



REGULAR MEETING MINUTES

Date: 8/15/2016
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

A. Call To Order

Chair Katherine Strehl called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Andrew Barnes, Drew Combs (Vice Chair), Susan Goodhue, Larry Kahle, John Onken, Henry Riggs (arrived 7:02 p.m.), Katherine Strehl (Chair)

Absent: None

Staff: Thomas Rogers, Principal Planner; Sunny Chao, Assistant Planner; Tom Smith, Associate Planner

C. Reports and Announcements

Principal Planner Thomas Rogers said community meetings would be held on the ConnectMenlo project (General Plan Update) on September 1 at 7:00 p.m. at the Senior Center and September 7 at 7 p.m. in the Council Chambers. He said the Commission's September 26 meeting would be dedicated to the Facebook expansion project. Chair Strehl confirmed attendance of those Commissioners who do not have a conflict of interest with Facebook projects.

D. Public Comment

There was none.

E. Consent Calendar

E1. Approval of minutes from the July 11, 2016 Planning Commission meeting. ([Attachment](#))

Commissioners Goodhue and Riggs suggested changes to the minutes.

- Page 1, Public Comment section: Commissioner Riggs suggested that "Gita Dev" was the unknown woman speaking.
- Page 3, 1st full sentence, insert a comma after "replacement": "He said if a tree was removed for other reasons such as conflict with another tree or property improvements, that precluded the replacement tree being planted in the same area as the tree that was removed."
- Page 6, 3rd full paragraph, 2nd line, delete "Laurel" and change to "Jack W. Lyle" before Park: "He said the proposed traditional design would have a covered porch and no parking in the front noting it was across the street from ~~Laurel~~ **Jack W. Lyle** Park."

- Page 7, 1st paragraph, last line, delete first “heritage”: “He said additionally there was a ~~heritage~~ Japanese maple heritage tree planted there...”

Correction to Transcript:

- Page 91, line 10: Replace “the fact that” with “to back”
- Page 91, line 11: Replace “on track” with “on traffic”
- Page 91, line 13: Replace “intangible” with “and tangible”
- Page 92, line 19: Replace “tat” with “that”

ACTION: Motion and second (Onken/Goodhue) to approve the minutes as modified; passes 7-0.

F. Public Hearing

- F1. Use Permit and Variance/Sarah Potter/318 Willow Road: Request for a use permit to add onto and remodel an existing single-story, nonconforming structure in the R-1-U (Single-Family Urban Residential) zoning district. The value of the work would exceed 75 percent of the replacement value of the existing structure. The project also includes a request for a variance for raising the existing single-story residence to meet FEMA requirements, which would increase the existing nonconforming daylight plane encroachment on the both sides of the roof. As part of the project, one heritage birch tree in the rear yard is proposed for removal. ([Staff Report #16-065-PC](#))

Staff Comment: Assistant Planner Sunny Chao said there were no additions to the written staff report.

Applicant Presentation: Sarah Potter, project designer, Clearstory Construction, said the project would increase the size of the kitchen and add a master suite to a two-bedroom, one-bathroom home. She said the complication was that the home was in the flood zone and needed to be raised to meet FEMA requirements. She said that in raising the home the corners of the ridge roof would hit the daylight plane.

Commissioner Goodhue noted in the data table in Attachment C that the Building Height for the existing was listed as 13.6 feet and for the project proposal as 15.3 feet. Ms. Potter referred to the elevation showing that the new roof line on the interior of the project was higher.

Commissioner Riggs asked about the divided light windows and the reference to interior grids. Ms. Potter said the windows were simulated divided light.

Commissioner Kahle asked if they had considered bringing the entry farther out or recessing it back so it was more identifiable. Ms. Potter said she had set it back some. She said the homeowner wanted the actual entry space separate from the living space. She said that was why they put a shed roof over the top with brackets to make it feel more porch like.

Chair Strehl opened the public hearing, and closed it as there were no public speakers.

Commission Comment: Commissioner Goodhue said the project was a very restrained addition and was well done given the restraints. Commissioner Riggs moved to make the findings and approve the use permit as recommended in the staff report. Commissioner Barnes seconded the motion.

ACTION: Motion and second (Riggs/Barnes) to approve the item as recommended in the staff

report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Make the following findings as per Section 16.82.340 of the Zoning Ordinance pertaining to the granting of variances:
 - a. The property is located in the FEMA flood zone, and the existing residence is nonconforming as to the daylight plane, having been built prior to the adoption of the current one-story daylight plane limits. These conditions represent a hardship unique to the property, as the applicant is unable to expand the modestly-sized house without raising the house above base flood elevation, which requires either the granting of the variance or a significant reconstruction of the existing residence's roof structure. This hardship was not created by the current owner, as the FEMA flood zone and nonconformities are existing conditions of the house and site.
 - b. Allowing the house to be raised five and a half inches higher would preserve substantial property rights of those neighboring conforming properties, as the existing nonconforming daylight plane encroachment is unique to this property as many of the surrounding residences have hip end roofs instead of gable end roofs. Furthermore, the structure would be approximately thirteen feet below the maximum building height, and the residence would be well below the two-story daylight plane that would be applied if the development were multi-level. The variance would simply allow the property owner to preserve the existing building layout and expand the structure to improve the use and internal circulation of a modestly-sized residence.
 - c. As the proposal increases the massing of the house by five and a half inches high but does not add building coverage to the sides of the house, the granting of the variance would not impair the supply of light and air to adjacent properties, as the proposed house would still remain approximately ten feet from both adjacent side properties. By raising the house above the base flood elevation, the applicant would bring the house into FEMA compliance and improve its safety. There would be no negative effect on the public health, safety, or welfare if the variance is granted, especially since the slight increase in height of the house would not be seen from the front left side of the right-of-way as currently there are existing shrubs and a tree that provide dense foliage.
 - d. The conditions upon which the requested variance would be based upon are specific to this property. The conditions of the existing gable roof type and existing nonconforming daylight plane make the requested variance unique to this property and not generally applicable to other properties within the same zoning classification.

