4. OF THE DECLARATIONS. PLEASE READ YOUR POLICY CAREFULLY.

PLEASE READ THIS POLICY CAREFULLY.

Policy Number: PRA-1AX-1002333 Renewal of: PRA-1AX-1000955

1. Named Insured: Patrick W. McElroy

2. Address: 1935 Giampaoli Drive, Unit C San Martin, CA 95046

3. Policy Period: From: September 21, 2022 To: September 21, 2023

12:01 A.M. Standard Time at the address of the Named Insured as stated in Number 2 above

4. Limit of Liability Each Claim Policy Aggregate

Damages Limit of Liability A. \$1.000,000 B. \$2,000,000

Claims Expense Limit of
Liability C. \$1.000,000 D. \$2,000,000

5. Deductible (Inclusive of Claims Expenses):

5A. <u>\$ 500</u> Each Claim 5B. <u>\$ 1.000</u> Aggregate

6. Policy Premium: \$774.00 State Taxes/Surcharges: \$0.00

7. Retroactive Date: September 21, 2007

8. Notice to Company: Notice of a Claim or Potential Claim should be sent to:

Hudson Insurance Group 100 William Street, 5th Floor New York, NY 10038 Fax: 646-216-3786

Email: hudsonclaims300@hudsoninsgroup.com

A. Program Administrator: Riverton Insurance Agency Corp.

B. Agent/Broker: ALIA (Riverton Insurance Agency

Corp.) (800) 882-4410

IN WITNESS WHEREOF, We have caused this policy to be executed by our President and our Corporate Secretary at New York, New York

t 2 dellage

PRA100 (01/20) Page | 1

UNIFORM APPRAISAL DATASET (UAD) Property Condition and Quality Rating Definitions

File No. 08282023 Case No. 08282023

Requirements - Condition and Quality Ratings Usage

Appraisers must utilize the following standardized condition and quality ratings within the appraisal report.

Condition Ratings and Definitions

C1

The improvements have been recently constructed and have not been previously occupied. The entire structure and all components are new and the dwelling features no physical depreciation.

Note: Newly constructed improvements that feature recycled or previously used materials and/or components can be considered new dwellings provided that the dwelling is placed on a 100 percent new foundation and the recycled materials and the recycled components have been rehabilitated/remanufactured into like-new condition. Improvements that have not been previously occupied are not considered "new" if they have significant physical depreciation (that is, newly constructed dwellings that have been vacant for an extended period of time without adequate maintenance or upkeep).

C2

The improvements feature no deferred maintenance, little or no physical depreciation, and require no repairs. Virtually all building components are new or have been recently repaired, refinished, or rehabilitated. All outdated components and finishes have been updated and/or replaced with components that meet current standards. Dwellings in this category are either almost new or have been recently completely renovated and are similar in condition to new construction.

Note: The improvements represent a relatively new property that is well maintained with no deferred maintenance and little or no physical depreciation, or an older property that has been recently completely renovated.

C3

The improvements are well maintained and feature limited physical depreciation due to normal wear and tear. Some components, but not every major building component, may be updated or recently rehabilitated. The structure has been well maintained.

Note: The improvement is in its first-cycle of replacing short-lived building components (appliances, floor coverings, HVAC, etc.) and is being well maintained. It's estimated effective age is less than its actual age. It also may reflect a property in which the majority of short-lived building components have been replaced but not to the level of a complete renovation.

C4

The improvements feature some minor deferred maintenance and physical deterioration due to normal wear and tear. The dwelling has been adequately maintained and requires only minimal repairs to building components/mechanical systems and cosmetic repairs. All major building components have been adequately maintained and are functionally adequate.

Note: The estimated effective age may be close to or equal to its actual age. It reflects a property in which some of the short-lived building components have been replaced, and some short-lived building components are at or near the end of their physical life expectancy; however, they still function adequately. Most minor repairs have been addressed on an ongoing basis resulting in an adequately maintained property.

C5

The improvements feature obvious deferred maintenance and are in need of some significant repairs. Some building components need repairs, rehabilitation, or updating. The functional utility and overall livability are somewhat diminished due to condition, but the dwelling remains useable and functional as a residence.

Note: Some significant repairs are needed to the improvements due to the lack of adequate maintenance. It reflects a property in which many of its short-lived building components are at the end of or have exceeded their physical life expectancy but remain functional.

C6

The improvements have substantial damage or deferred maintenance with deficiencies or defects that are severe enough to affect the safety, soundness, or structural integrity of the improvements. The improvements are in need of substantial repairs and rehabilitation, including many or most major components.

Note: Substantial repairs are needed to the improvements due to the lack of adequate maintenance or property damage. It reflects a property with conditions severe enough to affect the safety, soundness, or structural integrity of the improvements.

UNIFORM APPRAISAL DATASET (UAD) Property Condition and Quality Rating Definitions

File No. 08282023 Case No. 08282023

Quality Ratings and Definitions

01

Dwellings with this quality rating are usually unique structures that are individually designed by an architect for a specified user. Such residences typically are constructed from detailed architectural plans and specifications and feature an exceptionally high level of workmanship and exceptionally high-grade materials throughout the interior and exterior of the structure. The design features exceptionally high-quality exterior refinements and ornamentation, and exceptionally high-quality interior refinements. The workmanship, materials, and finishes throughout the dwelling are exceptionally high quality.

02

Dwellings with this quality rating are often custom designed for construction on an individual property owner's site. However, dwellings in this quality grade are also found in high-quality tract developments featuring residences constructed from individual plans or from highly modified or upgraded plans. The design features detailed, high-quality exterior ornamentation, high-quality interior refinements, and detail. The workmanship, materials, and finishes throughout the dwelling are generally of high or very high quality.

03

Dwellings with this quality rating are residences of higher quality built from individual or readily available designer plans in above-standard residential tract developments or on an individual property owner's site. The design includes significant exterior ornamentation and interiors that are well finished. The workmanship exceeds acceptable standards and many materials and finishes throughout the dwelling have been upgraded from "stock" standards.

04

Dwellings with this quality rating meet or exceed the requirements of applicable building codes. Standard or modified standard building plans are utilized and the design includes adequate fenestration and some exterior ornamentation and interior refinements. Materials, workmanship, finish, and equipment are of stock or builder grade and may feature some upgrades.

Q5

Dwellings with this quality rating feature economy of construction and basic functionality as main considerations. Such dwellings feature a plain design using readily available or basic floor plans featuring minimal fenestration and basic finishes with minimal exterior ornamentation and limited interior detail. These dwellings meet minimum building codes and are constructed with inexpensive, stock materials with limited refinements and upgrades.

06

Dwellings with this quality rating are of basic quality and lower cost; some may not be suitable for year-round occupancy. Such dwellings are often built with simple plans or without plans, often utilizing the lowest quality building materials. Such dwellings are often built or expanded by persons who are professionally unskilled or possess only minimal construction skills. Electrical, plumbing, and other mechanical systems and equipment may be minimal or non-existent. Older dwellings may feature one or more substandard or non-conforming additions to the original structure.

Requirements - Definitions of Not Updated, Updated and Remodeled

Not Updated

Little or no updating or modernization. This description includes, but is not limited to, new homes.

Residential properties of fifteen years of age or less often reflect an original condition with no updating, if no major components have been replaced or updated. Those over fifteen years of age are also considered not updated if the appliances, fixtures, and finishes are predominantly dated. An area that is 'Not Updated' may still be well maintained and fully functional, and this rating does not necessarily imply deferred maintenance or physical/functional deterioration.

Updated

The area of the home has been modified to meet current market expectations. These modifications are limited in terms of both scope and cost.

An updated area of the home should have an improved look and feel, or functional utility. Changes that constitute updates include refurbishment and/or replacing components meet existing market expectations. Updates do not include significant alterations to the existing structure.

Remodeled

Significant finish and/or structural changes have been made that increase utility and appeal through complete replacement and/or expansion.

A remodeled area reflects fundamental changes that include multiple alterations. These alterations may include some or all of the following: replacement of a major component (cabinet(s), bathtub, or bathroom tile), relocation of plumbing/gas fixtures/appliances, significant structural alterations (relocating walls, and/or the addition of square footage). This would include a complete gutting and rebuild.

Explanation of Bathroom Count

Three-quarter baths are counted as a full bath in all cases. Quarter baths (baths that feature only a toilet) are not included in the bathroom count. The number of full and half baths is reported by separating the two values using a period, where the full bath count is represented to the left of the period and the half bath count is represented to the right of the period.

Example:

3.2 indicates three full baths and two half baths.

