



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO: PLANNING COMMISSION

HEARING DATE: April 4, 2016

GENERAL INFORMATION

APPLICATION

TYPE AND

NUMBER: Agricultural Site Development Review, PLN2015-00127

OWNER/

APPLICANT: Mary Maish

PROPOSAL: Appeal of Debbie Ferrari, Denis Van Dera, and Mark and Cindy Martinez, from the Planning Director's decision to conditionally approve an application to allow the occupancy of an agricultural caretaker dwelling.

ADDRESS AND

SIZE OF PARCEL: 9877 Foothill Road, west side, 500 feet west of the western terminus of G Road, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0290-002-06; approximately 15.9 acres in area.

ZONING: A (Agriculture)

GENERAL PLAN

DESIGNATION: Large Parcel Agriculture (East County Area Plan)

ENVIRONMENTAL

REVIEW: This project is categorically exempt from the requirements of CEQA pursuant to Article 19, Section 15303 (small structures)

RECOMMENDATION

Staff recommends denial of the appeal and approval of the application, subject to the included conditions.

PARCEL ZONING HISTORY

February 18, 1956, 96th Zoning Unit established the A (Agricultural) zoning for the District.

August 8, 2001, Variance, V-11486 approved building site status on this parcel lacking frontage on an approved county road.

August 7, 2006, the approval of Site Development Review, S-2054 allowed for the construction of a residence on the subject property.

SITE AND CONTEXT DESCRIPTION

Physical Features: The irregularly shaped parcel is without frontage on Foothill or any other county road. The property is improved with a 3000 square foot residence constructed in 2009. There are several accessory buildings including the carport structure the applicant proposes to convert to a caretaker unit. There is a producing olive orchard of about ten acres in size.

Adjacent Area: The properties in the immediate vicinity are similarly classified into the A District, with cattle grazing, rural homesites, equestrian uses and specialty agricultural uses defining the area's character. The subject property is accessed via a paved single lane roadway.

PROJECT DESCRIPTION

The applicant proposes to construct a caretaker dwelling in an existing carport structure. The caretaker would prune, harvest and otherwise maintain the approximate 5-6 acres of mature olive trees, in addition to maintenance on each of the three parcels that combine for just shy of 20 acres.

REFERRAL RESPONSES

Alameda County Fire Department, Fire Prevention Bureau: Responded on December 21, 2015 without objection to the proposal, and with 4 conditions of approval.

Building Inspection Department: Responded on August 8, 2015, without objection to the application, with 4 specific and 2 general conditions of approval.

Grading Division, Alameda County Public Works Agency: Responded on August 7, 2015, that a geologic report may be required prior to building permit submittal.

Alameda County Environmental Health Agency: Responded on February 2, 2016 without objection to the proposal.

STAFF ANALYSIS

Approval Process: The subject application was conditionally approved by Planning Director decision after the Sunol Citizens Advisory Council (SCAC) moved unanimously to recommend approval for the project. The appellants then submitted a timely appeal from this decision.

Access Road: Five residences including the subject parcel are served by a paved single lane road. Prior to the hearing with the SCAC, the Fire Marshal conditionally approved the subject application,

considering the access road to be existing nonconforming with regard to road width. Subsequent to the approval of the application, one member of the Sunol Council communicated to staff concern regarding the width of the existing road. This communication is included with the report.

Easements for the roadway are recorded on the deeds for property owned by the applicant and neighboring properties. Deeds for the two properties at the road entrance from Foothill do not have recorded easements for access, however the road is depicted on approved exhibits for Variance, V-8199 (096-0310-010-02) and Site Development Review, S-1451 (096-0310-001-09) and there is historical access and use. In the project referral response, the Fire Marshal conditionally approved the application, and would consider the access road to be existing non-conforming.

Water: For the main dwelling, water is provided from the city of Pleasanton, via a line that traverses property owned by the East Bay Regional Park District. This line also serves three other properties in the vicinity. In order for the applicant to be able to construct a permitted caretaker dwelling, approval for water service from the City of Pleasanton, or approval from the Environmental Health Department for alternate water, would first need to be obtained. The proposed unit would utilize the existing septic system used by the primary dwelling. In a letter dated March 14, Pleasanton City staff have indicated that they would not support the application for water service. In the event that the application for water service is not approved, the applicant would need to pursue an alternative source for the dwelling.

East County Area Plan

The subject parcel is within the boundaries of the East County Area Plan (ECAP), adopted by the Alameda County Board of Supervisors in May of 1994, and most recently amended by the Board in May 2002 to reflect the provisions of Alameda County voter-approved Measure "D" Initiative. The ECAP designates the property as large parcel agriculture. The main residence on the property, and the ten + acres of olives in production, amount to an agricultural use supported by the ECAP. The proposed caretaker dwelling would also be consistent with Plan policies and goals.

Alameda County Zoning Ordinance

Alameda County Zoning Ordinance Section 17.06.090 (*Site development review - When required*) allows for the occupancy of agricultural caretaker dwelling(s) subject to a site development review as provided in Section 17.06.090, when found by the planning director to be necessary to provide housing for the agricultural caretaker and his/her family. Processing and approval of an application for caretaker dwellings is subject to the following provisions:

1. An Initial site development review shall include submittal of required applications and materials and completion of an agricultural caretaker dwelling report, signed by the property owner.
2. Site development review approval shall normally be issued for a period of five years, except in instances where it is found by the planning director that a demonstrable need for more stringent controls (e.g., history of non-compliance with county codes, public health/safety issues, community concerns) is necessary.
3. The planning director may extend initial site development review for additional five-year periods of time subject to review and approval, of an updated agricultural caretaker dwelling report, signed by the property owner.
4. During the effective period of the site development review, any changes relating to the information contained in the agricultural caretaker dwelling report shall be reported to the

planning department, and shall be subject to the same procedures and regulations as those applicable to the initial application.

5. The planning director shall have the discretion to disapprove the initial and/or subsequent site development review and agricultural caretaker dwelling report if found that compliance with the requirements and intent set forth in this title is exercised unlawfully or contrary to any condition or limitation of its issuance.
6. The planning director may, at his/her discretion, hold a public hearing regarding an initial or subsequent site development review application.

In compliance with these provisions, the applicant submitted the application for Site Development Review and agricultural dwelling report with the Planning Director. There has been no history of non-compliance with the property or the applicant. The hearing with the Sunol Citizens Council functioned as the public hearing instead of the Planning Director hearing. Typically, public hearings for subsequent approvals are appropriate in cases of documented non-compliance with the conditions of approval or changes in the use of the property that might preclude the need for an on-site caretaker dwelling.

Summary: The subject application proposes a use that is consistent with the General Plan Designation and compliant with the Zoning Ordinance. Staff recommends the Commission deny the appeal and conditionally approve the subject application for Site Development Review, with the following conditions:

Approval for occupancy of an on-site dwelling for a caretaker and his/her family subject to plans marked "Exhibit A" on file with the Planning Department and the following conditions:

1. This permit authorizes the occupancy of a 1123 square foot caretaker dwelling unit, attached to a 1040 square foot barn and 50 square feet of storage, for the property located at 9877 Foothill Road, Sunol, CA, APN: 096-0290-002-06.
2. A Building Permit shall be secured for building improvements hereon indicated and construction shall commence within three years of approval of this site development review or said approval shall be void.
2. The project shall be in substantial conformance with Exhibit "B", PLN2015-127.
3. No parking of vehicles nor storage of material or equipment shall be allowed on portions of land across which easements may be recorded. This restriction shall apply both during and after the construction period for the caretaker unit.
4. All exterior lighting will be directed on-site and away from adjacent properties and be equipped with automatic shut off switches.
5. Project approval is for five years. A Caretaker's Dwelling Report must be submitted to the Planning Department and Fire Department for review prior to the fifth anniversary of the approval date.
6. The property owner, permittee, or its successor, shall defend, indemnify, and hold harmless Alameda County or its agents, officers, and employees from any claim, action, or proceeding against Alameda County or its, agents, officers or employees to attack, set aside, void, or annul Site Development Review, PLN2015-00127, the findings of the CEQA determination,

or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by Alameda County in its defense. The County shall promptly notify applicant of any such challenge.

7. A mandatory review shall be conducted five years from approval for this Conditional Use Permit, PLN2015-00127. As a result of the mandatory review, a permit for renewal and public hearing may be required to review the original conditions of approval to determine compliance with the findings that supported the original permit approval. Any condition of approval modified or added will ensure the activity continues in conformance with the intent and purpose of the zoning ordinance, and shall be of the same force and effect as if originally imposed. Review costs shall be borne by the applicant.
8. The permittee or successor shall maintain compliance with the requirements of the following agencies:
 - a. Alameda County Public Works Agency, Building Inspection Department
 - b. Alameda County Environmental Health Department
 - c. Alameda County Fire Department

PRIOR TO ISSUANCE OF A BUILDING PERMIT

9. Applicant or successor shall receive from the City of Pleasanton and from LAFCO approval of an out of area service agreement for the provision of domestic water to the caretaker unit. In lieu of approval of the water service as described, applicant shall receive from the Alameda County Environmental Health Department approval of an alternate water source.

ATTACHMENTS

Site Photos
Referral Responses
Appeal Letter
Letter from Gerry Beemiller
Photos from applicant
Letter from City of Pleasanton
Draft Resolution

EXHIBITS

Aerial Photo
Site Plan
Depiction of Roadway Access
Approved Site Plan for Variance, V-8199
Deeds for subject property and properties in vicinity
(Video of driveway from applicant)

PREPARED BY: Damien Curry, Planner
REVIEWED BY: Phil Sawrey-Kubicek, Senior Planner

H:\APPLICATIONS - 2015\PLN2015_00127\Staff Report\PLN2015-00127 SCAC Staff Report

Figure 1 Map View of Project Location

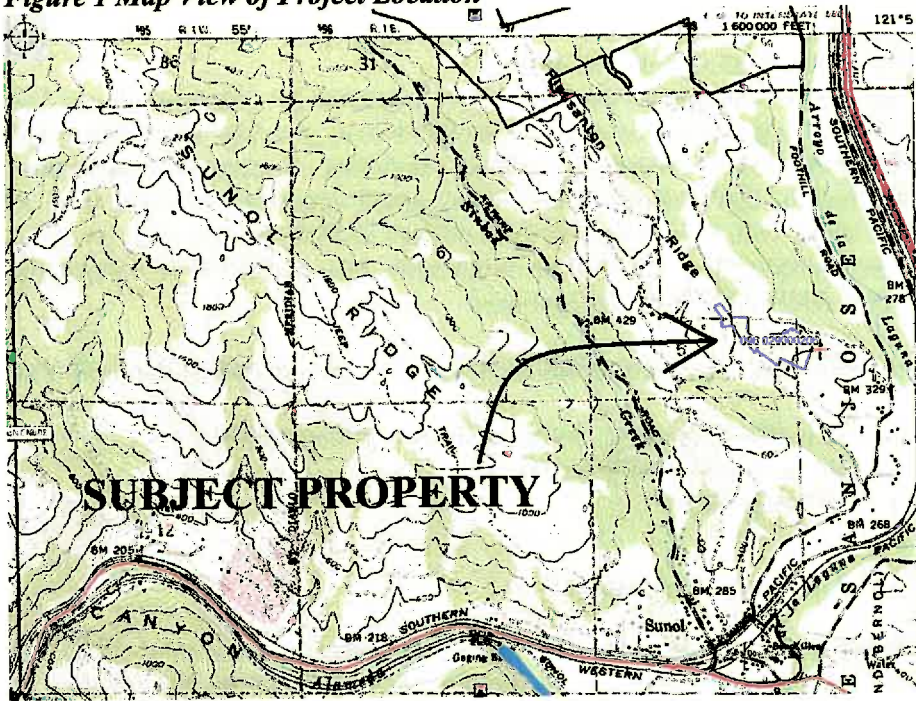


Figure 2 – Aerial View of Project Location



Figure 3 – Structure proposed for caretaker dwelling, viewed from residence



Figure 4 – Typical view of roadway



Figure 5 – Assessor's Map Page 290. Property owned by the applicant Outlined in Red

