

# Daily Journal

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REAL ESTATE

## SPECIAL COVERAGE: Real Estate

Despite a sagging market, California has seen some major real estate developments in the past year.

**T**osta's developer client wanted to transform its aging Menlo Park business park into a state-of-the-art commercial campus. They envisioned one that would include a 700,000-square-foot office project in three eight-story buildings and an 11-story hotel with a 69,000-square-foot fitness center.

On the surface, it looked like a tall order: While close to Mountain View, Palo Alto and other Bay Area industrial hotbeds, Menlo Park has a reputation for being a low-growth city limiting development of all but the smallest projects. As a result, the municipality has some of the highest office rents in the nation outside of Manhattan.

Timothy Tosta and his Luce Forward team had to think creatively to get city leaders to approve the Menlo Gateway project. They put their heads together with client Bohannon Development Company and decided to poll local residents to find out what concerned them about the community. The development had faced earlier opposition involving traffic patterns and greenhouse gas emissions. But Tosta said the polls revealed that people were less concerned about traffic-related issues in Menlo Park and viewed "job generation and solid fiscal position" as more important issues. Tosta contended the project would bring both to the city.

"We brought to the attention of the decision makers information they didn't even have about what their voters thought," said Tosta, who was assisted by partner Jennifer E. Renk.

City officials approved the project entitlement in June 2010. The \$350 million complex could break ground next year.

The approval came more than a decade after Bohannon



TOSTA



RENK



## Menlo Gateway

*Getting a green light for developers took grass roots polling effort*

first retained Tosta to fight a zoning change to the former office park on the site that would have severely limited expansion.

"We took a piece of land in which [the city] essentially proposed to eviscerate its future potential and turned it into something with a building density that was three times [greater] than what had been allowable," Tosta said.

Tosta, who focuses on land-use and environmental law, said the project's approval would make it easier for other development in the area.

The attorney, who does volunteer hospice work and is also a life coach for colleagues at his firm, said a big part of his legal success stems from his "ability to understand human needs and frailties."

"The success in this situation was built upon moving outside the traditional paradigm about communicating about land use," he said. "Different types of conversations had to occur about the developer's needs and the community's desires that allowed us to shape the content of the development, as well as how the community perceived it."

— Jason W. Armstrong

### Timothy A. Tosta

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**Cost of development: \$350 million**