UNIFORM APPRAISAL DATASET (UAD) File No. 08282023 Property Description Abbreviations Used in This Report Case No. 08282023

4	Adverse	Location & View
ac	Acres	Area, Site
AdjPrk	Adjacent to Park	Location
THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NA		Location
AdjPwr	Adjacent to Power Lines	
ArmLth	Arms Length Sale	Sales or Financing Concessions
AT	Attached Structure	Design (Style)
3	Beneficial	Location & View
oa	Bathroom(s)	Basement & Finished Rooms Below Grade
	Bedroom	Basement & Finished Rooms Below Grade
or		
BsyRd	Busy Road	Location
	Contracted Date	Date of Sale/Time
Cash	Cash	Sale or Financing Concessions
Comm	Commercial Influence	Location
		Sale or Financing Concessions
Conv	Conventional	
p p	Carport	Garage/Carport
CrtOrd	Court Ordered Sale	Sale or Financing Concessions
CtySky	City View Skyline View	View
CtyStr	City Street View	View
CV	Covered	Garage/Carport
DOM	Days On Market	Data Sources
TC	Detached Structure	Design (Style)
dw	Driveway	Garage/Carport
	Expiration Date	Date of Sale/Time
		Sale or Financing Concessions
Estate	Estate Sale	
FHA .	Federal Housing Administration	Sale or Financing Concessions
1	Garage	Garage/Carport
a	Attached Garage	Garage/Carport
jbi	Built-In Garages	Garage/Carport
<u>jd</u>	Detached Garage	Garage/Carport
GlfCse	Golf Course	Location
Glfvw	Golf Course View	View
GR	Garden	Design (Style)
HR.	High Rise	Design (Style)
n	Interior Only Stairs	Basement & Finished Rooms Below Grade
nd	Industrial	Location & View
isting	Listing	Sales or Financing Concessions
ndfl	Landfill	Location
MANAGEMENT OF THE PARTY OF THE		View
_tdSght	Limited Sight	
VIR	Mid Rise	Design (Style)
Vitn	Mountain View	View
N .	Neutral	Location & View
NonArm	Non-Arms Length Sale	Sale or Financing Concessions
Li-autonomente.		Basement & Finished Rooms Below Grade
)	Other	
)	Other	Design (Style)
op .	Open	Garage/Carport
Prk	Park View	View
Pstri	Pastoral View	View
		Location
PubTrn	Public Transportation	
PwrLn	Power Lines	View
Relo	Relocation Sale	Sale or Financing Concessions
REO	REO Sale	Sale or Financing Concessions
Res	Residential	Location & View
		Sale or Financing Concessions
RH	USDA - Rural Housing	
r	Recreational (Rec) Room	Basement & Finished Rooms Below Grade
RT	Row or Townhouse	Design (Style)
3	Settlement Date	Date of Sale/Time
SD	Semi-detached Structure	Design (Style)
10.107 cm or		
Short	Short Sale	Sale or Financing Concessions
sf	Square Feet	Area, Site, Basement
sqm	Square Meters	Area, Site
Jnk	Unknown	Date of Sale/Time
	Veterans Administration	Sale or Financing Concessions
/A		
V	Withdrawn Date	Date of Sale/Time
vo	Walk Out Basement	Basement & Finished Rooms Below Grade
Voods	Woods View	View
Vtr	Water View	View
		-
NtrFr	Water Frontage	Location
vu	Walk Up Basement	Basement & Finished Rooms Below Grade

INCOMING BOARD CORRESPONDENCE

Board Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-23-0045	02/23/23	02/24/23	All	MELISSA MALLORY	EMail from Melissa Mallory regarding unhouse along Los Gatos Creek Trail.	Refer to Staff	Blank	Codianne Yerrapotu	03/04/23	03/03/23	n/a	03/10/23
C-23-0076	03/31/23	04/03/23	All	H.K. WILLARD	Email from H.K. Willard to the Board dated 3/31/23 regarding misleading information in March Water News.	Refer to Staff	Gibson	Rocha	04/11/23	04/07/23	n/a	04/17/23
C-23-0101	05/12/23	05/12/23	All	STEVE KELLY	Email from Steve Kelly, to the Board, dated 5/12/23, regarding concern for unhoused that may cause threats to residents living near the creeks in Santa Clara.	Refer to Staff	Blank Yerrapotu	Codianne	05/20/23	05/22/23	n/a	05/26/23
C-23-0211	08/24/23	08/24/23	Varela	LUIS RAMIREZ	Email from Luis Ramirez to Chair Varela, dated 8/24/23, regarding homeless in Gilroy on Valley Water property.	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-23-0212	08/24/23	08/24/23	Santos	ERIC HA	Email from Eric Ha to Director Santos, dated 8/24/23, regarding unhoused individual setting fire behind property.	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23
C-23-0235	09/21/23	09/22/23	All	JESSICA CALDERON	Email from Jessica Calderon to the Board, dated 9/21/22 regarding the unhousd at Church st./Howson Creek Monterey Road/Howso n Creek, Gilroy.	Refer to Staff	Hakes	Codianne	09/30/23	09/25/23	n/a	10/06/23
C-23-0239	09/24/23	09/25/23	Beall	KATHLEEN O'CONNELL	Emal from Kathleen O'Connell to the Director Beall, dated 9/24/23, regarding Water Resource Protection Zone at the upcoming Cherry Avenue EIH project.	Refer to Staff	Hakes	Codianne	10/03/23	09/27/23	n/a	10/09/23
C-23-0246	10/04/23	10/05/23	Beall	JIM KUHL	Email from Jim Kuhl to	Refer to Staff	Baker	Struve Gin	10/13/23	10/12/23	n/a	10/19/23

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
					Director Beall, received 10/4/23, regarding forcing water conseration compliance in an equitable maner within Santa Clara County.							
C-23-0253	10/12/23	10/12/23	Santos	DANIEL CAO	Email from Daniel Cao, Supervisor Otto's office, to Director Santos, dated 10/12/23, informing of a constituent voicing her concerns about not receiving help regarding a rebate program her father had applied to before he passed away in 2021 from COVID.	Refer to Staff	Baker	Struve Gin	10/20/23	10/19/23	n/a	10/26/23
C-23-0259	10/18/23	10/19/23	All	MOHAMED ABOUSALE M	Email from Mohamed Abousalem to the board, dated 10/18/23, experssing	Refer to Staff	Hakes	Codianne	10/27/23	-	n/a	11/02/23

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
					concerns for the unhoused along Los Gatos Creek near Lonus Street, San Jose.							

Michele King

From: Dhruv Khanna <

Sent:Wednesday, October 11, 2023 3:39 PMTo:Board of Directors; Erin Gil; City CouncilSubject:Re: Artificial, synthetic turf = injuries

Follow Up Flag: Follow up Flag Status: Flagged

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

We have to cool down the planet with water, Erin, instead of letting it flow in to the ocean, raising the sea level etc. I agree with you completely and appreciate your educating me.

It is amazing to me how the fake grass industry has duped our government officials into removing real grass sports fields. I'm grateful I grew up playing cricket, soccer, field hockey, track-and-field, throwing frisbees etc on natural grass. My knees are still great. I've had zero ankle and knee injuries.

There is an over-abundance of groundwater in the north County -- Palo Alto and Stanford. It is an absolute shame that the City of Palo Alto has killed off its use of over abundant ground water resources. The gross mismanagement of Palo Alto and Stanford's groundwater is not harmonious with their purported IQ levels. Sports fields, orchards, forests and landscapes should be restored with natural carbon-sequestering natural grass, fruit tree orchards, sequoias, other trees, and also lawns. The woke preachers of north Santa Clara County should be prodded until they wake up to their monstrous global warming caused by their roof tops, cement, asphalt and . . . yes, fake lawns that use synthetic/artificial/fake "turf." May be a class action by all injured football, soccer, baseball, lacrosse, and field hockey players will wake them up. The gross waste of ground water -- it's complete non-use -- and the importation of water into Palo Alto and Stanford is a scandal -- at least for Californians.

Disgusted but truly awake and thus woke,

Dhruv

On Wednesday, October 11, 2023 at 12:43:55 PM PDT, Erin Gil <erin@grassfarminc.com> wrote:

Dhruv- thanks for forwarding this. We have known about the problems associated with synthetic since it's inception.

Valley Water needs to become a publicly vocal supporters(s) of above ground water storage, rather than keeping it in small circles.

Inexpensive resources, such as water, energy, transportation are the foundation of western society.

Advocating for anything else is a vote against a strong middle class. A movement towards an elite class and a dependent class.

We are approaching a time of declaration and it's now.

California can not conserve, as well as tax, its way into prosperity.