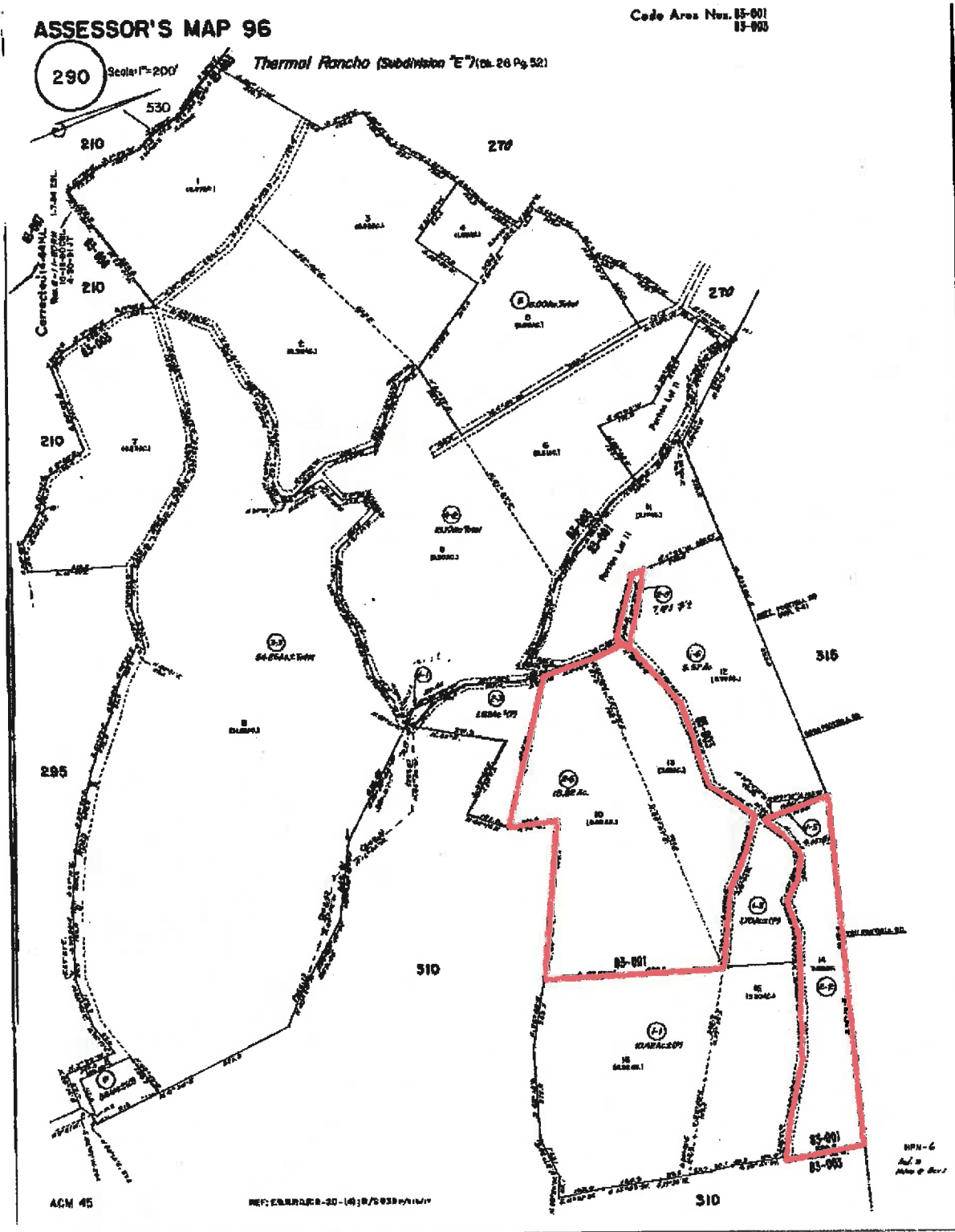
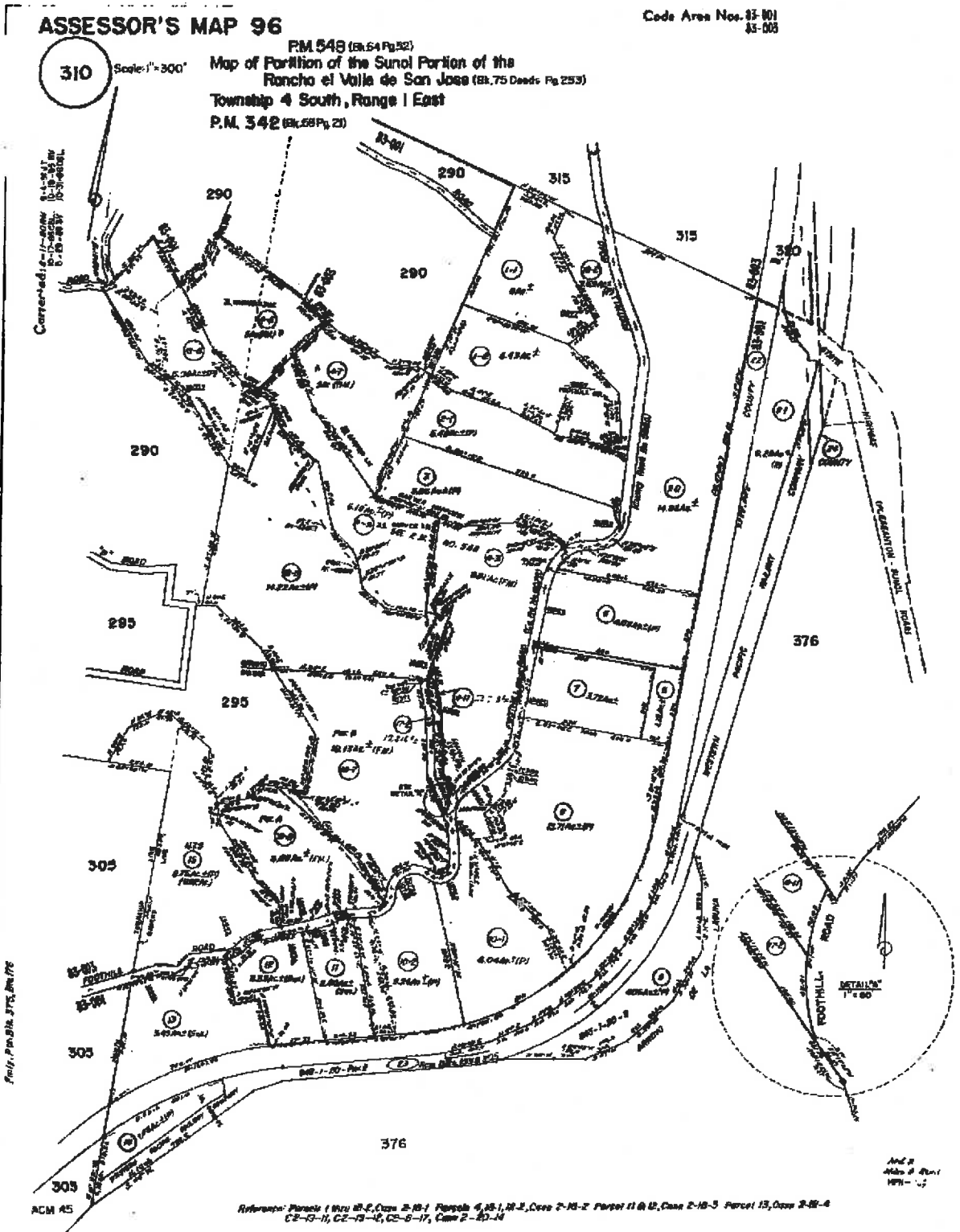
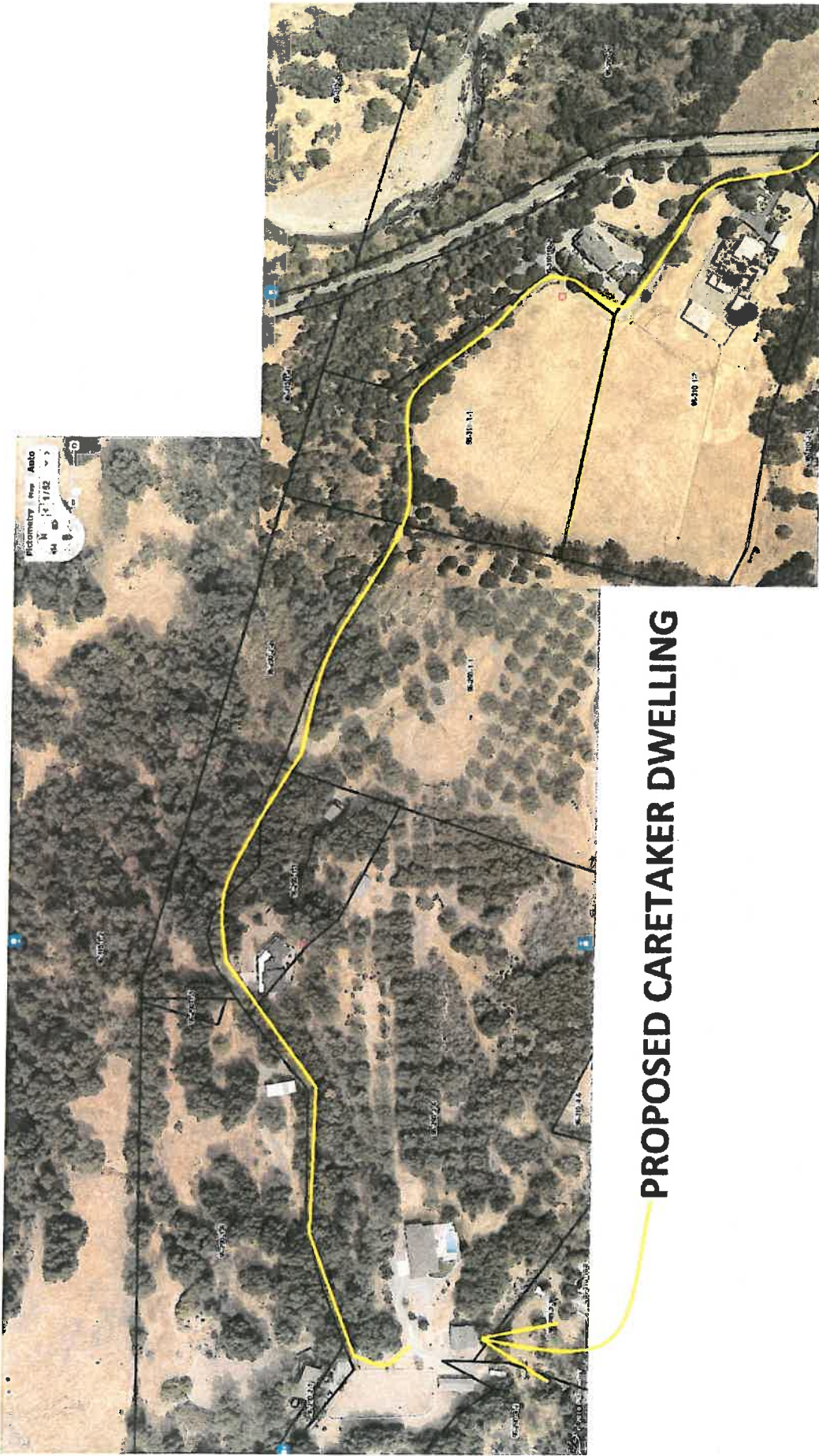


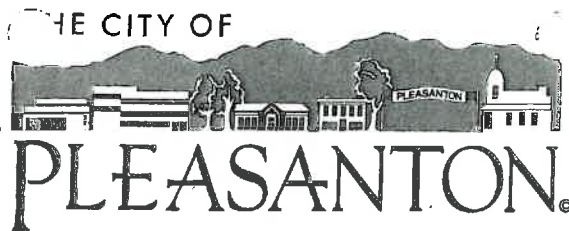
Figure 6 – Assessor's Map Page 310, with parcels at entrance from Foothill Road



Depiction of Access Road (Parcel lines in this picture are skewed southerly approx. 10 feet)



PROPOSED CARETAKER DWELLING



March 14, 2016

Damien Curry
Alameda County Community Development Agency
Development Planning Division
224 West Winton Avenue, Room 111
Hayward, CA 94544

Re: 9877 Foothill Road, Sunol

Dear Mr. Curry,

This letter is to inform you that additional information has come to Pleasanton staff's attention regarding water service to 9877 Foothill Road.

In September 1974, the City of Pleasanton wrote to the property owners, including the owners of 9877 Foothill Road, that the existing water service is intended to serve existing dwelling units only and that no new or additional dwellings may be served water from this service without written permission of the City. In June 2003 a Grant of Easement was recorded between the East Bay Regional Park District (EBRPD) and four property owners, allowing the Water Line to traverse EBRPD's property (Attached). That 2003 Grant of Easement included the City of Pleasanton's September 1974 letter. This provides legal notice to current property owners about the restriction against expansion of water service. In July 2006 the EBRPD wrote to the property owners that it opposed to expansion of service provided by the waterline crossing Pleasanton Ridgeline Regional Park.

Ms. Maish may make a formal request for water service for the caretaker unit; but City staff would not support the request as the existing water service is intended to only serve existing dwelling units.

If you have any questions, please call me at 925.931.5615, or email: jsoo@cityofpleasantonca.gov

Sincerely,


Jenny Sod
Associate Planner

Attachment

Cc: Mary Maish, 9877 Foothill Road, Sunol, CA 94586
Larissa Seto, Assistant City Attorney (electronic copy)
Steve Kirkpatrick, City Engineer (electronic copy)
Adam Weinstein, Planning Manager (electronic copy)
Shweta Bonn, Senior Planner (electronic copy)

COMMUNITY DEVELOPMENT

P. O. BOX 520, Pleasanton, CA 94566-0802

Planning	Building & Safety	Engineering	Traffic	Inspection
200 Old Bernal Ave. (925) 931-5600 Fax: 931-5483	200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	157 Main Street (925) 931-5680 Fax: 931-5484



July 11, 2006

Denis Van Dera
Debbie Ferrari
9911 Foothill Road
Sunol, CA 94586

RE: PLEASANTON RIDGE REGIONAL PARK
Easement for Waterline

Dear Property Owners:

In response to your inquiry, this letter confirms that the East Bay Regional Park District would definitely be opposed to the expansion of service provided by the waterline crossing Pleasanton Ridge Regional Park.

The District's intent when the easement was granted in 2003 was to allow for repairs and maintenance of an existing waterline so that the four homes which share it could enjoy uninterrupted service and damage to park property could be minimized. We would not support a change in zoning to allow additional development, thereby increasing the burden of this easement.

I would be happy to discuss this matter further. Please feel free to call me directly at (510) 544-2607.

Sincerely,


Nancy H. Wenninger
Land Acquisition Manager

Cc: Robert E. Doyle, AGM
Laura Comstock, Unit Manager
Steve Quick, Park Supervisor

BOARD OF DIRECTORS

Carol Severin
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Ward 3

John Sutter
Vice-President
Ward 2

Ayn Wieskamp
Treasurer
Ward 5

Ted Radke
Secretary
Ward 7

Beverly Lane
Ward 6

Doug Siden
Ward 4

Nancy Skinner
Ward 1

Pat O'Brien
General Manager





CITY OF PLEASANTON

AREA CODE 415 846-3202

200 BERNAL AVENUE, PLEASANTON, CALIFORNIA 94566

September 6, 1974

EXHIBIT "C"

Mr. Richard W. Brown
9911 Foothill Road
Sunol, CA 94586

Dear Mr. Brown:

It is my understanding that your property is currently connected to the City of Pleasanton's water system on the Carl Nipper property on the Pleasanton Ridge. You may or may not be aware that this water connection was made by a group or individual, not by the City of Pleasanton, and consequently constitutes an illegal connection to the City's water system. There are a number of things that need to be accomplished in order that this water connection might be allowed to continue. These items have been discussed with Mr. Hank Schneider some four weeks ago and are:

1. Payment of water connection fee for the Lawrence Holmes property which was never a part of the Pleasanton Township County Water District assessment district for water facilities. This fee amounts to \$351 for the one-inch service and meter that had been requested a year or two ago. The properties included in the P.T.C.W.D. assessment district are exempt from this connection fee by current City policy.
2. Payment of the meter and service installation fee. This fee will be \$150 plus the cost of a double check valve assembly or other back-flow prevention device deemed necessary by the City's Water Superintendent, Doug McCloud.
3. Inspection of the private water facilities by the City's Water Superintendent to ascertain that no cross-connection between this public water supply and private sources of water are present.
4. Provide this office with a copy of the letter Mr. Schneider received from Zone 7 last year indicating exemption from Zone 7 water connection fees.
5. Designation of the representative of the property owners requesting the water service who will receive the water billing and be responsible for payment thereof. The City will not be able to divide the water bill between the various property owners but will expect full payment of billings sent to the designated representative.

