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

DEPARTMENT: Planning and Inspections Department, Planning Division **AGENDA DATE: Introduction: March 10, 2015** Public Hearing: March 31, 2015 CONTACT PERSON/PHONE: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov **DISTRICT(S) AFFECTED: 3 SUBJECT:** An Ordinance granting Special Permit No. PZST14-00030, to allow for infill development with a lot width reduction, front, rear, and cumulative yard setbacks, and a 25 percent parking reduction, on the property described as a Portion of Lot 13, Block 22, Clardy-Fox Subdivision Unit 3, 334 De Vargas Drive, 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: 334 De Vargas Drive. Property Owner: Justo Gonzalez and Martha E. Gonzalez. PZST14-00030 (District 3) **BACKGROUND / DISCUSSION:** N/A PRIOR COUNCIL ACTION: N/A **AMOUNT AND SOURCE OF FUNDING: BOARD / COMMISSION ACTION:** City Plan Commission Approval Recommendation (6-0) **FINANCE:** (if required) N/A **LEGAL:** (if required) N/A **DEPARTMENT HEAD:** Mathew S. McElroy Director, Planning and Inspections Department APPROVED FOR AGENDA:

DATE:

CITY MANAGER: _____

ORDINANCE NO.	

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00030, TO ALLOW FOR INFILL DEVELOPMENT WITH A LOT WIDTH REDUCTION, FRONT, REAR, AND CUMULATIVE YARD SETBACK REDUCTIONS, AND A 25 PERCENT PARKING REDUCTION, ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 13, BLOCK 22, CLARDY-FOX SUBDIVISION UNIT 3, 334 DE VARGAS DRIVE, 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, Justo Gonzalez and Martha E. Gonzalez, have applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a lot width reduction, front rear, and cumulative yard setback reductions, and a 25 percent parking reduction; and,

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 Sections 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 a R-4 (Residential) Zone District:

Portion of Lot 13, Block 22, Clardy-Fox Subdivision Unit 3, 334 De Vargas Drive, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A"; and,

- 2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development with a lot width reduction, front, rear, and cumulative yard setback reductions, and a 25 percent parking reduction; and,
- 3. That this Special Permit is issued subject to the development standards in the R-4 (Residential) District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and the Executive

ORDINANCE NO.	PZST14-00030

Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and,

- 4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST14-00030 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
- 5. That the Owners 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, 2015.
	THE CITY OF EL PASO
ATTEST:	Oscar Leeser Mayor
Richarda Duffy Momsen City Clerk	
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
Karla M. Nieman Assistant City Attorney	Mathew S. McElroy, Director Planning and Inspections Department

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AGREEMENT

Justo Gonzalez and Martha E. Gonzalez, referred to in the above Ordinance, hereby agree 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-4 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this	day of	, 2015.
	Justo Gonzalez and Mart	ha E. Gonzalez:
	(signature)	
	(signature)	
	ACKNOWLEDGMENT	
THE STATE OF TEXAS) COUNTY OF EL PASO)		
This instrument is acknowle	edged before me on this	day of
2015, by,	for Justo Gonzalez and Ma	rtha E. Gonzalez, as Owners.
My Commission Expires:		
	Notary Public, Sta	ate of Texas
	Notary's Printed of	or Typed Name:

Exhibit "A"

DORADO ENGINEERING GROUP, INC.

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

Portion of Lot 13, Block 22, Clardy Fox Subdivision, Unit 3

Metes and Bounds description of a portion of Lot 13, Block 22, Clardy Fox Subdivision Unit 3, City of El Paso, County of El Paso, Texas, and being more particularly described as follows;

From a found nail located at the centerline intersection of Cortez Drive and DeVarges Drive Thence South 50° 25' 30" East along the centerline of DeVargas Drive a distance of fifty seven and seventy six hundredths (57.76) feet to a set nail for a curve to the right; Thence North 39° 41' 36" East across the DeVargas Drive a distance of twenty five and no hundredths (25.00) feet to chisel "V" on concrete on the Easterly Right-of-Way line of DeVargas Drive said chisel "V" also being the Point of Beginning for this description.

