

# 3179

2021-059962

1:08 pm 04/14/21 DR Fee: 101.00

Count of Pages 4

Recorded in Official Records

County of San Mateo

Mark Church

Assessor-County Clerk-Recorder



RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

CITY CLERK  
CITY OF MENLO PARK  
701 LAUREL STREET  
MENLO PARK, CALIFORNIA, 94025

THIS SPACE FOR RECORDER'S USE ONLY

FIRST AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS (CCANDR'S) ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP FOR 746-748 PARTRIDGE AVENUE CONDOMINIUMS

TITLE OF DOCUMENT

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT DOCUMENT # 2021-038873 (MARCH 10, 2021) BECAUSE OF WRITTEN CHANGES IN THE FOLLOWING SECTIONS:

1. SECTION #1 ORIGINALLY HAD THE APN NUMBERS OMITTED. THE REVISION INCLUDES THESE APN NUMBERS. 748 PARTRIDGE AVENUE'S APN # IS 104-910-010, AND 746 PARTRIDGE AVENUE'S APN # IS 104-910-020. THE OLD DATE OF AGREEMENT WAS ENTERED AS FEBRUARY 26, 2021; THIS AGREEMENT DATE HAS BEEN UPDATED TO APRIL 12, 2021.
2. SECTION # 5 HAS BEEN AMENDED
3. SECTION # 6 HAS BEEN AMENDED

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION

(Additional Recording Fee Applies)

(Govt. Code 27361.6)

RECORDING REQUESTED BY AND,  
WHEN RECORDED, MAIL TO:

City Clerk  
City of Menlo Park  
701 Laurel Street  
Menlo Park CA, 94025

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*(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)*

**FIRST AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R'S)  
ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP FOR  
746-748 PARTRIDGE AVENUE CONDOMINIUMS**

1. This First Amendment is a restatement of the original CC&R's document (County of San Mateo Official Records document number 2015-071916 as recorded at 8:00am on July 08, 2015; Mark Church Assessor-County Clerk-Recorder; Chicago Title Insurance Company). The parties to this First Amendment are the home owners of both 746 and 748 Partridge Avenue. The owner of 748 Partridge Avenue (APN 104-910-010) is Ethan Jackson and Gloria Tintaya and the homeowner of 746 Partridge Avenue (APN 104-910-020) is Rika Zilant and Maris Zilant (collectively "Owners"). This First Amendment is entered into by the parties on April 12, 2021. The reason this First Amendment is being entered into is to allow for accessory structures, such as a pergola, in the Exclusive Use Common Area.

2. a. The definition for accessory structures can be found in Section 16.04.661 of the Menlo Park Municipal Code. Per the Municipal Code, an accessory structure is defined as the following: "Accessory structure" means a separate and subordinate structure, which is open in nature and the use of which is incidental to that of the main building or buildings and/or use of the land on the same lot or building site. Examples of such structures include, but are not limited to, arbors, trellises, play structures, built-in barbecues, outdoor fireplaces, and water features. Unenclosed ground-mounted mechanical equipment and fences/walls are not considered accessory structures.

b. The definition for building coverage can be found in section 16.04.120 of the Municipal Code. Per the Municipal Code, building coverage is defined as the following: "Building coverage" means that percentage of the building site permitted to be covered by buildings, as measured from the ground upward, exclusive of any eave not in excess of six feet.

3. Section 5.7 of the original CC&R's document entitled "Alterations to Residence Building" is hereby revised as follows to permit accessory structures, including but not limited to, pergolas in the Exclusive Use Common Area, provided the accessory structures conform with applicable zoning regulations and written approval from the other property owner has been obtained:

5.7 Alterations to Residence Buildings: Any Owner may alter or remodel the exterior of the Residence Building within his or her Unit, or the appurtenant Parking Garage, if the alterations do not impair the structural integrity of the Residence Building and if the Owner complies with all laws, ordinances and the City's Building Code regarding alterations and remodeling. In addition, the Owner who wishes to alter or remodel the exterior of his Residence Building or the appurtenant Parking Garage shall obtain the approval of the other Owner in writing which

approval shall not be unreasonably withheld. To obtain said approval, the Owner wishing to undertake such exterior work shall personally deliver a written request to make such alterations or complete such remodeling to the other Unit Owner. Any Owner, who has not personally delivered a response within thirty (30) days, shall be deemed to have approved such work. No additions shall be allowed which encroach into the Common Area. Notwithstanding, accessory structures shall be allowed in the Exclusive Use Common Area provided such accessory structures comply with all applicable zoning regulations and written approval of the other Owner has been obtained. No permission or approval shall be required to repaint in accordance with Declarant's original color scheme, or to rebuild in accordance with Declarant's original plans and specifications. Before commencement of any alteration or improvements approved by the other Owners, the Owner shall obtain all required governmental permits and comply with all appropriate governmental laws and regulations/Approval by the other Owner does not satisfy the appropriate approvals that may be required by any governmental entity with appropriate jurisdiction.

4. The maximum building coverage permissible on the Property by the applicable zoning district and the building coverage division between the two properties continues to be as follows:

a. The overall lot area of this entire parcel is 9,375 square feet. Per the R-2 (Low Density Apartment) Zoning District, the maximum building coverage for this property is 35% of the overall lot area or 3,281.25 square feet. As such, the maximum building coverage allowed on this entire property is 3,281.25 square feet. This building coverage is shared by both property owners and as such this maximum building coverage is to be divided in half.

5. Except to the extent expressly modified by this First Amendment, the terms of the original CC&R's document remain effective without impairment or modification.

6. Section 6.4 of the original CC&R's document entitled "Amendments" states that written consent from both Owners is needed to amend the CC&R's document. As such, please see signature and dated consent from both Owners below.

#### PARTIES


748 Partridge Avenue, Menlo Park, CA 94025

Signature: 

Print Name: ETHAN JACKSON

Date: APRIL 14, 2021

746 Partridge Avenue, Menlo Park, CA 94025

Signature: 

Print Name: Rika Eisant

Date: 04/14/2021

**See Attached California All-Purpose  
Acknowledgement for the Notarization**

# CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of San Mateo }

On 04/14/2021 before me, Rithika Nayak, Notary Public  
(Here insert name and title of the officer)

personally appeared Ethan Jackson And Rika Zilant 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.

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.

R RNayak  
 Notary Public Signature (Notary Public Seal)



### ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT  
CC & R's  
(Title or description of attached document)  
First Amendment  
(Title or description of attached document continued)  
 Number of Pages 3 Document Date 4/14/21

### CAPACITY CLAIMED BY THE SIGNER

Individual (s)  
 Corporate Officer  
 \_\_\_\_\_  
(Title)  
 Partner(s)  
 Attorney-in-Fact  
 Trustee(s)  
 Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.