Best, E/

Sent from my Verizon, Samsung Galaxy smartphone Get <u>Outlook for Android</u>

From: Dhruv Khanna <

Sent: Wednesday, October 11, 2023 12:30:16 PM To: Board of Directors <board@valleywater.org>

Cc: Erin Gil <erin@grassfarminc.com>
Subject: Artificial, synthetic turf = injuries

Real grass cools the planet, and does not cause sports injuries -- unlike fake, synthetic grass which heats up the planet, causes injuries, reduces percolation and fails to biofilter bird droppings etc. Our Valley Water Board should rethink -- and end -- its infatuation with fake grass as a substitute for real grass, natural sports fields. Thank you

Jason Kelce gives impassioned speech after Travis' ankle injury: 'We need to get rid of turf altogether'



Michele King

From: Rae Knapp <rae@keepcoyotecreekbeautiful.org>

Sent: Wednesday, October 11, 2023 8:39 PM

To: Board of Directors; Linh Hoang; Meghan Azralon; John Varela; Rebecca Eisenberg

Subject: Re: KCCB November Cleanups & BioBlitz

Follow Up Flag: Follow up Flag Status: Flagged

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hi,

Apologies for the typo, the BioBlitz is on Saturday 11/11, not 11/9 as I wrote in the email above. Thank you!

Rae Knapp

Event Assistant Keep Coyote Creek Beautiful 408-931-1892

www.keepcoyotecreekbeautiful.org

On Wed, Oct 11, 2023 at 8:27 PM Rae Knapp < rae@keepcoyotecreekbeautiful.org wrote: Hello,

Here is the information for KCCB's November events. There will be cleanups on Saturday 11/4, Sunday 11/19, and a BioBlitz on Saturday 11/9. Thank you so much for helping KCCB get the word out, we look forward to seeing new faces at these events!

Thanks!

Rae Knapp

Event Assistant Keep Coyote Creek Beautiful 408-931-1892

www.keepcoyotecreekbeautiful.org

Ridge Trail Day of Service - Creek and Trail Cleanup

Location: Viet Heritage Garden, 1499 Roberts Ave, San Jose, CA 95122 Sat Nov 4th

9AM to 12PM

Please join us to celebrate Ridge Trail Day of Service with a fun Creek and Trail Cleanup!

Spend a few hours to help Keep Coyote Creek Beautiful and Bay Area Ridge Trail work together for a healthy creek while we beautify the Coyote Creek trail and the creek through a community cleanup. Come celebrate the Earth by improving the environment and enjoying nature!

Free litter kits!

Community service hours available.

Groups Welcome

Co-hosted with Bay Area Ridge Trail

RSVP: https://231104-cleanup.eventbrite.com/?aff=vw

Winter BioBlitz at Hellyer Park

Location: 996 Hellyer Ave, Cottonwood Lake - Southwest trail entrance, San Jose, CA 95111

Sat Nov 11th 9AM-11:30AM

Join Keep Coyote Creek Beautiful, Bioblitz Club, and Peninsula Open Space Trust for a BioBlitz! A BioBlitz is an event that focuses on finding and identifying as many species as possible in a specific area over a short period of time. At a BioBlitz, scientists, families, students, teachers, and other community members work together to get an overall count of the plants, animals, fungi, and other organisms that live in a place.

Join the BioBlitz at Hellyer Park where you and experts come together to explore, document, and catalog all of the living things that reside there.

Docents will guide you and teach you to use the iNaturalist app on your smartphone to record all the living things you encounter. Flowers, trees, butterflies, dragonflies, and beetles, birds, and squirrels. We love them all - now let's go find them!

The best part? All you need to participate is a smart phone with the iNaturalist app!

So bring your family and prepare for an in-depth tour of this great trail.

Community service hours available

Hosted by Keep Coyote Creek Beautiful , Bioblitz Club, and Peninsular Open Space Trust

RSVP: https://231111-bioblitz.eventbrite.com/?aff=vw

Happiness is Cleanup Shaped! - Creek and Trail Cleanup

Location: TBD Sun Nov 19 9AM to 12PM

Join us for a fun Creek and Trail cleanup in celebration of World Kindness Week!

Help us beautify Coyote Creek and surrounding trails through a community cleanup. Meet new people; improve a neighborhood park; build community around a shared sense of service.

Free litter kits!

Community service hours available.

Groups Welcome

RSVP: https://231119-cleanup.eventbrite.com/?aff=vw

RIDGE TRAIL DAY OF SERVICE

VIET HERITAGE GARDEN



9AM-12PM

NOVEMBER 4TH

COYOTE CREEK

& TRAIL CLEANUP

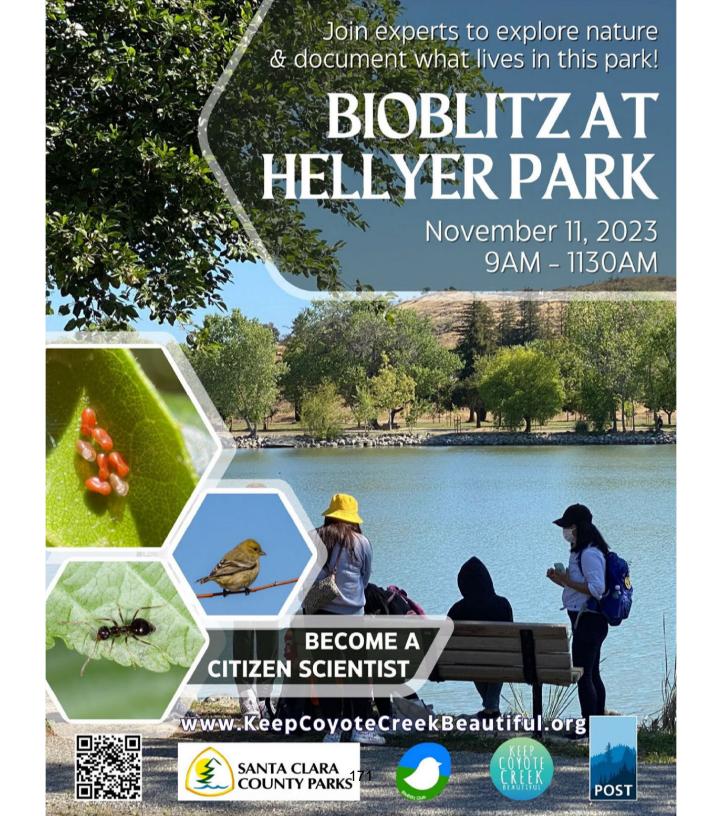






WWW.KEEPCOYOTECREEKBEAUTIFUL.ORG





Michele King

From: Cao, Daniel <daniel.cao@BOS.SCCGOV.ORG>

Sent: Thursday, October 12, 2023 9:33 AMTo: Board of Directors; Richard SantosCc: Ho, Wendy; Osorio, Michelle

Subject: Constituent Issue

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Dear Valley Water Board and Director Santos,

A constituent named Amita called into our office voicing her concerns about not receiving help regarding a rebate program her father had applied to a couple years ago, but he passed away in 2021 due to COVID complications. She wants to follow up regarding that application and see if she needs to do anything for that application or apply with a new application for a different rebate. The landscape rebate application she is referencing has a confirmation number of 56764. Based on the way she was talking to me, it sounds like she hasn't had good experiences working with Valley Water staff members and resorted to calling Supervisor Lee's office for support.

Her email is Jose, CA . We hope the Board and Director Santos can support her concerns.

Thank you,



Daniel Cao

Policy Aide: Healthcare, Social Services, Education
Office of Supervisor Otto Lee, District Three, County of S

Office of Supervisor Otto Lee, District Three, County of Santa Clara 70 West Hedding Street, East Wing, 10th Floor | San José, CA 95110

Office: (408) 299-5030 | daniel.cao@bos.sccgov.org

Pronouns: he/him/his

Michele King

From: brigitte rince

Sent: Friday, October 13, 2023 8:57 AM

To: Board of Directors

Subject: Re: homes on flood zone A

Follow Up Flag: Follow up Flag Status: Flagged

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

I am not sure that anyone living outside of this area completely understands what it is like to live here. If the people from Pam Foley's office, the captain of SJ PD, and others were to stay in the hotel next to the bass pro shop for two weeks. They would have an appreciation for the frustration that we are all feeling.

On Oct 12, 2023, at 8:41 AM, Board of Directors <board@valleywater.org> wrote:

Sent on Behalf of Director Beall

Dear Brigitte Rince,

Thank you for your concern regarding relocating encampments until more housing is available. Since Valley Water is not a law enforcement agency nor do we provide direct homelessness/housing services, we work in concert with cities and the county to address encampments.

Earlier this month, City of San Jose leaders officially declared homelessness in the city a crisis in order to quickly move forward with the processes of shifting people from encampments into interim housing. At the press conference held on October 2, 2023, Mayor Matt Mahan, Vice Mayor Rosemary Kamei, and Councilmember Omar Torres announced they would bring forward measures that, if passed, will allow the city to streamline procurement, suspend local land use and zoning requirements, and bypass other steps that otherwise slow down the ability to provide interim housing and safe sleeping sites.