- e. The property is not within any Specific Plan area, and thus a finding regarding an unusual factor does not apply.

4. Approve the use permit and variance subject to the following **standard** conditions:

- a. Development of the project shall be substantially in conformance with the plans prepared by Clearstory Construction consisting of five plan sheets, dated received July 27, 2016, and approved by the Planning Commission on August 15, 2016, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
- b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
- c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

5. Approve use permit and variance subject to the following **project-specific** condition:

- a. Simultaneous with the submittal of a complete building permit application, the applicant shall submit revised plans showing the proposed location of the replacement heritage tree and noting the tree species selected from the City-approved street tree list on the proposed site plan, and the 24-inch box size, subject to review and approval of the Planning Division and City Arborist. This tree shall be planted prior to building permit final inspection

- F2. Use Permit and Variances/Eugene Sakai/1199 North Lemon Ave: Request for a use permit to demolish two existing one-story residences to build a new two-story residence with a basement on a substandard lot with regard to lot width in the R-1-S (Single-Family Suburban Residential) zoning district. The project also includes a variance request for the residence to have a corner side (facing

Croner Avenue) setback of six feet, where the requirement is 12 feet, for both the first and second stories, and a variance request for a garage setback of 10 feet, where 20 feet is required. (Staff Report #16-066-PC))

Staff Comment: Associate Planner Tom Smith said an email on the project was received over the weekend and a copy made available to the Commission.

Applicant Presentation: Mr. Arnie Sen said he and his wife had bought the property in 2015 and wished to build a family home on the site.

Mr. Eugene Sakai, project architect, provided a handout to the Commission to view from the landscape architect noting a small change. He said staff described the constraints of the parcel well. He said the project proposal optimized the clients' desires for a single-family home within the constraints of the site.

Commissioner Kahle said it appeared there was a 10-foot setback on the left side and a 12-foot setback on the right side. He said the variance request was to encroach six-feet into the 12-foot setback. He asked if encroaching on the left side had also been considered. Mr. Sakai said they thought that putting the mass on the left side setback next to an adjacent home would have a greater impact than putting it on the right, or the street facing side. He said in the immediate streetscape was a home that enjoyed the reduced setback facing Croner Avenue, which was why the bulk of the variance request was on the Croner Avenue side of the property.

Commissioner Riggs confirmed with staff that the height of the property line fence to N. Lemon Avenue was three feet for 35-feet from the corner in either direction. Commissioner Riggs asked if there was a walkway along North Lemon that used private property. Mr. Sakai said the pavement was about 10 feet outside of the property line and the property line seemed to be contiguous with a three-foot retaining wall.

Commissioner Onken said the Live oak was described by the arborist as in fair condition and lopsided. He said the plan seemed to be designed around the Live oak despite its condition. Mr. Sakai said the oak tree was an important part of the planned design which was why they were requesting a variance for the garage setback so the driveway would not intrude into the tree's root zone from N. Lemon Street. He said there would be some steps coming from N. Lemon Street around the tree base using pervious material.

Chair Strehl opened the public hearing.

Public Comment:

- Sue Kinder, 1201 N. Lemon Street, said her home was directly across the street from the subject property. She said her property has a 10-foot setback from the property line of Croner Avenue, which was a right-of-way, and not actually a street. She said it was listed as Parcel 2 on her deed and was an easement created for her property. She said they had an existing driveway and garage there before they built a second floor. She said they had asked for a variance and then did not use it as they did a 10-foot setback on each side. She said her lot was the same size as the subject property. She said her second floor was 21 feet wide and had four bedrooms and two baths. She said a safety hazard would be created with the project's driveway on the side toward her because of the narrowness of the street. She said the project's proposed front door would look right into her back door. She said a balcony they

had proposed would have looked directly into her gazebo and pool area. She said the balcony was replaced with a large window that would still look into her pool area. She requested a good construction plan so her right-of-way and garage would not get blocked. She said she might have to put a fence back up to protect her driveway. She said she thought there was space to put the garage and driveway over on the other side and to have the front door face the front as it should.