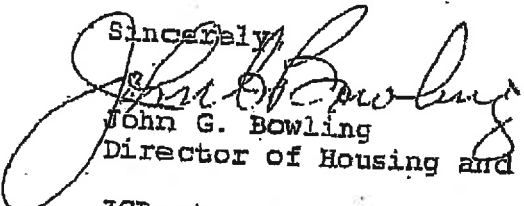
Please be advised that unless all of these requirements have been satisfactorily completed by noon of Friday, September 13, 1974, this illegal water connection will be disconnected by City water crews and the cost of disconnection added to the fees payable before service will be restored.

It would appear from information we have that this water connection was made on or before July 1, 1974. It is requested that you advise this office of the estimated amount of water you have used from this system in order that you may be properly billed for the water used.

* Please be reminded that this water service is intended to serve existing dwelling units only and that no new or additional dwellings may be served water from this service without written permission of the City of Pleasanton. Violation of this provision or any future illegal connection to the water system could result in the removal of the water service and refusal to allow connection to the City's water system.

Should you have any questions on this matter, please contact the City's Director of Engineering Services, Donald G. Scoby, at 846-3202.

Sincerely,


John G. Bowling

Director of Housing and Community Development

JGB:gt

cc: City Manager
Director of Field Services
Director of Engineering Services
Water Superintendent
Finance Officer

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO. 2003-5-102

Tuesday, May 20, 2003

AUTHORIZATION TO GRANT A WATER LINE EASEMENT AND ENTER INTO A MAINTENANCE AGREEMENT WITH ADJOINING PROPERTY OWNERS: PLEASANTON RIDGE REGIONAL PARK

WHEREAS, in October 1990, the District acquired a parcel of land at Pleasanton Ridge Regional Park from Carl Nipper; and

WHEREAS, the property contained a water meter and water line serving four adjacent parcels; and

WHEREAS, no written agreement exists regarding the use and maintenance of the water meter and water line serving the adjacent parcels; and

WHEREAS, the existing water line is substandard and leaks, causing erosion on District property as well as safety hazards; and

WHEREAS, District staff and the adjoining property owners have negotiated an easement and maintenance agreement to allow for replacement of the substandard waterline, maintenance in accordance with District standards, and define the conditions under which the adjoining property owners may enter the Park to maintain the water line;

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes the granting of an easement and the execution of an associated maintenance agreement for a water line at Pleasanton Ridge Regional Park; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director Wieskamp, seconded by Director Lane, and adopted this 20th day of May, 2003 by the following vote:

FOR: Directors Beverly Lane, Ted Radke, Carol Severin, Doug Siden, Jean Siri, John Sutter, Ayn Wieskamp

AGAINST: None.

ABSENT: None.

ABSTAIN: None.

CERTIFICATION

I, Debra Passler, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution 2003-5-102 adopted by the Board of Directors at a regular meeting held on May 20, 2003.

Debra Passler

EXHIBIT "B"

EAST BAY REGIONAL PARK DISTRICT
AND
DENIS VAN DERA,
PETER S. AND BARBARA L. MCKELLAR,
PERAIAH AND ANNA PURNA SUDANAGUNTA, AND
JOHN W. AND DEBORAH L. HARRIS

MAINTENANCE AND REPAIR AGREEMENT
FOR GRANT OF BASEMENT

THIS AGREEMENT is made and entered into this 4th day of June, 2002, by and between EAST BAY REGIONAL PARK DISTRICT, a California special district, hereinafter called "Parks," and DENIS VAN DERA, PETER S. AND BARBARA L. MCKELLAR, PERAIAH AND ANNA PURNA SUDANAGUNTA, AND JOHN W. AND DEBORAH L. HARRIS, hereinafter called "Water Line Users."

WITNESSETH:

THAT Parks, for a good and valuable consideration and in further consideration of the faithful performance and observance by Water Line Users of all the terms and conditions herein contained, does hereby grant to Water Line Users an Easement for the replacement, maintenance and repair of the Water Line as referenced in the Pleasanton Township County Water District Ordinance #5 dated November 21, 1962, on that portion crossing Parks' Property at Pleasanton Ridge Regional Park.

The Easement above mentioned is granted by Parks and accepted by Water Line Users upon the following terms and conditions. Neither Parks nor Water Line Users are aware of any existing agreement allowing the Water Line to traverse Parks' Property. This document is created in recognition of that need, and Water Line Users do hereby agree with Parks as follows:

By entering into this Agreement, Water Line Users are not waiving any rights that they may have to construct, maintain or repair a water line upon the Property owned by Parks, and are not admitting that they do not currently have a legal right to construct, repair and maintain a water line on Parks' property. Similarly, Parks does not agree that Water Line Users have any such rights. This Agreement is entered into provided that construction of the Replacement Water Line begins within 120 days of the issuance of the Encroachment Permit, or after 120 days with written permission of Parks, such permission not to be unreasonably withheld.

This Agreement shall run with the land currently belonging to and to be recorded against the Water Line Users' Assessor Parcel Numbers 096-0290-001-03 (Van Dera), 096-0290-001-06 and 096-0290-002-05 (Sudanaunta), 096-0310-018-08, 096-0290-002-03, and 096-0290-004-01 (Harris), and 096-0290-002-06, 096-0290-001-05, and 0960-0290-002-02 (McKellar).

1. **Definitions:**

As used in this Agreement, "the Water Line" shall refer to the water line existing as of the date of this document and shown on the map attached, as incorporated into the Pleasanton Township County Water District by virtue of Ordinance #5 dated November 21, 1962.

The "Replacement Water Line" as referenced in this Agreement shall refer to the water line replacing the existing Water Line.

As used in this Agreement, Parks' "Property" shall refer to the Pleasanton Ridge Regional Park as shown on the map attached.

2. **Restrictions:**

The Replacement Water Line shall continue to serve only the number of units allowable under Alameda County zoning, and as allowed for by the City of Pleasanton in its September 6, 1974 letter to Richard W. Brown, attached as Exhibit "C" and made a part hereof, which states "that this water service is intended to serve existing dwelling units only and that no new or additional dwellings may be served water from this service without written permission of the City of Pleasanton".

The Replacement Water Line shall be no larger than 2 inches in diameter, and shall use the existing one-inch meter utilized by the existing Water Line. The Water Line Users may, at their sole expense, replace the existing one-inch meter with a two-inch meter, subject to the same restrictions contained in this agreement. No additional meters may be set requiring water lines traversing this Basement without prior written approval of Parks. No additional water lines may traverse this Basement without prior written approval of Parks.

3. **Suspension, Revocation or Limitation of Use:**

Parks and its permittees shall have the right to suspend or to limit the access to the Water Line or Replacement Water Line crossing Parks' Property by Water Line Users for a reasonable amount of time for protection of public safety, or for the construction, installation, operation, maintenance or repair of other facilities on the Property. In addition, Parks and its permittees shall have the right to suspend or revoke the Agreement should any of its terms be violated. Should such revocation, suspension or limitation be necessary, Parks shall provide Water Line Users thirty (30) days' prior notice in writing, except in cases of Parks' emergency maintenance or repairs.

Parks shall be held responsible or liable for any damage caused to the Water Line or Replacement Water Line when Parks finds it necessary to accomplish work for the maintenance, construction, repair, reconstruction or alteration of Parks' Property, including but not limited to restoration of the Water Line or Replacement Water Line, attorney fees and expenses incurred by the Water Line Users in maintaining adequate water supply. Suspension or revocation of this agreement will in no way limit the Water Line Users usage of the Water Line or Replacement Water Line.

4. **Designated Access:**

In exercising their right to replace, maintain and inspect the Water Line under this agreement:

- a) Water Line Users shall enter Parks' Property via Thermal Road as shown on the attached map and shall not drive or park on the Property to engage in other unrelated activities.
- b) Water Line Users shall remain on the designated route shown on the map attached, and shall not drive off the designate portions of Thermal Road, Thermalito Trail, Oak Tree Trail or Ridgeline Trail without prior written approval of Parks, said approval not to be unreasonably withheld.
- c) Water Line Users may use the "D" Road to enter Park's property by foot.
- d) Water Line Users may use the "D" Road to enter Park's property by auto in emergencies but otherwise only with prior written approval by Parks, said approval not be unreasonably withheld.
- e) It is the responsibility of Water Line Users, as well as Water Line Users' contractors, to know and comply with all rules and regulations of Parks.
- f) Water Line Users and Water Line Users' contractors shall yield the right of way to all members of the public encountered on the designated route, and shall drive at a speed that is safe and will not create an undue dust nuisance to the members of the public encountered on the trail system.

5. **Maintenance and Repair:**

In effecting future repairs or construction of the Water Line or Replacement Water Line:

- a) Water Line Users shall maintain the Water Line or Replacement Water Line in a safe and presentable condition, free from water line breakage and water leakage.
- b) No part of the Water Line or Replacement Water Line shall be left exposed.
- c) No debris or abandoned sections of water line shall be left on the Property.
- d) All valve boxes shall be concrete or plastic commercial grade and shall be installed at and maintained at existing grade.
- e) Any site disturbance or potential hazard that necessarily must be left overnight or unattended, must be adequately marked by barricades.
- f) Any holes or trenches that necessarily must be left open overnight or unattended, must also be covered by, at a minimum, ½-inch plywood planks, to adequately protect members of the public as well as domestic and wild animals.

If Water Line Users fail to so maintain the Water Line or Replacement Water Line then, after thirty (30) days' prior written notice specifying the needed work, including work needed to repair damage to Parks' Property as a result of Water Line or Replacement Water Line breakage or leakage, Parks may perform or hire the necessary work at the reasonable expense of Water Line Users, which expense Water Line Users agree to pay to Parks upon demand.

6. **Indemnification:**

Water Line Users shall indemnify, save, protect, defend and hold harmless Parks, its boards, officers, employees, agents and contractors from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorney's fees, arising out of or connected with the Water Line or Replacement Water Line or their use by any persons, unless such claim is caused by the sole negligence of Parks.

7. **Insurance Requirements:**

Each Water Line User shall name Parks as an additional insured on its current homeowner's policy provided that such liability insurance be for the minimum amount of \$300,000. No maintenance or repair of the Water Line or Replacement Water Line shall commence until such insurance has been approved by Parks. The certificates shall be on forms provided by Parks or the insurance carrier, which must be reasonably satisfactory to Parks. Acceptance of the certificates shall not relieve Water Line Users of any of the insurance requirements, nor decrease the liability of Water Line Users. Parks reserves the right to require Water Line Users to provide insurance policies for review by Parks.

For major repair work equivalent in cost to \$5,000 or more, or work requiring Water Line Users to hire outside contractors, Water Line Users shall obtain an encroachment permit from Parks, and pay the standard fee for such permit, whose provisions shall specify Parks' standard insurance requirements for such work.

8. **Approval and Inspection of Work:**

Water Line Users shall not perform any construction, reconstruction, remodeling, removal or other work with the Water Line or Replacement Water Line without first obtaining Parks' approval in writing of said work, said approval not to be unreasonably withheld. In seeking Parks' approval, Water Line Users shall furnish to Parks a complete description and sketch of the work proposed to be performed. In performing work approved by Parks, Water Line Users shall comply with all terms, conditions and requirements imposed by Parks and not deviate in any material manner from the description and sketch approved by Parks, without first obtaining additional approval in writing from Parks, said approval not to be unreasonably withheld.

Water Line Users shall not be required to obtain Parks' prior written approval for the performance of routine maintenance or emergency repairs. As used in this section, the term "routine maintenance" refers to work that does not alter the original condition of improvements previously approved in writing by Parks, which work is required to prevent deterioration of said improvements. As used in this section, the term "emergency repairs" refers to repairs that do not alter the original condition of improvements previously approved in writing by Parks, which repairs are necessary to protect the safety of the public and others. Except in the case of emergency or routine maintenance, Water Line Users shall consult Parks at least seven (7) days before any major maintenance operations are performed by Water Line Users. Work shall be done in such a manner that Parks shall at all times be able to use and gain access to its Property.

All work performed by Water Line Users under this section shall be subject to inspection by Parks.

9. **Assignment:**

No rights of Water Line Users hereunder shall be transferred or assigned unless to a successor owner of APN 096-0290-001-03 (residence at 9911 Foothill Road, Sunol), APN 096-0290-002-06 (residence at 9877 Foothill Road, Sunol), APN 096-0290-001-06 (residence at 9895 Foothill Road, Sunol), or APN 096-0310-018-08 (residence at 10559 Foothill Road, Sunol), or unless the written consent of Parks is first secured. With that exception, this Agreement and each and all of the covenants herein contained shall inure to the benefit of and be binding upon the successors and assigns of the respective parties hereto.

For the purposes of this paragraph, Parks hereby consents to any successor of a Water Line User who is a mortgagee, beneficiary, or the secured lender of a Water Line User. Parks agrees to attorn to any succeeding mortgagee, beneficiary or lender of a Water Line User who acquires the interest of the Water Line user, so long as they comply with this agreement.

10. **Pollution:**

Water Line Users, at their expense, shall comply with all applicable laws, regulations, and rules with respect to the use of the Property, regardless of when they become or became effective, including, without limitation, those relating to health, safety, noise, environmental protection, waste disposal, water and air quality, and furnish satisfactory evidence of such compliance upon request of Parks when Parks demonstrates that any non-compliance is solely caused by the Water Line Users.

Water Line Users shall handle no hazardous materials except for over the counter repair materials at any time upon the Property. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the Property caused by Water Line Users' employees, contractors and agents, Water Line Users, at their expense, shall be obligated to clean all the property affected thereby, whether owned or controlled by Parks or any third person, to the satisfaction of Parks (insofar as the property owned or controlled by Parks is concerned) and any governmental body having jurisdiction.