Additionally, our Valley Water-sponsored bill, AB 1469 (Kalra) Valley Water Assisting Unsheltered People, was signed by Governor Newsom on October 10, 2023, and will take effect on January 1, 2024. AB 1469 amends the District Act to authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise in the district's jurisdiction, in consultation with a city or the County of Santa Clara, to provide solutions or improve outcomes for the unsheltered individuals. Specifically, the bill will allow Valley Water more flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions. The intent is to work with local cities or the County to construct low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people. These facilities would be operated by a city, the County, or a non-profit with the

appropriate expertise to provide shelter and services that can improve outcomes for unsheltered people. AB 1469 will help Valley Water comply with federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land.

Again, we want to assure you that Valley Water is actively working in concert with our agency partners and the community to address the unhoused and encampments. We are always appreciative of your comments and should you have additional concerns, please feel free to contact me directly. We also have a board committee focused on these issues and I invite you to attend. Our next Environmental Creek Cleanup Committee meeting is Tuesday, October 17 from 2-4pm. You're welcome to come in person or join online.

In the future if you need to report other concerns to Valley Water, you may also use our online system at https://access.valleywater.org/s/.

Please contact Deputy Operating Officer Jen Codianne at icodianne@valleywater.org for follow up information.

Thanks again for contacting us.

Sincerely,

<image001.png> Jim Beall Director, District 4

C-23-0244

From: brigitte rince <

Sent: Saturday, September 30, 2023 3:14 PM

To: FEMA-EA-General@fema.dhs.gov; AsklA@fema.dhs.gov; caltrans.d4@dot.ca.gov; district9@sanjoseca.gov; District10@sanjoseca.gov; mayoremail@sanjoseca.gov; Board

of Directors < board@valleywater.org > Subject: Re: homes on flood zone A

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hello,

Please consider finding a large unused parcel of land to relocate people in tents until more housing is available.

These people are stealing, on drugs, mentally ill and suffer from addiction. Many are aggressive and they are preventing the people who live in this area to walk to stores, along trails and enjoy the neighborhoods in fear of being confronted by the homeless.

There are many office buildings and open parking lots that are vacant throughout San Jose. Please take the appropriate actions to relocate these people to a safer area.

We listen to them fight and scream 24/7. Our quality of life has declined. We pay high taxes (property, income and sales tax), high utilities like PG&E and water continue to rise, gas prices are out of

control, we should not have to pay for the homeless on top of everything else.

We are suffering as well, when will the right thing for all concerned happen when all we hear is "Our hands are tied"

When we get sick from the drugs and garbage distributed throughout our neighborhood or the fires that burn constantly all year long, who will be sued for not doing their part to mitigate the risks that should have been dealt with earlier?

We are compromised both physically and mentally.

For those people that do not have the homeless surrounding their homes, it is an easy decision to ignore our pleas for help. What will it take for us to get back to some normalcy?

Who can we turn to to help us? We have exhausted all of our resources and we are begging one of you to help us.

On Sat, Sep 23, 2023 at 1:23 PM brigitte rince <

wrote:

Hello,

People are living on the peninsula of the percolation pond which is flood zone.

With El Nino expected to bring in a record amount of rain to Northern California, these tents and occupants should be relocated prior to the flooding.

Please make arrangements to evacuate these people immediately. <u>Link to map</u>

<image.png>

Michele King

From: Jennifer Codianne

Sent: Friday, October 13, 2023 10:42 AM

To: Ron Cachopo

Cc: Cecilia Rocha; Board of Directors; Diana Martin

Subject: RE: Broken fence along Saratoga Creek - 1400 Bowe Ave - Santa Clara

Follow Up Flag: Follow up Flag Status: Flagged

Hi Ron,

It's scheduled for repair on Monday.

From: Ron Cachopo <

Sent: Thursday, October 12, 2023 6:24 PM

To: Jennifer Codianne <JCodianne@valleywater.org>

Cc: Cecilia Rocha <CRocha@valleywater.org>; Board of Directors <board@valleywater.org>; Diana Martin

<dmartin@commoninterest.com>

Subject: Re: Broken fence along Saratoga Creek - 1400 Bowe Ave - Santa Clara

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hi Jen,

Was someone going to come out and look at the Large Size hole in the fence next to where the new gate was installed?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave Unit Santa Clara, CA 95051

On Saturday, September 16, 2023 at 05:19:56 PM PDT, Ron Cachopo < wrote:

Hi Jen,

FYI: Noticed and additional Large Size hole in the fence next to where the new gate was installed. (The hole is several feet long and wide. Also, there are many different items inside of the fence.)

Thanks, Ron P. Cachopo

1400 Bowe Ave Santa Clara, CA 95051

On Saturday, September 2, 2023 at 12:57:58 PM PDT, Ron Cachopo < who wrote:

Hi Jen,

Returning home from shopping on Saturday noticed a open piece of fence across from the Moonlight shopping center parking lot close to the El Camino. (It is a good size opening.)

Also, There is a ladder up against the fence near the newly replaced Gate with a large plastic pallet on the inside of the fence for people to climb down.

Lastly, Looks like there are shopping carts butted up against various parts of the fence to facilitate climbing the fence easier.

Can you please have someone take a look and button it up the fence?

Thanks, Ron P. Cachopo

Hampton Place Santa Clara

1400 Bowe Ave Unit Santa Clara, CA 95051

On Sunday, July 30, 2023 at 06:09:35 PM PDT, Ron Cachopo < wrote:

Hi Jen,

Noticed arriving home from shopping late Sunday afternoon a large opening in the Saratoga Creek Fence.

The opening is located to the left hand side of our main entrance complex gate. (PS: There is an abandoned Shopping Cart near the opening.)

Can you have someone take a look and button it up?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave Unit Santa Clara, CA 95051

On Tuesday, June 20, 2023 at 05:30:40 PM PDT, Ron Cachopo < wrote:

Hi Jen,

Leaving for work this morning and noticed the Fence Gate entering into the Saratoga Creek was ripped open on the bottom allowing easy access to the Saratoga Creek. (The Damaged Gate is located across from our Automatic Gate closest to the Moon Lite Shopping Center.

Is it possible to have someone take a look and make the repair?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave Unit Santa Clara, CA 95051

On Saturday, April 1, 2023 at 12:57:15 PM PDT, Ron Cachopo < wrote:

Hi Jen,
I E-mailed you back on March 11, 2023 regarding open piece of fence along the Saratoga Creek on 1400 Bowe Ave, Santa Clara.
My brother noticed returning home from shopping on Saturday April 1, 2023 a piece of open fence along the Saratoga Creek across the Moonlite Shopping Center side gate entrance on our Santa Clara Hampton Place Condominium Complex.
Our Manager for the Santa Clara Hampton Place Complex is Diana Martin at Common Interest. (I have cc'd here on this E-mail).
Is it possible to have someone button up the fence?
Thanks, Ron P. Cachopo
Santa Clara Hampton Place
1400 Bowe Ave Unit Santa Clara CA 95051
On Saturday, March 11, 2023 at 12:35:54 PM PST, Ron Cachopo < wrote:
Hi Jen,
I E-mailed you back on October 29, 2022 regarding open piece of fence along the Saratoga Creek on 1400 Bowe Ave, Santa Clara.
My brother noticed returning home from shopping on Saturday March 11,2023 a piece of open fence along the Saratoga Creek across the Moonlite Shopping Center side gate entrance on our Santa Clara Hampton Place Condominium Complex.
Our Manager for the Santa Clara Hampton Place Complex is Diana Martin at Common Interest. (I have cc'd here on this E-mail).
Is it possible to have someone button up the fence?

Thanks, Ron P. Cachopo
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1400 Bowe Ave Unit
Santa Clara, CA 95051
On Monday, October 31, 2022 at 01:18:55 PM PDT, Jennifer Codianne < icodianne@valleywater.org wrote:
HI Ron,
Staff will investigate and I will get back to you as soon as I know more.
Thanks,
Jen
From: Ron Cachopo < Sent: Saturday, October 29, 2022 12:44 PM To: Jennifer Codianne < <u>JCodianne@valleywater.org</u> > Cc: Cecilia Rocha < <u>CRocha@valleywater.org</u> >; Board of Directors < <u>board@valleywater.org</u> >; Diana Martin < <u>dmartin@commoninterest.com</u> > Subject: Broken fence along Saratoga Creek - 1400 Bowe Ave - Santa Clara
*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***
Hi Jen,
I E-mailed you back on July 28, 2021 regarding Homeless People entering the fence along the Saratoga Creek on 1400 Bowe Ave, Santa Clara.
My brother noticed returning home from work on Thursday 10-27-22 people entering a piece of broken fence along the Saratoga Creek by the telephone pole across the main entrance on our Santa Clara Hampton Place Condominium Complex.