- Jeff Scroggin, unincorporated Menlo Park, Croner Avenue, said he had sent the email that Planner Smith referenced. He said he met the new property owners and understood the challenges of the lot. He said his first concern was safety. He said Croner Avenue along the side of the subject property was a one lane street and there was no way for two cars to pass on it. He said Croner Avenue was very popular for walking as it ran parallel to Valparaiso and Santa Cruz Avenues, which were very busy streets. He said with the project construction there would be a fence the entire length of Croner Avenue and there would be no place for pedestrians to step aside when a car needed to pass. He said currently there were gaps in the fencing that pedestrians could use to get out of the way of vehicles. He said having the driveway on Croner Avenue created danger for pedestrians and cyclists. He said his second concern was aesthetics. He said across from this property was a two-story home with 10-foot side setbacks. He said having a second story home with a six-foot setback variance directly across from that home would change a country lane into an urban alley.
- Ron Dumont, 1190 N. Lemon Street, said his home was directly across from the construction project. He said the design was too much house in too small a space and it would not match the street character. He said the aesthetics was his main concern as well as the safety issue raised.
- Steven Koenig, Croner Avenue, said he had three concerns. He said regarding aesthetics that the home was an oversized structure protruding nearly into the street on both stories and was out of character with the neighborhood. He said his second concern was congestion. He said the six-foot setback to Croner Avenue with only a 10-foot setback for the garage was not even enough space to park a car there. He said there was no assurance that the residents or their guests would park without encroaching into the street. He said his third concern was safety. He said the hill on Croner Lane was so steep that a person on it could not see what traffic coming in either direction. He said children rode bikes, scooters, and skateboards on that hill. He said with the potential of a garage, cars parked and cars coming in and out of the subject property that would create a safety hazard for those children and other walkers and riders.
- Susan MacDonald, 1106 N. Lemon Street, said other speakers had addressed her concerns. She said her primary concern was safety. She said she walked her dog along Croner Lane to N. Lemon Street. She said N. Lemon Street has no barriers and heavy pedestrian traffic including children walking to Hillview School. She said the variance should not be granted.
- Hallie Colorado, 17 Croner Avenue, said her concern was safety. She said as mentioned there was no visibility from the hill of traffic in either direction. She said currently delivery vans hit tree canopies on the street and if driving in opposite directions, one van has to back into private property to let the other one pass. She said if the variance was granted and six feet width was lost, with a garage and two fences, that should a fire truck need access, that allowed no room for pedestrians, dog walkers, strollers or bikes to get out of the way.

Chair Strehl closed the public hearing.

Commission Comment: Replying to Commissioner Kahle, Planner Smith said the Croner Avenue right-of-way was about 13 feet and eight inches in width, property line to property line.

Commissioner Onken said the first speaker indicated that Croner Avenue was an access easement and not a dedicated street. Planner Smith said the information in assessor records and property deeds that staff reviewed indicated it was a public street. Commissioner Onken said there were PG&E power poles along Croner Avenue and asked if there were any plans for those to be placed underground. Mr. Sakai said they were considering undergrounding utilities.

Chair Strehl said the conditions of concern noted by speakers existed today on Croner Avenue, as it was a very narrow street. She said it might be worthwhile for residents to solicit whomever to make it one way.

Commissioner Kahle said the design was nice but seemed too massive for the lot, which was very unique. He said he did not agree with the request for the variance all on one side. He said with a 10-foot driveway, cars would overhang the property line. He said he would like to see either a variance on each side or to have the garage face N. Lemon Street to avoid the concerns caused by the narrowness of the lot.

Commissioner Goodhue said she concurred with Commissioner Kahle. She said it was a handsome house but after visiting the site and seeing how narrow Croner Avenue was and hearing the safety concerns, she had concerns. She said the comment about it turning into an urban alley resonated with her, especially with the frontage wall. She said she would like to know more about the utility poles and to have certainty that it was a public street. She said in the rendering, the oak tree was made to look much more significant than it was. She said there seemed to be room on the left for a driveway. She said although the project's garage and the neighbor's would be offset, it still was a very narrow area to maneuver cars given the lack of visibility caused by the hill. She said with the heavy foot traffic that concerned her.

Commissioner Onken said he agreed with the comments made by Commissioners Kahle and Goodhue. He said the lot was very long and narrow. He said ideally the garage would go on the left hand side to be accessed from N. Lemon Street. He said that would be away from the oak tree and would cause no more damage under the canopy than what the existing garage did. He said that might require the garage to be at a basement level, which would count toward square footage. He said that would be preferable in relationship to the other houses. He said currently the entry was a big glass wall that was two-story high and double width that appeared to treat Croner Avenue as a 50-foot deep lawn. He said the variance being requested would permit nearly full build out on lot, and while this was a very unique lot, that should not entitle building to the full square footage allowable. He said due to problems of the bulk and massing as well as the orientation of the proposed house that he would like the project continued for redesign.

Commissioner Combs said he visited the property and could not support the project as currently proposed. He said the variance being requested was not a matter of a few inches but six feet. He said he understood that the lot shape was challenging but as noted by Commissioner Onken that did not give the owner the right to a variance. He said additionally there was the issue of the narrow street or easement, whatever it actually was. He said the proposed design would create a canyon effect if the building was brought into the setback six feet.

Commissioner Riggs asked if 1201 N. Lemon was located in Menlo Park. Planner Smith said it

was. Commissioner Riggs asked if it was built under current regulations or before annexation to Menlo Park. Planner Smith said the original structure may have been built prior to that. He said there was an addition in 1988 that was under the City's zoning ordinance at that time. Commissioner Riggs asked if anything with 1201 N. Lemon was nonconforming. Planner Smith said he believed so. Chair Strehl said she believed it was nonconforming in respect to its driveway. Planner Smith said there was a permitted variance in 1988 for a 10-foot driveway length from the side property line to the garage door.

Chair Strehl said it appeared from the staff report that the subject property and 1201 N. Lemon Street were the same width and neither complied with current regulations.

