

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 5/26/11

FROM: Tim Tune, Senior Planner, via John Swiecki, Community Development Director

SUBJECT: 1000 Marina Boulevard, Suite 100; Use Permit UP-9-11, Use Permit for Medical Facility and Modification to Parking Regulations to Accept Existing Nonconforming Parking for Proposed Use; Igal Koiman, Amen Clinics, applicant; Fund VIII 1000 Marina LLC, owner; APN 007-165-010

Request: Amen Clinics, specializing in neuroimaging (via SPECT brain scans) to help diagnose behavioral issues, proposes to occupy approximately 4,734 sq. ft. in the office building at 1000 Marina Boulevard. The majority of the floor area will continue to be used as administrative offices, but approximately 980 sq. ft. will be used as a medical exam room, an adjoining observation room, injection rooms and medical storage. Provision of diagnostics services is considered to be one of the components of a medical facility. Medical facilities are a conditional use in the SP-CRO Sierra Point Commercial District, requiring approval of a Use Permit.

In calculating the required parking, medical facilities fall within the “professional office” category. The parking requirement for professional offices is 1 space for each 250 sq. ft. of gross floor area, compared to 1 space for each 300 sq. ft. of administrative office. The proposed conversion of administrative office into professional office (medical facility) will increase the parking requirement for the entire building by 1 space (see attached Parking Calculations). The parking at 1000 Marina Boulevard is already deficient by 35 spaces, technically making it a nonconforming structure (as defined by BMC Section 17.02.560.C). Per BMC Section 17.38.080.A, “A nonconforming structure shall not be altered...so as to increase the discrepancy between existing conditions and the requirements of this title.” To address this situation, a Use Permit to modify the parking regulations to accept the existing parking as sufficient for the proposed medical facilities is required.

Recommendation: Conditionally approve Use Permit UP-9-11 per the agenda report with attachments, via adoption of Resolution UP-9-11 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: The use of an existing facility is considered categorically exempt from the provisions of the California Environmental Quality Act per Section 15301 of the State CEQA Guidelines. The exceptions to the use of this categorical exemption referenced in Section 15300.2 do not apply.

Applicable Code Sections: Medical facilities are a conditional use in the SP-CRO District, requiring Use Permit approval, per Brisbane Municipal Code Section 17.17.030.B. BMC Section 17.02.530 defines “medical facilities” as “an establishment where licensed practitioners provide medical or dental services, including, but not limited to, single or multipractitioner clinics, physical therapy, diagnostic services and outpatient surgery.” BMC Section 17.34.010 contains different parking requirements for “professional office” and “administrative office.” BMC Section 17.34.115 provides for modification to the parking regulations via approval of a Use Permit. The applicable findings for such Use Permits are found in BMC Sections 17.34.115.A & B, with the findings for standard Use Permits being in BMC Section 17.40.060.

Background: The property at 1000 Marina Boulevard was approved by the Planning Commission in 1981 for development of “104,234 square feet of office space and 49 inside/322 outside parking spaces.” The 371 total parking spaces complied with the requirement for 347 spaces at 1 space per 300 sq. ft. of administrative office. The subsequently issued Building Permit plans showed 26 non-tandem parking spaces and 22 tandem parking spaces (located behind other spaces) in the garage. The plans also showed 309 surface parking spaces, for a total of 357 spaces. This would have complied with the parking requirement only if at least 12 of the tandem spaces were recognized, which would now be considered contrary to BMC Section 17.34.020.C (“All off-street parking spaces, whether in a garage or open area, shall be located as to be accessible and usable for the parking of motor vehicles.”).

In order to comply with changes in State law (Title 24), standard-size parking spaces had to be converted into fewer spaces accessible to persons with disabilities (per a 2004 Building Permit). According to the plans approved in 2008 to provide an accessible ramp from the building to Marina Boulevard and a van-accessible parking space at the building entrance as required by Title 24, a total of 311 parking spaces were provided. This was increased to 312 by relocating most of the accessible parking from the garage to the front of the building in 2009 (117 standard-size spaces, 169 compact spaces, 6 accessible spaces and 1 van-accessible space, plus 18 standard-size garage spaces and 1 accessible garage space, not including 9 in-tandem compact spaces or 2 delivery/pick-up spaces in the garage). Thus, the building is currently considered nonconforming in terms of parking due to its current 35-space shortfall.