To the extent permitted by law, Water Line Users shall indemnify, hold harmless and defend Parks and such holders of user rights against all liability, cost and expense (including, without limitation, any fines, penalties, judgments, litigation costs and attorneys' fees) incurred by Parks and such other users as a result of Water Line Users' breach of this section or as a result of any such discharge, leakage, spillage, emission or pollution, unless such liability, cost or expense is proximately caused solely by the active negligence of Parks.

Water Line Users shall pay all amounts due Parks under this section within ten (10) days after any such amounts become due.

11. **Maintenance Notification:**

To report maintenance concerns or to report problems, Water Line Users can contact Parks' Pleasanton Ridge Regional Park field office at (925) 862-2963.

12. **Drainage:**

Water Line Users shall be responsible for any drainage, and damage from drainage caused by manipulation of the natural contours of the land, proximately caused by the Water Line or the Replacement Water Line on the Property. Parks shall be responsible for other drainage on the remainder of the Property.

13. **Notices:**

Except as otherwise provided herein, any notice, consent, request, report, demand or other communications required or permitted hereunder (collectively, "Notices") shall be in writing and shall be effective upon delivery to the other Party in person, by Federal Express (or other reputable overnight delivery service), or upon three (3) calendar days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested and addressed as set forth below:

To Parks:	Pleasanton Ridge Park Supervisor East Bay Regional Park District 2950 Peralta Oaks Court Oakland, CA 94605	
To Water Line Users:	Peter McKellar & Chuck Bloomfield 9877 Foothill Road Sunol, CA 94586	John Harris P.O. Box 285 Sunol, CA 94586
	Peraiah Sudagantha P.O. Box 575 Sunol, CA 94586	Dennis Van Dera 9911 Foothill Road Sunol, CA 94586

The preceding addresses may be changed by written notice pursuant to Section 14. below.

14. **Modification:**

This Agreement shall be subject to modification or amendment only by the written, mutual consent of both parties.

15. **Entire Agreement:**

It is understood that this document contains the entire agreement between the parties hereto concerning the Water Line and all prior understandings or agreements, oral or written, of whatsoever nature regarding the

Water Line rights hereby granted are superseded by this Agreement and are hereby abrogated and nullified.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, in duplicate, the day and year first above written.

Denis Van Dera

Denis Van Dera

John W. and Deborah Harris

John Harris
Deborah Harris

Peter S. and Barbara L. McKellar

Peter McKellar
Barbara McKellar

Peratah and Anapurna Sudanagunta

Peratah
Anapurna Sudanagunta

East Bay Regional Park District

By [Signature]
General Manager

Approved as to form:

By [Signature]
District Counsel



200333671

06/09/2003 12:12 PM 1/27/16, 7:12 AM

OFFICIAL RECORDS OF ALAMEDA COUNTY
PATRICK O'CONNELL
RECORDING FEE: 0.00

RECORDING REQUESTED BY
AND TO BE MAILED TO:
EAST BAY REGIONAL PARK
DISTRICT
2950 Peralta Oaks Court
Oakland, CA 94605

BOB



17 PGS

Pleasanton Ridge Regional Park
APN# 096 0290 006

GRANT OF EASEMENT

For valuable consideration, entered into this 4th day of June, 2003, this Grant of Easement is by and between EAST BAY REGIONAL PARK DISTRICT, A California Special District, ("Parks") and DENIS VAN DERA, PETER S. AND BARBARA L. MCKELLAR, PERALIAH AND ANNAPURNA SUDANAGUNTA, AND JOHN W. AND DEBORAH L. HARRIS, ("Water Line Users").

Parks hereby grants to Water Line Users a non-exclusive easement to replace, maintain, and repair a Water Line over and across the lands described in Exhibit "A" attached hereto and made a part hereof.

Water Line Users agree to abide by each and every term and condition contained in the MAINTENANCE AND REPAIR AGREEMENT FOR GRANT OF EASEMENT ("Agreement") attached hereto as Exhibit "B" and made a part hereof, said agreement to be binding upon the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Grant of Easement.

GRANTOR:

GRANTEES:

EAST BAY REGIONAL PARK DISTRICT

WATER LINE USERS

BY

Pat O'Brien
Pat O'Brien

Denis Van Dera
Denis Van Dera

Peter S. McKellar
Peter S. McKellar

Barbara L. McKellar
Barbara L. McKellar

Peraliah Sudanagunta
Peraliah Sudanagunta

Annapurna Sudanagunta
Annapurna Sudanagunta

John W. Harris
John W. Harris

Deborah L. Harris
Deborah L. Harris

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Alameda } SS.

On June 4, 2003, before me, Linda Wu, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Pat D'Brien
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Linda Wu
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Grant of Easement

Document Date: June 4, 2003 Number of Pages: One plus exhibits

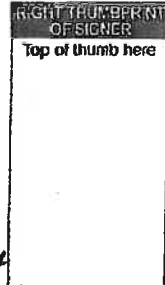
Signer(s) Other Than Named Above: Denis Van Dera, Peter S. McKellar, Barbara L. McKellar, Peraiyah Sudanagunta, John W. Harris, Deborah L. Harris

Capacity(ies) Claimed by Signer

Signer's Name: Pat D'Brien

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: General Manager

Signer is Representing: East Bay Regional Park District



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of ~~CONTRA COSTA~~ ALAMEDA

On MAY 3, 2003 before me, Janie L. Olofson, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared JOHN W. HARRIS AND DEBORA L. HARRIS,
Name(s) of Signer(s)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Janie L. Olofson
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Grant of Easement

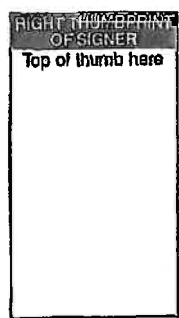
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

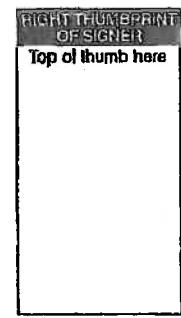
- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Merced } SS.

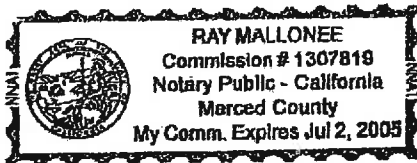
On 5-15-03
Date

before me, RAY MALLONEE
Name and Title (if Officer (e.g., "Jane Doe, Notary Public")

personally appeared ANNAPURNA SUDANAGUNTA
Name(s) of Signer(s)

ANNAPURNA SUDANAGUNTA

personally known to me
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: GRANT BASEMENT

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of merced

ss.

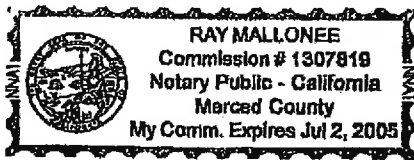
On 5-15-03, before me,

RAY MALLONEE
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

PERAIAT SUDANAPUNTA
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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Title or Type of Document: Grant of Easement

Document Date: _____

Number of Pages: _____

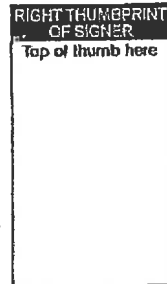
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited : General
- Attorney In Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of ~~CONTRA COSTA~~ ALAMEDA

On MAY 3, 2003 before me, Janie L. Olofson, Notary Public
Date Name and Title of Officer (e.g., 'Jane Doe, Notary Public')

personally appeared PETER S. MCKELLAR AND BARBARA L. MCKELLAR
Name(s) of Signer(s)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Janie L. Olofson
Signature of Notary Public

OPTIONAL

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Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of ~~CONTRA COSTA~~ ALAMEDA

On MAY 3, 2003 before me, Janie L. Olofson, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared DENIS VAN DERA
Name(s) of Signer(s)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Janie L. Olofson
Signature of Notary Public

OPTIONAL

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Document Date: _____ Number of Pages: _____

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Signer's Name: _____

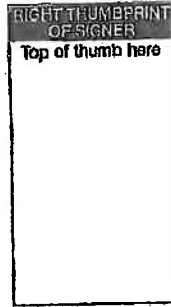
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- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

EXHIBIT A

The following described parcel of land is situate in the County of Alameda, State of California, is a 10 foot wide easement for waterline purposes, and is a portion of those lands described in that deed to the East Bay Regional Park District in the deed from William Nipper, recorded Feb 26, 1990, under Series No. 90053419, Official Records of Alameda County, California, and that deed to the East Bay Regional Park District in the deed from Kinr Yu Hong Kong Limited, recorded March 17, 1988, under Series No. 88-065632, Official Records of Alameda County, California, the centerline of which is more particularly described as follows:

Beginning at the most westerly terminus of that course described as East, 1135.20 feet, in said deed No. 88-065632, and running East, 53.97 feet, more or less, to the centerline of said waterline easement, and the True Point of Beginning for this description;

Thence, along the centerline of said waterline easement, N 45° 59' 51" W, 134.67 feet to a stake;

Thence N 53° 29' 05" W, 88.92 feet to a stake;

Thence N 37° 18' 26" W, 96.28 feet to a stake;

Thence N 64° 21' 49" W, 64.71 feet to a stake;

Thence N 38° 20' 01" W, 144.77 feet to a stake;

Thence N 38° 20' 53" W, 145.00 feet to a stake;

Thence N 38° 08' 19" W, 257.78 feet to a stake;

Thence N 24° 29' 27" W, 73.72 feet to a stake;

Thence N 36° 20' 11" W, 89.78 feet to a stake;

Thence N 38° 55' 51" W, 146.51 feet to a stake;

Thence N 36° 03' 43" W, 186.47 feet to a stake;

Thence N 31° 50' 51" W, 214.57 feet to a stake;

Thence N 30° 58' 27" W, 171.60 feet to a stake;

Thence N 31° 32' 46" W, 146.51 feet to a stake;

Thence N 32° 39' 46" W, 99.73 feet to a stake;

Thence N 30° 47' 56" W, 155.17 feet to a stake;

Thence S 58° 01' 37" W, 18.64 feet, more or less, to an existing water valve in a concrete vault, and the terminus of this description.



Curry, Damien, CDA

From: Khan, Muhammed, Env. Health
Sent: Tuesday, February 02, 2016 11:00 AM
To: Curry, Damien, CDA; Roe, Dilan, Env. Health
Subject: RE: 9877 Foothill Rd Sunol PLN2015-00127

Hi Damien,

We are good with this application. They have submitted plans to us. Thank you.

Sincerely,

Muhammed Khan, Senior R.E.H.S, M.P.A
OWTS Technical Compliance Coordinator
Alameda County Department of Environmental Health
Land Use Program
1131 HARBOR BAY PKWY
ALAMEDA CA 94502
(510)639-1287

From: Curry, Damien, CDA
Sent: Friday, January 29, 2016 2:50 PM
To: Khan, Muhammed, Env. Health <muhammed.khan@acgov.org>; Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>
Subject: 9877 Foothill Rd Sunol PLN2015-00127

Dilan and Muhammed, I just wanted to check with you that Env Health is ok with the application for a caretaker unit on this property, 96-290-2-6. thanks

Damien Curry
Alameda County Planning
(510) 670-6684
damien.curry@acgov.org

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person(s) or entity(ies) to which it is addressed and may contain confidential and /or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Curry, Damien, CDA

From: Cho, Andy Hyun-Jae
Sent: Friday, August 07, 2015 5:57 PM
To: Curry, Damien, CDA
Subject: Comments on SDR, PLN2015-00127, proposed caretaker dwelling at 9877 Foothill Road, Sunol

Damien,

Regarding this application, we have no grading comments since the submitted exhibit does not indicate any proposed grading work and no major grading is anticipated for the project

Nonetheless, it is advised that the subject site is located within an **Earthquake Fault Zone** per the California Geologic Survey's map. Although a geological investigation report is not mandated by the state guidelines, a geologic report may be required by the Building Official prior to issuance of a building permit. At minimum, the owner/developer should be aware of the said potential fault rupture hazard condition at the subject site.

Feel free to contact me if you have any questions.



Public Works Agency
— Alameda County —

Andy Cho, P.E.,
Assistant Engineer
Construction & Development Services Department
399 Elmhurst Street, Room 141, Hayward, CA 94544
Phone 510.670.6431, Fax 310.670.3787, email: andyhjc@acpwa.org

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BUILDING INSPECTION DEPARTMENT
(510) 670-5440 • FAX (510) 293-0960

Public Works Agency
Alameda County

Daniel Woldesenbet, Ph.D., P.E., Director

399 Elmhuust Street • Hayward, CA 94544-1395 • www.aacgov.org/pwa

Planning Application Comments

Date: 8/6/2015

Application: PLN2015-00127, Convert existing barn and patio cover to a caretaker's residence,
Site Development Review.

Location: 9877 Foothill Rd, Sunol

Planning Date/Staff: Damien Curry, 8/7/2015

BID Staff: Allen Lang

Project Review Notes

1. Application to convert existing barn and patio cover a caretaker unit. Site plan shows an existing residence. Locations of existing & new septic systems.
2. Floor plans and elevations showing converted unit, attached large (4) car garage and a stairway to attic space above.

Review Conclusion

The Building Department has no objection to proceed with the planning process. Obtain building permit from Alameda County Building Department

Special Project Conditions for the Building Permit Application:

1. Provide residential sprinkler system for the new caretaker unit.
2. Separate on-site retaining wall, drainage, and water tank permits will be required.
3. The proposed building shall comply with the latest Chapter 7A – Wildland-Urban Interface design requirements.
4. Obtain street address for the new caretaker unit from Alameda County Building Department.

General Conditions for Building Permit Application:

1. Plans and documents shall comply with building codes submittal requirements in effect at the time of submitting for building permits. 2013 CBC effective on Jan. 1, 2014.
2. A California licensed architect or engineer shall be designated as the design professional in responsible charge for the project submittal.

Notes to applicants: *The Building Department has not conducted a complete permit search or code review for the proposed planning application. The owner or design professional shall be responsible for the property information filed with the planning application. Once the building permit application is filed with the Building Department, staff will perform building permit history search and code review.*



Alameda County Fire Department

Fire Prevention Bureau

Plan Review Comments

399 Elmhurst Street, Room 120, Hayward, California 94544 (510) 670-5853 Fax (510) 887-5836

12/21/2015

Alameda County
Community Development Agency
Planning Department
224 West Winton Ave., Room 111
Hayward, California 94544

To	Damien Curry	PLN #	2015-00127
Address	9877 Foothill Rd		
Job Description	Remodel for Caretaker House		
Reviewed By	Bonnie S. Terra, Division Chief/Fire Marshal		

Review of Planning referrals are usually based on information and plans that lack sufficient information and details for specific comments. The primary focus of our review is to assure fire access to the site. Specific fire and building code issues will be addressed during the regular building permit submittal and review process.