Commissioner Onken moved to continue so the applicant could redesign to address the concerns about the driveway and garage location, to generally look to relocate the proposed home, and to get clarity regarding property rights along Croner Avenue. He suggested if a variance was needed that the applicant looks at the interior side yard as opposed to the Croner side yard. He said no variance was the preference. Commissioner Goodhue seconded the motion.

Chair Strehl asked if staff and the applicant had enough direction. Planner Smith said direction was fairly clear in terms of the driveway and garage location. He said they also would get more information about Croner Avenue and its history. Chair Strehl said also to look at the consistencies between 1199 and 1201 N. Lemon Street.

ACTION: Motion and second (Onken/Goodhue) to continue the item with direction including the following; passes 7-0.

- Redesign project potentially to have garage and driveway relocated to N. Lemon Avenue; or
- If variance needed, to have it on the interior side yard and not on the Croner Avenue side; and
- Confirmation of Croner Avenue designation and rights

F3. Use Permit/Forty Seven, Inc./1490 O'Brien Drive: Request for a use permit for the storage and use of hazardous materials associated with the research and development of therapeutics to treat cancer, located in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the building. (Staff Report #16-067-PC))

Staff Comment: Planner Smith said staff had no additions to the staff report.

Applicant Presentation: John Tarlton, Tarlton Properties, said that they were excited to have another cancer therapeutics company in their business park. He said several members of the Forty Seven team had been prior tenants in the business park. He introduced Dr. Chow, the co-founder and medical director of the company.

Dr. Mark Chow said he was one of the co-founders of Forty Seven, a company dedicated to developing novel therapies for cancer patients. He said they were based off a technology from Stanford in which they developed drugs to target a molecule called CD47, which uses the body's own immune system to fight cancer cells. He said in the lab they have found it was effective in every tumor they tested. He said they were now in clinical trials at Stanford and other sites around the world. He said this new location would allow them to integrate their lab and clinical efforts into one building and accommodate their growth.

Chair Strehl opened the public hearing, and closed it, as there were no speakers.

Commission Comment: Commissioner Onken said he supported the application. Commissioner Goodhue said she concurred and asked about action to eliminate the Commission's review of these projects. Principal Planner Rogers said the concept was being considered as part of the ConnectMenlo project.

Replying to Chair Strehl, Mr. Tarlton said the Fire District looked at hazardous materials cumulatively on a building basis and on a site basis, and compared that against the California Fire Code limits. Commissioner Riggs asked that Amy E. DeMasi, County Environmental Health, check the middle box. Planner Smith said he would remind her, noting she was new to the position.

Commissioner Onken moved to approve the item as recommended in the staff report. Commissioner Goodhue seconded the motion.

ACTION: Motion and second (Onken/Goodhue) to approve the item as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans provided by DES Architects/Engineers, consisting of eight plan sheets, dated received June 16, 2016, as well as the Hazardous Materials Information Form (HMIF), dated received May 2, 2016, approved by the Planning Commission on August 15, 2016 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
 - e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building

Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.

- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials information form and chemical inventory to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials information form and chemical inventory are in substantial compliance with the use permit.

4. Approve the use permit subject to the following **project-specific** conditions:

- a. Prior to the use of hazardous materials, the applicant shall provide a copy of the emergency response plan, including the phone numbers of the West Bay Sanitary District, Silicon Valley Clean Water, SFPUC Millbrae Dispatch Center and all other standard relevant agencies in the event of an accidental spill or discharge, subject to approval of Planning Division staff.

- F4. Architectural Control, Use Permit, and Below Market Rate (BMR) Rental Housing Agreement/ 650 Live Oak LLC/650-660 Live Oak Ave: Request for architectural control and a use permit to demolish an existing commercial building (on a parcel zoned SP-ECR/D) and two residential units (on a substandard parcel zoned R-3), and construct a new linked office-residential mixed use development. The project would include 16,854 square feet of non-medical office and 17 dwelling units. The proposal includes a request for a Public Benefit Bonus, with the benefit consisting of two Below Market Rate (BMR) housing units, where only 0.53 units are required, to be memorialized via a BMR Rental Housing Agreement. A new public plaza would also be provided. (Staff Report #16-068-PC)

Staff Comment: Principal Planner Rogers said a materials board was being distributed to the Commission for review. He said three emails were received after publication of the staff report and were sent to the Planning Commission. He said a letter of support from Tucker Beim was sent directly to the Commission on Friday, August 12. He said two emails of concern and opposition were sent on Sunday to him and he forwarded those to the Commission early Monday. He said he learned later that the City had an issue with outgoing emails today, and asked if the Commission had received those. Chair Strehl indicated she had not. Principal Planner Rogers said that Judy Adams, 737 Live Oak Avenue, on behalf of herself and her partner, said that they were concerned with the project density, and preferred a two-story plan with fewer offices and residential units. He said they were concerned with more cars being attracted to the street noting that there were current on street parking problems due to downtown employees parking there. He said she suggested a mitigation to limit street parking to resident only. He said the municipal code has a procedure for residents to set up daytime resident parking only. He said he would follow up with Ms. Adams regardless what action the Commission took this evening. He said she also requested low income units distinguishing those from affordable units. He said she also preferred that the low income units not be reduced if the building stories were reduced. He said Steve Eisner, 676 Live Oak Avenue, wrote that he had great concerns with the project and did not agree with the Mitigated Negative Declaration conclusion that the traffic impacts would be negligible. He said Mr. Eisner wrote he had lived at this site for 22 years and the area was a combination of single-family residences and apartment buildings, his concern was the project would impact the residential quality of the street and increase traffic, noting an increase due to a Starbucks moving in 10 years ago. Mr. Eisner also commented that the street was used as a short cut already, and overall, the scale of the development was out of proportion with the neighborhood.

