

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: January 26, 2016
Public Hearing: February 23, 2016

CONTACT PERSON/PHONE: Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov
Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance granting Special Permit No. PZST15-00039, to allow for Infill Development with reduced front yard setback, side yard setback, and cumulative front & rear yard setbacks on the property described as Lot 8, Block D, Deal Addition, 6010 Tampa Avenue, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 6010 Tampa Avenue. Property Owner: Enrique Ayala, PZST15-00039 (District 3)

BACKGROUND / DISCUSSION:

On December 3, 2015, the CPC reviewed and recommended approval of the special permit request.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this special permit application.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (7-0).

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Larry F. Nichols
Director, Planning and Inspections Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST15-00039, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED FRONT YARD SETBACK, SIDE YARD SETBACK, AND CUMULATIVE FRONT & REAR YARD SETBACKS ON THE PROPERTY DESCRIBED AS LOT 8, BLOCK D, DEAL ADDITION, 6010 TAMPA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Enrique Ayala, has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City Code for reduced front yard setback, side yard setback, and, cumulative front & rear yard setbacks.

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in an **R-5 (Residential)** Zone District:
*Lot 8, Block D, Deal Addition, 6010 Tampa Avenue, City of El Paso,
El Paso County, Texas; and,*
2. That the City Council hereby grants a Special Permit for an infill development under Section 20.10.280 of the El Paso City Code to allow a reduction in the front yard setback, side yard setback, and cumulative front & rear yard setbacks; and,
3. That this Special Permit is issued subject to the development standards in the **R-5 (Residential)** District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes; and,
4. That if at any time the Owner fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST15-00039 shall automatically terminate, and

ORDINANCE NO. _____

PZST15-00039

construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,

5. That the Owner shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

ADOPTED this _____ day of _____, 2016.


THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Brie L. Franco
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols, Director
Planning & Inspections Department

ORDINANCE NO. _____

PZST15-00039

AGREEMENT

Enrique Ayala, referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **R-5 (Residential)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2016.

OWNER: Enrique Ayala

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2016, by Enrique Ayala, as Owner.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

ORDINANCE NO. _____

PZST15-00039

EXHIBIT A

PARKING CALCULATIONS

PARKING SPACES REQUIRED AS PER DL 20 APPENDIX "C" OF ZONING ORDINANCES FOR TOWN OF EL PASO, TEXAS

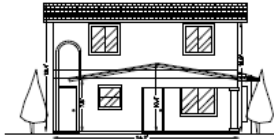
PARKING COUNT REQUIRED PROVIDED
 2 SINGLE FAMILY DWELLINGS = 4 2

REQUESTING FOR SOUP PARKING REDUCTION - SEE APPLICATION ATTACHED
 TOTAL PARKING REQUIRED ON SOUP PARKING REDUCTION = 4 (FOUR), 2 PROVIDED

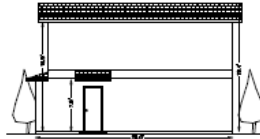
EXISTING ZONING:

YARD, LOT AND HEIGHT STANDARDS AS PER R-3 ZONING

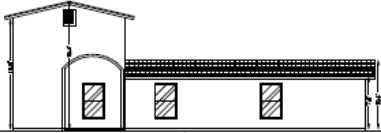
1. All uses shall have a minimum front yard of twenty feet, rear yard of twenty feet and a side yard of five feet or ten feet for a side yard abutting a side street.
2. FRONT YARD: TWENTY FEET (PROPOSED TEN FEET)
3. REAR YARD: TWENTY FIVE FEET (PROPOSED TEN FEET)
4. INTERIOR SIDE YARD: FIVE FEET (PROPOSED THREE FEET)
5. SIDE STREET SIDE YARD: TEN FEET
6. MINIMUM CUMULATIVE FRONT AND REAR YARD: FORTY FIVE (PROPOSED 22 FEET)



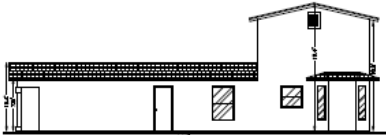
NORTHSIDE VIEW



SOUTHSIDE VIEW



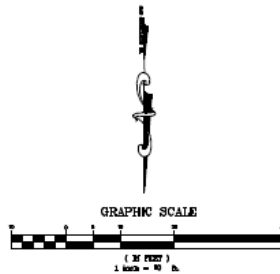
EASTSIDE VIEW



WESTSIDE VIEW

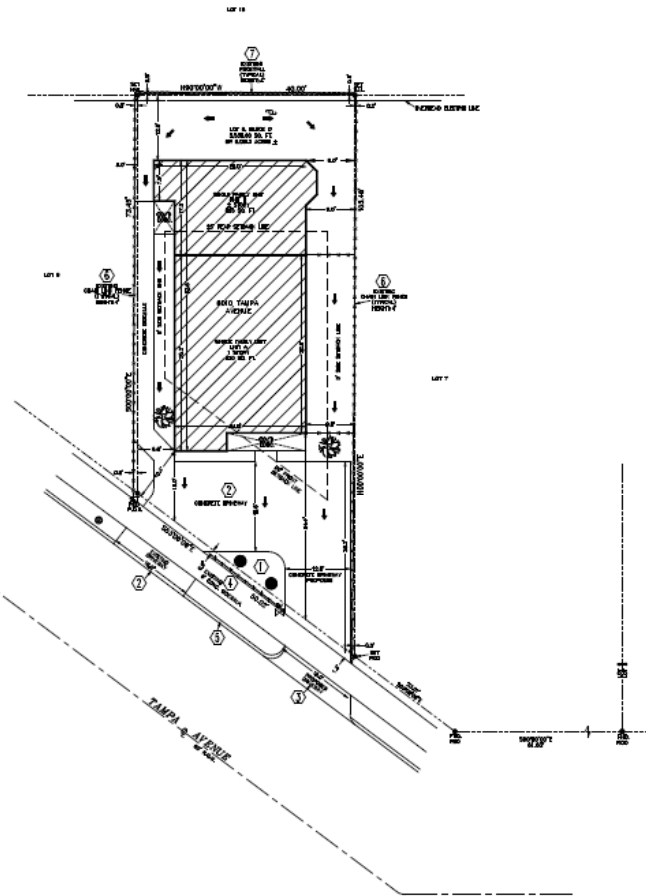
LOCATION MAP:

1" = 600'



DETAILED SITE DEVELOPMENT PLAN

BEING ALL OF LOT 2, BLOCK D
 DEAL ADDITION
 CITY OF EL PASO, EL PASO COUNTY, TEXAS
 CONTAINING:
 3,538.60 SQ. FT.
 OR 0.0812 ACRES ±



KEYED NOTES	
1.	NEW LANDSCAPE AREA.
2.	EXISTING OPENWAY TO MEET CITY AND OF STATE STRAIGHTWAYS.
3.	EXISTING OPENWAY TO MEET CITY AND OF STATE STRAIGHTWAYS.
4.	EXISTING 2' SIDEWALKS.
5.	EXISTING CONC. CURBS AND GUTTER.
6.	EXISTING CHAIN LINK FENCE TO REMAIN.
7.	EXISTING ROCKWALL TO REMAIN.

LEGEND	
	= FIRE HYDRANT
	= METER
	= WATER METER
	= POWER POLE
	= CHAIN LINK FENCE
	= ROCKWALL
	= DRIVEWAY FLOW

METES AND BOUNDS DESCRIPTION

FIELD NOTE DESCRIPTION of Lot 2, Block D, Deal Addition, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:
 COMMENSING FROM REFERENCE to a set iron rod located at the common boundary line of Lots B and C, same being the southerly right-of-way line of Tampa Avenue (60' R.O.W.) and the POINT OF BEGINNING of the herein described parcel:
 "THENCE, bearing S89°00'00" East, a distance of 75.43 feet, to a set rod for corner;
 "THENCE, bearing S89°00'00" East, a distance of 105.48 feet to a set rod for corner;
 "THENCE, bearing S89°00'00" East, a distance of 105.48 feet to a set rod for corner;
 "THENCE, South 89°00'00" East, a distance of 30.05 feet to the POINT OF BEGINNING of the herein described parcel and containing 3,538.60 square feet or 0.0812 acres of land more or less.