Our Manager for the Santa Clara Hampton Place Complex is Diana Martin at Common Interest. E-mail).	(I have cc'd here on this
Is it possible to have someone button up the fence?	
Thanks, Ron P. Cachopo	
Santa Clara Hampton Place	
1400 Bowe Ave Unit	
Santa Clara, CA 95051	

From: Kelly Cure <kelly@skillful.ly> Sent: Monday, October 16, 2023 10:29 AM To: Rebecca Eisenberg; Board of Directors Subject: Re: SVLG event follow-up - loved meeting you! **Follow Up Flag:** Follow up Flag Status: Flagged *** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *** Hey Rebecca, circling back to see if you'd still like to connect post AI event:) Feel free to book directly here or send me your preferred times! Cheers:) Kelly **Kelly Cure** Co-founder, Head of Growth www.skillful.ly | LinkedIn Sent via Superhuman On Thu, Oct 05, 2023 at 2:33 PM, Kelly Cure < kelly@skillful.ly> wrote: Hi Rebecca! It was wonderful meeting you at the SVLG Women in AI event last week and chatting for a moment afterward (I also connected on LinkedIn). You brought the energy levels in the room up and I loved your comment to the panel! As a female founder in this space, I'd love to get to know you a bit more if you're up for a zoom/ coffee! Feel free to book directly here or send me your preferred times :) Briefly, my company Skillful.ly partners with Universities and Community Colleges across the country, helping students discover career pathways, gain skill badges and become overall more prepared and aware of their career options. We serve majority women and majority first gen college students. Cheers! Kelly

Kelly CureCo-founder, Head of Growth
www.skillful.ly | LinkedIn

Sent via <u>Superhuman</u>

From: Ron Cachopo <

Sent: Tuesday, October 17, 2023 5:40 PM

To: Jennifer Codianne

Cc: Cecilia Rocha; Board of Directors; Diana Martin

Subject: Re: Broken fence along Saratoga Creek - 1400 Bowe Ave - Santa Clara

Follow Up Flag: Follow up Flag Status: Flagged

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hi Jen,

Arriving home from work this afternoon noticed the fence has been repaired with a "No Trespassing" sign installed.

Also, noticed someone has already opened up a hole in the fence where the repair was made. (It is on the lower left hand side corner approximately 9 inches in diameter. Looks like someone tried to peel back the fence from the lower corner. Not sure if someone can take a look?)

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

1400 Bowe Ave Unit Santa Clara, CA 95051

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Hi Jen,

Was someone going to come out and look at the Large Size hole in the fence next to where the new gate was installed?

Thanks, Ron P. Cachopo

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Staff will investigate and I will get back to you as soon as I know more.
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Jen
From: Ron Cachopo < Sent: Saturday, October 29, 2022 12:44 PM To: Jennifer Codianne <jcodianne@valleywater.org> Cc: Cecilia Rocha <crocha@valleywater.org>; Board of Directors <board@valleywater.org>; Diana Martin dmartin@commoninterest.com Subject: Broken fence along Saratoga Creek - 1400 Bowe Ave - Santa Clara</board@valleywater.org></crocha@valleywater.org></jcodianne@valleywater.org>
*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***
Hi Jen,
I E-mailed you back on July 28, 2021 regarding Homeless People entering the fence along the Saratoga Creek on 1400 Bowe Ave, Santa Clara.

OUTGOING BOARD CORRESPONDENCE

Subject: FW: Mr. Beall

Attachments: 2022-08-04_Upper Guad Shell v3.pdf; Stream Maintenance and Property Management Fact Sheet.pdf

From: Candice Kwok-Smith On Behalf Of Board of Directors

Sent: Thursday, October 12, 2023 8:37 AM

To:

Subject: Re: Mr. Beall

Sent on Behalf of Director Beall:

Dear Chris Kouretas,

Thank you for reaching out to Valley Water to share your concerns regarding encampments along Guadalupe River adjacent to Highway 87 and Lelong Ave. We recognize the unhoused and encampment situation in our county, region, state, and nation, remains an ongoing problematic societal issue that we must strive to resolve together. Valley Water is in constant coordination with the cities, the County of Santa Clara and local law enforcement, to address encampment concerns.

There is not a singular entity in charge of the creeks and property owners whose land extends into the creek have a primary role. Valley Water owns or has access to maintain approximately 294 miles of the 800 miles of the creeks and rivers in Santa Clara County. The remaining stretches of creeks are owned by Santa Clara County, private entities, cities in which the creeks are located, and other public agencies. Valley Water maintains property where it has built flood protection projects and possesses land rights. This section of Guadalupe River is owned by City of San Jose, Caltrans, and Valley Water.

Valley Water has constructed flood protection projects on approximately 180 miles of creek within the 294 miles of right-of-way. Maintaining these 180 miles of constructed and improved channels is a top priority for Valley Water. Valley Water also conducts many maintenance activities outside the limits of constructed projects, but still within sections of Valley Water right-of-way. These may be performed for maintenance access, water quality, fire code compliance, erosion repair and mitigation purposes. As discussed on the phone with Deputy Operating Officer Jen Codianne, the Upper Guadalupe River Flood Protection Project is a federally authorized project being undertaken by Valley Water and the U.S. Army Corps of Engineers (USACE), see attached fact sheet. The project will increase flood protection, create recreational opportunities, and enhance the environment along 5.5 miles of the river in San José, from Interstate 280 to Blossom Hill Road.

I've also attached a fact sheet that identifies Valley Water's role in stream maintenance and you may review Valley Water ownership on our website by using the following link: https://gis.valleywater.org/FeeEasement/. The green areas show lands owned in fee title the yellow areas show land held in easement. Activities in the creek regardless of ownership are further regulated by state and federal regulatory agencies.

Valley Water performs large-scale trash cleanups throughout the county to minimize trash generated by encampments that pollute the waterways. In this reach of Guadalupe River, Valley Water staff have already removed 17.11 tons of trash generated from encampments this year. The last encampment cleanup was performed on September 20, and the next upcoming encampment cleanup event in this reach is scheduled for October 30 - 31, 2023, which hopefully will address your trash related concerns.

While Valley Water is committed to using the power that we have as an environmental stewardship agency to protect our waterways in collaboration with the cities and the county, as they fulfill their public safety and social service roles, Valley Water, as with all public agencies, must adhere to related case law and federal public health guidance.

Legal Constraints

During the COVID-19 pandemic, the federal Centers for Disease Control and Prevention (CDC) issued interim guidance to public agencies, recommending they allow people who are living unsheltered or in encampments to remain where they are if no individual housing options are available due to the risk of spreading the disease. As of November 2022, this CDC guidance was updated to state that although people experiencing unsheltered homelessness do not reside in a congregate setting, the risk of severe COVID-19 can be high in this group because of underlying medical conditions and lack of access to healthcare.

Additionally, in Martin v. City of Boise, the U.S. Court of Appeal for the Ninth Circuit held that the City of Boise violated the Eighth Amendment of the U.S. Constitution (prohibiting cruel and unusual punishment) for enforcing two city ordinances that made it a misdemeanor to camp on streets, sidewalks, parks, or public places (camping ordinance), or to sleep in a public place without the owner's permission (part of a disorderly conduct ordinance) when there was not enough beds available in local homeless shelters to house all of the unsheltered. The decision found that "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter." The United States Supreme Court declined to review the Ninth Circuit's decision, leaving it in effect in the western states covered by the Ninth Circuit, including California.

Effects of the Law on Valley Water

Both the caselaw and CDC guidance have significantly affected how public agencies like Valley Water are responding to encampments of unsheltered persons. Please note these constraints also apply to the City of San Jose's trails rules; so, while it is important to maintain public access to safe recreation opportunities, enforcement of these rules and ordinances on the unsheltered community is subject to the limitations imposed by caselaw and statute.

Prior to the COVID-19 pandemic, Valley Water's approach to encampment management was a complaint-driven, abatement-focused strategy. While this approach addressed the immediate location of an encampment, it rarely led to an outcome of fewer encampments, and often the encampment moved to a new location. The new encampment management strategy seeks to manage encampments by using a variety of tools and approaches to better manage sites and reduce the need for abatements overall until adequate housing is available.

When performing work critical to its core mission, Valley Water will safely relocate encampments on Valley Water property, including Valley Water right of way through coordinated efforts with other public agencies if the following criteria are met.

- a) The encampment is in the path of, interferes with, or obstructs access to,
 - i. flood protection/water infrastructure facilities or projects;
 - ii. maintenance projects, facilities, or maintenance access roads; or
 - iii. designated mitigation or vegetation management sites.
- b) The encampment poses an immediate safety risk. An immediate safety risk is one that involves the safety of Valley Water staff. Safe relocation of encampments may also be conducted in response to public safety issues as determined by local jurisdictions such as a city, the county, or their police or fire departments. In the case of a public safety issue, Valley Water will assist local jurisdictions in addressing encampments on property where Valley Water holds land rights.