Principal Planner Rogers said as noted in the staff report, the BMR Rental Housing Agreement had edits proposed by the applicant, which the City Attorney was reviewing. He said they were not able to analyze those in detail for the Commission tonight but had confirmed that nothing about those edits would affect the income limits, terms or anything substantive.

Commission Questions: Commissioner Kahle said 0.53 BMR units were required. He asked if the applicant had the choice to round that to one unit and build or pay an in-lieu fee for one unit. Principal Planner Rogers said the City's BMR Guidelines and Ordinance states a preference for onsite units but allowed for the provision of fees. He said there had been a number of projects that had met partial requirements by rounding up and providing a full unit but also there were project examples in which payment of the in lieu fees, whether a fraction or whole number, had been accepted by the Council.

Commissioner Combs asked if it was the commercial part of the project that required the provision of BMR units. Principal Planner Rogers said there was an enforceable BMR unit requirement for for-sale housing, but not rental. He confirmed for this project, it was the commercial component requiring the BMR units.

Applicant Presentation: Dan Minkoff, applicant, said this was a mixed use, medium density project, located near Caltrain and the downtown with bicycling and Traffic Management Demand plans to reduce vehicle trips as much as possible. He said the neighborhood was medium density. He said the project responded to the need for housing and particularly affordable housing west of El Camino Real, and would provide an open plaza and park in an area with limited open space for mostly residential apartment dwellers, and they would underground some of the unsightly existing electrical lines. He said all of the parking would be below grade with bike parking above and below grade. He said showers were also provided. He said they were providing three to four times the affordable housing required of them and doubling the amount of required open space.

Rob Zirkle, Brick, project architect, said there were multi-family and single-family dwellings, and smaller and larger scale commercial businesses on Live Oak Avenue. He noted it was eclectic. He provided visuals of the proposed project. He noted efforts to provide both privacy and openness and efforts to modulate the three-story to appear as two-story from the street view.

Replying to a question from Commissioner Riggs, Mr. Zirkle said the wood fence would be maintained annually and replaced when needed.

Replying to a question from Commissioner Kahle, Mr. Zirkle showed a visual of four studios and one one-bedroom that share an interior wall with the office building. He said those have at grade entries with privacy provided by raised planters. He said the stairway served the two-story townhomes on the second and third floors and their entries were off a common courtyard. He said at the back of the site were five one-bedroom units that have their own patio-type entry off a transverse walkway along the property line. Commissioner Kahle asked about the view from the second and third floor townhomes. Mr. Zirkle said each of the rooftops for the five townhomes has a private stair to the rooftop with vertical screening between each of the units at the rooftop. He said the roof was setback on each end to reduce sightline. Commissioner Kahle asked about the view from the large second floor window facing the rear of the property. Mr. Zirkle said six trees would be planted across the back and along the courtyard as well. He said the neighbors to the top were commercial neighbors. He said the intent was for the second story to have tree canopy screen. Commissioner Kahle asked about A3.2 and if there was an awning for the five one-

bedroom units. Mr. Zirkle said it was a trellis.

Commissioner Kahle said this was a three-story building, close to the rear property line, looking over one-story buildings, and would be visible from the next street over. He said from the rear it appeared pretty monolithic. Mr. Zirkle said the elevation was deceptive and each of the units has an inset where the stair meets creating a significant setback. He said looking at the actual building you would see the articulated width of the units and a fair amount of recess, change in materials, and a change in plane to keep it from feeling like an extruded box. Commissioner Kahle asked about the material indicated as a dark gray. Mr. Zirkle said that was cement plaster for the most part. He said they would have metal accents and trim, and wood for the trellises and the planters at the ground level.

Commissioner Riggs noted the stair towers visible from Menlo Avenue exceeded forty feet in height. He said it was 37-feet plus to the parapet and then the stair towers were at least three feet taller than that.

Replying to a question from Commissioner Kahle, Mr. Zirkle said there was bollard lighting along the path leading from the public right-of-way to the residential units. He said there would be low level lighting for the public plaza area for safety but it would not be over lit.

Commissioner Kahle said overlooking the front plaza the rendering showed a huge bedroom window on the second story. He said former Commissioner Kadvany expressed his concern about people having these large windows and putting up window coverings that would be visible at all times. He asked what the applicant's thoughts were about the expanse of glass and the window coverings. Mr. Minkoff said the orientation of the second story was favorable from a solar standpoint and that a view of the plaza was desirable.

Commissioner Barnes said in reviewing the minutes of the study session it was indicated the project was LEED platinum. Mr. Minkoff said that was correct. Commissioner Barnes asked about the noise impact with the rooftop units noting it was about 2100 square feet of roof. Mr. Minkoff said each individual deck was about 300 to 400 square feet. He said the lease language would address noise and expectations of the property management. Commissioner Barnes asked if anything was being done architecturally to keep roof noise inside the project. Mr. Zirkle said the stairs were closed so that sound traveling laterally in one direction between the units was being blocked. He said on one end, the unit faced the commercial property of the project, and on the other end, it again faced commercial property, which was some distance away.