Analysis and Findings: In order to approve the proposed medical facilities, the Planning Commission must determine that the proposal is consistent with the general plan and that the use will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City. Because the existing building is nonconforming in terms of required parking, additional findings must be made to modify the parking regulations: it must be found that there is no need for strict enforcement due to present or anticipated traffic volume or site circulation, and no on-street parking impacts will result.

General Plan Consistency--The General Plan land use designation for the site is Sierra Point Subregional Commercial/Retail/Office. This designation includes medical, professional and administrative offices.

SPECT brain scans utilize tracers with relatively low levels of radioactivity. The use, storage and disposal of radioactive materials must comply with the applicable requirements of the North County Fire Authority, the San Mateo County Health Department, the Radiologic Health Branch of the California Department of Public Health, the Nuclear Regulatory Commission, and the federal Department of Transportation per General Plan Policy 144 and Program 166b. The California Department of Health licenses radioactive materials, registers X-ray machines, certifies users and inspects facilities.

In this case, the applicant proposes to store the radioactive materials in 5-inch-lead-lined vials in a locked area. Amounts would be generally limited to that used in a day, because they become completely inactive within 36 hours. The materials would be delivered daily in thick lead-lined containers. Unused doses would be kept in their containers and picked up the following day. Other hazardous waste (syringes, swabs, etc.) are locked away in a lead-shielded receptacle while their radioactivity decays. They are then removed by a medical waste disposal company in accordance with federal, state and county regulations.

Granting the parking regulation modification to permit the proposed use would be a means of diversifying the City's tax base per 1994 General Plan Policy 8, given that the use may increase hotel occupancy at Sierra Point (see below).

Not Detrimental or Injurious to Neighborhood or City—As noted above, the use, storage and disposal of any hazardous materials will be subject to compliance with State regulations. As noted below, approving a parking regulation modification for the proposed use should not result in any parking impacts to the other tenants of the building or surrounding properties.

Strict Enforcement Not Required Due to Present/Future Traffic Volume/Circulation—The proposed facility is described by the applicant as a "qualification office" for the company's main medical and administrative facility in Newport Beach. It would serve an international clientele, many of whom typically stay at nearby hotels (a client's evaluation may take 3 to 5 days) and thus not generate on-site parking demand. Typically, the facility would serve 8 clients per day. It would employ 5 persons (reduced from its current staffing in Fairfield from where it will be relocating), including 2 who would be expected to carpool and 2 who would take mass transit. At its current location in Fairfield, parking has not been an issue, according to the attached letter submitted by the applicant's landlord. This is confirmed by the attached parking survey submitted by the applicant.

A parking count by staff on Tuesday, May 17th at 11:15 a.m. found 216 spaces occupied out of a total of 321 (including the tandem spaces in the garage) at 1000 Marina Boulevard. This is an

occupancy rate of 67%, compared to the building's current 78% occupancy rate (according to Simon Clark, Grubb & Ellis). This excess of parking may reflect the success of transportation demand management (TDM) measures, including bike racks and transit shuttle service, already in effect at Sierra Point.

No Interference with Traffic or On-Street Parking—Finally, it must be found that the granting of the use permit will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets or to create or intensify a shortage of on-street parking spaces. On-street parking is prohibited at Sierra Point.

