



Item No. 13 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: STEVE TYLER, PUBLIC WORKS SUPERINTENDENT

DATE: JUNE 21, 2017

SUBJECT: REVIEW OF STAFF REPORT AND REQUEST TO REPLACE A SHARED FENCE ADJACENT TO HOLBROOK PALMER PARK AND 280-300 FELTON DRIVE; PROVIDE STAFF WITH DIRECTION REGARDING AUTHORIZATION TO REPLACE THE FENCE, TYPE, HEIGHT, AND DESIGN AS WELL AS CONSIDERATION OF TOWN FINANCIAL PARTICIPATION IN THE PROJECT

RECOMMENDATION

Review the staff report and the request to replace a shared fence adjacent to Holbrook Palmer Park and 280-300 Felton Drive; provide staff with direction regarding authorization to replace the fence, type, height, and design as well as consideration of Town financial participation in the project.

BACKGROUND

The property owners at 280 and 300 Felton Drive indicate that a portion of the shared fence between their properties and Holbrook Palmer Park was constructed by the Town in the early 1980's. A portion of the fence is constructed of steel-reinforced concrete with the remaining fence constructed of wood. The property owners indicate that the concrete portion of fence has experienced significant damage and cracking due to general aging. Below is a view of the steel-reinforced concrete from Sussex Drive (adjacent to 300 Felton Drive).



ANALYSIS

The property owners would like to replace the shared fence with a new wood fence in the same location and generally at the same height. To the right is a photo with measurements of the existing fence (with a wood section replaced by the Town).



The existing fence includes horizontal boards between posts in six foot sections. The property owners would like to install a new fence with vertical fence boards between posts also in six foot sections. The new fence would be approximately 240 feet long. Below is an example of the type of fencing from Sierra Fencing (their chosen contractor) that they would like to install along the border.



During the project, the property owners would like to install a temporary fence on the Atherton side of the property (within the Park) to secure the properties during the demolition of the existing fence and construction of the new fence. The property owners estimate the temporary fencing will be in place for approximately one week. The property owners submitted a quote from Sierra Lumber and Fence in the amount of \$11,570 to complete the work.

The steel-reinforced concrete fence borders all of 300 Felton Drive and a portion of the shared easement along Sussex. The property owner at 280 Felton Drive has a wood fence that is located predominately on their private property as there are trees on the inboard Park side of the fence that are on Town property. They will be rebuilding the fence identical to the one chosen by 300 Felton Drive on their property – only that portion along the shared easement at Sussex will be located on Town property. Once approved, they would like to begin construction at the end of June or early July.

Attached is a letter and survey from the property owners with their request to the Town for participation and permission. The property owners are prepared to cover the full cost and management of the project and ask that the Town consider an equitable cost-sharing agreement, if

it is in the Town's interests to do so. The main concern of the property owners is timing to ensure that they can retain the contractor. The City Council should consider the following:

- 1) Authorize the replacement of the fence in the same location as existing, at the same general height as existing, but replacement with a wood fence with vertical fence boards; and
- 2) Consider financial participation for the shared fence. This could include paying for half of the fence cost, waiving permit fees or assisting with Town labor to demolish the existing fence.

The maximum fence height per the Atherton Municipal Code at this location is eight feet. The Zoning Code requires the fence to have uniform design and appearance, and if greater than six feet in height, shall be shielded from the public view by planting. Staff believes that the proposed fence would comply with the code requirements and notes that there is significant existing landscape screening along the Park side of the property.

As the fence is proposed to be constructed on the shared Town property line, it requires separate Town authorization in addition to a Building Permit and Planning review. A portion of the fence adjacent to the 280 Felton Drive property is located on private property and may require permits from the City of Menlo Park. The property owners are aware of and are responsible for securing the necessary permits.