Commissioner Barnes asked about the TDM plan. Mr. Minkoff said they implement TDM plans with all of their projects. He said it involves Go Passes for the office users, bicycle sharing (noting the project has 80 bicycle spaces and showers), preferential parking for carpools, and outreach staff that meet with the tenants and their human resources and facilities staff on how to educate employees on what was available.

Commissioner Onken said L1.3 showed the courtyard space between the two buildings and the large trees that were intended to provide screening. Mr. Zirkle said at full growth the trees would be 40 foot tall and about 15 feet in width, noting they were Brisbane box trees. Commissioner Onken said they would have to have a narrow canopy to work. Mr. Zirkle said they were fairly narrow and tall and were in fairly deep planters.

Chair Strehl opened the public hearing.

Public Comment:

- Steve Eisner, 676 Live Oak Avenue, said his home was 70 feet from the construction project, and until recently had not realized the size of the project. He said his home was a one-story bungalow in an area that was very residential with a number of smaller bungalows along a very long and wide street. He said traffic had increased significantly since the Starbucks had located nearby. He said he was supportive of development that added to the character of the neighborhood. He said this project was too massive. He said currently his home was adjacent to a one-story home and a new two-story home near him. He said he was concerned about traffic and speeding cars trying to avoid Roble Avenue and the traffic light. He said the scale of the project was too massive for the area.
- Howard Crittendon, 949 El Camino Real, said he owned a commercial building next to this project. He said the project would change the character of the area but was an exciting and fun project design. He said the parking was abundant with two floors underneath. He said the office use complements the residential and there was a lot more residential than he expected. He said this project set a higher bar for future development.

Chair Strehl closed the public hearing,

Chair Strehl recognized the applicant. Mr. Minkoff said where the two townhomes were and left to the plaza was a two-story, 15-unit multi-family apartment building with no public space. He said the neighborhood character was eclectic but it was already medium density.

Commission Comment: Commissioner Kahle asked about page A2.84 and the rear unit. He asked what the large space was shown coming up the stairs. Mr. Minkoff said that was intended as a work area and was not intended as a bedroom or closet.

Commissioner Onken asked about light-limited bedrooms. Principal Planner Rogers said the City did not have an explicit prohibition or allowance for them. He said in terms of the zoning it would not be non-compliant if it was a bedroom. He said they measure density based on the unit and the floor area was measured for all uses. Commissioner Onken said the City did not identify bedrooms as having a window giving light and air. Principal Planner Rogers said the City did not explicitly permit it but he did not know if the City explicitly excluded it but in either case it would not make a difference with the zoning ordinance and Specific Plan.

Commissioner Riggs said there was a building requirement for natural light, air and ventilation with a specific square footage for a bedroom.

Commissioner Barnes asked if there was another project with as much living space on the roof. Principal Planner Rogers said he was not aware of another similar housing project. He said with this project it was considered a benefit to have open usable space under the Specific Plan. He said noise issues have arisen with other projects and the City's noise ordinance applies. He said noise was measured to the property line of adjacent residential properties and was monitored on a complaint basis.

Mr. Minkoff said they would use a 22 to 40 inch high planter in the stair rather than a railing, which would help with acoustic as well as visual screening in both directions.

Commissioner Barnes said he liked the design of the project, and from a housing viewpoint it solved the addition of 17 more units. He said the unit size mix was good and he liked the subterranean parking. He said the BMR contribution was good. He said it was great the project would be LEED platinum. He said this was a vote for the Specific Plan and was a quality project.

Commissioner Combs said he was supportive of the project, noting it was well designed. He said he liked that they had provided additional BMR units. He recognized Mr. Eisner's concerns. He said that this project was a transitional one and the City like other cities had to respond to the need for more housing.

Commissioner Riggs said a public easement was requested at the Live Oak side of the property. He asked if that was necessary to maintain the clear sidewalk width. Principal Planner Rogers said that was correct and the public easement would cover one to two feet of sidewalk with a four foot furnishing zone at the street and then eight feet of clear walking space. He said the public easement would also include the public plaza. Commissioner Riggs asked if the landscaped area would impact that. Principal Planner Rogers said the wide sidewalk requirement applied to the 650 Live Oak parcel, but once on the 660 Live Oak parcel, there was no requirement for the extended sidewalk so it transitioned and then widened again into the plaza area.

Commissioner Riggs said on page 7 of the staff report there was a missing word under item 6.i, between "shall" and "structural analysis." Principal Planner Rogers said the word "submit" should be added. The sentence would read: "Simultaneous with the submittal of a complete building permit application, the applicant shall **submit** structural analysis of the proposed 660 Live Oak Avenue structure, verifying that the connection between the between the two units meets the Zoning Ordinance definition of "Buildings, structurally attached", subject to review and approval of the Building and Planning Division."

Commissioner Riggs said the project was well proportioned and had a good use of materials. He said it would be a great project added to Menlo Park. He said the street would change because of this project but it was the commercial area of the street and that was what had been anticipated with the Specific Plan. He said Commissioner Kahle mentioned the large window overlooking the plaza. He suggested the applicant might want to provide the window covering. He said he would have more concern about the 40 feet height facing one-story buildings except the area was commercial, and there had been no correspondence from anyone on Menlo Avenue. He said he supported the project.