Everyone is still encouraged to contact the police if any illegal activity or threat to public health and safety is observed; and contact the fire department for fire and smoke incidents.

What Valley Water is Planning

Also, to address the long-standing issues related to unsheltered encampments, Valley Water's Board of Directors directed staff on January 18, 2023, to proceed with the following actions to address the human, environmental, and operational concerns of encampments of unsheltered people in the riparian corridors of Santa Clara County.

- a) Proceed with an amendment to the Santa Clara Valley Water District Act (District Act) to expand the lawful purposes of our agency to include addressing encampments of unsheltered people. That amendment to the District Act is AB 1469 (Kalra) Valley Water Assisting Unsheltered People, which you referenced in your letter. The bill is currently pending on the floor of the California State Senate, and if passed by the Legislature and signed by the Governor, would take effect on January 1, 2023.
- b) Develop a longer-term solution in global partnership with cities, the County, and other special districts to help ensure better outcomes for unsheltered people.
- c) Consider Valley Water-owned properties that could be used for the development of housing.

Additionally, our Valley Water-sponsored bill, AB 1469 (Kalra) Valley Water Assisting Unsheltered People, was signed by Governor Newsom on October 10, 2023, and will take effect on January 1, 2024. AB 1469 amends the District Act to authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise in the district's jurisdiction, in consultation with a city or the County of Santa Clara, to provide solutions or improve outcomes for the unsheltered individuals. Specifically, the bill will allow Valley Water more flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions. The intent is to work with local cities or the County to construct low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people. These facilities would be operated by a city, the County, or a non-profit with the appropriate expertise to provide shelter and services that can improve outcomes for unsheltered people. AB 1469 will help Valley Water comply with federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land.

Again, we want to assure you that Valley Water is actively working in concert with city and county agency partners, and the community to address the encampments of unsheltered people. We are always appreciative of your comments and should you have additional concerns, please contact Jennifer Codianne, Deputy Officer for Watersheds Operations and Maintenance at icodianne@valleywater.org for follow up information.

You may also use our online system to report issues at https://access.valleywater.org/customer/s/.

Sincerely,

Jim Beall

Director, District 4

C-23-0248

From: Chris K

Sent: Tuesday, October 3, 2023 3:32:20 PM

To: Jim Beall JBeall@valleywater.org

Subject: Mr. Beall

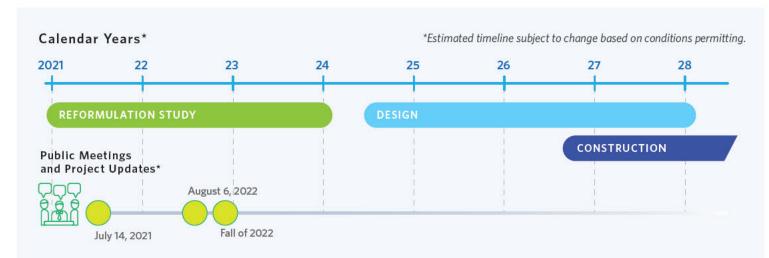
*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hello,

I was recently contacted by Silicon Valley Water Company from a complaint I sent by email a couple months back about the homeless issues on Highway 87 and Willow. I know under the bridge is not your guys's issue, or your jurisdiction but along the Guadalupe River there are countless homeless people setting up camp, lighting fires, polluting the river with garbage and feces and I'm just plain sick and tired of it. My family immigrated here from Greece and I was born and raised in San Jose ever since. I'm trying to understand why you guys can't take these people out of the areas that you're in control of basically for trespassing. They're cutting these fences up to access private property. Please help me understand why the water department has no will to remedy these hazardous situations. Why can't they be arrested for trespassing, disturbing the peace and creating hazardous health situations that can and eventually WILL harm the public? The fencing on the land that's your responsibility as a company needs to be reinforced and needs to clearly be posted that anyone that trespasses will pay a fine and face jail time. I'm sure if you did this there wouldn't be so many break-ins. You're probably not the only one in charge but who is going to have the courage in the backbone to stand up for the safety of this area and the environment it's affecting?

Take your time, but I expect a response. Chris Kouretas





Valley Water and USACE are longtime project partners; and will continue to work on the Upper Guadalupe Flood Protection Project to ensure our community engages with us, shares their input and benefits from the future completed project

Valley Water

Valley Water manages water resources and is a steward for Santa Clara County's five watersheds, 10 reservoirs, hundreds of miles of streams and groundwater basins. Valley Water also provides flood protection throughout the county.

Visit the website at *valleywater.org*.

U.S. Army Corps of Engineers

The USACE is a federal public engineering, design and construction management agency for civil works projects. Although generally associated with dams, canals and flood protection in the United States, the USACE is involved in a wide range of public works around the world.

Visit the website at **spn.usace.army.mil**.



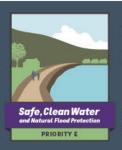
A full list of projects in the Safe, Clean Water and Natural Flood Protection Program can be found at valleywater.org/safecleanwater. For more information, contact Tony Mercado at (408) 630-2342 or by email at TMercado@vallevwater.org.

Envíe un correo electrónico a Translations@vallevwater.org si tiene preguntas sobre este documento.

Vui lòng liên hệ với Translations@valleywater.org nếu bạn có thắc mắc về tài liệu này.

如果您对此文件有任何疑问,请联系 Translations@valleywater.org





Upper Guadalupe River Flood Protection Project



PRIORITY E Provide flood protection to homes, businesses, schools, streets, and highways



Project information

The Upper Guadalupe River Flood Protection Project is a federally authorized project being undertaken by Valley Water and the U.S. Army Corps of Engineers (USACE). The project is focused on reducing flood risks to the area in addition to completing a gravel augmentation project spanning approximately 800 linear feet. The project will increase flood protection, create recreational opportunities and enhance the environment along 5.5 miles of the river in San José, from Interstate 280 to Blossom Hill Road.

A history of flooding

The downtown area of San José was originally laid out in 1847 along what is now known as the Guadalupe River. Early residents relied on the river for irrigation water, fishing and as a transportation corridor. The Guadalupe River was also the source of damaging floods. Modern urban landscape are at higher risk to damage by floods, especially during intense winter storms, when the river swells beyond its banks and spills into streets and private properties.

Thousands of San José households, schools and businesses can potentially experience flooding from the Upper Guadalupe River, as recorded in 1982, 1983, 1986, 1995 and 1998.

Funding

The Upper Guadalupe River Flood Protection Project will receive \$42.6 million from the renewed Safe. Clean Water and Natural Flood Protection Program that voters approved in 2020. Additionally, over \$112 million have been expended under the preceding voter-approved measures since 2000. These dollars funded the planning, design and construction of some reaches; and includes \$39 million to acquire properties for the project.

Topics Inside:

- Protecting people and property
- Re-evaluating the Upper Guadalupe River Project
- Completed Reaches

For more project information, please visit delivr.com/2zhgu or scan the following:



Valley Water's Partner:



US Army Corps of Engineers.



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Protecting people and property

The Upper Guadalupe River Flood Protection Project is divided into seven sections known as reaches. Improvements include channel widening, floodwall and levee construction, road crossings replacement, gravel augmentation, and streamside vegetation planting.

Completed Reaches

As of January 2022, USACE and Valley Water completed three reaches–Reach 6, Reach 10B, Reach 12 and a significant element of Reach 9. Construction of these reaches improved riparian habitat and fish passage, restored the stream to a more natural environment and moved forward flood protection elements of the project.

Reach 6



In 2012, Valley Water completed the project's first reach between Interstate 280 and the Union Pacific Railroad. The work resulted in a widened floodplain channel, an extended West Virginia Street bridge and an improved habitat ecosystem where riparian vegetation replaced non-native plants. Planting areas on Edwards and Harliss avenues and Palm Street provided passive recreational public spaces that enhanced the neighborhood. In 2021, Valley Water further improved local Chinook salmon and steelhead habitat by

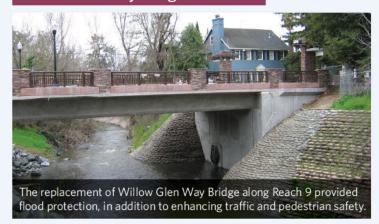
Reduced flood frequency and bank erosion will improve water quality, while planned mitigation measures will give the fish access to an additional 12 miles of habitat within and upstream of the project.

Re-evaluating the Upper Guadalupe River Project

Since 2015, lack of federal funding has stalled the design and construction of some of the project sections, which are largely flood protection elements of the project. USACE is in the middle of re-evaluating the Upper Guadalupe River Flood Protection Project to make it more cost-efficient while enhancing the design to incorporate more natural elements. This study began in 2021. USACE expects to complete its report by the end of 2023 and develop a new project schedule.

adding more than 300 cubic yards of gravel to the Upper Guadalupe River. The work re-established spawning areas for these fish. Valley Water will return to the area in 2026 and place gravel at five pools downstream of the West Virginia Street bridge.