Attachments:

Draft Resolution UP-9-11 with Findings and Conditions of Approval
Parking Calculations
Applicant's Statements, Floor Plan, Brochure and Parking Survey
Letter from Larry Nelson, CDI Companies (Applicant's Current Landlord)
Letter from Manny Mateo, Homewood Suites

draft
RESOLUTION UP-9-11

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-9-11 FOR A MEDICAL FACILITY
AT 1000 MARINA BOULEVARD

WHEREAS, Igal Koiman, Amen Clinics, the applicant, applied to the City of Brisbane for Use Permit and Parking Regulations Modification approval for a medical facility in Suite 100 at 10000 Marina Boulevard, such application being identified as Use Permit UP-9-11; and

WHEREAS, on May 26, 2011, the Planning Commission conducted a hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the agenda report relating to said application and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of May 26, 2011, did resolve as follows:

Use Permit Application UP-6-11 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twenty-sixth day of May, 2011, by the following vote:

AYES:
NOES:
ABSENT:

JAMEEL MUNIR
Chairman

ATTEST:

JOHN SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Conditionally approve Use Permit Application UP-9-11 per the agenda report with attachments, via adoption of Resolution UP-9-11.

1. Approval of the use permit is consistent with the general plan and any applicable specific plan adopted by the city council, specifically the Sierra Point Commercial/Retail/Office land use designation and General Plan Policies 8 & 144 and Program 166b.
2. The establishment, maintenance and operation of the use applied for, under the circumstances, will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City, given applicable State regulations of the proposed medical facility and its minimal parking demand.
3. Strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site, based upon the stated nature of the proposed use, as supported by parking surveys at the medical facility's current and proposed locations.
4. The granting of the use permit will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets or to create or intensify a shortage of on-street parking spaces, in that on-street parking is prohibited at Sierra Point.

Conditions of Approval:

- A. This Use Permit is approved for no more than 980 sq. ft. of medical exam/observation floor area.
- B. Application for a Building Permit (via submittal of 5 sets of plans and payment of plan check fees) for the proposed improvements shall be made, and the improvements shall be completed in compliance with the California Building Code to the satisfaction of the Building Official prior to opening for business.
- C. The use shall comply with all applicable Federal, State and County regulations regarding hazardous materials, including those regarding the storage, use and disposal of radioactive tracers.
- D. No signage is approved as part of this permit. Application for Sign Review approval shall be submitted to install any signs not otherwise exempt by the Municipal Code.
- E. This Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.48 should the use not comply with its conditions of approval or in any way prove to be a nuisance, injurious or detrimental to property or improvements in the neighborhood or to the general welfare of the City. The matter shall be scheduled for hearing by the Planning Commission per BMC Section 17.48.030 upon receipt of a substantiated complaint of failure to maintain the property in compliance with the conditions of approval.

Parking Calculations:

	Administrative Office/Restaurant <i>1 space/300 sq. ft.</i>	Professional Office Medical Facilities <i>1 space/250 sq. ft.</i>
	Existing <u>104,234 sq. ft.</u>	Proposed <u>103,254 sq. ft. 980 sq. ft.</u>
Required by Use:	347 spaces	344 spaces 4 spaces
Required Total:	347 spaces	348 spaces
Existing:	312 spaces*	
Proposed:		312 spaces*

*Not including 9 tandem spaces and 2 delivery/pick-up spaces in the garage



Tuesday, May 10, 2011

**City Of Brisbane
Planning Application**

Requested Action:

The purpose of this application is to show the City of Brisbane that Amen Clinic's proposed location at 1000 Marina Blvd, Brisbane, is an administrative office use with a minor component of medical procedures. The office suite is 4,734 square feet. Of that total square footage, only 590 sq.ft will be dedicated to any kind of "medical" use. The majority of the space, (the remaining 88% of the total square footage) will be used as a standard office use. The Brisbane location will be the relocation of our Fairfield office in which we have five employees, two that will carpool together every day, two that take public transit and only one that drives every day and often times he is off-site. The Brisbane location will not be our main medical office as our corporate office is located in Newport Beach.

Our goal is to open our Brisbane branch and remain in Brisbane as a tenant doing business for the next 10 to 20 years and become active in the community of Brisbane. We will be working directly with the local hotels (Radisson, Homewood Suites, etc) in the area and on average will be bringing 8-10 new hotel guests per month for stays of 2-4 days on average.