Thence North 50° 23' 30" West along the Easterly Right-of-Way of line of DeVargas Drive a distance two and fifty four hundredths (2.54) feet for a point for a curve to the right on the Easterly Right-of-Way line of DeVargas Drive;

Thence along an arc of a curve to the right, said arc being the Easterly Right-of-Way line of DeVargas Drive, a distance of seventeen and seventy hundredths (17.70) feet said curve having a central angle of 39° 17' 16" a radius of twenty and no hundredths (20.00) feet a chord bearing of North 25° 25' 18" West with a chord distance of seventeen and thirteen hundredths (17.13) feet to the common Westerly corner of Lots 13 and 14, Block 22, Clardy Fox Subdivision Unit 3;

Thence South 83° 39′ 36″ East along the common line of said mentioned Lots 13 and 14, a distance of two hundred thirteen and thirty nine hundredths (213.39) feet to the common Easterly corner of Lots 13 and 14, Block 22, Clardy Fox Subdivision Unit Three, said corner lying on the Westerly line of Lot 5, Block 22, Clardy Fox Subdivision Unit 3;

Thence South 00° 09' 55" West along the common line of Lots 5, 6 and 13, Block 22, Clardy Fox Subdivision Unit 3, a distance of sixty three and ninety eight hundredths (63.98) feet to the common Easterly corner of Lots 12 and 13, Block 22, Clardy Fox Subdivision Unit 3;

Thence South 74° 14′ 00" West along the common line of said mentioned Lots 12 and 13 a distance of fifty seven and sixty one hundredths (57.61) feet to a Southwesterly corner of the parcel being described;

Thence North 15° 46′ 00" West along the Westerly line of the parcel being described a distance of seventy and forty seven hundredths (70.47) feet to a Northwesterly corner of the parcel being described;

Exhibit "A'

Thence North 83° 39′ 36″ West along a Southerly line of the parcel being described a distance of one hundred eleven and six hundredths (111.06) feet for a corner on the Southerly line of the parcel being described;

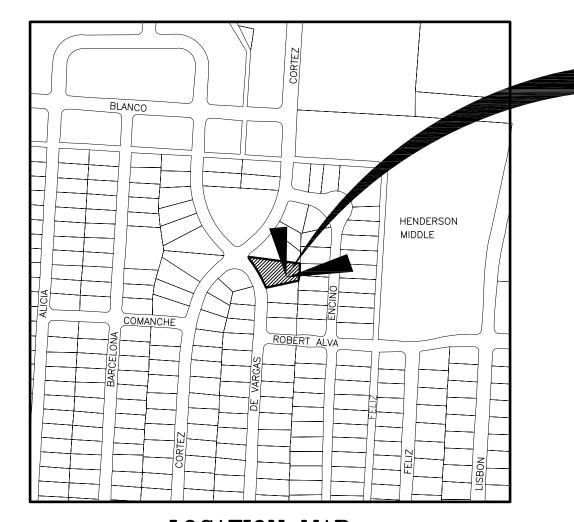
Thence South 39° 13' 20" West along the Southerly line of the parcel being described a distance of seven and thirty two hundredths (7.32) feet to the Southwesterly corner of the parcel being described said corner lying on the Easterly Right-of-Way line of DeVargas Drive;

Thence along the arc of a curve to the left, said arc being the Easterly Right-of-Way line of DeVargas Drive, a distance of seventeen and forty nine hundredths (17.49) feet said curve having a central angle of 85° 21' 33" a radius of two hundred fifteen and eighteen hundredths (215.18) feet a chord bearing of North 47° 59' 11" West and chord distance of seventeen and forty eight hundredths (17.48) feet to a point on the Easterly Right-of-Way line of DeVargas Drive said point also being the Point of Beginning.

Said parcel of land contains 7,881.00 square feet or 0.181 acres more or less.

Fermin Dorado, R.P.L.S.