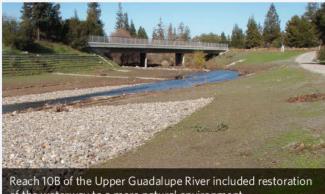
Willow Glen Way Bridge of Reach 9



In 2007, Valley Water, in collaboration with the City of San José, replaced the Willow Glen Way Bridge along Reach 9 with a longer-span bridge. The new bridge, east of Bird Avenue, was built to accommodate future channel widening to convey greater flows and provide flood protection while improving traffic and pedestrian safety.

Reach 10B

Valley Water and USACE completed Reach 10B, which runs between Wren Drive and McBride Loop, in 2012. The project restored the waterway to a more natural environment by providing a meandering channel, pools, in-stream features such as stream logs, to allow gravel and sediment deposition and improve stream habitat.



of the waterway to a more natural environment.

Reach 12

In 2016, Valley Water and USACE completed work on more than a mile stretch of the river channel critical to the larger project. Set between Branham Lane and Blossom Hill Road, the area had available land to improve habitat along the river to offset the loss of habitat areas further downstream, where river widening for the overall flood protection project had to occur. The project improved habitat for native fish like steelhead trout and Chinook salmon by planting native vegetation and trees along the river and stabilizing the low flow channel. With the addition of access roads and ramps, maintenance crews now have easier access to the river channel.



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Stream Maintenance



Stream Maintenance by Valley Water

Valley Water performs stream maintenance on completed flood protection projects to keep them in a safe and usable condition as originally designed and constructed. As the landowner, Valley Water also manages its property by performing work along streams.

Maintenance of Capital Projects

Capital projects are large-scale projects that maintain or improve capital assets. They involve a planning, design and approval process that includes public review, California Environmental Quality Act (CEQA) compliance, funding, and land and regulatory permit acquisition. Valley Water maintains the structural and functional integrity of these constructed projects to ensure the significant investment in infrastructure continues to provide the flood protection benefits as its intended design and construction.

Maintenance activities for Capital Projects









* Erosion is a natural process; Valley Water is not obligated to keep a creek "in place". Rather, Valley Water is obligated (considering the availability of resources) to preserve the functional and structural integrity of flood protection projects built or accepted by Valley Water.

Activities include removal of sediment and other obstructions to flow, erosion repair, and vegetation management. Work activities are defined and permitted under a **Stream Maintenance Program (SMP)**, a ten-year program approved in 2013 by seven state and federal regulatory agencies.

Maintenance work is prioritized based on several considerations, including available resources. Higher priority is given to capital projects completed with federal partners, levee maintenance, and work to preserve channel capacity.



Staff removing fallen trees blocking creek flow.

Maintenance as a Landowner

Valley Water performs work on properties owned in fee title or where otherwise obligated by permit or agreement. These activities include weed abatement, hazardous tree removal, pruning for access, care of planted mitigation sites, fence and erosion repair, and graffiti, trash, and debris removal.

Maintenance activities as a landowner



Maintenance on easements

Valley Water performs limited work on properties owned by others where Valley Water has an easement. Easements are generally acquired for flood protection or water management and storm drainage purposes and grant rights (not obligations) to take actions in accordance with those purposes.

Valley Water does not perform activities such as weed abatement, erosion repair, graffiti or trash removal on easements as these are landowner responsibilities.

Removal of fallen trees or other obstructions to flow are flood protection activities that may be done by Valley Water. Unless otherwise stated, erosion repair on easements is a property owner responsibility.

The landowner retains rights to use the easement but cannot take actions, such as construction of a building, that conflict with the Valley Water easement right. A typical easement deed requires a property owner to seek Valley Water's approval for certain construction activities such as grading and fencing.

Property Owner's Responsibility for Creek Maintenance

Every property owner has a duty to maintain his or her property in a reasonably safe condition that does not interfere with a neighbor's ability to enjoy their property. A property owner is not required to enlarge or increase the capacity of a creek for flood protection purposes. Maintenance duties may include vegetation management, erosion repair, and removal of graffiti, trash, debris, and fallen trees. Some activities are subject to permitting by local, state and federal regulatory agencies prior to performing the work.

Property owner's responsibilities for creek management





Site of completed erosion repair.

Exceptions and Joint Efforts

There are limited situations where Valley Water may conduct work on private or other public agency owned property. Work may be conducted, subject to agreements, on other public agency owned property or on private property, with permission, during emergencies or for limited stream stewardship purposes.

Emergency Work

Valley Water may perform urgent and emergency flood protection work on other public or private property where a public purpose is endangered, subject to written permission to enter from the property owner. Staff availability and priorities will likely limit our response in an urgent or emergency situation.

Stream Stewardship

Stream stewardship activities that remove invasive plants along streams are conducted by Valley Water staff. This work may occur on Valley Water property and easements with permission from the property owner. Because it is important to eradicate invasive plants along a creek on a watershed and watershed wide basis and the **Safe Clean Water Program** provides funding for this activity, staff may also seek permission to perform this work on private property.



Crews removing giant reed (arundo donax), an invasive plant, from creek.

See link for care guidelines:

https://www.valleywater.org/learning-center/healthy-creeks-and-ecosystems/creekside-property-program



Subject: FW: homes on flood zone A

From: Candice Kwok-Smith On Behalf Of Board of Directors

Sent: Thursday, October 12, 2023 8:41 AM

To:

Subject: Re: homes on flood zone A

Sent on Behalf of Director Beall

Dear Brigitte Rince,

Thank you for your concern regarding relocating encampments until more housing is available. Since Valley Water is not a law enforcement agency nor do we provide direct homelessness/housing services, we work in concert with cities and the county to address encampments.

Earlier this month, City of San Jose leaders officially declared homelessness in the city a crisis in order to quickly move forward with the processes of shifting people from encampments into interim housing. At the press conference held on October 2, 2023, Mayor Matt Mahan, Vice Mayor Rosemary Kamei, and Councilmember Omar Torres announced they would bring forward measures that, if passed, will allow the city to streamline procurement, suspend local land use and zoning requirements, and bypass other steps that otherwise slow down the ability to provide interim housing and safe sleeping sites.

Additionally, our Valley Water-sponsored bill, AB 1469 (Kalra) Valley Water Assisting Unsheltered People, was signed by Governor Newsom on October 10, 2023, and will take effect on January 1, 2024. AB 1469 amends the District Act to authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise in the district's jurisdiction, in consultation with a city or the County of Santa Clara, to provide solutions or improve outcomes for the unsheltered individuals. Specifically, the bill will allow Valley Water more flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions. The intent is to work with local cities or the County to construct low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people. These facilities would be operated by a city, the County, or a non-profit with the appropriate expertise to provide shelter and services that can improve outcomes for unsheltered people. AB 1469 will help Valley Water comply with federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land.

Again, we want to assure you that Valley Water is actively working in concert with our agency partners and the community to address the unhoused and encampments. We are always appreciative of your comments and should you have additional concerns, please feel free to contact me directly. We also have a board committee focused on these issues and I invite you to attend. Our next Environmental Creek Cleanup Committee meeting is Tuesday, October 17 from 2-4pm. You're welcome to come in person or join online.

In the future if you need to report other concerns to Valley Water, you may also use our online system at https://access.valleywater.org/s/.

Please contact Deputy Operating Officer Jen Codianne at <u>jcodianne@valleywater.org</u> for follow up information.

Thanks again for contacting us.

Sincerely,

Jim Beall

Director, District 4

C-23-0244

From: brigitte rince

Sent: Saturday, September 30, 2023 3:14 PM

To: FEMA-EA-General@fema.dhs.gov; AskIA@fema.dhs.gov; caltrans.d4@dot.ca.gov;

district9@sanjoseca.gov; District10@sanjoseca.gov; mayoremail@sanjoseca.gov; Board of Directors

<board@valleywater.org>

Subject: Re: homes on flood zone A

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Hello,

Please consider finding a large unused parcel of land to relocate people in tents until more housing is available.

These people are stealing, on drugs, mentally ill and suffer from addiction. Many are aggressive and they are preventing the people who live in this area to walk to stores, along trails and enjoy the neighborhoods in fear of being confronted by the homeless.

There are many office buildings and open parking lots that are vacant throughout San Jose. Please take the appropriate actions to relocate these people to a safer area.

We listen to them fight and scream 24/7. Our quality of life has declined. We pay high taxes (property, income and sales tax), high utilities like PG&E and water continue to rise, gas prices are out of control, we should not have to pay for the homeless on top of everything else.