ACI is dedicated to improving the lives of every client and family we serve through education, the latest advances in neuro imaging and laboratory testing, and individualized treatment plans. We believe in using the least toxic, most effective treatments for our clients, and use a wide variety of interventions from natural supplements, medications, dietary interventions and targeted forms of therapy.

Southern California
4019 Westery Pl. #100
Newport Beach, CA 92660
949-266-3700
Fax 949-266-3750

Northern California
350 Chadbourne Road
Fairfield, CA 94585
707-429-7181
Fax 707-429-8210

Pacific Northwest
3315 S. 23rd Street #102
Tacoma, WA 98405
253-779-4673
Fax 253-779-8989

Washington D.C. Area
1875 Campus Commons Dr. #101
Reston, VA 20191
703-860-5600
Fax 703-860-5760

www.amenclinic.com

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Established in 1989 Amen Clinics Inc. (ACI) has amassed the world's largest databases of functional brain (SPECI) scans related to behavioral issues. Dr. Amen is a physician, brain imaging specialist, bestselling author, Distinguished Fellow of the American Psychiatric Association and the CEO and Medical Director of ACI.

He has also written and produced four recent blockbuster fundraising shows for public television, raising more than 30 million dollars. Dr. Amen, together with The United Paramount Network and Leeza Gibbons, produced a show called The Truth About Drinking, on alcohol education for teenagers, which won an Emmy Award for the Best Educational Television Show.

A small sample of the organizations Dr. Amen has spoken for include: the National Security Agency (NSA), the National Science Foundation (NSF), Harvard's Learning and the Brain Conference, the Million Dollar Round Table, and the Supreme Courts of Delaware, Ohio and Wyoming.

Dr. Amen has been featured in Parade Magazine, the New York Times Magazine, Newsweek, Men's Health and Cosmopolitan.

Sincerely



Igal Koiman, MBA, MHA
Amen Clinic, Fairfield Clinic Manager

Southern California
4019 Westery Pl #100
Newport Beach, CA 92660
949-266-3700
Fax 949-266-3750

Northern California
350 Chadbourne Road
Fairfield, CA 94585
707-429-7181
Fax 707-429-8210

Pacific Northwest
3315 S. 23rd Street #102
Tacoma, WA 98405
253-779-4673
Fax 253-779-8969

Washington D.C. Area
1875 Campus Commons Dr #101
Reston, VA 20191
703-860-5600
Fax 703-860-5760

www.amenclinic.com

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May 6, 2011

To Whom It May Concern:

This letter is intended to clarify that our parking requirements are significantly less than that of a "typical" medical facility.

- Our practice is very specialized and much different than a typical medical facility.
 - On average our clients spend a total of three days in our clinic.
 - On average our clients are in our facility for four hours per day.
 - Only 600 square feet of our facility will be used for medical use and the remainder will be used for administrative staff and private offices.

 - A maximum of 8 clients are physically in our clinics daily for medical use (a typical medical facility sees 30 to 35 clients).
 - Approximately 50% of these clients are not local and will be using public transportation and/or staying at the Radisson Hotel which is directly across from the facility.
- Based on the above information Amen Clinics will require a maximum of 4 parking spaces daily for medical use.

- Staffing Monday thru Friday:
 - 1 physician
 - 1 scan technologist
 - 1 intake counselor
 - 1 marketing associate
 - 2 receptionists
 - 1 office manager

- Staffing Friday
 - 2 physicians
 - 1 intake counselor
 - 1 marketing associate
 - 2 receptionists
 - 1 office manager

Maximum staff per day = 7

As you can see Amen Clinics will not incur more traffic than any other business within this facility. We look forward to having this expedited as soon as possible. Please feel free to contact me at 949.266.3711 should you require further information.