CONSULTING COMPANY
 1790 N. LEE TREVINO DR. SUITE 503
 EL PASO, TEXAS 79936
 TEL: (915) 633-6422

SCALE 1" = 600' (SEE LOCATION MAP)
 DATE: 11/20/2014

MEMORANDUM

DATE: January 14, 2016

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Andrew Salloum, Planner

SUBJECT: PZST15-00039

The City Plan Commission (CPC), on December 3, 2015, voted 7-0 to recommend **approval** of the special permit application to allow for infill development with front, side yard and cumulative front and rear yard setbacks reduction.

The CPC found that the special permit is in conformance with Plan El Paso. The CPC also determined that the special permit protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division has not received any communication in support or opposition to the special permit request.

Property Owner: Enrique Ayala
Representative: Enrique Ayala

Attachments:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST15-00039
Application Type: Special Permit and Detailed Site Development Plan
CPC Hearing Date: December 3, 2015
Staff Planner: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

Location: 6010 Tampa Avenue
Legal Description: Lot 8, Block D, Deal Addition, City of El Paso, El Paso County, Texas
Acreage: 0.08 acres
Rep District: 3
Zoning: R-5 (Residential)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Legal Non-conforming registration for lot dimensions (issued 1/24/2005)
Request: Infill Development - to allow for front, side yard and cumulative front and rear yard setbacks reduction
Proposed Use: Duplex

Property Owner: Enrique Ayala
Representative: Enrique Ayala

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential) / Single-family dwellings
South: R-5 (Residential) / Single-family dwellings
East: R-5 (Residential) / Single-family dwellings
West: R-5 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood (Walkable) (Central Planning Area)

NEAREST PARK: San Juan Placita (1,861 feet)

NEAREST SCHOOL: Hawkins Elementary (1,173 feet)

NEIGHBORHOOD ASSOCIATIONS

San Juan Neighborhood Improvement Association
El Paso Central Business Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on November 17, 2015. The Planning Division has not received any communications in support or opposition to the special permit request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit for infill development and detailed site development plan review for an infill development to reduce the side yard and cumulative front and rear yard setbacks for a duplex. The detailed site development plan shows a new 1,725 sq. ft. duplex. The applicant is requesting the following reductions: from the required 20 ft. front yard setback to 13 ft., from the required 5 ft. side yard setback to 3 ft. and from the required 45 ft. cumulative front and rear yard setback to 22 ft. (see the table on page 3). The Detailed Site Development Plan complies with all other density and dimensional standards per the approved legal non-conforming registration. The proposed development requires four parking spaces and the applicant is providing four parking spaces. Access to the subject property is proposed from Tampa Avenue.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the requests for special permit and detailed site development plan review for infill development as it complies with Sections 20.10.280 Infill Development; 20.04.320, Special Permit, 20.04.150, and Detailed Site Development Plan.

ANALYSIS

20.10.280 Infill Development

The provisions of this section apply to any property designated with an overlay designation to encourage redevelopment and infill development, the specific purposes of which are to: provide a more flexible approach to design and development of infill projects, encourage infill development by simplifying procedures for plan approval, permit the conversion or adaptive reuse of buildings and properties, encourage planning and design flexibility and innovations, create a community environment that is enhanced by a mix of residential, commercial, recreational, open space, employment and institutional uses, and assure community compatibility and an efficient use of land and public services. In order to provide incentives for private investment in these targeted areas, the following standards shall apply:

- A. Location Criteria. An infill development may be designated for any property on which at least two of the following factors are present: the property is wholly or partially located within a designated tax increment financing district, or the property is wholly or partially located within a designated state or federal enterprise zone, or the property is wholly or partially located within an empowerment zone, or the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of this title, or the property is located within a designated historic district, or the property is within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met. For purposes of this section, any property with a historic designation shall be subject to the requirements and review provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.

This development meets the two location criteria: (1) it is within a State Enterprise Zone (2) it is located in a legally recorded subdivision of at least 30 years, having been platted in 1949, (Attachment 5).

- B. Use Regulations. Unless the ordinance designating the infill development provides otherwise, a proposed infill development may be approved for any use permitted in the base-zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.

There is no specific plan area adopted by City Council. A duplex is permitted in the R-5(Residential) district.

- C. Setback Provisions. The side, front and rear setback requirements of the base-zoning district on which it is located may be reduced up to one hundred percent for an infill development as approved by city council. Buildings should be designed to relate to and take advantage of any existing site attributes, and shall be a consideration for reduction of the setback requirements.

The applicant is requesting the following reduction in dimensional standards:

DIMENSION	REQUIRED	PROPOSED
Front yard setback	20 ft.	13 ft.
Side yard setback	5 ft.	3 ft.
Cumulative Front and Rear yard setback	45 ft.	22 ft.

The applicant is requesting the following reductions: from the required 20 ft. front yard setback to 13 ft., from the required 5 ft. side yard setback to 3 ft. and from the required 45 ft. cumulative front and rear yard setback to 22 ft.

- E. Design. Unless otherwise approved by city council, any construction permitted pursuant to this section shall be designed to consistently relate to the massing and character of the surrounding properties. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks.

The proposed development is compatible with existing development.

- H. Lots. There shall be no minimum area requirement for lots within an infill development unless otherwise provided in the ordinance designating the infill development overlay.

The applicant is only requesting side and cumulative setback reductions; the request complies with all other density and dimensional standards per the approved Legal Non-Conforming registration.

20.04.320 Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.
- D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
 1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;
 2. The proposed development is in accordance with and in furtherance of the plan for El Paso, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
 3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;

4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
 5. The design of the proposed development mitigates substantial environmental problems;
 6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
 7. The proposed development is compatible with adjacent structures and uses;
 8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the city plan commission waive one or more of the criteria based on its no applicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the no applicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

The application meets the requirements for special permit.

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Detailed Site Development Plan review is required as part of the special permit application.

20.04.150 Procedure.

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
 2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
 3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and storm water drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
 4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
 5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan, and it meets all requirements of Sections 20.04.320, Special Permit, and 20.04.150 Detailed Site Development Plan.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

G-2 – Traditional Neighborhood (Walkable): This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the R-5 (Residential) district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

COMMENTS:

Planning and Inspections Department - Planning Division - Transportation

No objections to the special permit and detailed site development plan.

Note:

All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

Planning and Inspections Department – Building and Development Permitting

No objections to proposed special permit.

Planning and Inspections Department - Land Development

No objections.

Fire Department

Recommend approval.

Sun Metro

Sun Metro does not oppose this request.

El Paso Water Utilities

1. EPWU-PSB does not object to this request

EPWU-PSB Comments

Water:

2. There is an existing 8-inch diameter water main that extends along Tampa Avenue, located approximately 15 north of the right of way center line. This main is available for service.

3. EPWU records indicate a vacant water service connection (inactive meter) serving the subject property. The address for this service is 6010 Tampa Ave.

Sewer:

4. There is an existing 8-inch diameter sanitary sewer mains extending along Tampa Avenue approximately 5 feet south of the right of way center line. This main is available for service.