FISCAL IMPACT

If the City Council were to authorize 50% cost sharing of the fence, the estimated cost is \$6,000. The Town's Building Permit fee for a new fence is \$403.37 and Planning review fee is \$160.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire Protection District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENTS

1. Letter of request dated May 30, 2017 from Anders & Meredith Klemmer of 300 Felton Drive and Matt and Shelly Jones of 280 Felton Drive
2. Fence replacement quote from Sierra Lumber & Fence dated April 25, 2017
3. Survey of 280 Felton Drive prepared by L.Wade Hammond

May 30, 2017

Re: Fence Replacement Adjacent Holbrook Palmer Park

Residents:

Anders & Meredith Klemmer
300 Felton Dr.
Matt & Shelley Jones
280 Felton Dr.
Menlo Park, CA 94025

Town of Atherton:

Michael Lempres- Mayor
George Rodericks- Town Manager
Steven Tyler- Public Works Superintendent
91 Ashfield Rd.
Atherton, CA 94027

Dear Sirs:

Following our meeting on Thursday, May 18 to discuss the replacement of the shared fencing structure adjacent to Holbrook Palmer Park and our property in Felton Gables, I wanted to formally seek the Town of Atherton's approval for the Resident's voluntary replacement of the fence per the attributes detailed below. In addition, we kindly request the Town of Atherton to discuss a cost-sharing proposal based on the estimated replacement cost, although we acknowledge that the fence replacement is being voluntarily initiated on our behalf with no expectation of this being a joint project with the Town of Atherton. Lastly, due to scheduling constraints for the contractor (Sierra Fencing) and our immediate safety concerns for the existing structure, we are requesting the Town of Atherton place this issue on the next Council agenda for their June 2017 meeting.

Background:

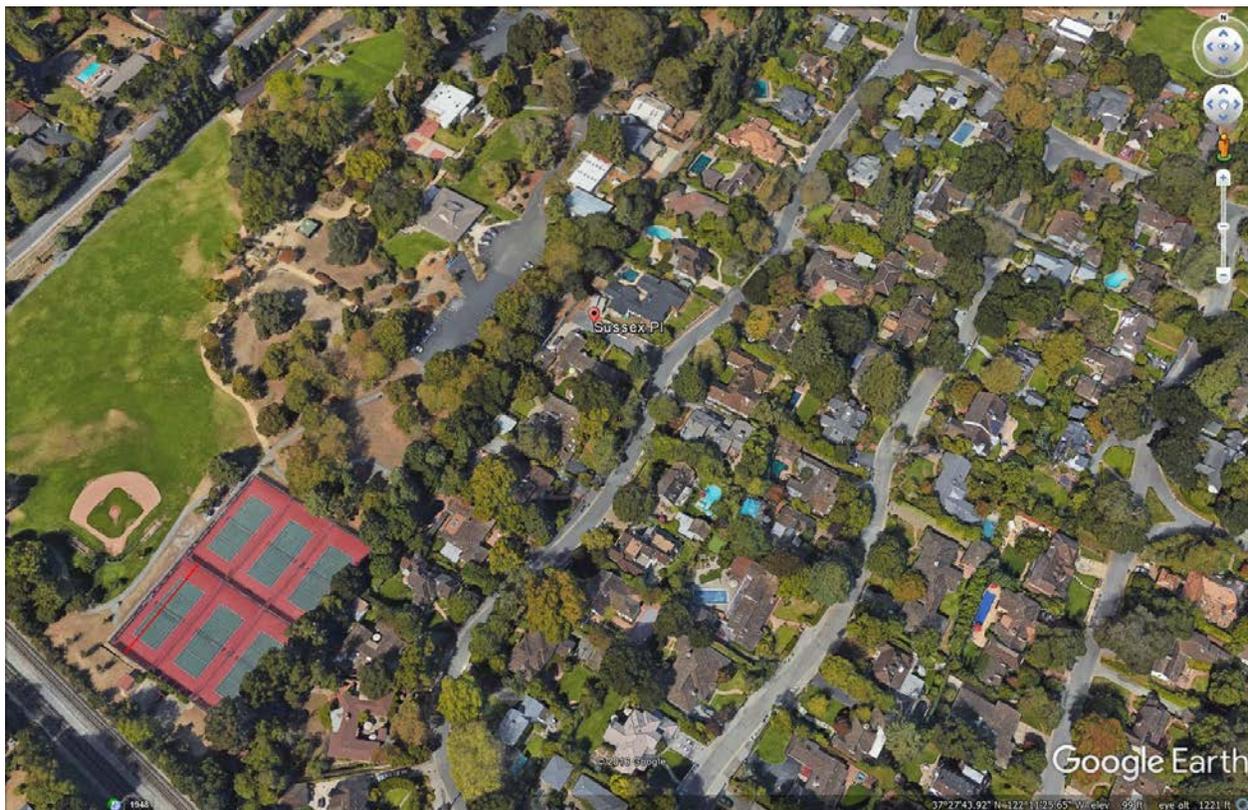
The existing fence structure runs approximately 250 feet adjacent the property lines of 280 & 300 Felton Dr (Menlo Park) and Holbrook Palmer Park in Atherton. Approximately 65% of this fence is constructed of steel-reinforced concrete and was built by Atherton in the early 1980's. The remaining 35% of the fence on the Jones property is constructed of wood. Over the past 7 years that I have resided on the property, the concrete portion has experienced significant dilapidation and cracking due to general aging and wear and tear. On 3 separate occasions, large portions of the concrete slab have fallen, requiring Atherton Public Works to patch entire 6 ½ ft gaps with wood planks (see pictures below). We appreciate the Town's responsiveness to these repairs over the years, for the condition of the concrete fence poses a serious safety threat to both our Felton Gables families and visitors to Holbrook Palmer Park. You will see in the picture below that each section of the fence weighs approximately 825 lbs., which would cause grave bodily harm or death if a person was close by when these slabs fall. In fact, I narrowly missed getting hit by falling planks while gardening a few years ago! There continues to be cracking and separation in the remaining sections, so future harm and repair is imminent.