We are suffering as well, when will the right thing for all concerned happen when all we hear is "Our hands are tied"

When we get sick from the drugs and garbage distributed throughout our neighborhood or the fires that burn constantly all year long, who will be sued for not doing their part to mitigate the risks that should have been dealt with earlier? We are compromised both physically and mentally.

For those people that do not have the homeless surrounding their homes, it is an easy decision to ignore our pleas for help. What will it take for us to get back to some normalcy?

Who can we turn to to help us? We have exhausted all of our resources and we are begging one of you to help us.

On Sat, Sep 23, 2023 at 1:23 PM brigitte rince

wrote:

Hello,

People are living on the peninsula of the percolation pond which is flood zone. With El Nino expected to bring in a record amount of rain to Northern California, these tents and occupants should be relocated prior to the flooding. Please make arrangements to evacuate these people immediately. Link to map

<image.png>

Subject: FW: Update-Via Regina / Calabazas Creek erosion danger

From: Candice Kwok-Smith On Behalf Of Board of Directors

Sent: Tuesday, October 17, 2023 4:24 PM

To:

Subject: Re: Update-Via Regina / Calabazas Creek erosion danger

Sent on Behalf of Director Hsueh:

Dear Thomas Lawrence,

Thank you for your patience and I understand you have spoken with Jennifer Codianne. There is not a singular entity in charge of the creeks and property owners whose land extends into the creek have a primary role. Valley Water owns or has access to maintain approximately 294 miles of the 800 miles of the creeks and rivers in Santa Clara County. The remaining stretches of creeks are owned by Santa Clara County, private entities, cities in which the creeks are located, and other public agencies. Valley Water maintains property where it has built flood protection projects and possesses land rights. As Jennifer mentioned to you, this section of Calabazas Creek is owned by various private properties. You may review Valley Water ownership on our website by using the following link: https://gis.valleywater.org/FeeEasement/. The green areas show lands owned in fee title, the yellow areas show land held in easement.

I understand Jennifer also spoke to you about our limits on easements. Our easement rights are limited to flood protection and/or storm water drainage purposes over Calabazas Creek near Via Regina. Specifically, we have this easement for flow conveyance and activities that would reduce flood risk. Our watershed engineer has investigated the erosion adjacent to the roadway on several occasions and they did not identify anything that would constitute a flood risk (i.e., fallen trees, debris or objects blocking water flow as you mention). During the site visits there were no signs of overtopping of the creek bank at this location, and there were no reports of the channel overtopping.

Because this section of Calabazas Creek is privately owned land, Valley Water has no infrastructure or responsibility to repair erosion. Valley Water does maintain 180 miles of constructed and improved channels all within sections of Valley Water right of-way. A good example is the work you mentioned we are doing on Regnart Creek.

In summary, since this area does not have identified flood risk and Valley Water does not have right-of-way, erosion repair work to protect privately-owned property is the responsibility of the property owner.

Valley Water staff have submitted your concerns to PG&E regarding the erosion that may affect their gas infrastructure.

In the future if you need to report other concerns to Valley Water, you may also use our online system at https://access.valleywater.org/s/.

Please contact Deputy Operating Officer Jen Codianne at jcodianne@valleywater.org for follow up information.

If you would like to meet in person, please let me know and we can coordinate that.

Thanks again for contacting us.

Sincerely,

Nai Hsueh

Director, District 5

C-23-0245

From: Thomas Lawrence

Sent: Monday, October 16, 2023 11:38 AM

Non-Dury Houel

To: Nai Hsueh < NHsueh@valleywater.org>; Jennifer Codianne < JCodianne@valleywater.org>

Subject: Re: Update-Via Regina / Calabazas Creek erosion danger

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Nai and Jen, I have not heard anything regarding my Oct. 7 email to you both.

If I have misstated Valley Water's position regarding its stated responsibilities on flood control and erosion damage restoration for Calabazas Creek near Via Regina please let me know.

We are anxious to locate the agency that will undertake the repairs needed to prevent our road from being severed following the massive January Calabazas Creek flooding before there is critical damage in the coming rainy season. Thank you both,

Thomas Lawrence

Saratoga

On Oct 7, 2023, at 3:08 PM, Thomas Lawrence < wrote:

Nai, I spoke with Jen Codianne, Valley Water's Deputy Operating Officer, Friday afternoon. Jen explained Valley Water's position regarding the Calabazas Creek erosion danger facing our road and residents as follows per my understanding....

Valley Water views Calabazas Creek in our hillside area as a natural stream, with Valley Water's responsibilities limited to removal of trees or other objects blocking water flow. Valley Water is not permitted to spend public (Valley Water) funds repairing erosion damage on privately owned land, even if the erosion damage is a serious threat to public access and safety as is the current and agreed situation near Via Regina.

Owners of infrastructure (PG&E for gas line, Cupertino Sanitary District for the pressure sewer) are responsible for undertaking any erosion repair that threatens the safety of their infrastructure component.

Residents owning land over which Calabazas Creek flows are responsible for repairing erosion damage to their property.

The creekside stabilization work currently underway by Valley Water on Calabazas and Regnart Creeks is only on the land or infrastructure owned by Valley Water.

If this understanding is accurate there appear to be some <u>serious lapses</u> in public agency flood protection safety services. Significant stream flow through a municipality without professional publicly provided flow and boundary maintenance is a disaster looking for a way to happen ... as is about to happen in the areas adjoining Via Regina.

- Stream flow is an interconnected chain ... actions affecting flow implemented (or not implemented) upstream can drive a domino effect of disasters downstream. Floodwaters are recurring and inevitable. Channel maintenance should not be left an option to the property and infrastructure owners that happen to adjoin a stream.
- Stream channel maintenance costs should be covered by the safety agency responsible as remediation at any location benefits all downstream. Attempting to charge a property owner who has no involvement in causing a flooding safety threat, but happens to own the parcel location where remediation is required, is an unfair practice.
- Limiting provision of public safety services based on property ownership, when an imminent danger is known and agreed, is not consistent with any other known safety sector provider fire and police safety services are provided as needed without referencing parcel ownership. It is also inconsistent with Valley Water's stated objective "to reduce the risk of flooding and keep our communities safe".

Nai, I am sending this email to both yourself and Jen to confirm that my understanding of this situation is accurate.

I then request your help in directing these concerns to the County and State agencies / officials that can address implementing needed comprehensive flood safety measures in the Calabazas Creek and other similar stream basin ares.

I thank you in advance for your help,

Thomas Lawrence
Saratoga

Subject: FW: Impending Danger from Calabazas Creek flooding

Attachments: Carve out west.jpeg; Carve Ount under Via Regina4x6.pdf

From: Thomas Lawrence

Date: September 30, 2023 at 4:42:39 PM PDT

To: Nai Hsueh NHsueh@valleywater.org

Cc: supervisor.simitian@bos.sccgov.org, Senator Cortese Senator.Cortese@senate.ca.gov,

WheatonSuzanne Suzanne.Wheaton@sen.ca.gov, Till Guldimann

Tadashi Okuno Michael Chilcoat , Kookie Fitzsimmons , jlindsay

Subject: Impending Danger from Calabazas Creek flooding

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Dear Director Huseh, I am writing this letter to your office following the direction of Kristine Zanardi from County Supervisor Simitian's Office.

The residents of Via Regina road in Saratoga need urgent help. The atmospheric river rain storms of this past January and February caused Calabazas Creek to flood over its channel banks in the hillsides adjacent to Via Regina and carve away critical hillside support to our road.

Three previously curve shaped channel areas that facilitated the creek flowing downstream were eroded into dagger shaped bulges which now capture the water flow forcing it deeper into the hillsides. If unchecked in the next major storm Calabazas Creek is very likely to sever Via Regina in two places stranding approximately 80 residents with no way to access or leave their homes or to access / receive emergency services.

Calabazas Creek flows under Via Regina about 500 feet from Pierce Road. The erosion to Via Regina's supporting hillsides resulted from severe unmitigated flooding from Calabazas Creek as it flowed through a series of privately owned neighboring parcels. We have been searching, thus far in vain, to secure assistance in repairing the carved out creek embankments before the major rains forecast for this winter completely sever the road. Valley Water, the agency we believe is responsible for flood control of the creeks and streams in Santa Clara County, has declined responsibility for repairing this erosion damage. We ask your urgent help in securing flood control repair support before further flooding severs our road.

Via Regina is a publicly accessible half mile mile long dead end road in the City of Saratoga hillsides accessed from Pierce Road. It is not City of Saratoga owned or maintained. None of the Via rebgina residents, nor any other functioning entity, have the organizational structure, personnel and means to deal with this danger.

I am including photos below of the two major erosion carve outs that most endanger our road. Please contact me if I can be of any assistance in expediting repairs. I thank you in advance for your attention and help.

Thomas Lawrence
Saratoga