General:

5. EPWU requires a new service application to provide services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is

responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

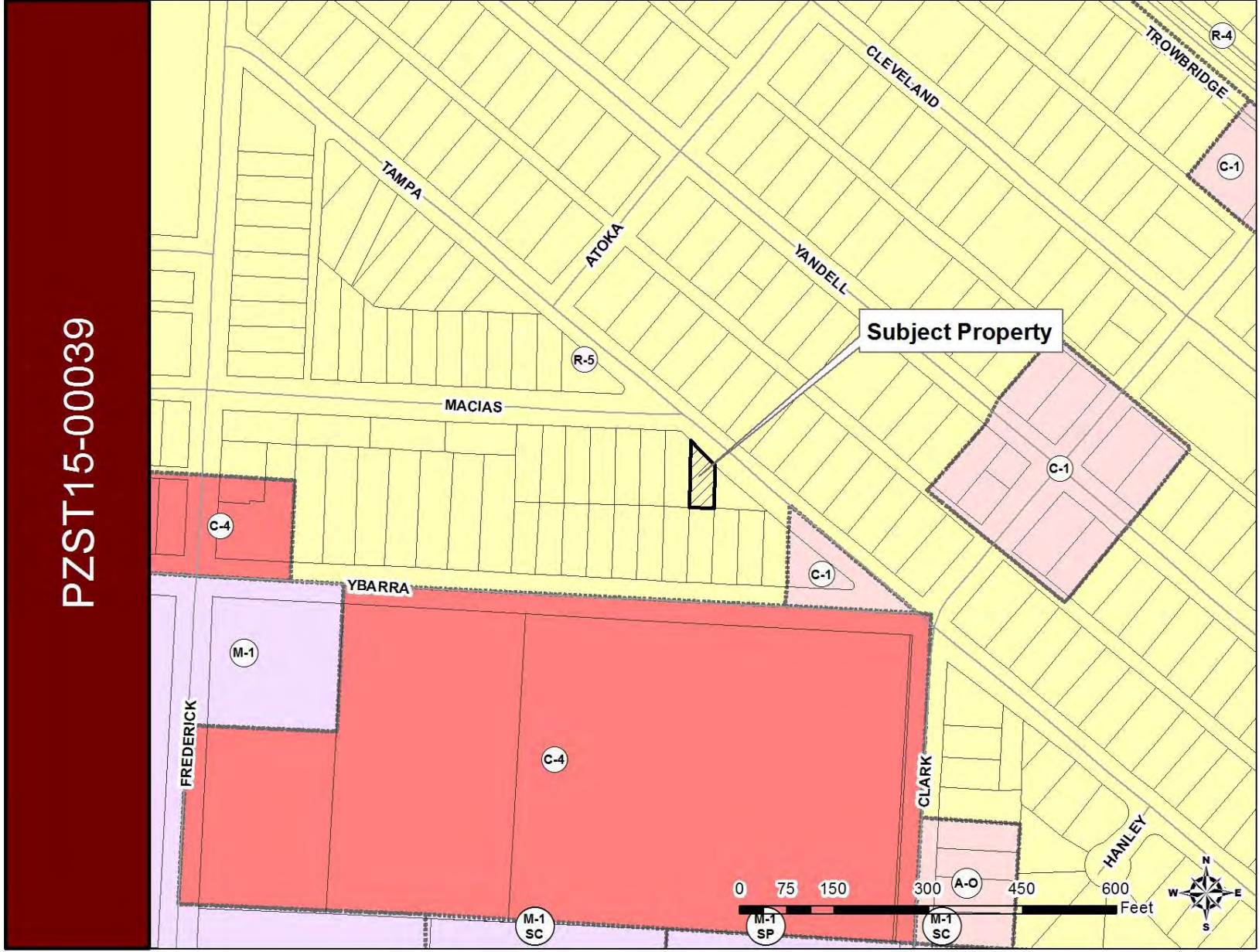
El Paso Water Utilities - Stormwater Division

No objections.

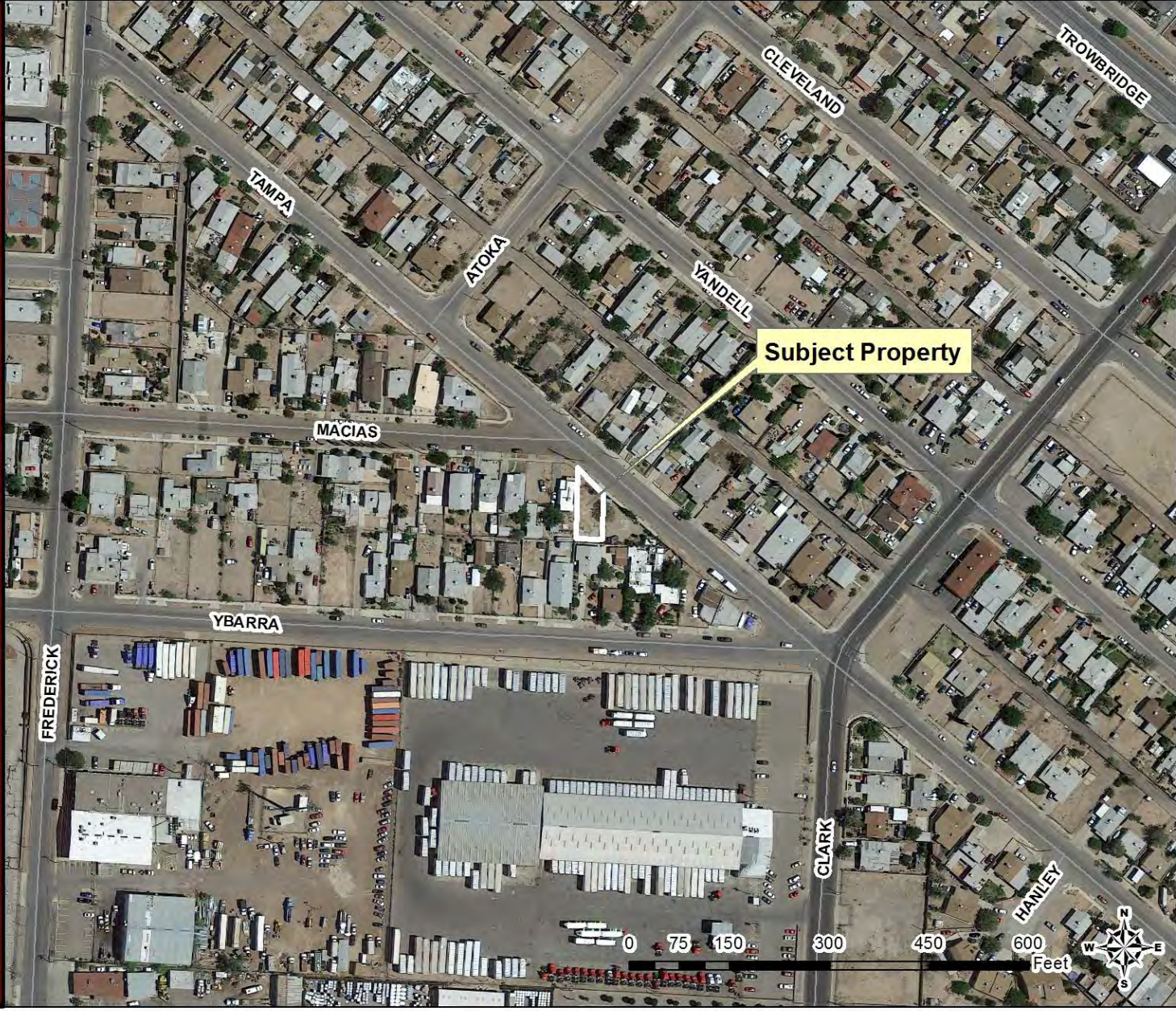
Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations
5. Subdivision Plat

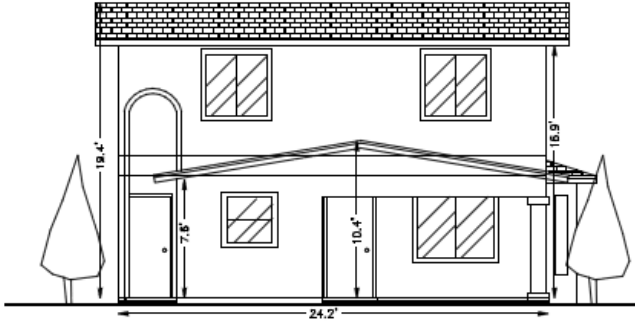
PZST15-00039



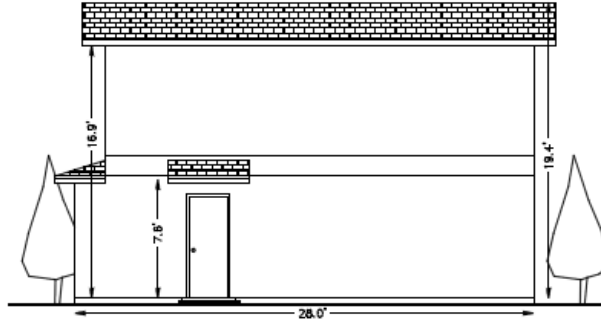
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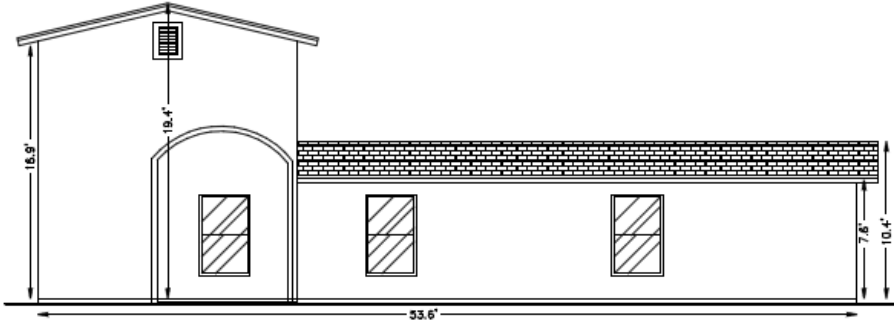
ATTACHMENT 4: ELEVATIONS