Another unique concern we have relates to privacy and noise. Our cul-de-sac (Sussex Pl in the picture below) used to be an entry point to the park and sits a short distance behind the Jennings Pavilion, Knox Playschool and parking lot. While we love the active nature of the park, this does create issues from time to time. As you know, the park hosts weddings and special events in the Pavilion that go until close to midnight on weekends. We can often hear loud music and voices during these events and afterwards as people congregate in the parking lot. Maintaining a solid, high fence structure can help dissipate this noise. Furthermore, since Sussex Pl used to be an entry point for vehicles into the park and still appears this way on many maps (note: it was annexed to the Residents by the town of Menlo Park), we often encounter cars, cyclists and pedestrians on our property trying to gain access to the park. Over the years I have caught several people trying to climb the fence from both sides, in addition to cars performing U-turns after reaching the dead end

(note: my 3 young children are almost always outside in this area on their bikes and scooters). Clearly this is both a safety & privacy concern for us that we hope the new fence will address.

Lastly, it has come to our attention that Atherton may request re-opening pedestrian access to the park from Sussex Pl at some point in the future. As we now own the Sussex thrufare where any gated access point would potentially be added, we would like to state unequivocally that we (the Residents) have no desire or willingness to permit such a pathway through our property. Among the many reasons, this would negatively affect property values, decrease privacy and cause unwanted congestion in Felton Gables, namely around our houses.

PICTURES:



Proposal:

We have engaged Sierra Lumber & Fencing to bid on a new wooden fence along the entire property lines of 280 and 300 Felton backing up to the park. Our goal is to maintain the same design elements (width, height, etc) as the existing fence, yet with improved aesthetics, structural integrity, and obviously safety. We are not proposing to alter any positioning of the new fence within our shared property line with the Town of Atherton. Consistent with the existing fence shown in the picture below, we are requesting to re-build to a solid height of approximately 94" in sections approximately 76" wide at the end of Sussex Pl. Also consistent with the existing fence, we will slightly lower the height on our core property to 84". Included below is an illustrative picture from Sierra Fencing for the style fence we hope to install.