Conditions of Approval

The following conditions shall be met prior the issuance of a building permit and fire clearance for occupancy.

1. The project will need to comply with all building and fire code requirements in effect at the time of building permit submittal.
2. The entire structure including garage will be required to be equipped with a fire sprinkler system.
3. The applicant will provide deeded compliant fire access for the site prior to occupancy. This will include width, weight load, vertical clearance, etc.
4. The applicant will provide all required fire water and water for fire sprinkler systems.

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY
HAYWARD, CALIFORNIA**

RESOLUTION NO. ____ AT MEETING HELD APRIL 4, 2016

INTRODUCED BY _____, SECONDED BY _____

WHEREAS MARY MAISH did submit an application for Site Development Review, PLN2015-00127, on the property located at 9877 Foothill Road, Sunol area of unincorporated Alameda County, with County assessor's parcel numbers: 096 -0290-002-06, to permit the an agricultural caretaker dwelling; and

WHEREAS the Sunol Citizens Advisory Council did hold a public hearing to consider the Site Development Review application at the hour of 6:30 pm on Wednesday, the 17th day of February, 2016, at the Sunol Glen School, 11601 Main St, Sunol, California, 94546; and

WHEREAS notice of public hearing was given as required by law; and

WHEREAS the Council did move to recommend approval of the subject application to the Planning Director; and

WHEREAS the Planning Director did conditionally approve said application on February 23, 2016; and

WHEREAS Debbie Ferrari, et. al. did submit a timely appeal of this conditional approval; and

WHEREAS this Commission did hold a public hearing to consider the appeal of the conditional approval at the hour of 6:00 pm on Monday, the 4th day of April, 2016, at 224 West Winton Avenue, Room 160, Public Hearing Room, Hayward, California, 94544; and

WHEREAS notice of public hearing was given as required by law;

NOW THEREFORE

BE IT RESOLVED that this Planning Commission does hereby deny the appeal and uphold the conditional approval of Site Development Review, PLN2015-00127, subject Exhibit "B" on file with the Alameda County Planning Department, and the following conditions:

1. This permit authorizes the occupancy of a 1123 square foot caretaker dwelling unit, attached to a 1040 square foot barn and 50 square feet of storage, for the property located at 9877 Foothill Road, Sunol, CA, APN: 096-0290-002-06.
2. A Building Permit shall be secured for building improvements hereon indicated and construction shall commence within three years of approval of this site development review or said approval shall be void.

2. The project shall be in substantial conformance with Exhibit "B", PLN2015-127.
3. No parking of vehicles nor storage of material or equipment shall be allowed on portions of land across which easements may be recorded. This restriction shall apply both during and after the construction period for the caretaker unit.
4. All exterior lighting will be directed on-site and away from adjacent properties and be equipped with automatic shut off switches.
5. Project approval is for five years. A Caretaker's Dwelling Report must be submitted to the Planning Department and Fire Department for review prior to the fifth anniversary of the approval date.
6. The property owner, permittee, or its successor, shall defend, indemnify, and hold harmless Alameda County or its agents, officers, and employees from any claim, action, or proceeding against Alameda County or its agents, officers or employees to attack, set aside, void, or annul Site Development Review, PLN2015-00127, the findings of the CEQA determination, or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by Alameda County in its defense. The County shall promptly notify applicant of any such challenge.
7. A mandatory review shall be conducted five years from approval for this Conditional Use Permit, PLN2015-00127. As a result of the mandatory review, a permit for renewal and public hearing may be required to review the original conditions of approval to determine compliance with the findings that supported the original permit approval. Any condition of approval modified or added will ensure the activity continues in conformance with the intent and purpose of the zoning ordinance, and shall be of the same force and effect as if originally imposed. Review costs shall be borne by the applicant.
8. The permittee or successor shall maintain compliance with the requirements of the following agencies:
 - a. Alameda County Public Works Agency, Building Inspection Department
 - b. Alameda County Environmental Health Department
 - c. Alameda County Fire Department

PRIOR TO ISSUANCE OF A BUILDING PERMIT

9. Applicant or successor shall receive from the City of Pleasanton and from LAFCO approval of an out of area service agreement for the provision of domestic water to the caretaker unit. In lieu of approval of the water service as described, applicant shall receive from the Alameda County Environmental Health Department approval of an alternate water source.

NOTE: Minor modifications of this plan may be authorized upon the receipt of a request from the applicant in writing for such modifications accompanied by drawings sufficient to show the proposed changes.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

EXCUSED:

ABSTAINED:

RECUSED:

**ALBERT LOPEZ - PLANNING DIRECTOR & SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY**

William D. Thomson

Attorney at Law

1222 Stealth Street, Livermore, CA 94551

Tel: (925) 606-6725

Fax: (925) 447-1078

March 28, 2016

Planning Commission Members
c/o Alameda County Planning Department
224 W. Winton Avenue, Suite 111
Hayward, CA 94544

Re: Agricultural Site Development Review; PLN2015-127
9877 Foothill Rd, Sunol, CA

Dear Planning Commission Members:

As set forth in my previous correspondence of March 4, 2016, my office represents Denis Van Dera and Debbie Ferrari who reside at 9911 Foothill Road, Sunol, California, and Mark and Cindy Martinez, who reside at 9945 Foothill Road, Sunol, California. My clients have previously filed an appeal regarding the approval of the Agricultural Site Development Review, PLN2015-127, for the occupancy of a 1,123 square foot caretaker dwelling unit on the property located at 9877 Foothill Road, Sunol, California, APN 096-0290-002-06. Please allow this letter to act as a supplement to my previous correspondence of March 4, 2016 regarding my clients' appeal of the above-referenced Site Development Review Application.

After approval of the subject Site Development Review Application by the Sunol Citizens Advisory Council, it became apparent that there was substantial confusion over issues involving access to the subject property. My clients arranged to have Gerry Beemiller, a member of the Sunol Citizen's Advisory Council, visit the subject property and the access road serving it. After visiting the site, Mr. Beemiller informed my clients that had he been aware of the actual situation and condition of the access road when he voted on the matter, he would have either requested a delay in the approval until all the neighbors found a suitable solution to the road issue or would have voted "no". Mr. Beemiller confirmed his position by sending an email to Damien Curry a copy of which is attached hereto for your review.

In order for the Planning Commission members to fully understand my clients' concerns with regards to the access to the subject property, my clients have submitted numerous photographs of the access road to you for your review. In addition, six copies of a video of the access road have been submitted to Mr. Curry for distribution to each member of the Planning Commission.

The access road in question is a private road running off of Foothill Road. The access road serves numerous properties and ranges from between 10' in width to 10' 6" in width. The length of the access road from Foothill Road to the subject property is approximately 3,040', almost 6/10 of a mile in length. The photographs and video submitted to you for your review

establish that the access road is narrow and in a poor state of repair. The access road at times has steep slopes on both sides of the road and there is little or no room on either side of the access road that could function as turnouts to permit vehicles traveling in opposite directions to pass each other. The video submitted to you demonstrates the lengthy distance that a vehicle would have to back up to permit a vehicle proceeding up the access road to pass.

Even without the additional traffic on the access road that will be generated if the subject application is approved, the access road already is a safety issue for the current residence. As mentioned above, the road is narrow, unlighted, in a poor state of repair, and does not permit vehicles traveling in opposite directions to pass one another. Residents who use the access road to access their properties, including my clients, worry on a daily basis about meeting a vehicle traveling in the opposite direction when they are leaving or returning to their home. Perhaps more importantly, my clients and other residents also worry about the ability of emergency vehicles to be able to respond to any emergency at any of the numerous properties located on the access road. If a fire truck or ambulance met a vehicle traveling in the opposite direction, the response time for any emergency vehicle would be substantially delayed. These issues already exist and cause my clients and other residents substantial concern on a daily basis. Approving the subject application, and thereby increasing the traffic load on the access road, without addressing the already existing access and safety issues involving the access road will only amplify the safety risks of all users of the access road. To approve the subject application will only exacerbate an already hazardous condition

When issues involving the safety of the road were raised at the Sunol Citizen's Advisory Council hearing, county staff on numerous occasions responded that the access road had received "Fire Department approval." What must be made clear is that the Alameda County Fire Department did not determine that the access road met the minimum standards required under applicable building and fire code requirements. Instead, the Alameda County Fire Department gave a conditional approval based on the fact that the access road was an existing nonconforming use. A copy of the Alameda County Fire Department Conditional Approval of 12/21/2015 is also attached for your review. Of particular note is Condition 3 that provides that the "applicant will provide a deeded compliant fire access for the site prior to occupancy. This will include width, weight load, vertical clearance, etc."

As set forth in previous correspondence, at the present time, the requirements of Fire Department Condition 3 cannot be met. The applicant does not have a formal, written, recorded easement to even use the access road, nor does the access road meet building and fire code requirements with regards to width, weight load, and vertical clearance. There is no maintenance agreement in place to accommodate the repair, maintenance and/or improvement of the access road. As such, the access road will continue to deteriorate over time further impairing the ability for emergency vehicles to access properties along the road. Furthermore, the increased traffic on the access road that will result from the approval of the application will increase the potential liability to the owners of the road if an accident were to occur.

March 28, 2016

Page 3

Until and unless the safety and access issues are addressed in a satisfactory manner, the subject application should be denied. At a minimum, the road should be upgraded to meet existing Fire Department standards. If it is not possible for the road to be widened to the 20' minimum width, at the very least several turnouts should be required to be constructed to accommodate the passing of vehicles and access by emergency vehicles. In addition, a maintenance and repair agreement should be required to be entered into by all owners of the road to ensure that the road will be maintained at a level sufficient to accommodate the safe use of the road by the residents and access for emergency vehicles.

An approval of an additional dwelling unit without addressing these material issues will only increase the safety concerns of the residents and seriously jeopardize the lives and safety of all the users of the access road.

Sincerely,

A handwritten signature in blue ink, appearing to read "W.D. Thomson", with a long horizontal flourish extending to the right.

William D. Thomson

WDT/lo
Enclosures

William Thomson

From: beemiller@aol.com
Sent: Friday, March 04, 2016 3:25 PM
To: damien.curry@acgov.org
Cc: dferrari@magtrucking.com
Subject: file #PLN2015-00127
Attachments: Damien letter 3-4-16.docx

Damien
/16

3/4

At the request of the neighbors, yesterday I visited the site of the proposed new guest house at 9877 Foothill rd in Sunol.

I was surprised to see that the private driveway was more like an access road serving many properties. The neighbors expressed concern about emergency access. They advised me that several of them had encountered some very close calls due to the increased traffic over the years. I was also told that the County indicated that the road would have to be improved if a house was ever built on a vacant 10-acre lot on that road.

Had I known this or seen the site before our last hearing I would have either requested a delay in the approval until all the neighbors found a suitable solution to the road issue or voted NO. I'm concerned that if the County allows the guest house to be built and there's an emergency at that site, the access road would not be sufficient to accommodate the emergency.

Please forward my concerns to the fire department for their reconsideration of this project.....

Gerry Beemiller

Curry, Damien, CDA

From: beemiller@aol.com
Sent: Friday, March 04, 2016 3:25 PM
To: Curry, Damien, CDA
Cc: dferrari@magtrucking.com
Subject: file #PLN2015-00127
Attachments: Damien letter 3-4-16.docx

Damien
/16

3/4

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I was surprised to see that the private driveway was more like an access road serving many properties. The neighbors expressed concern about emergency access. They advised me that several of them had encountered some very close calls due to the increased traffic over the years. I was also told that the County indicated that the road would have to be improved if a house was ever built on a vacant 10-acre lot on that road.

Had I known this or seen the site before our last hearing I would have either requested a delay in the approval until all the neighbors found a suitable solution to the road issue or voted NO. I'm concerned that if the County allows the guest house to be built and theirs an emergency at that site, the access road would not be sufficient to accommodate the emergency.

Please forward my concerns to the fire department for their reconsideration of this project.....

Gerry Beemiller





Alameda County Fire Department

Fire Prevention Bureau

Plan Review Comments

399 Elmhurst Street, Room 120, Hayward, California 94544 (510) 670-5853 Fax (510) 887-5836

12/21/2015

Alameda County
Community Development Agency
Planning Department
224 West Winton Ave., Room 111
Hayward, California 94544

To	Damien Curry	PLN #	2015-00127
Address	9877 Foothill Rd		
Job Description	Remodel for Caretaker House		
Reviewed By	Bonnie S. Terra, Division Chief/Fire Marshal		

Review of Planning referrals are usually based on information and plans that lack sufficient information and details for specific comments. The primary focus of our review is to assure fire access to the site. Specific fire and building code issues will be addressed during the regular building permit submittal and review process.

Conditions of Approval

The following conditions shall be met prior the issuance of a building permit and fire clearance for occupancy.

1. The project will need to comply with all building and fire code requirements in effect at the time of building permit submittal.
2. The entire structure including garage will be required to be equipped with a fire sprinkler system.
3. The applicant will provide deeded compliant fire access for the site prior to occupancy. This will include width, weight load, vertical clearance, etc.
4. The applicant will provide all required fire water and water for fire sprinkler systems.

Curry, Damien, CDA

From: Debbie Ferrari <dferrari@magtrucking.com>
Sent: Wednesday, February 17, 2016 4:51 PM
To: Curry, Damien, CDA
Subject: letter
Attachments: Letter to Sunol Citizens Advisory Council 2-17-16 2.pdf

Damian, To try to reiterate our position, Our lawyer has worded this that we are opposing the application. We oppose it in terms of it being allowed to be used as a full time residence. Caretaker or otherwise. Please include the body of this e mail as a companion. It clarifies that we would not oppose if a restriction would be placed that this can only be used for occasional habitation with an agreement being made in advance to make the necessary improvements to our jointly owned road(driveway), and that the water use would not increase to a level that would cause a problem for the other users. Please place the restrictions on the permit for proper usage given the extenuating circumstances. Mary has clearly stated that she only wishes to have it used occasionally she has said that it would not be full time and that therefore the water and road use would not change. She verbally has agreed that there should be an agreement in place for road improvements and we want to have the agreement prior to construction. We just know that things can change, she could move for example, so we need to be protected.