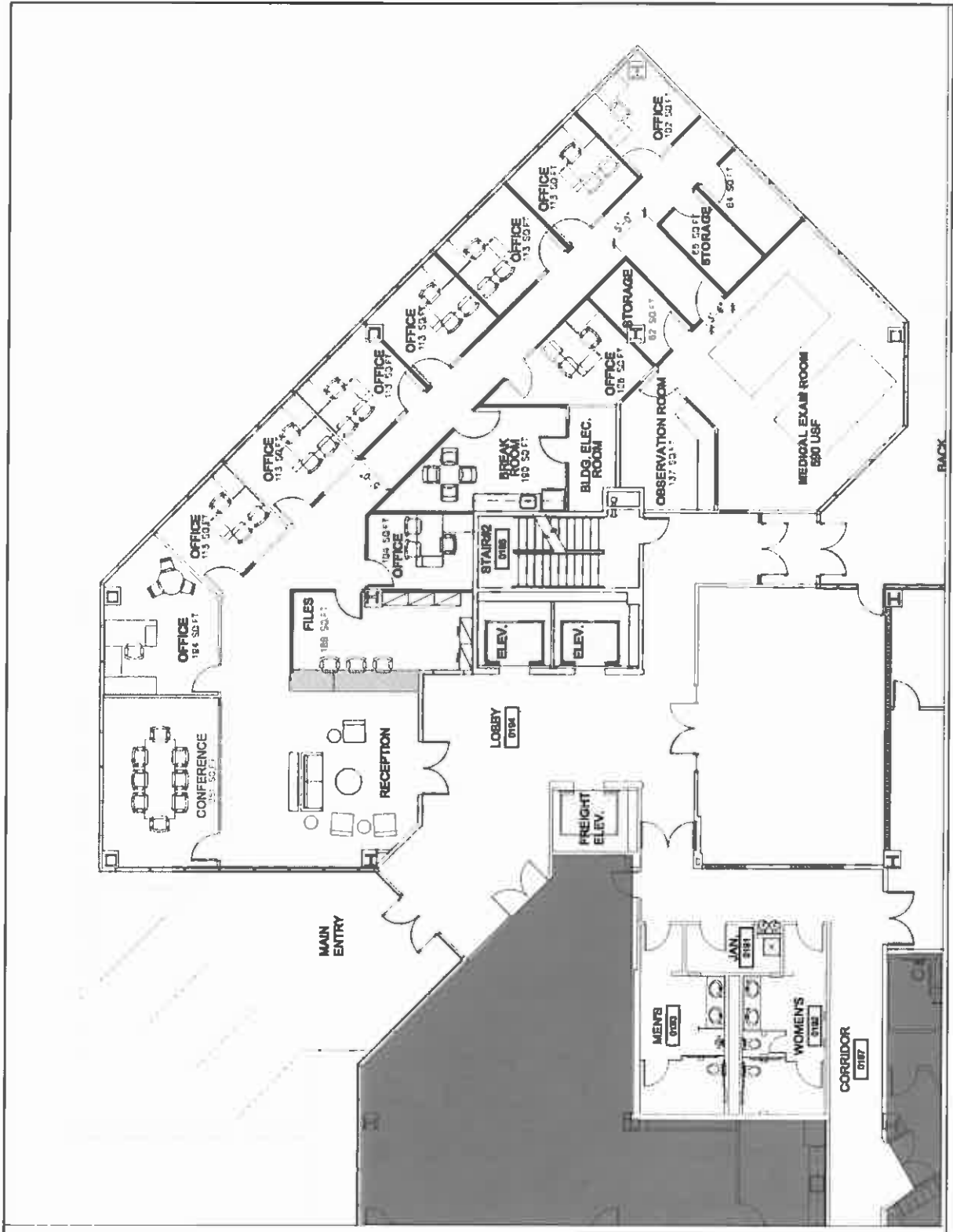
Sincerely,

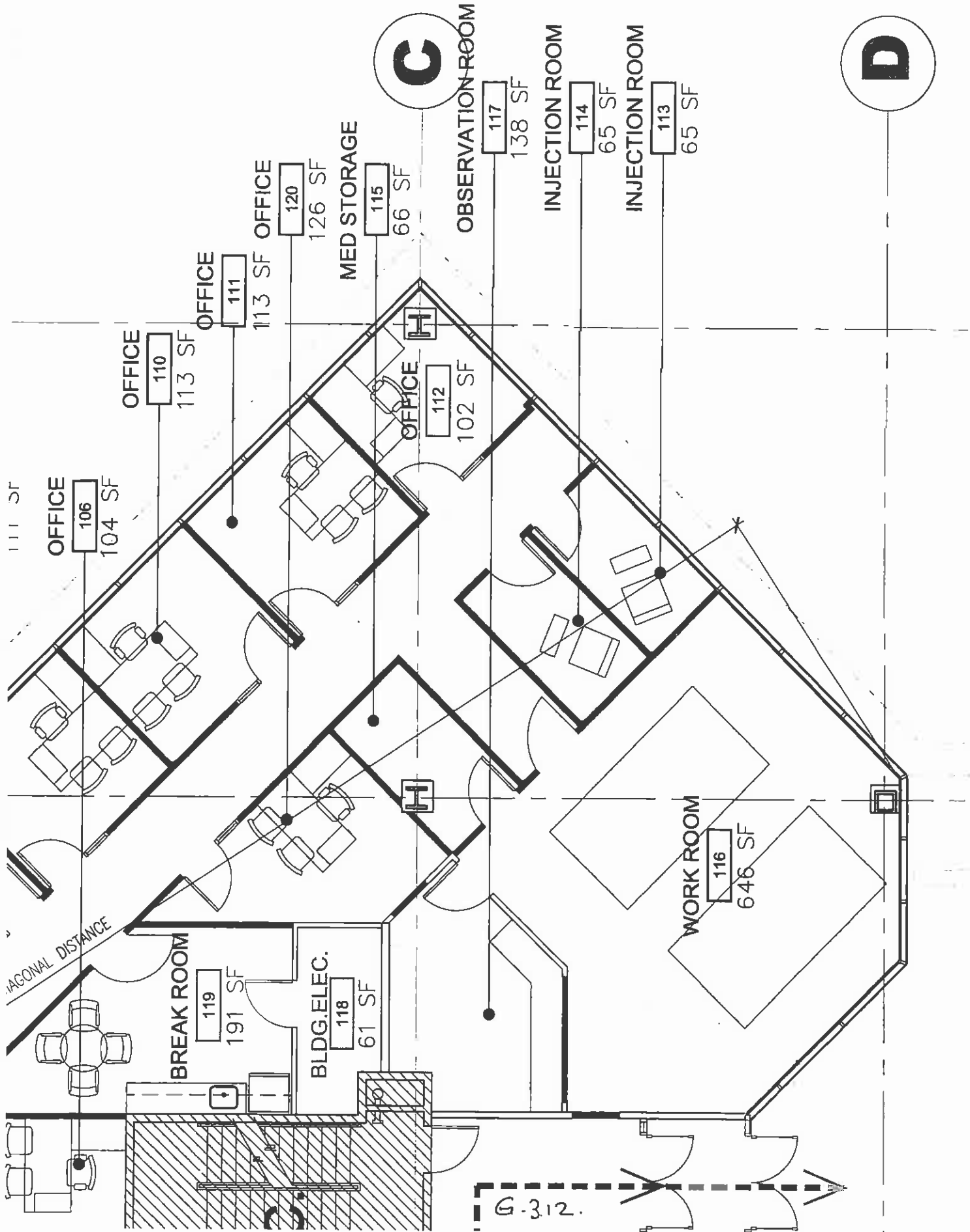
Ronnette Leonard, M.A., LMFT
Director of Clinic and Corporate Operations
Amen Clinics, Inc.

4019 Westerly Place, Suite 100 • Newport Beach, CA 92660 • (949) 266-3700 • Fax: (949) 266-3750

www.amenclinics.com

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Create a Better Brain and A Better Life...



WITH A BETTER BRAIN, EVERYTHING IN YOUR
LIFE IS BETTER, INCLUDING YOUR PHYSICAL
HEALTH, WORK, RELATIONSHIPS, FINANCES,
LEARNING, ENERGY, MOOD AND MEMORY.