As part of our request and desire to maintain safety and privacy with patrons of the park, we will need permission to install temporary fencing during construction. This temporary fencing will need to be placed on Atherton property (HPP) to facilitate demolition of the existing structure, digging new holes for cement footers, and general preparation/construction of the new fence. We do not anticipate this to last for more than 1 week and ideally will occur over 2-3 days. Sierra is a licensed/bonded contractor and will seek permitting (as required) and abide by city ordinances in their normal course of business.

Initial cost estimates for the project are approximately \$12K, although we expect these to increase slightly due to (i) the non-standard length of the wooden boards, (ii) cost of demolition/hauling of the existing fence, (iii) temporary fencing, and (iv) permits, if necessary. We, the "Residents", are prepared to cover the full cost and management of the project and would only ask that the Town of Atherton consider an equitable cost-sharing agreement if it is in your interests. That said, our main consideration is timing and we would like to get this approved in your June meeting to ensure that we retain Sierra Fencing in this hectic construction market. Any delay in approval endangers us falling to the "back of the line" and would prolong the replacement of a fence we can all agree is an eyesore and safety concern. I have attached the Sierra bid as a separate attachment for reference.

Thank you for your consideration and time. We look forward to hearing from you and working on next steps.

Best Regards,

Anders & Meredith Klemmer
Matt & Shelley Jones



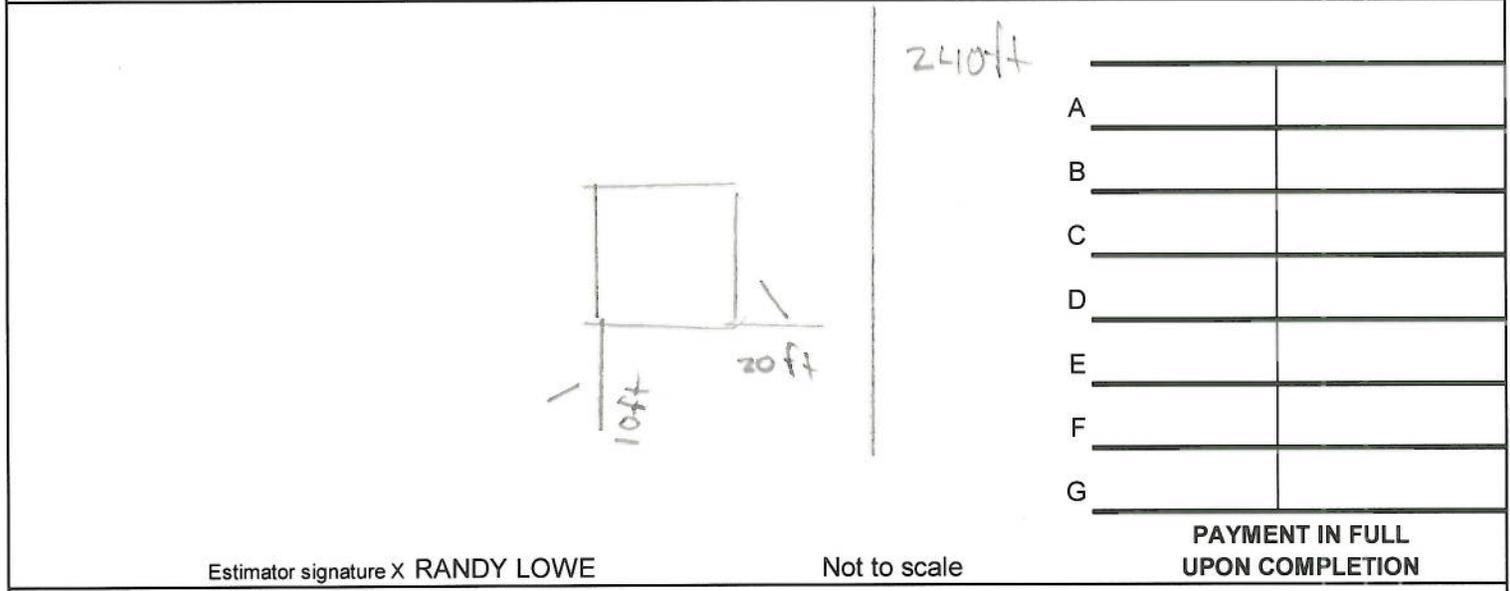
1711 SENTER ROAD, SAN JOSE, CA 95112
 408-286-7071 ext 152 Fax 408-279-0108 www.sierrafence.com