February 2, 2015



LOCATION MAP

SC: 1" = 400'

LEGAL DESCRIPTION

LOT 13, BLOCK 22, CLARDY-FOX SUBDIVISION UNIT III CITY OF EL PASO, TEXAS COUNTY OF EL PASO, TEXAS CONTAINING 0.364 ACRES

FLOOD ZONE

THIS PROPERTY IS LOCATED IN FLOOD ZONE "C" AS DESIGNATED BY TH FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 480214-0040B DATED OCTOBER 15, 1982

$\frac{\mathsf{ZONE}}{\mathsf{R}-\mathsf{4}}$

SETBACK REQUIREMENTS

LANDSCAPING CALCULATIONS

NO LANDSCAPING REQUIRED

	PA	RCEL 1	PAF	RCEL 2
TWO FAMILY DWELLING	REQUIRED	PROVIDED	REQUIRED	PROVIDED
FRONT YARD REAR YARD SIDE YARD MIN. CUMALATIVE (FRONT & REA	10' 10' 5' R) 45'	28' 25' 5' & 10' 53'	10' 10' 5' 45'	5' 5' 20' & 23' 10'

THE OWNER OF LOT 2 IS ASKING FOR A FRONT YARD, REAR YARD AND CUMALATIVE FRONT AND REAR YARD SETBACK REDUCTION. FRONT YARD REDUCTION FROM 10' TO 5, REAR YARD REDUCTION FROM 10' TO 5' AND A CUMALATIVE FRONT AND REAR YARD SETBACK FROM 45' TO 10'

REQUIRED WIDTH AND DEPTH FOR A TWO-FAMILY DWELLING:

	<u>P</u> /	ARCEL 1	<u>P</u>	ARCEL 2
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
LOT WIDTH	70.0'	96.95 (Average)	70.0'	67.23 (Average)
LOT DEPTH	90.0'	95.61 (Average)	90.0'	135.50 (Average)

THE OWNER IS ASKING FOR A LOT WIDTH REDUCTION ON LOT 2. LOT WIDTH REDUCTION FROM 70.0' TO 67.23' FOR A TWO FAMILY DWELLING.