Debbie Ferrari
Estimator / Soil Specialist
O: 510-782-8801
C: 510-750-0098

From: William Thomson [mailto:wdt_esq@sbcglobal.net]
Sent: Wednesday, February 17, 2016 4:39 PM
To: Debbie Ferrari
Subject: revised

Debbie:

I gave it my best shot. Hopefully it is okay because we are running out of time.

Bill

William D. Thomson

Attorney at Law

1222 Stealth Street, Livermore, CA 94551

Tel: (925) 606-6725
Fax: (925) 447-1078

February 17, 2016

Via hand delivery

Sunol Citizen's Advisory Council

Re: Agricultural Site Development Review
File Number: PLN2015-00127
9877 Foothill Road, Sunol, California

Dear Council Members:

I represent Denis Van Dera and Debbie Ferrari who reside at 9911 Foothill Road, Sunol, California. Mr. Van Dera and Ms. Ferrari oppose the approval of the above-referenced Site Development Review application. At the minimum, it is my clients' position that if the occupancy of a caretaker dwelling is approved, additional conditions should be added to any such approval.

My clients have discussed the pending application with the applicant and have been informed that the applicant only desires to have caretakers reside in the caretaker dwelling on a part-time basis. However, there do not appear to be any conditions in place that require the applicant to comply with part-time occupancy. A condition mandating part-time occupancy should be included in the event of approval.

My clients' main concern is the access road that is used to access both my clients' property and the property that is the subject of the Site Development Review. The access road runs from Foothill Road through numerous properties before it reaches the subject property. The road is narrow, and is at times less than the width of a single lane road. The access road is in a state of disrepair. It is my clients' understanding that there is no formal easement in existence that even grants the applicant the right to use the road to access the subject property.

It does not appear that the width of the road meets the minimum requirements of the fire department. We are aware that the Fire Department has mandated certain conditions of approval set forth in their letter of 12/21/15 attached to the Staff Report, but it appears that these conditions cannot be met. Condition 1 provides that the project needs to comply with all building and fire code requirements in effect at the time of building permit submittal. As mentioned, it does not appear that the access road to the subject property meets the fire department regulations with regards to width and clearance height due the presence of trees.

Condition of Approval 3 from the Fire Department provides that the applicant will provide deded compliant fire access for the site prior to occupancy. As mentioned hereinabove, it is my clients' understanding that dede access to the subject property does not exist. As a result, this condition cannot be met.

Additional concerns are present due to the fact that there is no repair and maintenance agreement in existence involving the numerous users of the access road. There is no agreement in place that deals with issues such as the repair and maintenance of the road to ensure that the access road would continue to meet Fire Department access requirements in the future or to take into consideration the additional burden placed on the access road by additional traffic generated by construction activity related to the proposed construction or the resulting increase in the number of users of the access road. As mentioned hereinabove, the road is in a state of disrepair. Even if a Fire Department inspection revealed that the current condition of the road is acceptable, there is no mechanism to ensure that the condition of the road will be maintained in the future to continue to meet Fire Department rules and regulations. The failure to adequately maintain and repair the road puts all of owners using the access road at risk in the event of an emergency. The proposed increased use of the access road only amplifies these concerns.

The water supply to the subject property and my clients' property is pursuant to a water line easement with the East Bay Regional Park District. Back in 2006, the Park District expressed their position in writing that the Park District would oppose the expansion of any users on the water line. A copy of the letter from the Park District is attached hereto as Exhibit A for your review. Adding an additional dwelling adds additional burden on the current users of the water line and may violate the terms of the easement with EBRPD potentially jeopardizing the water supply to the current existing users.

For the above mentioned reasons, my clients oppose the approval of the pending application. If the Sunol Citizens Advisory Council is inclined to grant the application, it is respectfully requested that additional conditions for approval be included. The additional conditions should include the requirement that a road maintenance and repair agreement involving all users of the access road be entered into to ensure that the road will be maintained at a level to meet Fire Department rules and regulations, that occupancy of the caretaker dwelling be limited to part-time occupancy, and that approval from the East Bay Regional Park District for an expansion of the use of the existing water line be obtained.

Sincerely,



William D. Thomson

WDT/lo
Enclosure

cc: Clients

Curry, Damien, CDA

From: John Harris <jwharris925@gmail.com>
Sent: Wednesday, February 10, 2016 5:43 PM
To: Curry, Damien, CDA
Subject: 9877 foothill road

Hello,

I am the closest neighbor to Mary Maish. I am at 10559 Foothill road. Though we do not share a driveway, My family and 2 others share a common water supply and meter. Adding more residents to this supply may violate our agreement with the city of Pleasanton as well as the East bay regional park district who granted us an easement for the water supply. I am also against the idea of another house in my backyard and in my watershed. I would like to meet with the planning department prior to the Feb, 17 public meeting to discuss possibly challenging this variance?

Any time between now and the 16th will be fine with me.

thanks you,
John Harris
925-858-4239



July 11, 2006

Denis Van Dera
Debbie Ferrari
9911 Foothill Road
Sunol, CA 94586

RE: PLEASANTON RIDGE REGIONAL PARK
Easement for Waterline

Dear Property Owners:

In response to your inquiry, this letter confirms that the East Bay Regional Park District would definitely be opposed to the expansion of service provided by the waterline crossing Pleasanton Ridge Regional Park.

The District's intent when the easement was granted in 2003 was to allow for repairs and maintenance of an existing waterline so that the four homes which share it could enjoy uninterrupted service and damage to park property could be minimized. We would not support a change in zoning to allow additional development, thereby increasing the burden of this easement.

I would be happy to discuss this matter further. Please feel free to call me directly at (510) 544-2607.

Sincerely,


Nancy H. Wenninger
Land Acquisition Manager

Cc: Robert E. Doyle, AGM
Laura Comstock, Unit Manager
Steve Quick, Park Supervisor

BOARD OF DIRECTORS

Carol Severin
President
Ward 3

John Sutter
Vice-President
Ward 2

Ayn Wieskamp
Treasurer
Ward 5

Ted Radke
Secretary
Ward 7

Beverly Lane
Ward 6

Doug Siden
Ward 4

Nancy Skinner
Ward 1

Pat O'Brien
General Manager



Relating To Zoning Regulations

To Damien Curry PLN 2015-00127

9877 Foothill Road

West side, 500 FT west of the western terminus of G Road,

Sunol CA

Hello my name is Mark Martinez I live at 9945 Foothill Rd at the bottom of the hill. I am writing to let you know that I am opposed to the Caretaker dwelling that has been applied for regarding an Olive orchard that is overgrown & wild. I have never witnessed it harvested in the 10+ years I have lived on this property. In the last couple years the traffic on our road has dramatically increased due to all the activities at the 9877 Foothill Rd residence, w/ the home owner's vehicle, the au pair's vehicle, the home owner's existing "caretaker" that lives in a trailer on the property has a truck as well. At first, I was very happy to see our new neighbor improving her home. We continued to see unmarked/nonprofessional vehicles and figured it was for the construction of her new pool. Although, after the project was completed the traffic only continued to get worse.

Recently her neighbors directly across the road who are their friends have a couple families living there, the owner's and their kids plus another family of three at the same residence have caused traffic. They have a farming operation with row crops and also have a red jeep w/ two females that drive up the road daily to farm those crops. There is also a red Toyota pickup w/ 2 males that come up daily to work as well as a white truck with a water tank that delivers water makes trips up and down our road daily. Our road is very narrow and unmaintained to be adding further possibility of more traffic. I am concerned about liability issues regarding these strangers driving up and down our private road with unmarked construction type vehicles. I also understand that four neighbors use a common water line. Will adding a sprinkler system to the new Caretaker dwelling interfere with normal functionality? Are there permits needed to run a farming type operation and/or Olive orchard/ Pool?? And if so can we have copies of these documents as concerned neighbors?

I have looked over the Alameda County Community Development Agency Planning Report and it states that they "want to construct a caretaker dwelling in an existing car port for a current full time caretaker that lives offsite". It has always been well known that the current "caretaker" actually already lives on site from Monday through Friday and it is also well known that he works on the Hetch Hetchy Dam Project during these days. Would you need a permit for someone living in a trailer on your property? Foothill is a 2-lane road that's packed with traffic, my concern is that adding the caretaker's dwelling will only increase traffic and that is something I want to avoid at all costs. What if an emergency vehicle needed to make its way up our road and was stalled up do to this consistent traffic?? I am just worried an emergency will happen and we will not receive the proper assistance. I think back to the Oakland Firestorm of 1991 where ultimately 25 people were killed and 150 others injured. 1,520 Acres destroyed including 2,843 single-family dwellings and 437 apartment and condominium units ruined. The economic loss was tremendous and estimated to be \$1.5 billion. That Sunol hillside that extends

from the Town of Sunol to 580 to the north is just as vast with a large population including a highschool a Kaiser, Castlewood Country Club, Gold Needle Estates, Moeler Ranch Estates, Stoneridge Mall, and Bart, to name a few. The potential for similar devastation is very real. I would not want to be caught in a situation like that with our current level of traffic on our tiny road. I invested in this home with peace & privacy in mind for my family. That hope is slowly slipping away. I will also mail a hard copy of this letter. I left a Voicemail for the numbers listed on the postcard sent to my home. I don't want to leave any confusion with correspondence, my number is (510)552-0354. Please advise.

Thank you for your time,

Mark A. Martinez

RECORDING REQUESTED BY:
COMMONWEALTH LAND TITLE COMPANY
Escrow #98031027
Title #88031027

Recorded in Official Records, Alameda County
Patrick O. Carroll, Clerk-Recorder

10:00

98288443 11:23am 08/19/98

004 26947853 26 12
003 2 7.00 5.00 0.00 0.00 0.00 0.00 10.00
0.00 0.00

WHEN RECORDED, MAIL TO:
Peter S. McKellar
Barbara L. McKellar
9877 Foothill Road
Sunol, CA 91410

57
718

Space above this line for recorder's use

MAIL TAX STATEMENTS TO:
Peter S. McKellar
Barbara L. McKellar
9877 Foothill Road
Sunol, CA 91410

DOCUMENTARY TRANSFER TAX: \$632.50
XXX Computed on full value of property conveyed
Or computed on full value less liens and
encumbrances remaining at time of sale

THE UNDERSIGNED DECLARANT

APN: 096-0290-002-06/000
096-0290-00000
096-0290-000-00

GRANT DEED

ON June 9, 1998, for a valuable consideration, receipt of which is hereby acknowledged,

Mary E. (Bea) Tourtelot Cashetta, a married woman as her sole and separate property

hereby GRANT(S) to

Peter S. McKellar and Barbara L. McKellar, husband and wife as Joint Tenants

the real property in the City of Sunol, County of Alameda, State of California, described as:

SEE 'EXHIBIT A' ATTACHED HERETO

State of California
County of Alameda S.S.
On JUNE 15, 1998
before me, the undersigned notary
public, personally appeared

Mary E. (Bea) Tourtelot Cashetta
Mary E. (Bea) Tourtelot Cashetta

Mary E. (Bea) Tourtelot
CASHETTA

personally known to me, or
proved to me on the basis of satis-
factory evidence, to be the person(s)
whose name(s) in are subscribed to the
within instrument and acknowledged to me
that he she they executed the same in
his her their authorized capacity(ies),
and that by his her their signature(s)
on the instrument the person(s), or the
entity upon behalf of which the person(s)
acted, executed the instrument

Roger J. Manning
Comm. #110665
NOTARY PUBLIC, CALIFORNIA
ALAMEDA COUNTY
Expires Aug 18, 2000

WITNESS my hand and official seal

Roger J. Manning

RECORDED
INDEXED

98208443

EXHIBIT "A"

88031027
Page 3

The land referred to in this Report is situated in the County of Alameda, State of California, and is described as follows:

(Unincorporated Area)

Lots 10-11-13 and 14 of Subdivision "B" of the Thermal Rancho, as said Lots and said Subdivision are shown on that certain Map entitled "Thermal Rancho, Sunol, Alameda Co." filed December 22, 1913 in the office of the County Recorder of Alameda County, State of California.

Excepting therefrom:

a. All land delineated as roads on Map aforesaid which is reserved for road purposes:

b. Portion of that certain Lot 10, containing 8.92 acres of land, "Thermal Rancho, Subdivision "E", Map Book 28, Page 52, Alameda County Records, described as follows:

Beginning at an angle point on the general Southern boundary line of said Lot 10, said angle point marking the Northeastern terminus of the course designated as "North 40° 15' 00" East, 132.00 feet", upon said Map, thence along the boundary of said Lot 10 on the following courses: South 40° 15' 00" West 132.00 feet; North 38° 45' 00" West 238.92 feet; South 32° 00' 00" West 271.9 feet; North 27° 07' 00" West 83.1 feet; North 12° 01' 00" West 115.6 feet; North 17° 57' 00" East 163.74 feet; and North 2° 12' 00" East 60.00 feet; thence leaving said boundary and running South 56° 27' 00" East, 465.80 feet to the point of beginning, as conveyed in by Lois Virginia Howard to David W. Harris and Betty A. Harris, his wife, as joint tenants, dated 4, 1972 and recorded February 13, 1973 in Reel 3340 at Image 193, Official Records of Alameda County.