I AM PASSIONATE ABOUT BRAIN HEALTH AND YOU SHOULD BE TOO!

Your brain is involved in everything you do, including how you think, how you feel, how you act, and how well you get along with other people. After looking at more than 60,000 brain scans over the last 20 years on people from 90 different countries we have seen:

When your brain works right, you work right.

And, when your brain has trouble, you are much more likely to have trouble in your life.

If you want to be more successful in any area of your life, the first step is to optimize the physical functioning of your brain.

YOU CAN CHANGE YOUR BRAIN AND CHANGE YOUR LIFE

At the Amen Clinics, we use a sophisticated brain imaging study called SPECT to help us understand and treat our patients. Each person is unique and has different needs. SPECT helps us target interventions to your specific needs. A one-size-fits-all approach is often harmful to people.

Whenever possible, we use natural treatments, including nutrition, supplements, exercise, mental exercises, and more. We give our patients all the tools they need to boost their brains for a better mind and body.

To Your Brain Health,

Daniel G. Amen, MD

OUR PROGRAMS

The Amen Clinics is the world leader in applying brain imaging science to help people who struggle and for those who want to maintain a healthy brain. Our research has clearly shown that most emotional and behavior problems, like ADD, anxiety, depression, obesity and addiction, are not single or simple problems in the brain. They all have multiple types.

BASED ON OUR BRAIN IMAGING WORK WE HAVE IDENTIFIED:

- 7 different types of anxiety and depression
- 5 different types of overeaters
- 6 different types of ADD
- 6 different types of addiction

Knowing your specific type of brain is critical to getting the right help. All of our programs start with an individualized assessment, including questionnaires and brain SPECT imaging to help us target treatment more specifically to your brain.

OUR EXPERTISE CAN HELP:

- Evaluate and treat ADHD, anxiety and depression, bipolar disorder, autism, post-traumatic stress disorder, and addictions
- Evaluate and treat memory problems
- Brain healthy weight loss, including ongoing education and support groups
- Brain rehabilitation for traumatic brain injury, drug or alcohol abuse, cancer chemotherapy, and environmental toxins
- Evaluate and treat marital strife
- Evaluate and treat school or work problems

OTHER SERVICES AT AMEN CLINICS:

- Neurofeedback
- Parenting Groups
- Neuropsychological Testing
- Medication management
- EMDR Therapy for past emotional trauma
- Various therapeutic techniques, including the release of negative emotions and limiting decisions to assist in ending emotional overeating
- Individual, Couple and Family Therapy
- Using nutritional supplements to balance mood, weight, memory, sleep and learning

Call our clinic today to learn more about all of our programs!

HOW DO YOU KNOW, UNLESS YOU LOOK?



BRAIN SPECT IMAGING

The Amen Clinics is known worldwide for our use of brain SPECT imaging to help us understand our patients' problems and appropriately target treatment. Our work with SPECT has taught us many valuable lessons, including the importance of brain health and using natural treatments whenever possible.

BRAIN SPECT IMAGING HELPS TO:

- See the underlying brain biology of your individual problem
- Target treatment to your own specific brain
- Encourage acceptance of problems
- Prevent mistakes in diagnosis and treatment
- Visualize effectiveness of treatment
- Decrease guilt, shame and stigma, "I have a medical problem"
- Increase compliance and motivation, "I want to have a better brain"
- Encourage innovative and alternative treatments
- Evaluate people at risk for dementia and Alzheimer's disease
- Identify toxic exposure from drug abuse or environmental toxins

AMEN CLINICS EVALUATION PROCESS

We have many ways we work with patients, including phone consultations, in-office visits and full evaluations. Contact us to see which of our programs may be right for you. You can also learn more about our services on the web at www.amenclinics.com.

YOU CAN HAVE A BETTER BRAIN AND A BETTER LIFE!