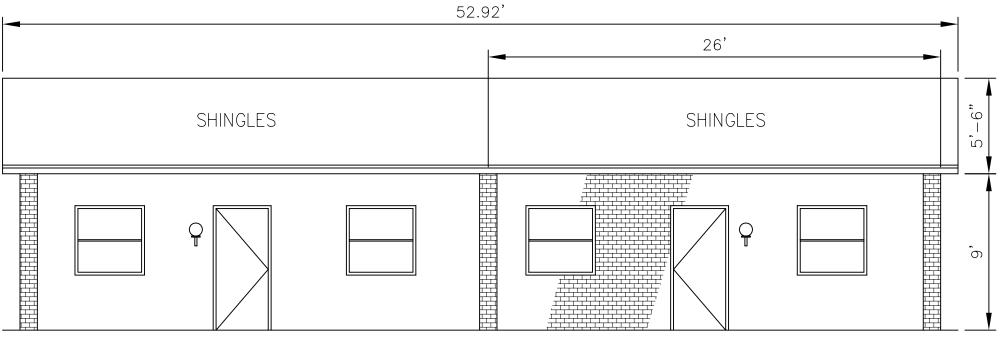
PARKING CALCULATIONS

TWO FAMILY DWELLING	REQUIRED	PROVIDED	
PARCEL 1			
UNIT A UNIT B	2 2	2 2	
PARCEL 2			
UNIT A UNIT B	2 2	2 1	
TOTAL	8	7	

THE OWNER IS ASKING FOR A PARKING REDUCTION OF 25% FOR INFILL DEVELOPMENT

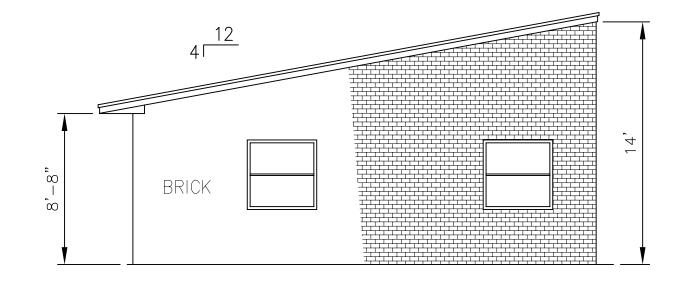
334 DE VARGAS DRIVE

PROPOSED DUPLEX



FRONT ELEVATION

SCALE: NTS



SIDE	ELE	\ T	O	N
	_	SC	ALE:	NTS

	LINE	TABLE
LINE	LENGTH	BEARING
L1	2.54	N 50°25'30" W

LOT NO.	AR	EA
	SQ. FT.	ACRES
1	18,338.76	0.421
2	18,133.43	0.416

CURVE TABLE								
CURVE	DELTA	CHD BEARING	TANGENT	RADIUS	ARC LEN	CHD LEN		
C1	N 55°20'24" E	N 32°58'37" W	67.36	215.88	130.59	128.61		
C2	N 39°17'16" E	S 25°25'18" E	9.48	20.00	17.70	17.13		
С3	N 57°14'39" E	N 32°1'29" W	63.45	215.88	123.42	121.74		
C4	N 88°5'45" E	N 49°21'17" W	3.59	215.88	7.17	7.17		
C5	N 39°12'31" E	N 24°54'40" W	90.62	190.88	169.21	163.72		



FRONT ELEVATION



SIDE ELEVATION SCALE: NTS



SITE PLAN

REAR ELEVATION



SIDE ELEVATION SCALE: NTS

EXISTING DUPLEX



LOT 7

SHEET TITLE SITE PLAN SHEET __1__OF __1_

MEMORANDUM

DATE: February 21, 2015

TO: The Honorable Mayor and City Council

Tommy Gonzalez, City Manager

FROM: Michael McElroy, Planner

SUBJECT: PZST14-00030

The City Plan Commission (CPC), on January 29, 2014, voted 6-0 to recommend **approval** of a special permit to allow infill development with a reduction in lot width, front, rear, and cumulative yard setbacks, as well as a 25% parking 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 negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

Planning received one phone call in opposition to the special permit request.

Attachment:

Staff Report



City of El Paso - City Plan Commission Staff Report

Case No: PZST14-00030

Application Type: Special Permit and Detailed Site Development Plan Review

CPC Hearing Date: January 29, 2015

Staff Planner: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov

Location: 334 De Vargas Drive

Legal Description: Lot 13, Block 22, Clardy-Fox Subdivision Unit 3, City of El Paso, El Paso

County, Texas

Acreage: 0.364 acres

Rep District: 3

Current Zoning: R-4 (Residential)

Existing Use: Duplex C/SC/SP/ZBA/LNC: No

Request: Infill / Reduced Lot Width / Reduced Front, Rear, and Cumulative Setbacks / 25%

Parking Reduction

Proposed Use: Duplexes

Property Owner: Justo Gonzalez and Martha E. Gonzalez

Representative: Dorado Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential) / Single-family dwelling
South: R-4 (Residential) / Single-family dwelling
East: R-4 (Residential) / Single-family dwelling
West: R-4 (Residential) / Single-family dwelling

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

NEAREST PARK: J.P. De Vargas Park (2,502 feet)

NEAREST SCHOOL: Henderson Middle School (777 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Central Business Association Pasadena Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on January 14, 2015. The Planning Division received one phone call in opposition to the special permit request.

APPLICATION DESCRIPTION

The request is for a special permit and detailed site plan approval for infill development to allow a reduction in lot width and front, rear, and cumulative setbacks. A 25 percent parking reduction is also requested. The property is currently occupied by a duplex (Parcel 1). The site plan proposes a 1,827 sq. ft. duplex (Parcel 2) to be constructed to the rear of the existing duplex. The proposed lot width reduction for Parcel 2 is 67' from the required 70'. The yard setback reductions for Parcel 2 are proposed at 5' rear, 5' front, and 10' cumulative. Parcel 1 meets all density and dimensional standards. Parcel 1 requires and provides four parking spaces and Parcel 2 requires four spaces and proposes three. Access is proposed from De Vargas Drive.

<u>Planning & Inspections Department – Planning Division Recommendation</u>

The Planning Division recommends approval of the request as the proposed development is consistent

with the surrounding residential neighborhood and is compliant with the G-2 Traditional Neighborhood (Walkable) land use designation in the Plan El Paso Central Planning Area. Further, the property meets the requirements of Section 20.04.320, Special Permit Approvals, Section 20.10.280, Infill Development, 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-4 (Residential) district is to provide a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

ANALYSIS

To grant the special permit to allow for infill development, the applicant must comply with the following standards, per Section 20.10.280, Infill Development:

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.