Assessor's Parcel Number: 096-0290-002-06, 096-0290-001-05 and 096-0290-002-02

RECORDING REQUESTED BY:

Chicago Title Company
Escrow No.: 11-58808530-LL
Locate No.: CACTI7701-7701-5588-0058808530
Title No.: 11-58808530-JK



2011292172 10/14/2011 08:30 AM
OFFICIAL RECORDS OF ALAMEDA COUNTY
PATRICK O'CONNELL
RECORDING FEE: 18.00
COUNTY TAX: 1859.00

When Recorded Mail Document
and Tax Statement To:

[Redacted]



2 PGS

APN:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)
Documentary transfer tax is \$1,859.00

[] computed on full value of property conveyed, or
[] computed on full value less value of liens or encumbrances remaining at time of sale,
Unincorporated Area of City of Sunol,

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Peter McKellar and Barbara McKellar, husband and wife as joint tenants, as to an undivided 87% interest and Charles Wallace Bloomfield Jr. and Annette Julia Bloomfield, trustees of the Bloomfield Family Revocable Trust dated 7-28-04 as to an undivided 13% interest

hereby GRANT(S) to Mary S. Maish, an unmarried woman
the following described real property in the City of Sunol, County of Alameda, State of California:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: October 11, 2011

State of California
County of Alameda

On 10-11-11
D. W. Werth, before me,
Notary Public

Peter McKellar
Peter McKellar

Barbara McKellar
Barbara McKellar

(here insert name and title of the officer), personally appeared
Peter McKellar, Barbara McKellar, Charles Wallace Bloomfield Jr. and Annette Julia Bloomfield

Charles Wallace Bloomfield Jr.
The Bloomfield Family Trust

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Charles Wallace Bloomfield Jr., trustee

Annette Julia Bloomfield, trustee

Annette Julia Bloomfield, trustee

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



MAIL TAX STATEMENTS AS DIRECTED ABOVE

11-58808530
FREEMIS

Escrow No.: 11-58808530-LL
Locate No.: CACTI7701-7701-5588-0058808530
Title No.: 11-58808530-JK

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN AN UNINCORPORATED AREA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Lots 10-11-13 and 14 of Subdivision are shown on that certain map entitled "Thermal Rancho, Sunol, Alameda County," filed December 22, 1913 in the office of the County Recorder of Alameda County.

EXCEPTING THEREFROM:

A. All land delineated as roads on map aforesaid which is reserved for road purposes:

B. Portion of that certain Lot 10, containing 8.92 acres of land, "Thermal Rancho, Subdivision "E", Map Book 28, page 52, Alameda County Records, described as follows:

Beginning at an angle on the general southern boundary line of said Lot 10; said angle point marking the Northeastern terminus of the course designated as "North 40° 15' 00" East, 132.00 feet", upon said map; thence along the boundary of said Lot 10 on the following courses: South 40° 15' 00" West 132.00 feet; North 38° 45' 00" West 238.92 feet, South 32° 00' 00" West 271.9 feet; North 27° 07' 00" West 83.1 feet; North 12° 01' 00" West 115.6 feet; North 17° 57' 00" East 163.74 feet, and North 2° 12' 00" East 60.00 feet; thence leaving said boundary and running South 56° 27' 00" East 465.80 feet to the point of beginning, as conveyed in by Lois Virginia Howard to David W. Harris and Betty A. Harris, his wife as joint tenants, dated 4, 1972 and recorded February 13, 1973 in Reel 3340 at Image 193, Official Records of Alameda County.

C. That portion of Lot 11 conveyed to Bonnie H. Almond, an unmarried woman, by Grant Deed recorded July 24, 1990, Instrument No. 90-200841.

APN'S: 096-290-002-06 AND 096-290-002-02

PARCEL TWO:

Commencing at a corner No. 8 of the exterior survey of the Rancho El Valle de San Jose, being also the Northeast corner of Lot 12 and the Northwest corner of Lot 14 of Subdivision E of the Thermal Rancho, recorded in Book 28 of Maps at Page 52, Official Records of Alameda County, California", said point being marked on the ground by one-inch iron pipe with cap stamped "RCE 21001":

Thence, along the Easterly line of said Lot 12 and Westerly line of the Lot 14, South 0° 54' 00" West, 165.55 feet, to the agreed Southerly line of said parcel;

Thence, along said agreed Southerly line, North 76° 16' 33" West, 49.84 feet, to the agreed Easterly line of said parcel, said agreed line being marked on the ground by steel fence posts at or near the terminus of this course.

Thence, leaving said agreed easterly line, North 18° 17' 27" East, 163.78 feet, more or less, to the point of beginning.

APN: 096-290-001-05

APN:

RECORDING REQUESTED BY
 ORDER #
 APR 96 310-2
 96-310-19 (portion)
 WHEN RECORDED MAIL TO
 Manucher Nassiri
 Maureen M. Nassiri
 10025 Foothill Road
 City
 State/Zip
 San Jose, CA 94586

Recorded in Official Records, Alameda County
 Patrick O'Connell, Clerk-Recorder
 16.00
 95068477 3:23pm 03/30/95
 004 20010200 20 31
 003 4 7.00 0.00 0.00 0.00 22.00 0.00 10.00
 20.00 0.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Quitclaim Deed

The undersigned Grantor(s) declare(s):
 Documentary transfer tax is \$ 22.00
 computed on full value of property conveyed, or
 computed on full value less value of liens and encumbrances remaining at time of sale.
 Unincorporated area, City of _____
 Realty not sold.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged
 ROBERT A. PORTILLO and JANINE A. PORTILLO, his wife

hereby REMISE(S), RELEASE(S) AND FOREVER QUITCLAIM(S) to
 MANUCHER NASSIRI and MAUREEN M. NASSIRI, TRUSTEES OF THE NASSIRI/
 FAMILY TRUST DATED APRIL 2, 1993.

that property in UNINCORPORATED AREA, ALAMEDA County,
 State of California, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Mail tax statements to SAME AS ABOVE

Date March 24, 1995
 STATE OF CALIFORNIA
 County of ALAMEDA
 On MARCH 24, 1995 before
 me, the undersigned, a Notary Public in and for said State, personally
 appeared ROBERT A. PORTILLO AND
 JANINE A. PORTILLO

Robert A. Portillo
 ROBERT A. PORTILLO

Janine A. Portillo
 JANINE A. PORTILLO

Witness my hand and official seal.

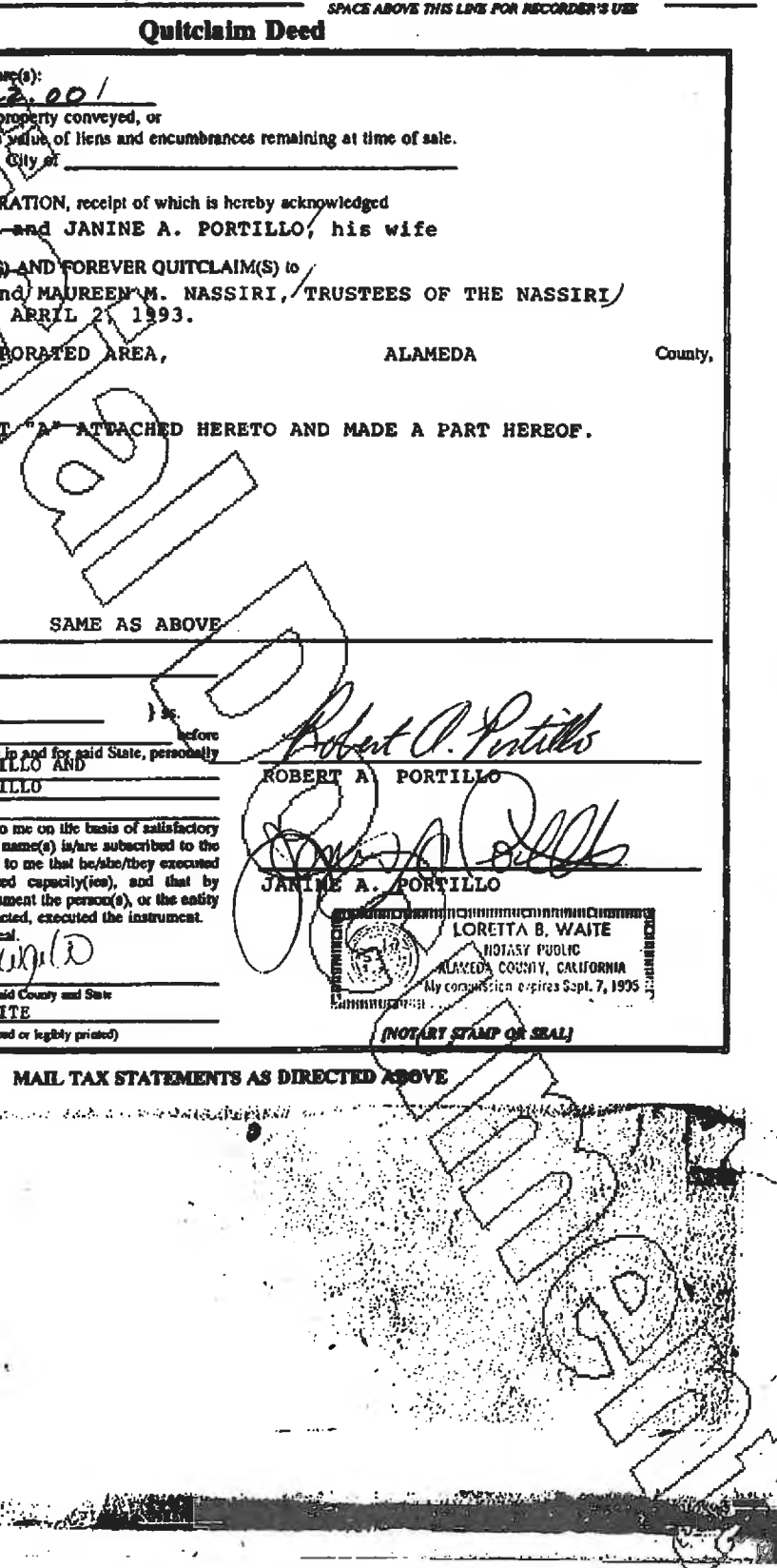
Loretta B. Waite
 LORETTA B. WAITE
 Notary Public in and for said County and State
 My commission expires Sept. 7, 1995

(Notary's name must be typed or legibly printed)

(NOTARY STAMP OR SEAL)

ORT 155 (1/94)

MAIL TAX STATEMENTS AS DIRECTED ABOVE



LEGAL DESCRIPTION
EXHIBIT "A" (CONTINUED)

All that certain real property situated in the unincorporated area of the Township of Pleasanton, County of Alameda, State of California, described as follows:

PARCEL I

All of that parcel of land conveyed in the grant deed from Charles B. Froeming and Sandra L. Froeming to Manucher Nassiri and Maureen M. Nassiri, recorded May 11, 1981, under Series No. 81-075676, Alameda County Records, and a portion of that parcel of land conveyed in the grant deed from Bart Dickens and Leslie Dickens to Robert A. Portillo and Janine A. Portillo, recorded October 6, 1994, under Series No. 94-325852, Alameda County Records, described as follows:

Beginning at the Northwestern corner of the lands heretofore conveyed to P. Brask and J.W. Brask by Deed recorded August 21, 1912, in Book 2091 of Deeds, Page 257 thru 259, Alameda County Records; thence along the western line of said Nassiri parcel South 14° West 289.2 feet to the Southwestern corner thereof; thence along the Southern line of said Nassiri parcel South 80° 16' East 938.6 feet to the general Western line of said Portillo parcel; thence along said general Western line South 26° 00' East 61 feet, more or less, to the Western line of that certain 40 foot wide Foothill Road, also known as Wobbers Road and County Road No. 5820; thence along said Western line of said Foothill Road Northerly to a line drawn South 79° 30' East from a point on the general Western line of said Portillo parcel distant thereon South 88° 00' East 135.00 feet from an angle point therein as said general Western line is described in said Portillo deed; thence along last said drawn line North 79° 30' West 186 feet, more or less, to said general Western line of said Portillo parcel; thence along said general Western line North 88° 00' West 135.00 feet to said angle point therein; thence along the general Northern line of said Nassiri parcel North 54° 45' West 16.5 feet to a white oak tree about 1 foot in diameter, said oak as being described in said Brask Deed; thence up a gulch and along said general Northern line of said Nassiri parcel North 71° 30' West 214.5 feet, North 81° 00' West 264.0 feet and North 63° 00' West 113.2 feet to the point of beginning.

Also reserving therefrom: all oil, gas and other hydrocarbon substances, etc., as reserved in the deed from Madeline McConegal, et al., recorded April 18, 1979, under Series No. 79-072141, Alameda County Records.

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LEGAL DESCRIPTION
EXHIBIT "A" (CONTINUED)

PARCEL II

An easement for ingress and egress of pedestrians and vehicles to and from Earthhill Road as said road now exists over the now existing driveway of the remaining lands of the grantor, as granted in the Deed from Madeline McConegal, et al, recorded April 18, 1979, under Series No. 79-072141, Alameda County Records.