Commissioner Onken said he was concerned with the four-story tall glass stair towers with lighting. He said although there was no residential properties behind it, he suggested putting the perforated metal or more high level screening on the back of them. He said additionally the applicant could not rely on trees to do what the architecture was not achieving to provide privacy. He said the area was a very mixed zone and he hoped it encouraged density along El Camino Real. He said the project was supportable and he liked the two BMR units as a public benefit rather than a community garden or cash. He said the public park and that they were spending the money to underground the parking was appreciated.

Commissioner Goodhue said that this project was exactly what the Specific Plan called for. She said it was a high quality project with open space, meeting LEED platinum. She said she agreed the two BMR units was a public benefit and also with a speaker who said this raised the bar for future projects. She said she hoped to see similar projects along El Camino Real in the future.

Commissioner Kahle said the project was a great design although it felt large for the site. He said he thought the rear was too massive and as it was only 15 feet from the rear property line, he would appreciate some thought given to softening that up or use of different materials or some other offset. He said regarding the large window and the concern with the window covering that the impact might be solved by raising the sill. He said regarding the spaces between units that he appreciated that the floors were different but wanted assurance that privacy was protected. He said regarding public benefit that the park and getting one more BMR were great. He said he did not see undergrounding the utilities as a public benefit. He said he did not know if other Commissioners had thoughts about the public benefit. He said he was generally supportive of the project.

Commissioner Barnes said he looked at the two BMR units as being the primary driver for whether or not they had met the requirement of public benefit for the added density. He said the park was not such a public benefit as a function that was desirable for someone who would want to rent a home there. He said he also looked at the overall project as public benefit. He said specific to the BMR that he could agree with staff's recommendation and the numerics that the value of the BMR units surpassed the incremental value of the density associated with it as the public benefit.

Chair Strehl said she supported the project and appreciated the responses to the Commission's comments that were made in last year's study session.

Commissioner Riggs moved to approve the item as recommended in the staff report. Chair Strehl seconded the motion.

ACTION: Motion and second (Riggs/Strehl) to approve the item as recommended in the staff report; passes 7-0.

1. Make the following findings relative to the environmental review of the proposal and adopt the Mitigated Negative Declaration:
 - a. A Mitigated Negative Declaration has been prepared and circulated for public review in accordance with current State California Environmental Quality Act Guidelines;
 - b. The Planning Commission has considered the Mitigated Negative Declaration prepared for the proposal and any comments received during the public review period;
 - c. Based on the Initial Study prepared for the Mitigated Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed project will have a significant effect on the environment;
 - d. Relevant mitigation measures have been incorporated into the project through the Mitigation Monitoring and Reporting Program (Attachment J), which is approved as part of this finding; and
 - e. Upon completion of project improvements, the Specific Plan Maximum Allowable Development will be adjusted by 10,858 square feet of non-residential uses and 15 dwelling units, accounting for the 650 Live Oak Avenue parcel's net share of the Plan's overall projected development and associated impacts.

2. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
 - a. The general appearance of the structure is in keeping with the character of the neighborhood.
 - b. The development will not be detrimental to the harmonious and orderly growth of the City.
 - c. The development will not impair the desirability of investment or occupation in the neighborhood.
 - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
 - e. The development is consistent with the El Camino Real/Downtown Specific Plan, as verified in detail in the Standards and Guidelines Compliance Worksheet (Attachment F).
3. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
4. Approve the Below Market Rate Rental Housing Agreement. (Attachment H).
5. Approve the architectural control and use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by Brick, consisting of 82 plan sheets, dated received on August 4, 2016, and approved by the Planning Commission on August 15, 2016, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - d. All public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division.
 - e. Prior to commencing any work within the right-of-way or public easements, the applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction.
 - f. Prior to building permit issuance, applicant shall coordinate with California Water Company to confirm the existing water mains and service laterals meet the domestic and fire flow

requirements of the project. If the existing water main and service laterals are not sufficient as determined by California Water Company, applicant may, as part of the project, be required to construct and install new water mains and service laterals sufficient to meet such requirements.

- g. Prior to building permit issuance, applicant shall coordinate with West Bay Sanitary District to confirm the existing sanitary sewer mains and service laterals have sufficient capacity for the project. If the existing sanitary sewer mains and service laterals are not sufficient as determined by West Bay Sanitary District, applicant may, as part of the project, be required to construct and install new sanitary sewer mains and service laterals sufficient to meet such requirements.
- h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.
- i. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a plan for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) construction vehicle parking. The plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions prior to issuance of a building permit. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing construction.
- j. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office. The applicant shall enter into and record a Stormwater Treatment Measures Operations and Maintenance Agreement prior to building permit final inspection.
- k. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft "Stormwater Treatment Measures Operations and Maintenance (O&M) Agreement" with the City subject to review and approval by the Engineering Division. With the executed agreement, the property owner is responsible for the operation and maintenance of stormwater treatment measures for the project. The agreement shall run with the land and shall be recorded by the applicant with the San Mateo County Recorder's Office. The applicant shall enter into and record a Stormwater Treatment Measures Operations and Maintenance Agreement prior to building permit final inspection
- l. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to issuance of a building permit.