The applicant meets two of the required criteria, being located in a state enterprise zone and having been subdivided for thirty years or more (see Attachment 5). The property was platted in 1952.

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.

A duplex is a permissible use in the R-4 (Residential) zone 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.

Dimension	Required	Proposed
Lot Width	70'	67'
Front Setback	10'	5'
Rear Setback	10'	5'
Cumulative Setback	45'	10'

D. Parking. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall be automatically reduced by fifty percent for any use within a designated infill development.

The development requires eight parking spaces and proposes seven. A 25% parking reduction is requested.

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 consistent with the G-2 Traditional Neighborhood (Walkable) growth sector.

COMMENTS:

<u>Planning & Inspections Department – Planning Division - Transportation</u>

No objections.

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 & Inspections Department - Land Development

No objections.

Planning & Inspections Department – Building Development & Permitting

Recommend approval.

Planning & Inspections Department - Landscaping

Recommend approval.

El Paso Fire Department

Recommend approval.

El Paso Water Utilities

EPWU does not object to this request.

Water:

- 1. There is an existing 12-inch diameter water main extending along De Vargas Drive that is available for service, the water main is located approximately 13-ft east from the center line of the right-of-way.
- 2. EPWU records indicates two active 3/4-inch water meters serving the subject property. The service addresses for these meters are 334 De Vargas Apt-A and 334 De Vargas Apt-B.
- 3. Previous water pressure tests from fire hydrant # 576 located at the northeast corner of Robert Alva and De Vargas Drive have yielded a static pressure of 92 (psi) pounds per square inch, a residual pressure of 85

(psi) pounds per square inch, and a discharge of 1384 (gpm) gallons per minute.

4. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

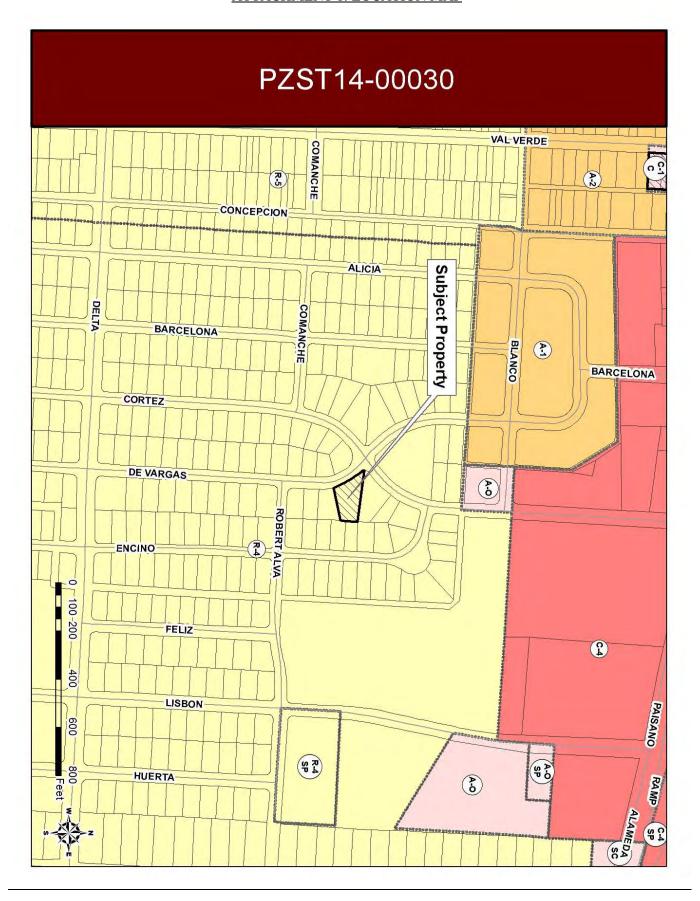
- 1. There is an existing 8-inch diameter sanitary sewer main extending along De Vargas Drive that is available for service, the sanitary sewer main is approximately 5-ft in depth from finish grade to top of pipe. The alignment of the sewer main varies between the southwest and northwest property lines.
- 2. There is an existing 15-inch diameter sanitary sewer main extending along De Vargas Drive. The alignment of the sewer main varies between the southwest and northwest property lines.

