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# Small Happy Valley Subdivision Finally Approved

*By Cathy Tyson*

Arial photograph of Leamy Subdivision, near Sundown Terrace
Photo courtesy of Robin Leamy

It was a happy ending for Robin and Kris Leamy, owners of a 19.23 acre parcel located at 4123 Happy Valley Road. At a recent City Council meeting they were granted conditional approval to subdivide this land into three lots. Tentative plans include negotiations with EBMUD for the 2.55 acre Parcel A for the Sunnyside pumping plant, the Leamy's plan on using the 13.82 acre Parcel B for their personal residence, Parcel C is 2.34 acres and its use is to be determined. Since September of 2005, they have been attempting to get approval to pursue development of this piece of property. Finally granted in August of 2008, this process has taken just shy of three years to complete. The Leamy family now needs to go through the required stages to build their dream home on the land. "It's been a long haul" commented Robin Leamy. He added it was a good thing they didn't sell their current house in anticipation of the project moving forward a little faster than it actually has. "We had been looking for land to build our home for several years and were taken by the openness and natural beauty of the property. The mature oaks and ability for horses and vineyards was very appealing to us as well. We understood the reputation of the previous owner, but could not have imagined the resistance that we met from some of the downhill neighbors," said Leamy. Part of the problem dated back to the prior owner John Barsell. His application was denied by the City in 1989, for a number of reasons, one being a problem with safe access to the small subdivision. A lawsuit was filed in 1990, but

the court remanded the matter back to the City Council to consider a revised access. The matter came before the City Council again in 1992 and the subdivision was denied. Finally in 1994 both parties signed a Settlement Agreement that included a number of conditions. After waiting until 2004 Barsell, still the owner at that time, applied for an encroachment permit to the City of Orinda. In recent years, concerned neighbors had raised some geologic and drainage concerns. Geotechnical studies were done and a previously identified landslide was larger than originally thought. Two on-site landslides were repaired at the owner's expense. In addition the owner has widened Happy Valley Road near the entrance and obtained an easement from the Orinda Homeowners Association. In the end a total of four soils engineers evaluated the property, one representing the city, two for the Leamy's and one representing the neighbors. Not surprisingly, there was some disagreement among the experts. At the final meeting, the City Council was willing to grant conditional approval with mitigation measures, giving the neighbors further opportunity to comment. "We will, of course, be addressing any and all safety concerns with the utmost care and diligence as any family that was going to build their personal residence would do. The property will be much safer after our efforts than before, which is to the benefit of all downhill neighbors," said Leamy.

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