DATE: 3/14/2017

4/25/2017

CUSTOMER: MATT JONES ADDRESS: 280 FELTON DR CITY/STATE/ZIP: MENLO PARK CA 94026 SALESPERSON: RANDY LOWE rlowe@sierrafence.com RANDY CELL 408-313-9261	JOB NAME: ADDRESS: CITY: EMAIL: WORK PHONE: (650-207-8867) CELL:
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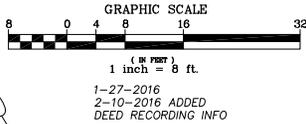
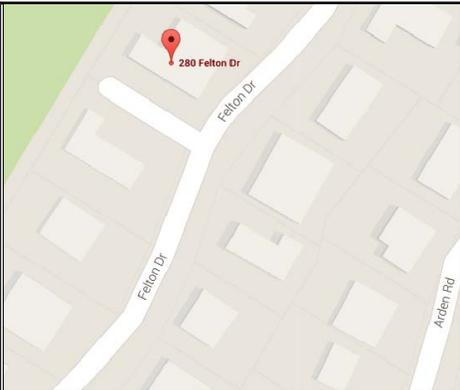
ACCESS TO JOB	PROBLEM AREAS	SPECIAL EQUIPMENT AUGER/BIT	WE PROPOSE TO FURNISH	TYPE OF TERRAIN	ELECTRICITY	WATER
			<input checked="" type="checkbox"/> LABOR & MATERIALS <input type="checkbox"/> MATERIALS ONLY <input type="checkbox"/> REPAIR ONLY	<input checked="" type="checkbox"/> FLAT <input type="checkbox"/> SLOPED <input type="checkbox"/> GRADED	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
MATERIAL GRADE AND SIZE			FEET	LOCATION DESCRIPTION	PER FT	COST
APPROX- 7 FT BOARD ON BOARD STYLE FENCE			240	BACKLINE	\$41.00	\$9,840.00
APPROX- 6FT BOARD ON BOARD WITH LATTICE			240	BACKLINE	\$41.00	\$9,840.00
2X4X8 SOLID CC RAILS						
1X6 CON COMMON REDWOOD FENCE BOARDS						
READY MIX						
2X10 PT CT KICKBOARDS DOUG FIR			20	CLOSE OFF-LEFT SIDE-MATT	\$41.00	\$820.00
SINGEL DIAG- LATTICE				SINGEL GATE CHARGE	1-EACH	\$250.00
			10	CLOSE OFF- RIGHT SIDE MATT	\$41.00	\$410.00
4X6 POST- 2X6 TOP ADD \$5.00 MORE				SINGEL GATE-CHARGE MATT	1-EACH	\$250.00
CONTRACTORS LICENSE # 892959						
FENCES MAY BE STEPPED FOR SLOPE.				marked for usa n/c		
			Tear out <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Removal <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES		TOTAL \$11,570.00	



1. Final invoicing is based upon actual field measurements of completed fence, measured through gates.
 2. Price excludes paint, stain, demo, clearing and removal of spoils, permits, fees, etc.
 3. Property stakes and finish grade are to be provided by homeowner. Sierra Lumber & Fence shall not be responsible for any damage to underground utilities of any nature. Notification of U.S.A. Underground at (800) 642-2444 is the responsibility of the homeowner.
 4. Extras or charges not specified in this proposal are charged at a rate of **\$62.50** per hour, per man.
 5. Deposit & Signature Required Prior to Start.