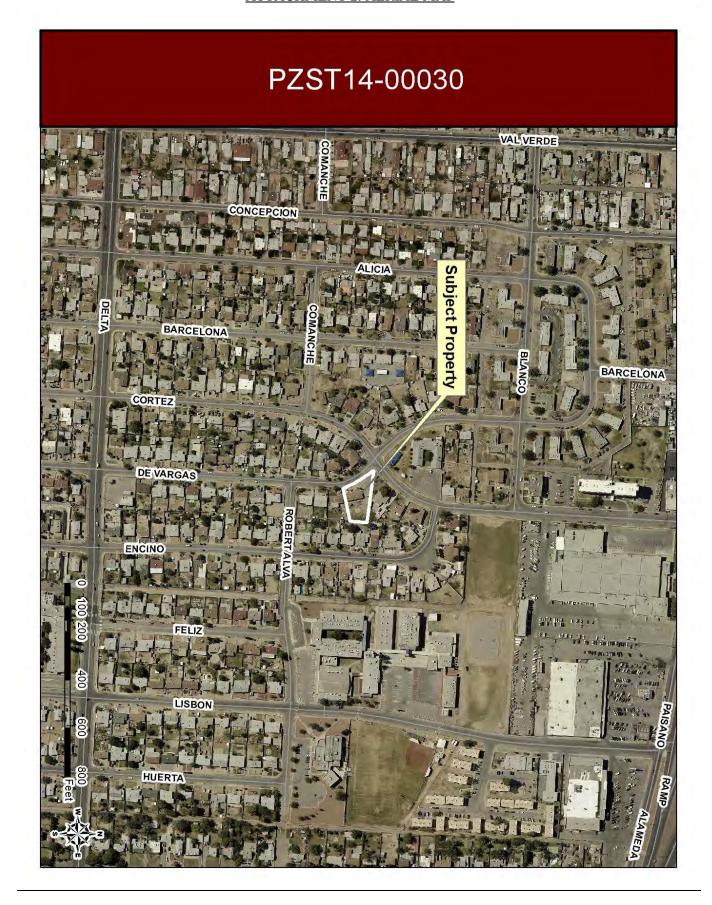
General:

EPWU requires a new service application to provide additional 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.

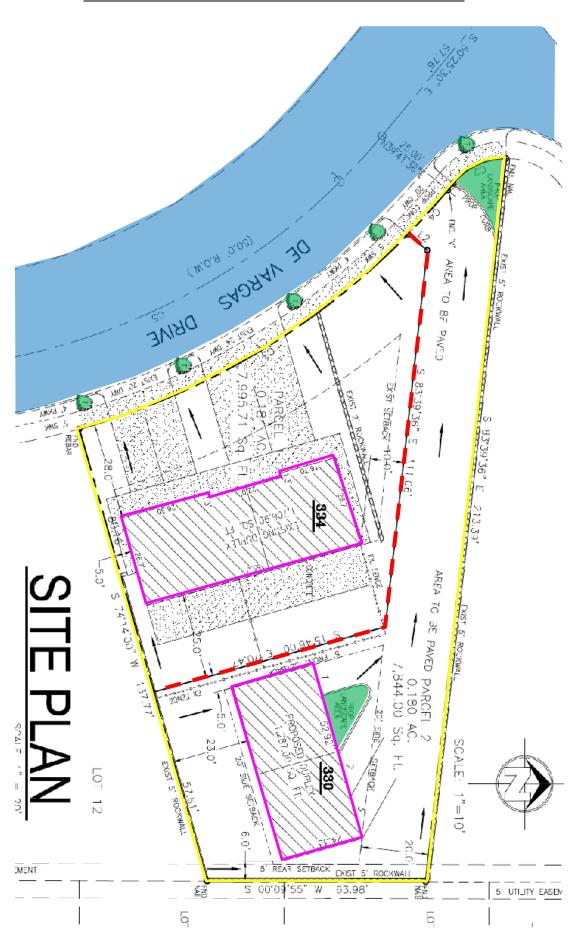
Attachments

- 1. Zoning Map
- 2. Aerial Map
- 3. Detailed Site Development Plan
- 4. Elevations
- 5. Plat of Clardy-Fox Subdivision Unit 3





ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATIONS

Parcel 1 (Existing Duplex)