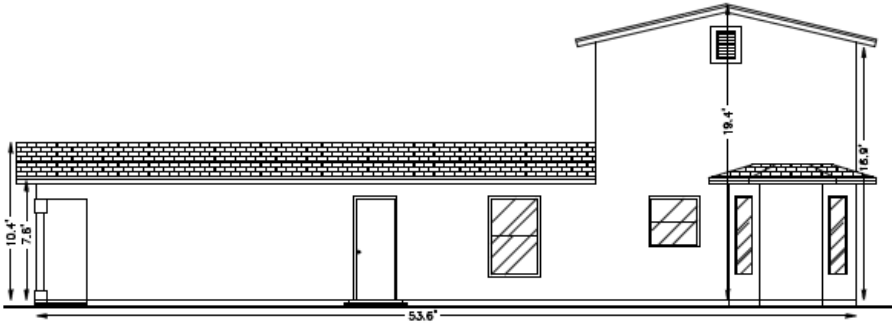
NORTHSIDE VIEW
SCALE: NTS



SOUTHSIDE VIEW
SCALE: NTS

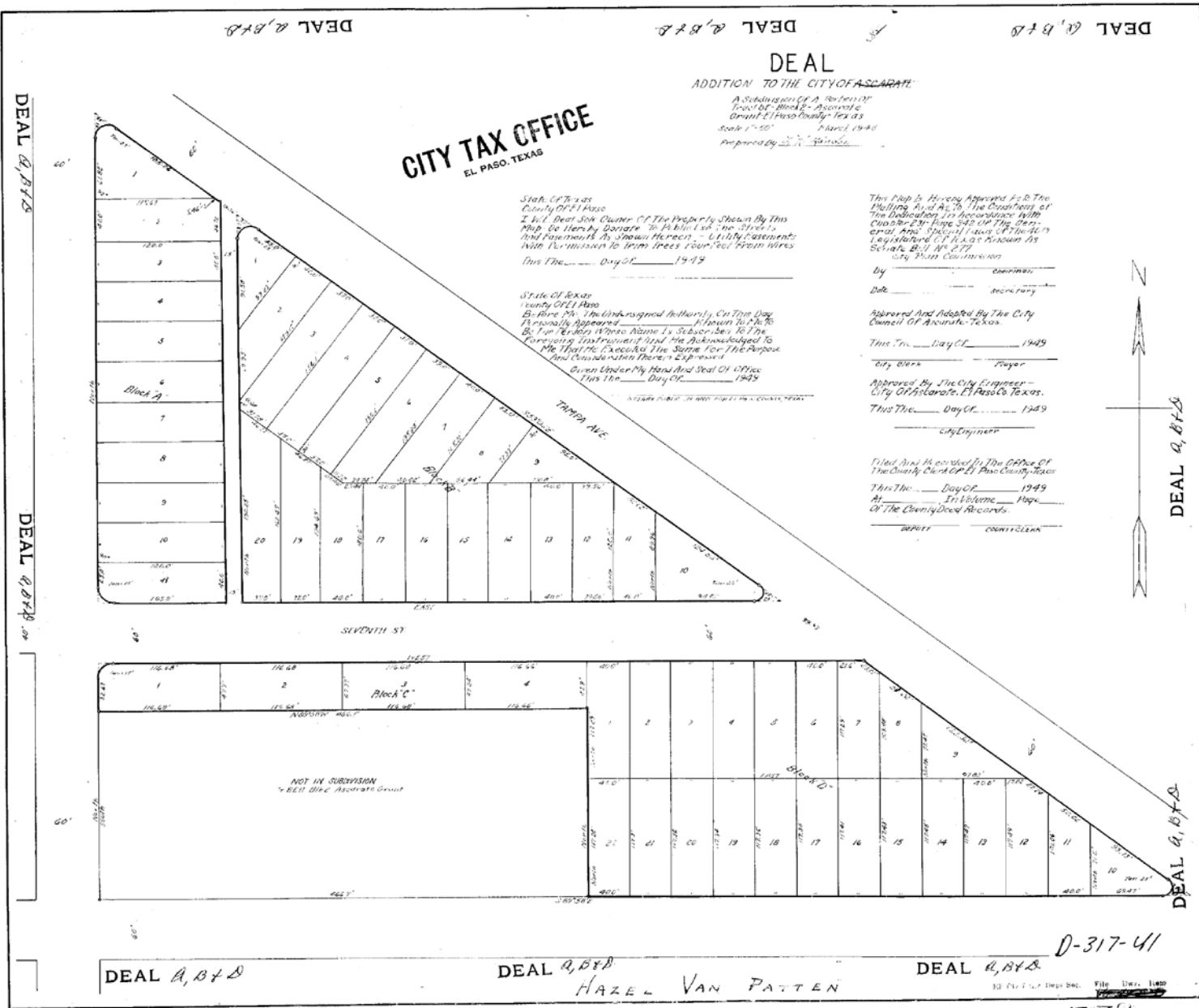


EASTSIDE VIEW
SCALE: NTS



WESTSIDE VIEW
SCALE: NTS

ATTACHMENT 5: SUBDIVISION PLAT





Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (7-0)
- **Public Input:** The Planning Division has not received any communications in support or opposition to the special permit request.

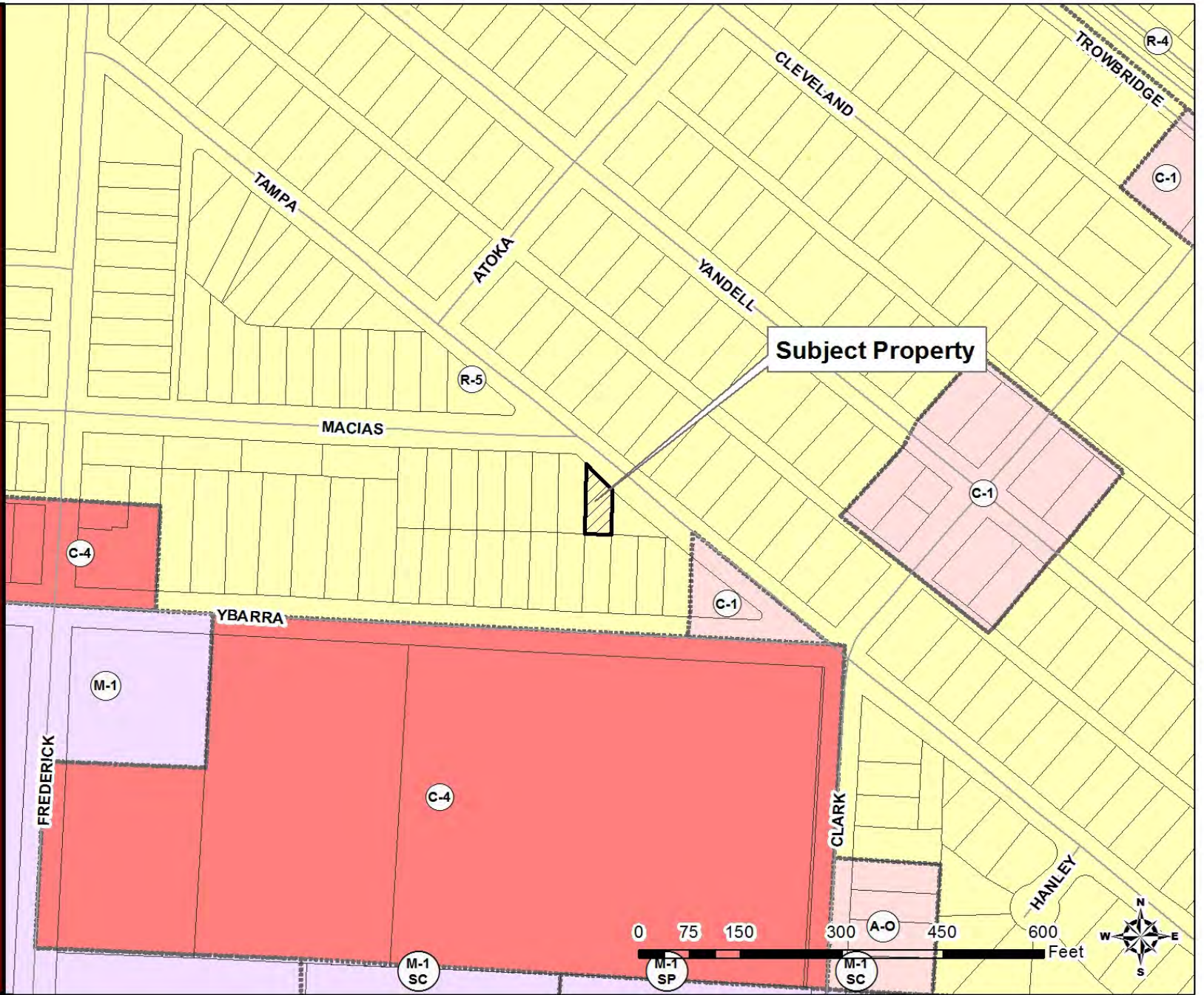
Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes

3.2 Improve the visual impression of the community

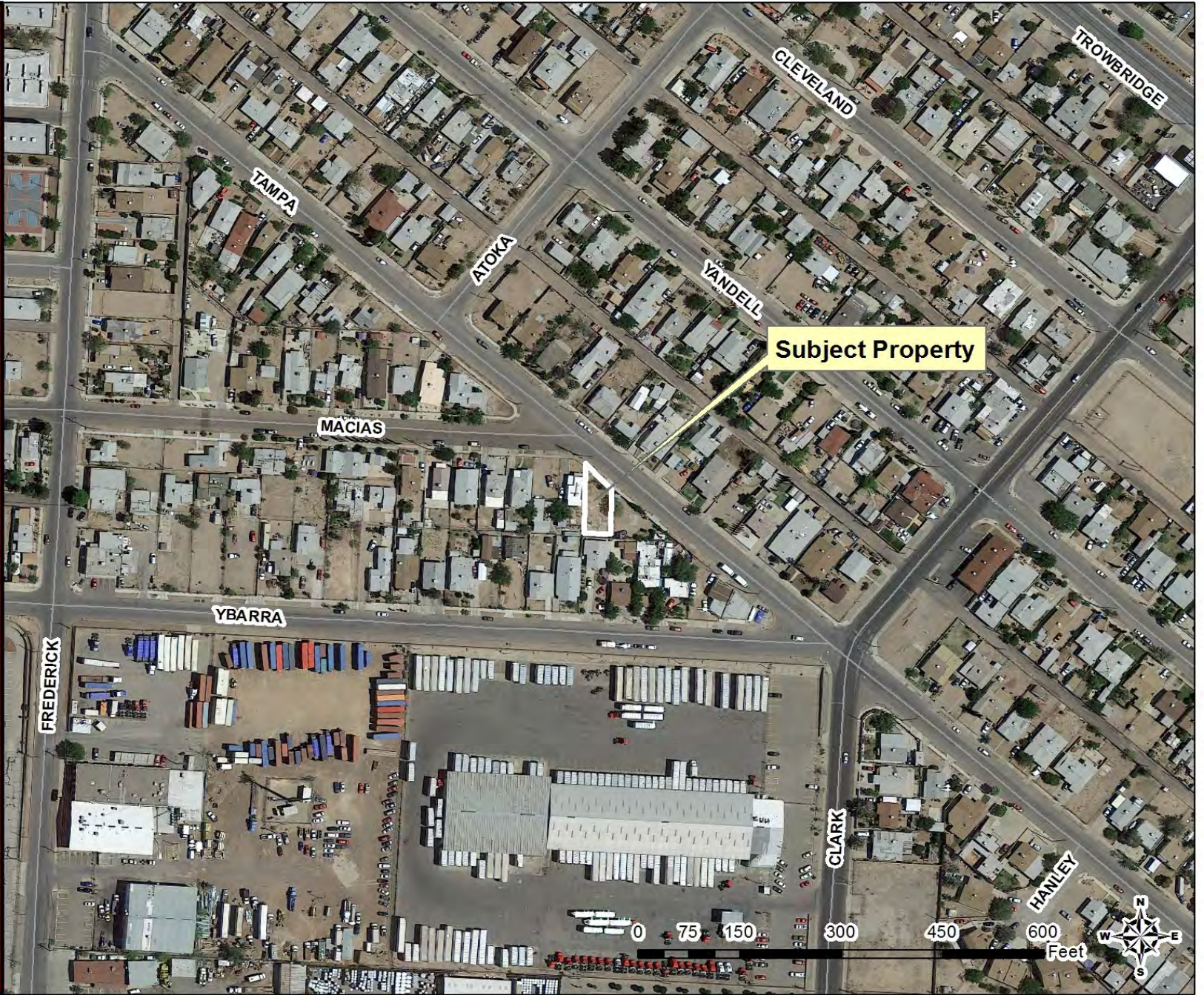
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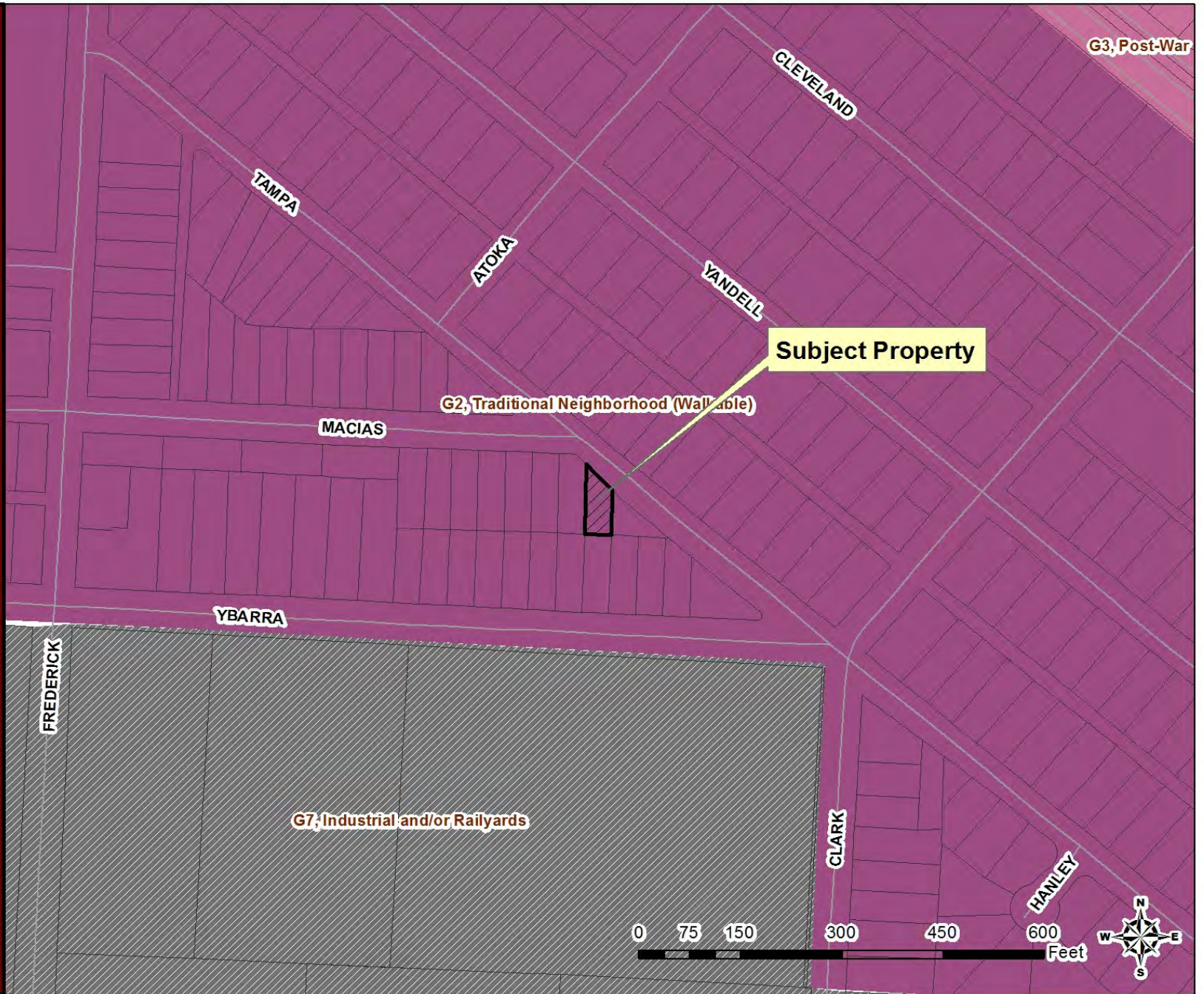
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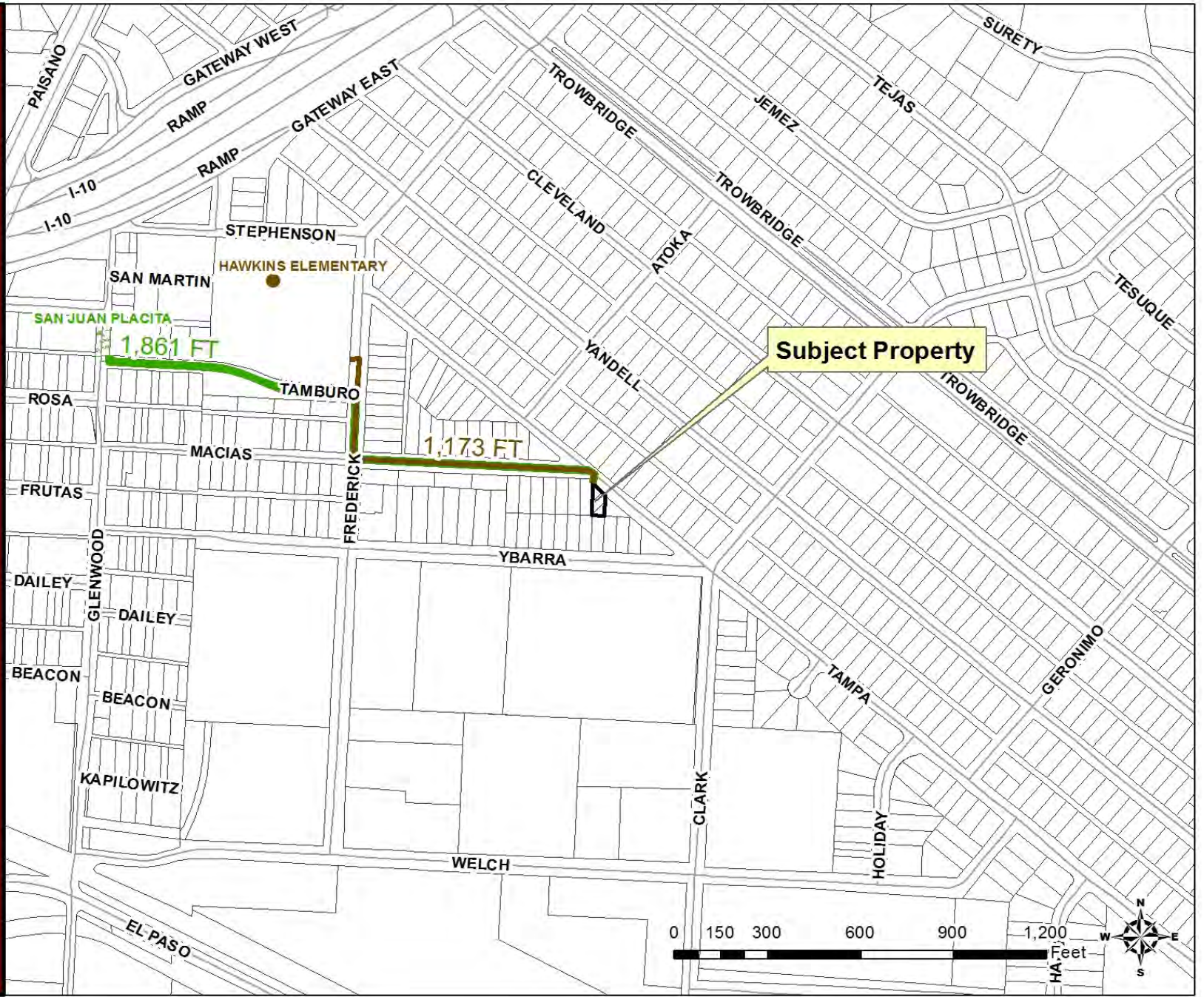