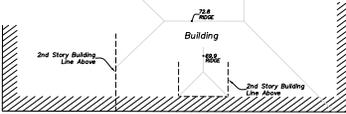
This contract is subject to all the terms and conditions set forth on page 2 (receipt of such is acknowledged by Homeowner's signature above). Homeowner has the right to require a performance and payment bond at Homeowner's expense.

Homeowner signature X Date: _____



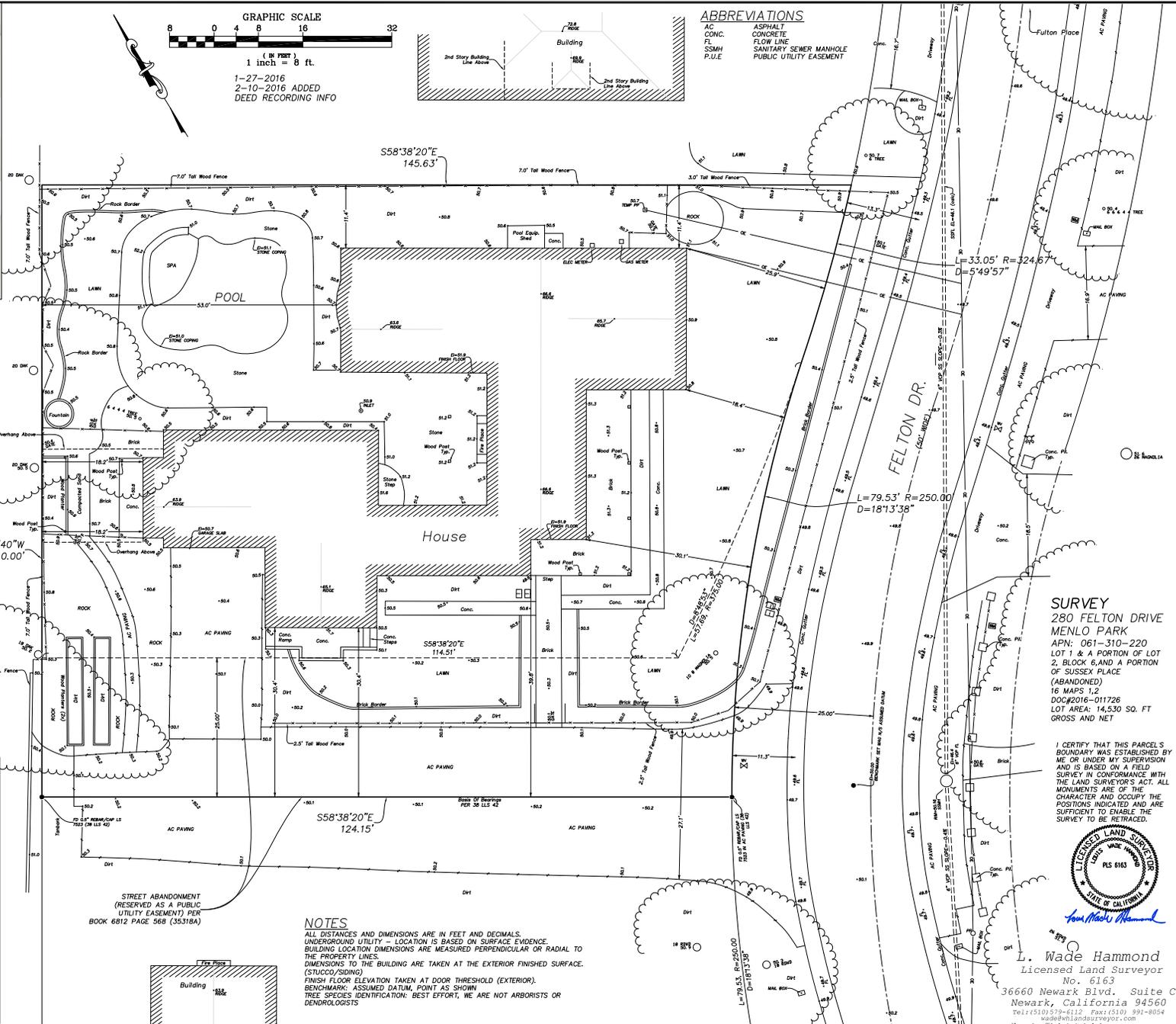
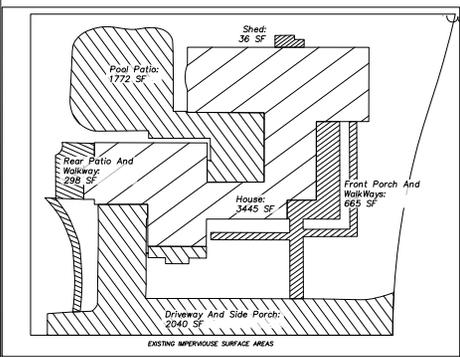
ABBREVIATIONS