FRONT ELEVATION



REAR ELEVATION

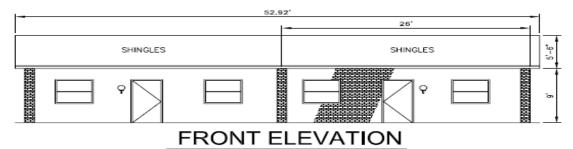


SIDE ELEVATION



SIDE ELEVATION

Parcel 2 (Proposed Duplex)



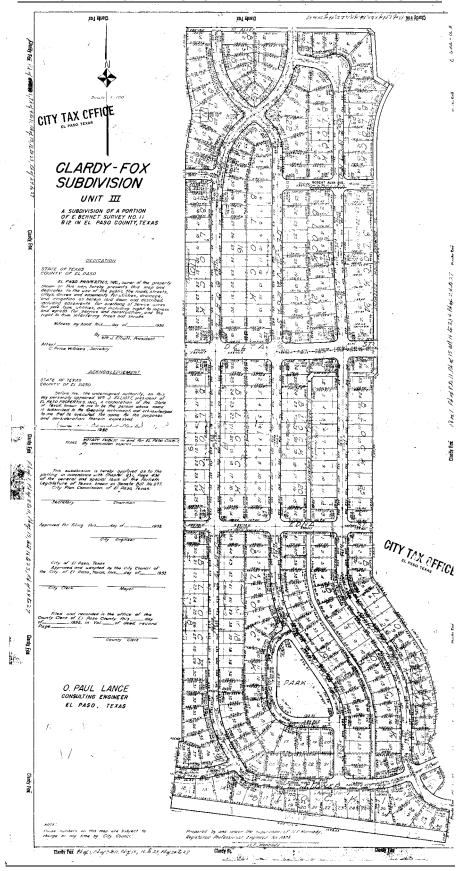
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SIDE ELEVATION

ARCEL 2
D PROVIDED
5'
5'
20' & 23'
10'

INC

ATTACHMENT 5: PLAT OF CLARDY-FOX SUBDIVISION UNIT 3





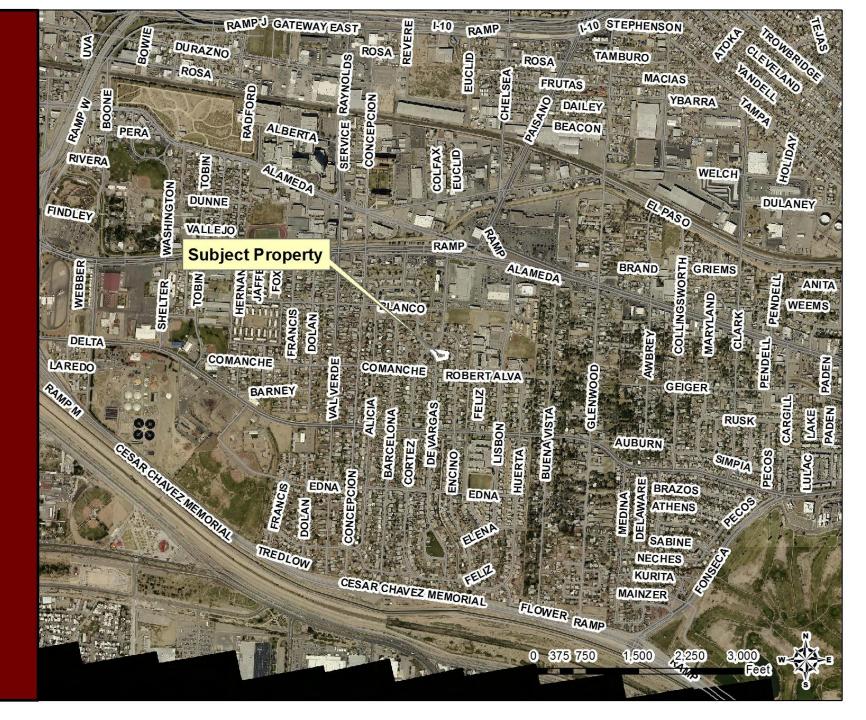
Recommendation/Public Input

- Planning Division recommendation: Approval
- CPC Vote: Approval Recommendation (6-0)
- Public Input: No communications received in support or opposition to the special permit request.