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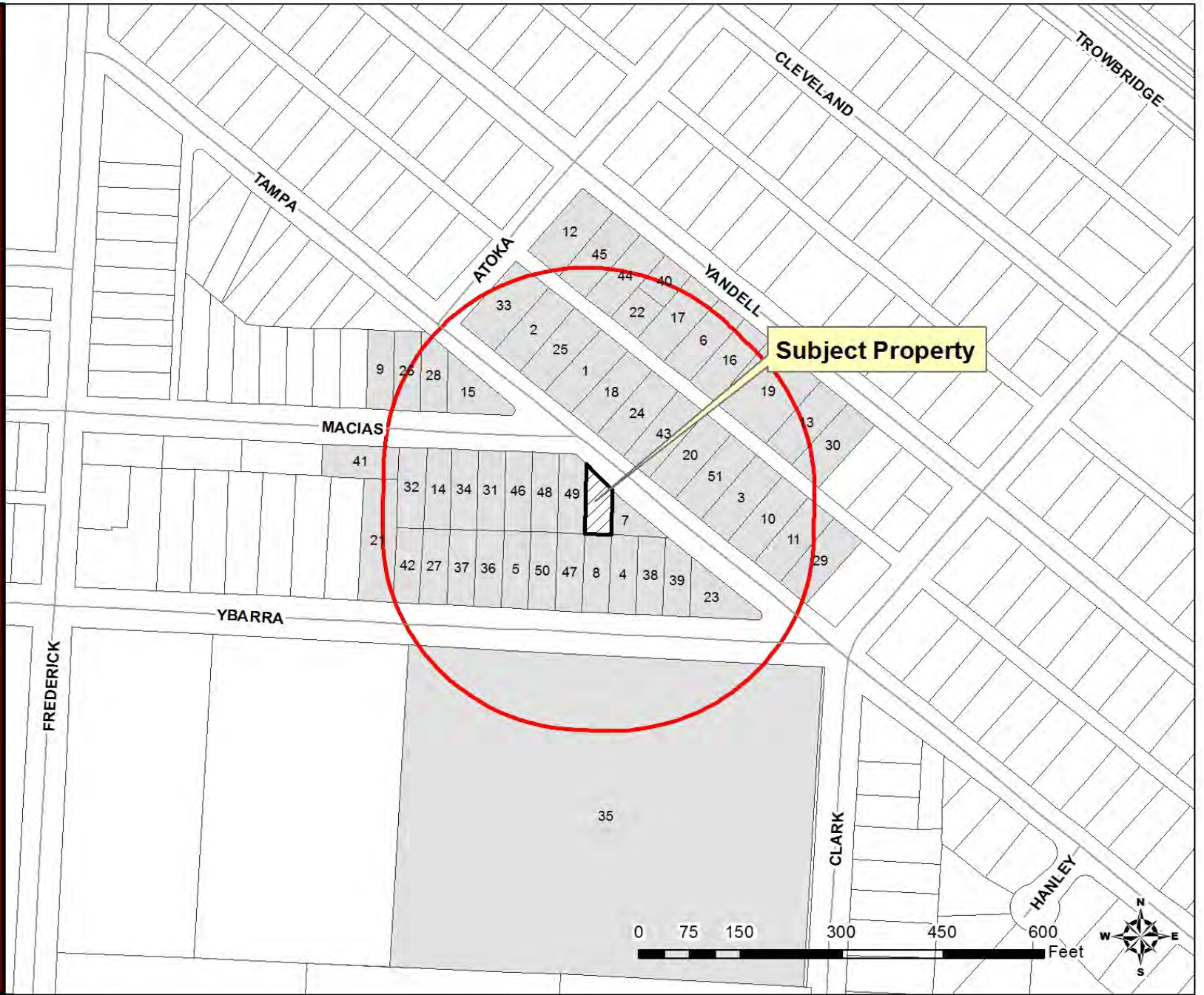
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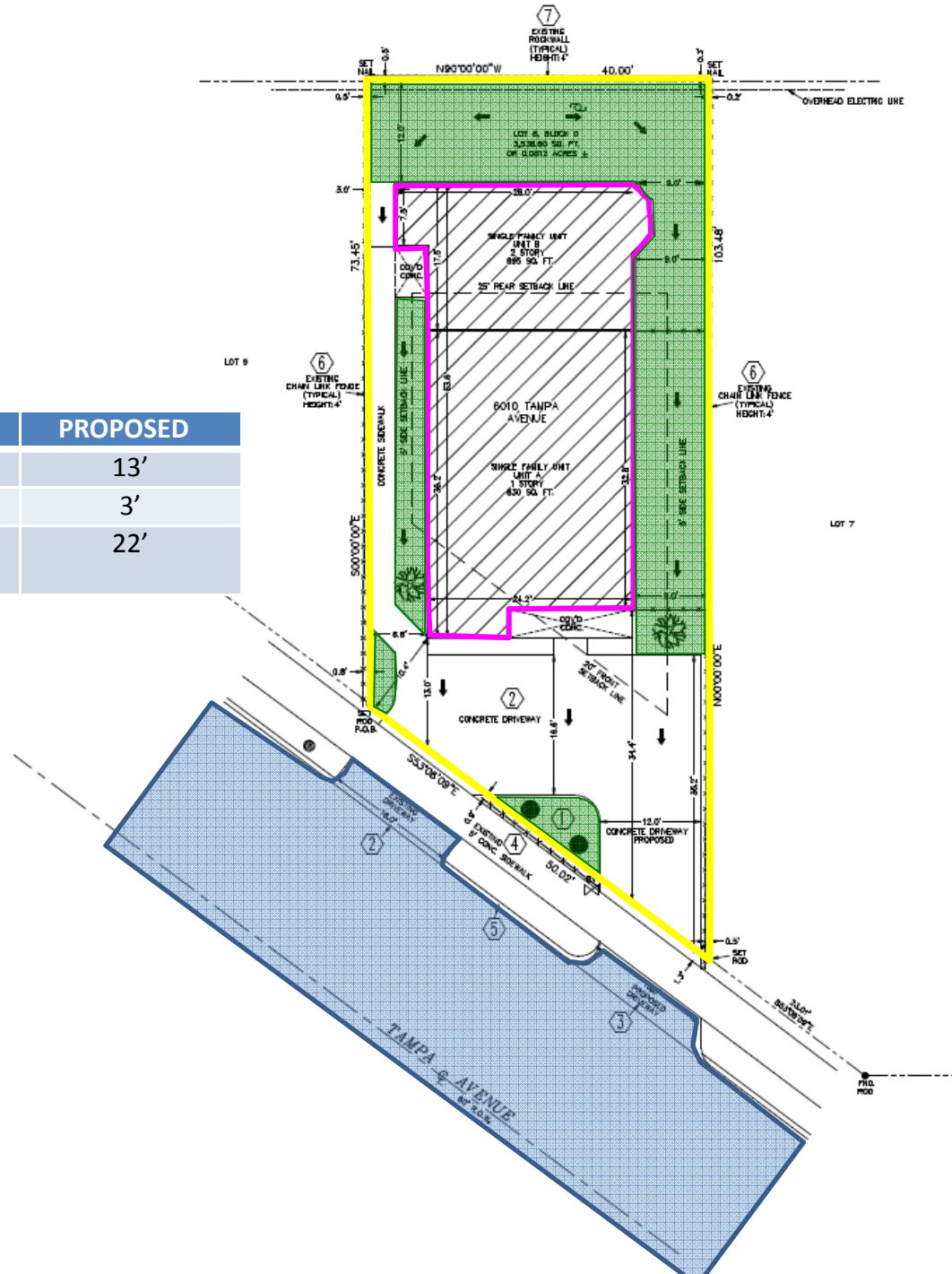
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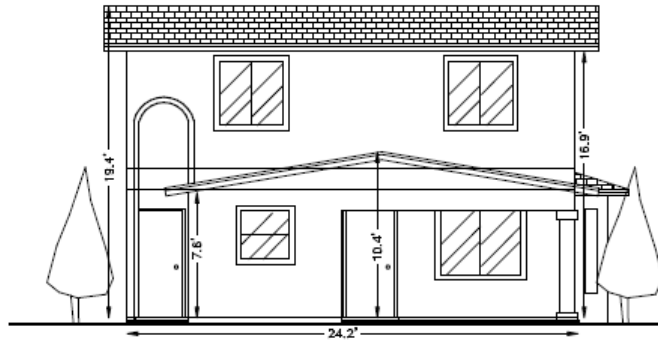
8