- m. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an Off-Site Improvements Plan for review and approval of the Engineering Division. The Off-Site Improvements Plan shall include all improvements within public right-of-way including water and sanitary sewer. The Off-Site Improvements Plan shall be approved prior to issuance of a building permit.
- n. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.
- o. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- p. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a lighting plan, providing the location, architectural details and specifications for all exterior lighting subject to review and approval by the Planning Division.
- q. Simultaneous with the submittal of a complete building permit application, a design-level geotechnical investigation report shall be submitted to the Building Division for review and confirmation that the proposed development fully complies with the California Building Code. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards. The report shall identify building techniques appropriate to minimize seismic damage.
- r. Prior to issuance of building permit, the applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment. The current fee is calculated by multiplying the valuation of the construction by 0.0058.
- s. A complete building permit application will be required for any remediation work that requires a building permit. No remediation work that requires approval of a building permit shall be initiated until the applicant has received building permit approvals for that work. All building permit applications are subject to the review and approval of the Building Division.
- t. If construction is not complete by the start of the wet season (October 1 through April 30), the applicant shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other physical means; rocking unpaved vehicle access to limit dispersion of much onto public right-of-way; and covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions shall be submitted for review and approval of the

Engineering Division prior to beginning construction.

- u. The applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division.
 - v. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the recommendations of the arborist report prepared by Arbor Resources, dated October 30, 2015.
 - w. All Public Works fees are due prior to issuance of building permit. Refer to City of Menlo Park Master Fee Schedule.
6. Approve the architectural control and use permit subject to the following ***project-specific*** conditions:
- a. The applicant shall address all Mitigation Monitoring and Reporting Program (MMRP) requirements as specified in the MMRP (Attachment J). Failure to meet these requirements may result in delays to the building permit issuance, stop work orders during construction, and/or fines.
 - b. Simultaneous with the submittal of a complete building permit application, the applicant shall submit an updated LEED Checklist, subject to review and approval of the Planning Division. The Checklist shall be prepared by a LEED Accredited Professional (LEED AP). The LEED AP should submit a cover letter stating their qualifications, and confirm that they have prepared the Checklist and that the information presented is accurate. Confirmation that the project conceptually achieves LEED Silver certification shall be required before issuance of the building permit. Prior to final inspection of the building permit or as early as the project can be certified by the United States Green Building Council, the project shall submit verification that the development has achieved final LEED Silver certification.
 - c. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a draft Public Access Easement (PAE) along the property frontage to accommodate the full 12-foot wide sidewalk (as measured from back of curb) along the frontage of 650 Live Oak Avenue, as well as the public plaza on 660 Live Oak Avenue. Said PAE dedication shall be subject to review and approval of the Engineering and Transportation Divisions, and shall be accepted by the City Council and recorded with the San Mateo County Recorder's Office prior to building permit final inspection.
 - d. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a utility plan that shows undergrounding of overhead utilities, subject to the approval of the Engineering Division.
 - e. Simultaneous with the submittal of a complete building permit application, stormwater main size and horizontal alignment shall be designed to the satisfaction of City Engineer.
 - f. Covenants, Conditions & Restrictions (CC&Rs) will be required for the development as a whole (both properties), addressing overlapping topics such as shared parking and access, stormwater treatment areas, and storm drains. CC&R's need to be submitted, reviewed, and approved by Planning, Public Works, and the City Attorney prior to building permit

issuance. Easements, deed restrictions, or other alternate mechanisms may be used for these requirements, as specified by the City Attorney.

- g. Prior to issuance of building permit, the applicant shall submit the El Camino Real/Downtown Specific Plan Preparation Fee, which is established at \$1.13/square foot for all net new development. For the subject proposal, the fee is estimated at \$35,849.25 (\$1.13 x 10,725 net new square feet).
- h. Prior to issuance of building permit, the applicant shall submit all relevant transportation impact fees (TIF), subject to review and approval of the Transportation Division. Such fees include:
 - I. The TIF is estimated to be \$79,175.99. This was calculated by multiplying the fee of \$4.63 per square foot for office space by the net new office space of 10,858 s.f. and multiplying the fee of \$1,927.02 per multi-family by 15 net new multi-family units. Please note this fee is updated annually on July 1st based on the Engineering News Record Bay Area Construction Cost Index. Fees are due before a building permit is issued.
 - II. The City has adopted a Supplemental Transportation Impact Fee for the infrastructure required as part of the Downtown Specific Plan. The fee is calculated at \$379.40 per PM peak hour vehicle trip. The proposed project is estimated to generate 36 PM peak hour trips, so the supplemental TIF is estimated to be \$13,658.40. Payment is due before a building permit is issued and the supplemental TIF will be updated annually on July 1st along with the TIF.
- i. Simultaneous with the submittal of a complete building permit application, the applicant shall **submit** a structural analysis of the proposed 660 Live Oak Avenue structure, verifying that the connection between the two units meets the Zoning Ordinance definition of "Buildings, structurally attached", subject to review and approval of the Building and Planning Division.

G Informational Items

G1. Future Planning Commission Meeting Schedule

- Regular Meeting: August 29, 2016
- Regular Meeting: September 12, 2016
- Regular Meeting: September 26, 2016

Chair Strehl asked about the nexus study and additional BMR fees for both rental and for purchase development. Principal Planner Rogers said the item was taken to the City Council on July 19 and the staff report for that included the full nexus study for residential and commercial development. He said this was also taken to the Housing Commission at the beginning of August. He said the Planning Commission would see the item at a future meeting leading to a potential City Council action to the zoning ordinance for BMRs. He said there was not a definite date yet.

H. Adjournment

The meeting adjourned at 9:27 p.m.

Staff Liaison: Thomas Rogers, Principal Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on September 12, 2016