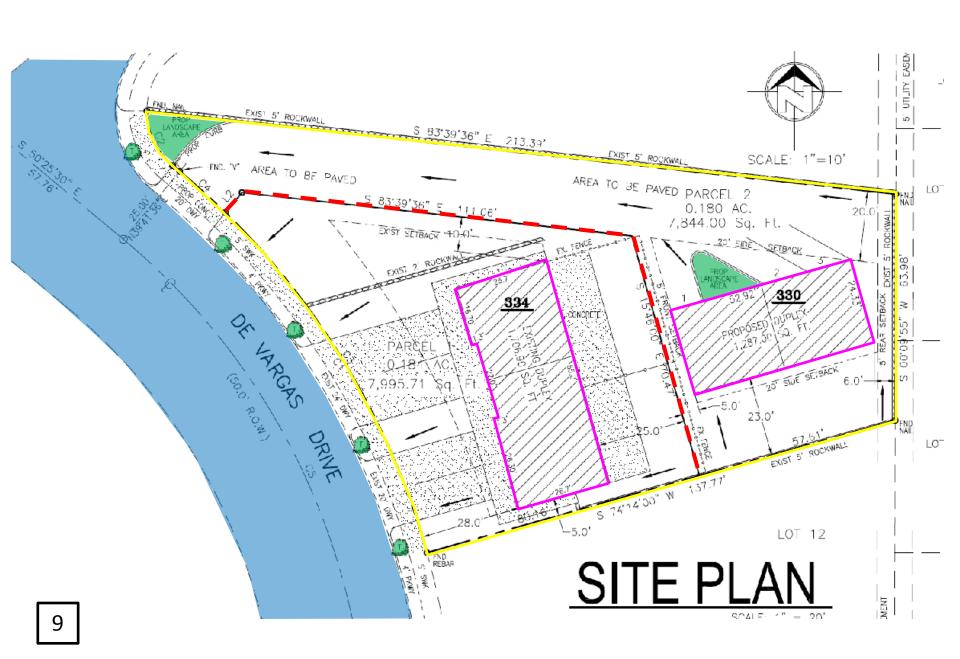
Strategic Goal #3 Promote the Visual Image of El Paso

3.1 Provide business friendly permitting and inspection processes 3.2 Improve the visual impression of the community





Detailed Site Development Plan



Special Permit Request

Standard	Required	Proposed
Lot Width	70′	67'
Front Setback	10'	5'
Rear Setback	10'	5'
Cumulative Setback	45'	10'
Parking	8	7

Elevations

Parcel 1 (Existing Duplex)



FRONT ELEVATION
SCALE: NTS



SIDE ELEVATION
SCALE: NTS



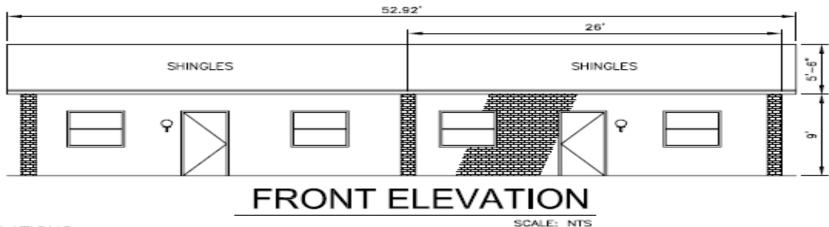
REAR ELEVATION
SCALE: NTS



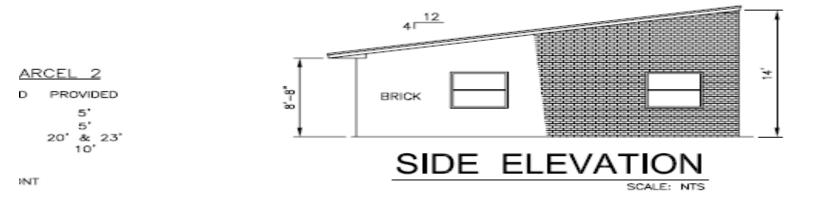
SIDE ELEVATION
SCALE: NTS

Elevations

Parcel 2 (Proposed Duplex)



JLATIONS JIRED



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