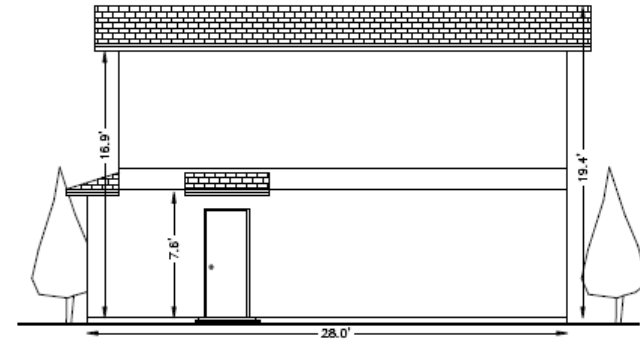


DIMENSION	REQUIRED	PROPOSED
Front yard setback	20'	13'
Side yard setback	5'	3'
Cumulative front & rear yard setback	45'	22'

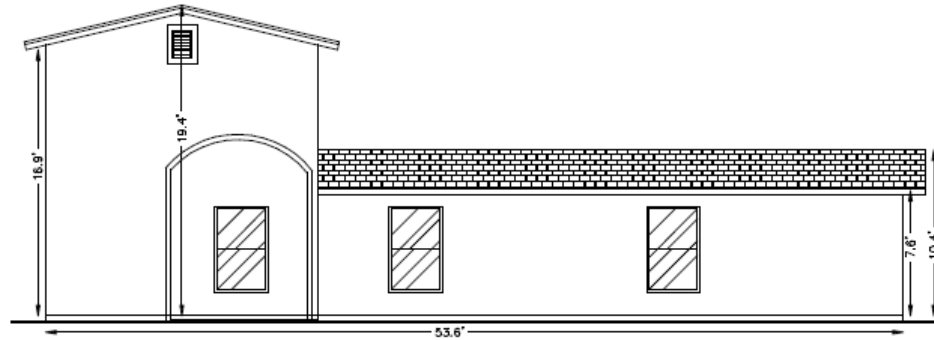




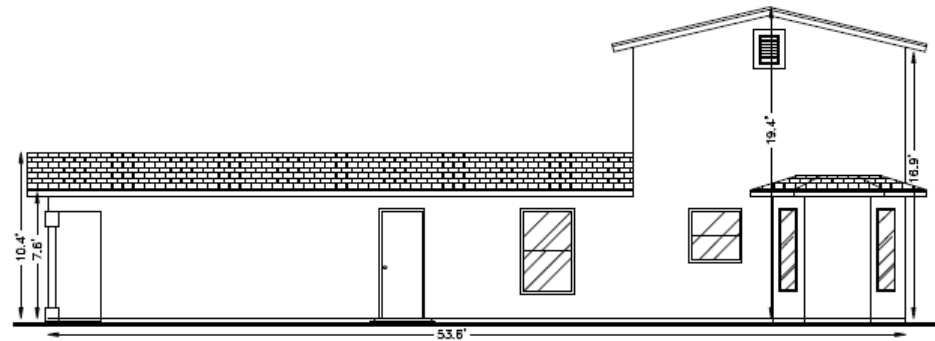
NORTHSIDE VIEW
SCALE: NTS



SOUTHSIDE VIEW
SCALE: NTS



EASTSIDE VIEW
SCALE: NTS



WESTSIDE VIEW
SCALE: NTS





North



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“Delivering Outstanding Services”