AC	ASPHALT
CONC.	CONCRETE
FL	FLOW LINE
SSWH	SANITARY SEWER MANHOLE
P.U.E.	PUBLIC UTILITY EASEMENT



LEGEND

- FOUND POINT AS NOTED
- () RECORD DATA / REFERENCE
- ⊠ WATER METER OR WATER VALVE BOX
- ⊞ FIRE HYDRANT
- ⊙ 16 12 8 OAK TREE - TRUNK DIAMETER IN INCHES
- ⊙ 16 12 8 OAK TREE SPECIES IDENTIFICATION: BEST EFFORT, WE ARE NOT ARBORISTS OR DENDROLOGISTS
- ⊙ 16 12 8 OAK TREE WITH MULTIPLE TRUNKS
- ⊙ TRUNK TREE DRIP LINE POINTS TOWARDS TREE TRUNKS. TREE DRIP LINES ABOVE PROPERTY LOCATED AS SHOWN.
- +55.34 TOP OF CURB
- FENCE
- OVERHEAD WIRES
- POWER POLE
- + 12.34 SPOT ELEVATION
- ⊙ SANITARY SEWER CLEAN OUT
- ⊠ IRRIGATION VALVE BOX
- ⊠ SIGN
- EDGE OF AC PAVING
- WATER VALVE
- GAS VALVE



SURVEY
 280 FELTON DRIVE
 MENLO PARK
 APN: 061-310-220
 LOT 1 & A PORTION OF LOT
 2, BLOCK 6 AND A PORTION
 OF SUSSEX PLACE
 (ABANDONED)
 16 MAPS 1.2
 DOC#2016-011726
 LOT AREA: 14,530 SQ. FT
 GROSS AND NET

I CERTIFY THAT THIS PARCEL'S BOUNDARY WAS ESTABLISHED BY ME OR UNDER MY SUPERVISION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



L. Wade Hammond
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 Newark, California 94560
 Tel: (510) 579-6112 Fax: (510) 591-8054
 www.wahammondlandsurveyor.com

NOTES
 ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS.
 UNDERGROUND UTILITY - LOCATION IS BASED ON SURFACE EVIDENCE.
 BUILDING LOCATION DIMENSIONS ARE MEASURED PERPENDICULAR OR RADIAL TO THE PROPERTY LINES.
 DIMENSIONS TO THE BUILDING ARE TAKEN AT THE EXTERIOR FINISHED SURFACE. (STUCCO/SIDING)
 FINISH FLOOR ELEVATION TAKEN AT DOOR THRESHOLD (EXTERIOR).
 BENCHMARK: ASSUMED DATUM, POINT AS SHOWN
 TREE SPECIES IDENTIFICATION: BEST EFFORT, WE ARE NOT ARBORISTS OR DENDROLOGISTS

STREET ABANDONMENT
 (RESERVED AS A PUBLIC
 UTILITY EASEMENT) PER
 BOOK 6812 PAGE 568 (35318A)