BEFORE TREATMENT

AFTER TREATMENT



CONTACT THE AMEN CLINIC IN YOUR AREA:

SOUTHERN CALIFORNIA

4019 Westerly Place, Suite 100
Newport Beach, CA 92660
Phone: (949) 266-3700

NORTHERN CALIFORNIA

350 Chadbourne Road
Fairfield, CA 94534
Phone: (707) 429-7181

PACIFIC NORTHWEST

616 120th Ave NE, #C100
Bellevue, WA 98005
Phone: (425) 455-7500

WASHINGTON D.C. AREA

1875 Campus Commons Dr. #101
Reston, VA 20191
Phone: (703) 860-5600

WWW.AMENCLINICS.COM

Amen Clinics Inc. specializes in brain health and innovative diagnosis and treatment for a wide variety of neuropsychiatric, behavioral and learning problems among children, teenagers and adults. Established in 1989 by Daniel G. Amen, M.D., the Amen Clinics have an international reputation for using integrative neuropsychiatric techniques including brain SPECT imaging in diagnosing complex patients and nutritional supplements in treatment protocols.



From: Matteucci, Dan [dmatteucci@ccareynkf.com]
Sent: Thursday, May 19, 2011 4:30 PM
To: Tune, Tim
Cc: Igal Koiman

Tim,

Per our conversation, please find the parking study below based on the use of parking spaces taken by Amen Clinics' Fairfield location that will be moving to Brisbane. This data reflects the 7 employees at the Fairfield location which will be reduced to 5 at the Brisbane location. Please let me know if you need anything else from Amen in regards to the minimal parking requirement.

Thanks,

Dan

AMEN CLINICS PARKING STUDY: Fairfield, CA

Day	Total Spaces Avail:	ACI Spaces Taken:	ACI % of Lot Taken:	DAY:
5/9/2011	85	3	4%	Monday
5/10/2011	85	4	5%	Tue
5/11/2011	85	4	5%	Wend
5/12/2011	85	4	5%	Thu
5/13/2011	85	2	2%	Friday
5/14/2011	85	2	2%	Saturday
5/16/2011	85	3	4%	Monday
5/17/2011	85	4	5%	Tue
5/18/2011	85	4	5%	Wend
5/19/2011	85	4	5%	Thu

Dan Matteucci
Cornish & Carey Commercial
Newmark Knight Frank
D 650.358.5276
C 650.823.7177
F 650.341.7024
dmatteucci@ccareynkf.com
RE License #01848064

 Save a Tree - Think Before You Print.

G.3.15.



commercial
development &
investments

May 11, 2011

Amen Clinic
Igal Koiman
350 Chadbourne Road
Fairfield, CA 94534

RE: Parking

To Whom It May Concern:

Our tenant for the past 15 years, Amen Clinic, has historically used between 1 to 2 parking spaces per 1,000 sq. ft. of office space.

We have 4 parking spaces per 1,000 sq. ft. of office available and they have never used more than 10 spaces at any one time. They currently occupy 5,000 sq. ft. of office space.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Nelson", is written over a faint, circular stamp.

Larry Nelson
Managing Member

California Licenses
Contractors B-657447
Real Estate 00707368

955 Franklin Street
Napa, CA 94559

Telephone 707-224-7135
Facsimile Mail 707-224-1932
Electronic Mail edi@napanet.net

G. 3. 16.



2000 Shoreline Court Brisbane, CA. 94005
650-589-1600 P, 650-589-2622 F

To whom it may concern,

I have known Amen Clinics when I was still living in Orange County. I was working then at the Radisson Hotel Newport Beach when I became familiar with the Amen Clinics business and its travel patterns and requirements.

Recently Amen Clinics signed up Homewood Suites as their preferred hotel for lodging their patients and corporate travelers alike. I'm confident that Amen Clinics would be a significant impact on hotel occupancy rate.

Best regards,

A handwritten signature in black ink, appearing to read "Manny Mateo".

Manny Mateo
Director of Sales
Homewood Suites SFO
650.246.1184 Direct line
650.589.1600 Main Line
Manny.mateo@hilton.com

G.3.17.