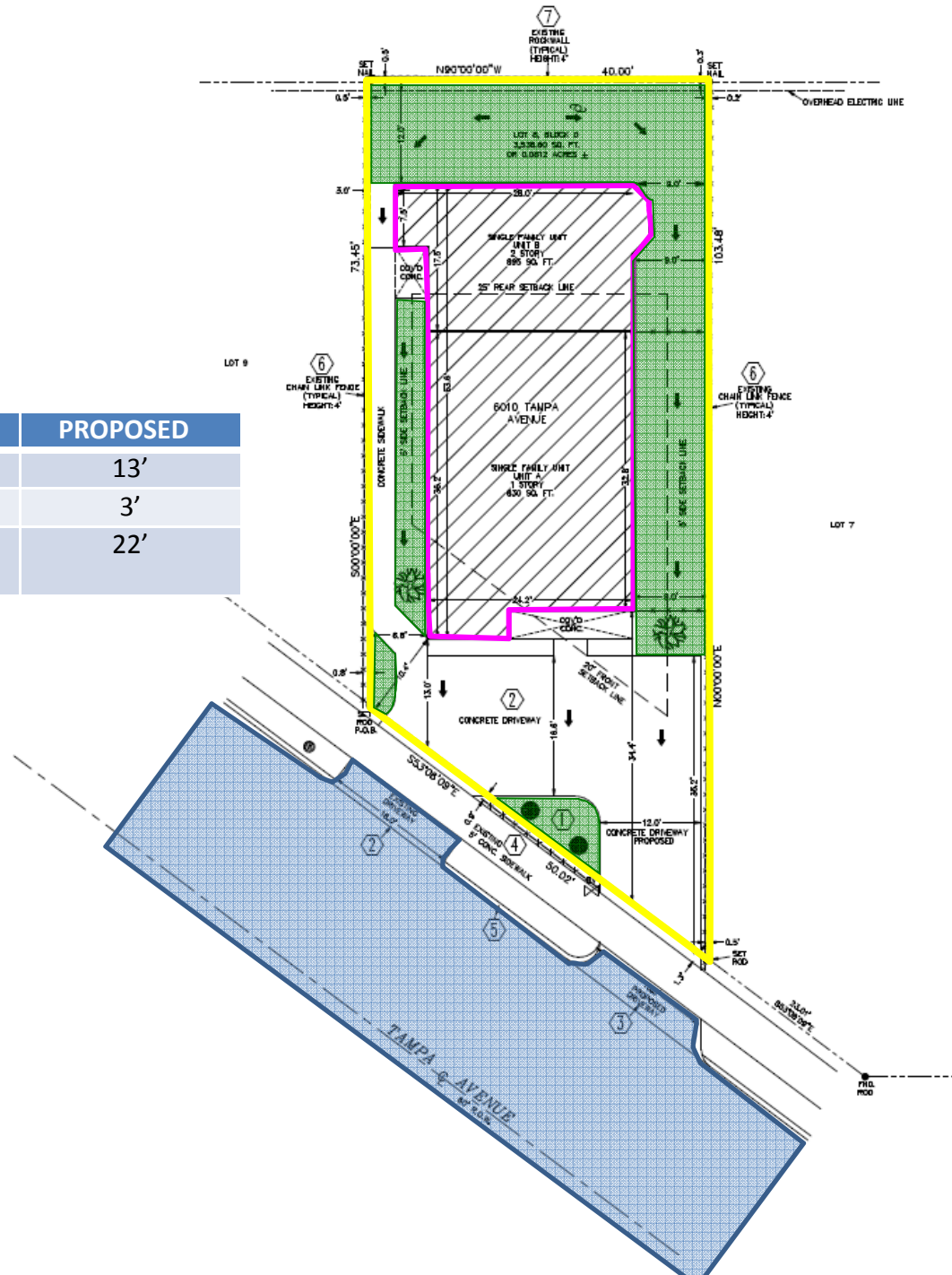
West

15

“Delivering Outstanding Services”

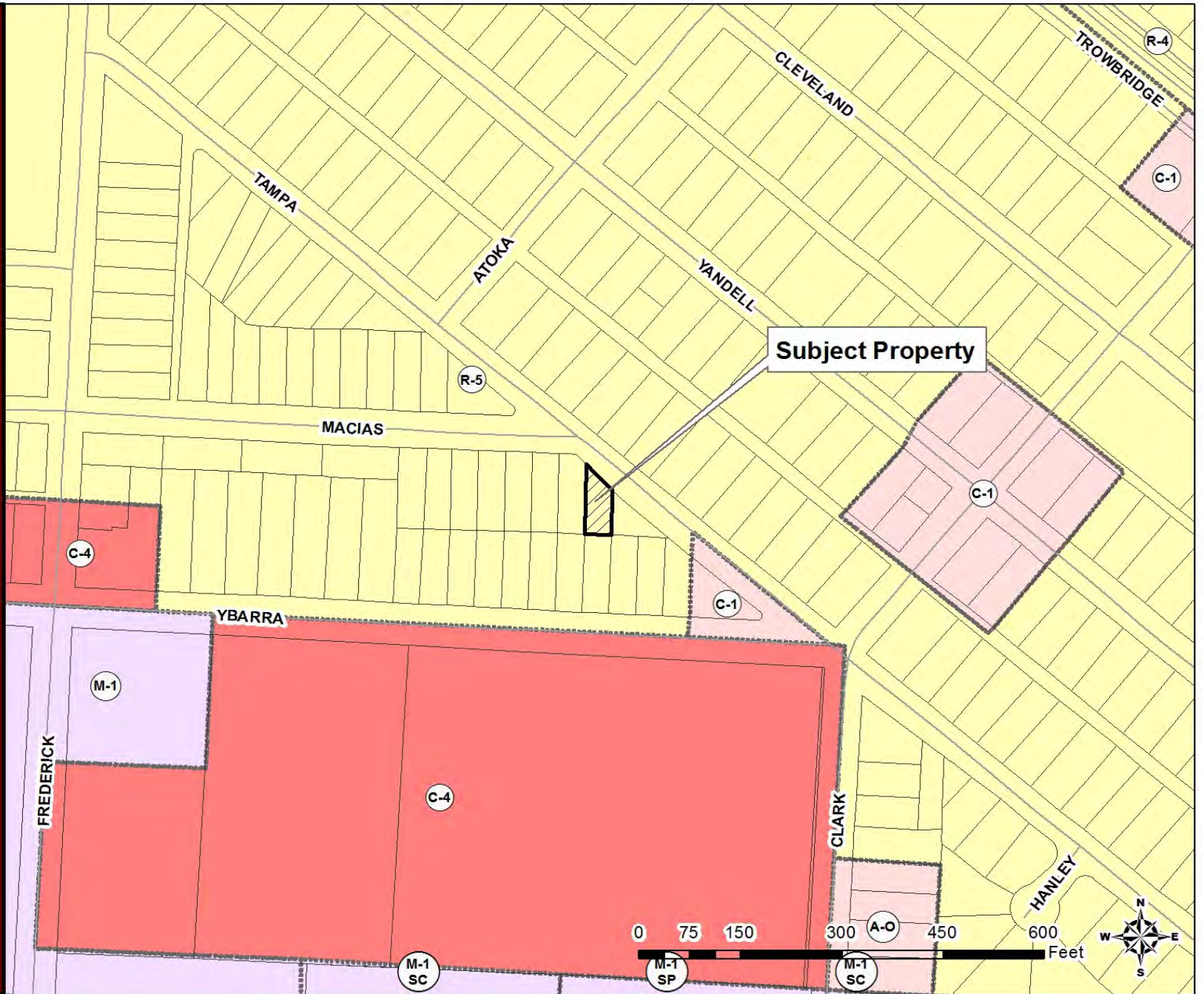


DIMENSION	REQUIRED	PROPOSED
Front yard setback	20'	13'
Side yard setback	5'	3'
Cumulative front & rear yard setback	45'	22'



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