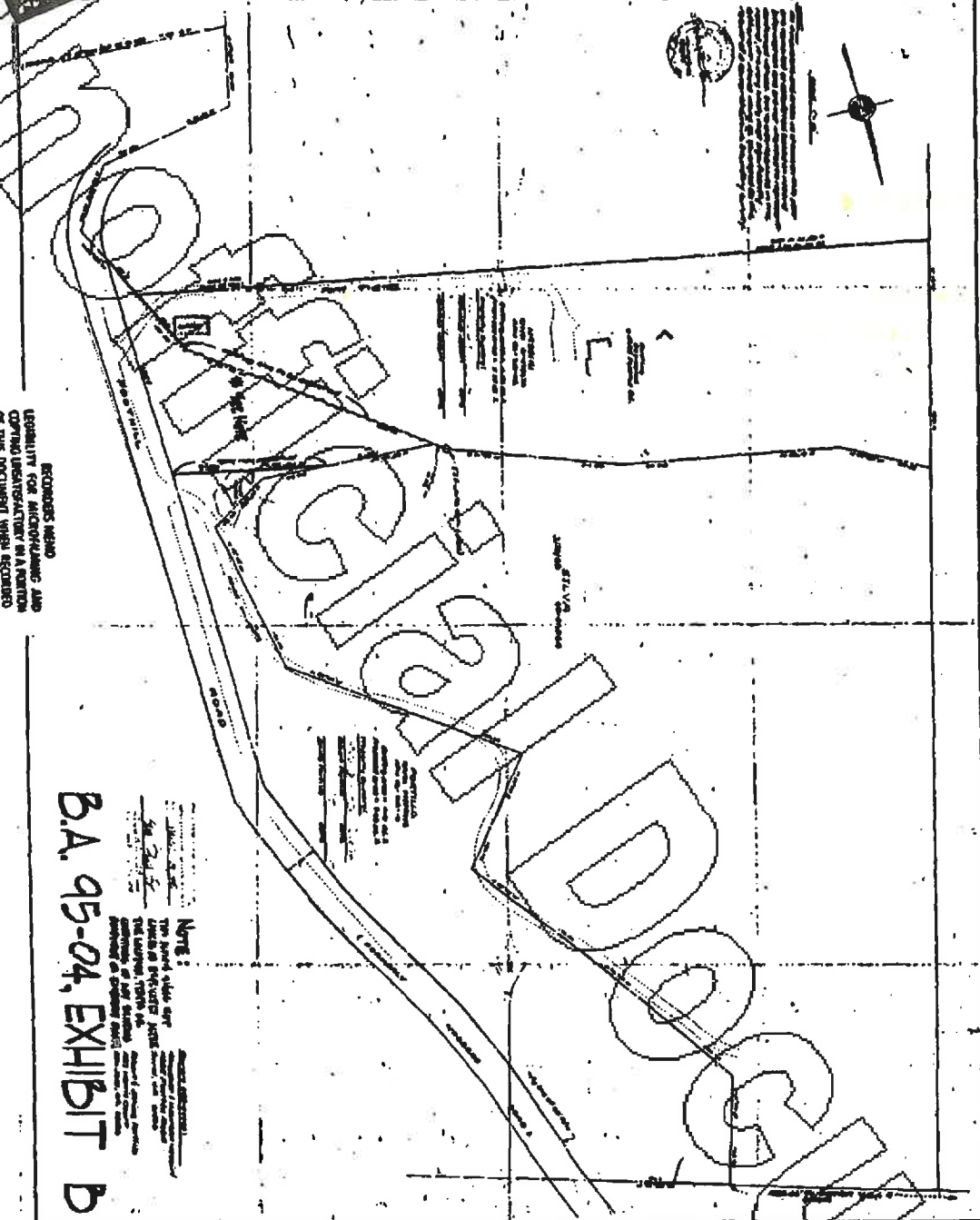
Assessors Parcel No. 96-310-02
and a portion of Assessors Parcel No. 96-310-19

95068477

RECORDS AND
UTILITY FOR MEASURING AND
OPTIMIZING FACTORY MAINTENANCE
OF THIS DOCUMENT WHEN REQUIRED

B.A. 95-04, EXHIBIT B

PLAT OF PROPOSED BOUNDARY ADJUSTMENT
SECTION 36 AND 37 OF T. 12N. R. 10E. S. 12E.
COUNTY OF ... STATE OF ...



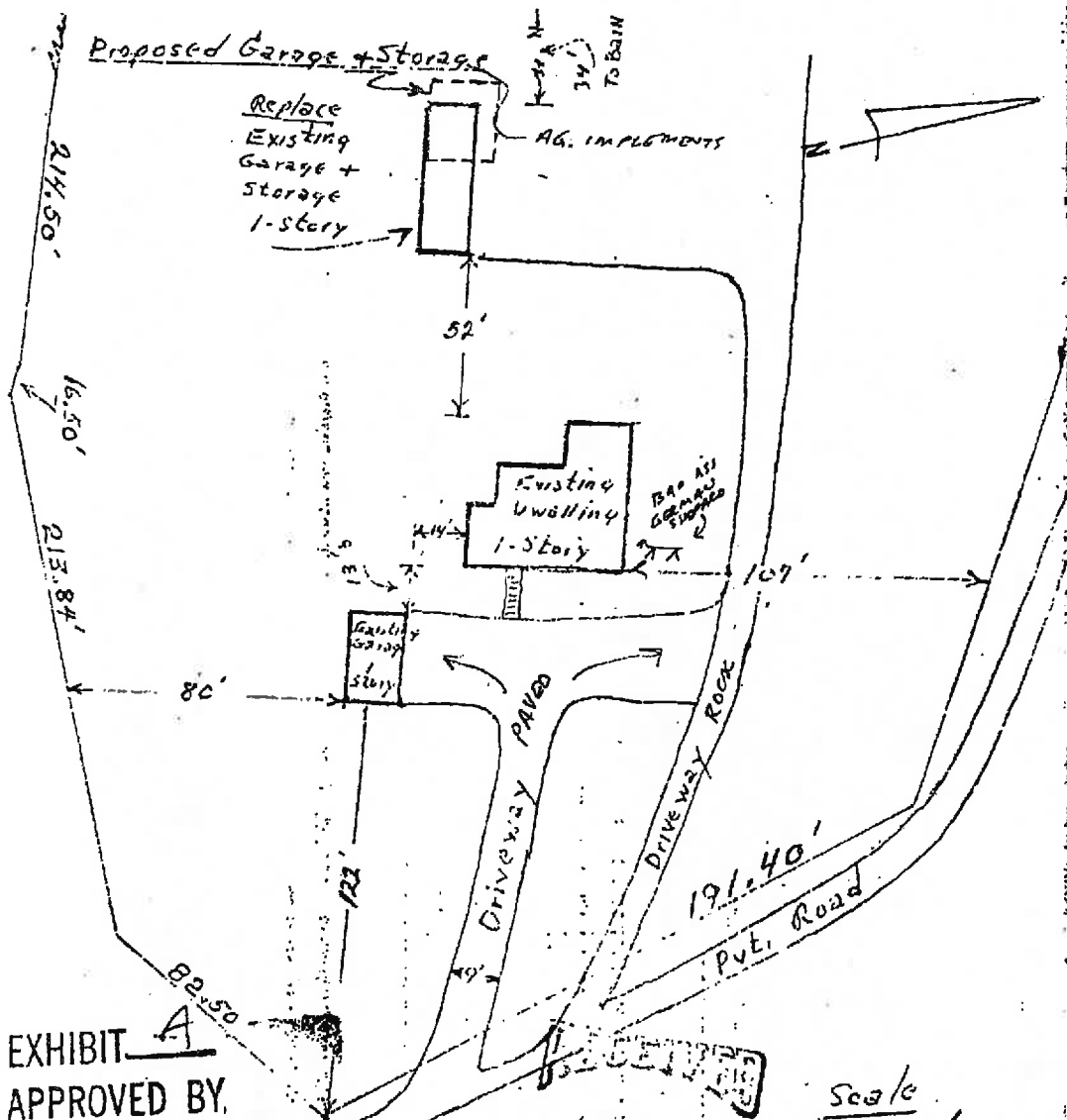
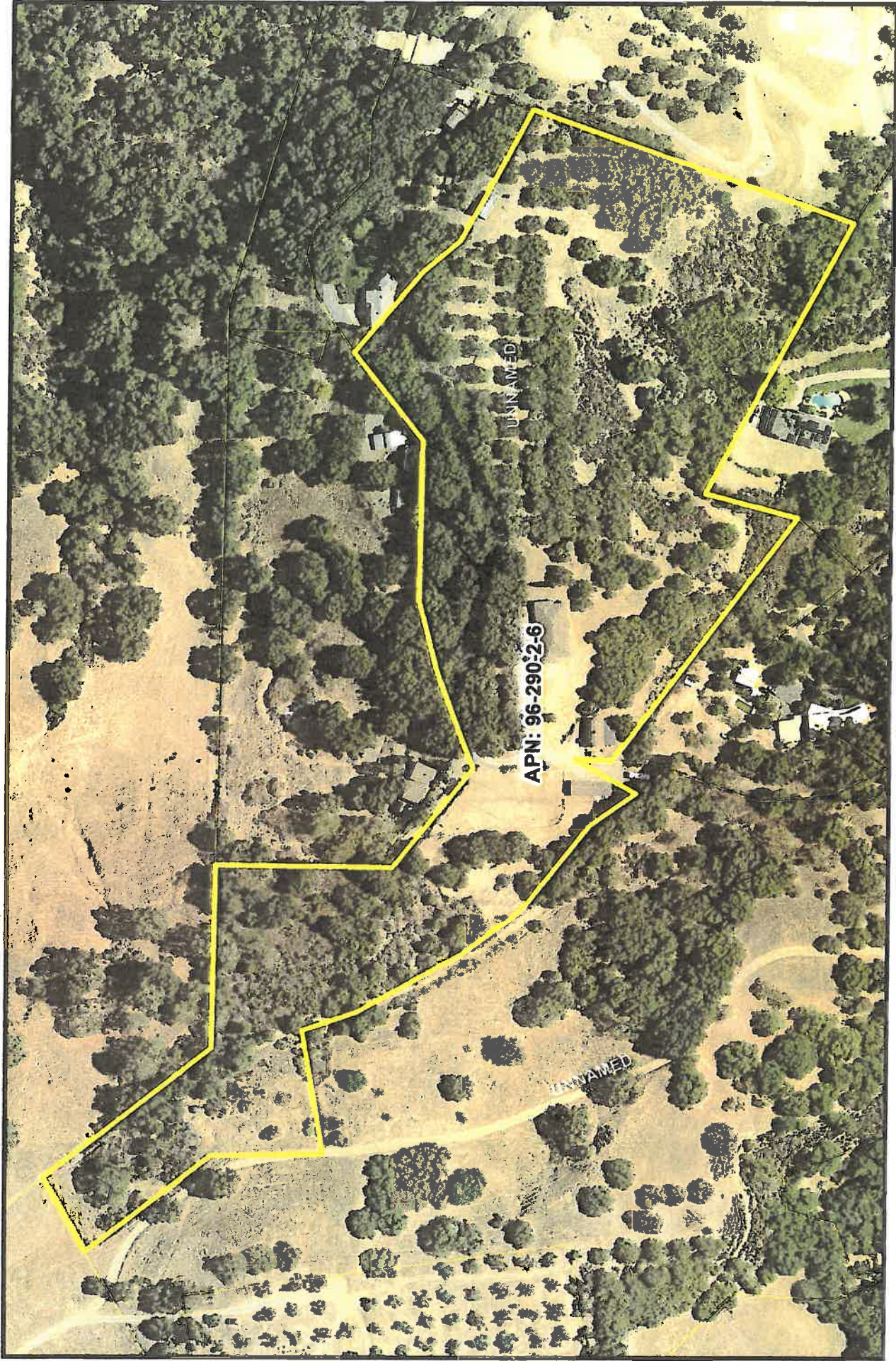


EXHIBIT A
 APPROVED BY _____
 RES. 2-4201
 DATED 11.5.80
 APPLICATION U-8199

APPROVED
 OCT 14 1980
 ALAMEDA COUNTY
 PLANNING DEPARTMENT

Scale
 1" = 40'
 H. M. Silva
 7957 Foothill Rd
 Sunol, Ca. 94586
 10-12-80

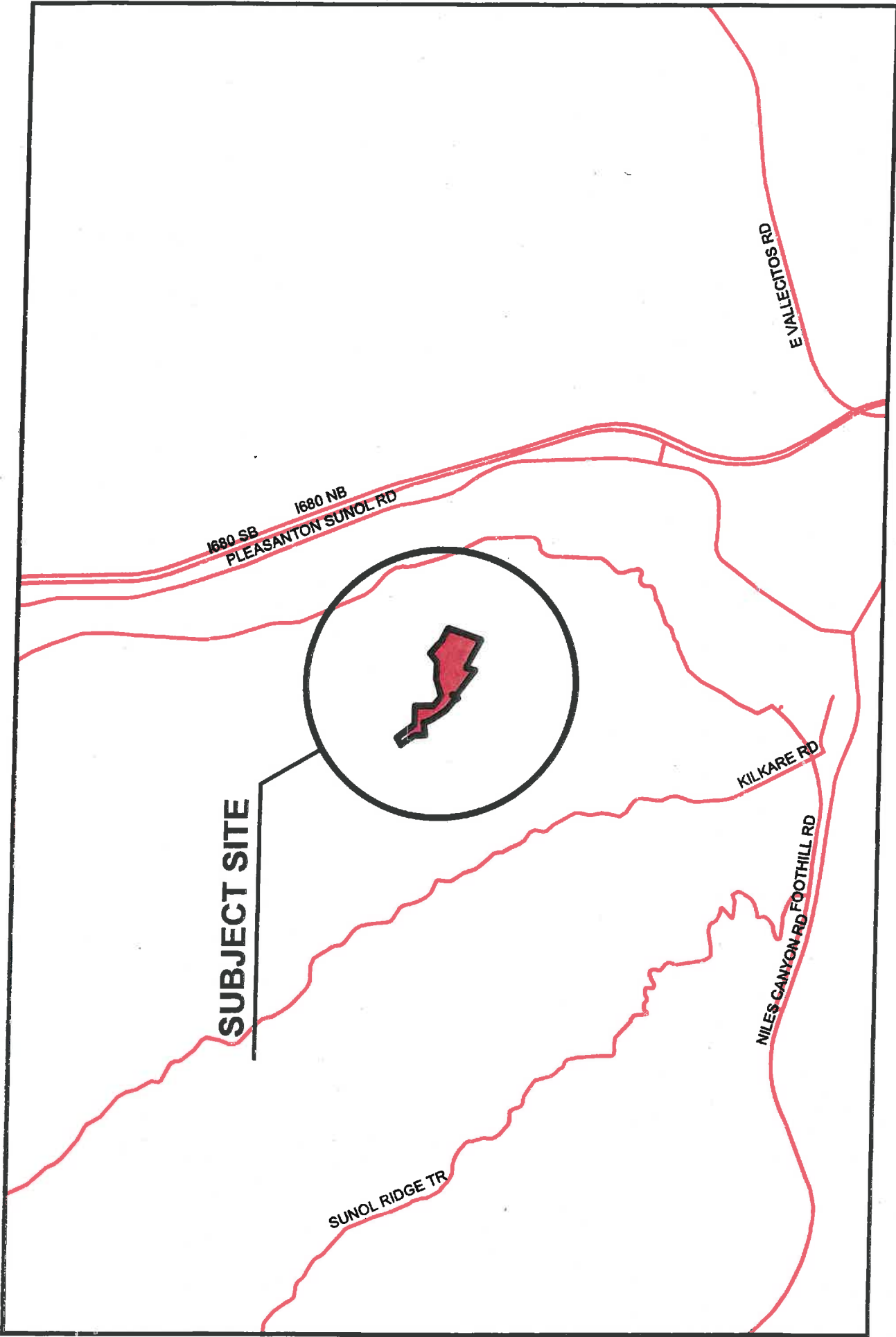
County Rd.



PLN2015-00127
AERIAL PHOTO

Alameda County CDA - Planning Department





PLN2015-00127
VICINITY MAP

Alameda County CDA - Planning Department

