

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

**DEPARTMENT:** Planning and Inspections Department, Planning Division

**AGENDA DATE:** Introduction: May 31, 2016  
Public Hearing: June 28, 2016

**CONTACT PERSON/PHONE:** Larry Nichols, (915) 212-1550, nicholslf@elpasotexas.gov  
Andrew Salloum, (915) 212-1643, salloumam@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 6

**SUBJECT:**

An Ordinance granting Special Permit No. PZST15-00034, to permit a Group Residential Facility on the property described as Tract 3B1, Block 42, Ysleta Grant, 216 Emma Way, City of El Paso, El Paso County, Texas, Pursuant to Section 20.10.265 Group Residential Facilities of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 216 Emma Way. Property Owner: Bertha Patricia Solis. PZST15-00034 (**District 6**)

**BACKGROUND / DISCUSSION:**

On March 10, 2016, 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 (6-0).

\*\*\*\*\*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. PZST15-00034, TO PERMIT A GROUP RESIDENTIAL FACILITY ON THE PROPERTY DESCRIBED AS TRACT 3B1, BLOCK 42, YSLETA GRANT, 216 EMMA WAY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.265 GROUP RESIDENTIAL FACILITIES OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, Bertha Patricia Solis, has applied for a Special Permit under Section 20.10.265 of the El Paso City Code for a group residential facility; 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 20.10.265 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:  
*Tract 3B1, Block 42, Ysleta Grant, 216 Emma Way, City of El Paso,  
El Paso County, Texas*
2. That the City Council hereby grants a Special Permit under Section 20.10.265 of the El Paso City Code, to allow for a group residential facility; 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 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 Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST15-00034 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,

**ORDINANCE NO. \_\_\_\_\_**

**PZST15-00034**

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.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016

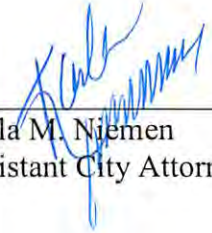
**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leaser  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Niemen  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Larry F. Nichols, Director  
Planning and Inspections Department

**ORDINANCE NO.** \_\_\_\_\_

**PZST15-00034**

## AGREEMENT

Bertha Patricia Solis, 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-4 (Residential) District regulations, and subject to all other requirements set forth in this Ordinance.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Bertha Patricia Solis:

By: \_\_\_\_\_  
(name/title)

\_\_\_\_\_  
(signature)

## ACKNOWLEDGMENT

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, for Bertha Patricia Solis, as Owner.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas

Notary's Printed or Typed Name:  
\_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**PZST15-00034**



## **MEMORANDUM**

**DATE:** May 19, 2016

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

**FROM:** Andrew Salloum, Planner

**SUBJECT: PZST15-00034**

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The City Plan Commission (CPC), on March 10, 2016, voted 6-0 to recommend **approval** of the requests for special permit and detailed site development plan review for group residential facility as it complies with Sections 20.04.320, Special Permit, 20.04.150, Detailed Site Development Plan, 20.10.265, Group Residential Facility and the G-3 Post-war Plan El Paso comprehensive plan designation in the Mission Valley Planning area.

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 communications in support or opposition to the special permit request.

**Property Owner:** Bertha Patricia Solis  
**Representative:** Vanessa Magdaleno

**Attachment:**  
Staff Report





## ***City of El Paso – City Plan Commission Staff Report***

**Case No:** PZST15-00034  
**Application Type:** Special Permit and Detailed Site Development Plan  
**CPC Hearing Date:** March 10, 2016  
**Staff Planner:** Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

**Location:** 216 Emma Way  
**Legal Description:** Tract 3B1, Block 42, Ysleta Grant, City of El Paso, El Paso County, Texas  
**Acreage:** 0.18 acres  
**Rep District:** 6  
**Zoning:** R-4 (Residential)  
**Existing Use:** Single-family dwelling  
**C/SC/SP/ZBA/LNC:** N/A  
**Request:** Special Use Permit to allow for a Group Residential Facility in R-4 (Residential) zone district  
**Proposed Use:** Group Residential Facility

**Property Owner:** Bertha Patricia Solis  
**Representative:** Vanessa Magdaleno

### **SURROUNDING ZONING AND LAND USE**

**North:** R-4 (Residential) / Single-family dwellings  
**South:** R-4 (Residential) / Duplex  
**East:** R-4 (Residential) / Single-family dwellings  
**West:** R-4 (Residential) / Single-family dwellings

**PLAN EL PASO DESIGNATION:** G-3, Post-War (Mission Valley Planning Area)

**NEAREST PARK:** Ysleta Park (713 feet)

**NEAREST SCHOOL:** Robert F. Kennedy Pre-K Center (2,257 feet)

### **NEIGHBORHOOD ASSOCIATION**

Mission Valley Civic Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on December 2, 2015. A re-notification was mailed out on January 14, 2016. The Planning Division has not received any communications in support or opposition to the special permit request.

### **CASE HISTORY**

On December 17, 2015, The City Plan Commission postponed this case until March 10, 2016, so the applicant could file a shared parking agreement. The applicant recently requested that the application exclude a 50% parking reduction. A shared parking agreement to satisfy the parking requirements has been secured.

### **APPLICATION DESCRIPTION**

The applicant is requesting a special permit and detailed site development plan approval to allow for an existing single-family dwelling to be converted to a group residential facility in an R-4 (Residential) district. The detailed site development plan shows a 3,625 square-foot, 16 patient unit group residential facility. The development will need to comply with the State and Local code requirements on group residential facility. Group residential facility is a permitted use in the R-4 (Residential) district with the

approval of a Special Permit as per Section 20.10.265. The proposed use requires 4 parking spaces and the applicant is providing 2 parking spaces, and will be sharing 2 parking spaces with a property within a 300 feet radius, includes 3 bicycle spaces and ADA parking. All density, dimensional, and supplemental standards are being met. Access to the subject property is proposed from Emma Way.

Section 20.02.426 defines a “Group residential facility” as an “interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to more than eight (8) disabled persons, and who live together as a single housing unit. Disabled person has the meaning defined by the Federal Fair Housing Act of 1988, as amended. This use does not include a homeless shelter or halfway house defined in this Title.”

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends approval of the requests for special permit and detailed site development plan review for group residential facility as it complies with Sections 20.04.320, Special Permit, 20.04.150, Detailed Site Development Plan, 20.10.265, Group Residential Facility and the G-3 Post-war Plan El Paso comprehensive plan designation in the Mission Valley Planning area.

### **ANALYSIS**

Group residential facility is a permitted use in R-4 (Residential) zone district with an approved Special Permit and Detailed Site Development Plan as identified by the zone district use regulations.

20.04.260 Special permits generally

A. The City Council may by special permit after hearing and report by the city plan commission authorize the location of the uses subject to special permits identified in the district regulations.

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.*

#### 20.04.320 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 all the requirements for a special permit.*

#### 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.*

#### 20.10.265 Group Residential Facility

- A. Occupancy: More than eight disabled persons.
- B. An on-site resident staff person must be present at all times, whenever any residents of the facility are present.
- C. The establishment shall be operated and maintained in the character of a residential dwelling in harmony with and appropriate in appearance to the character of the general vicinity in which it is to be located.
- D. Districts Permitted: when located at least 1,000 feet from all other licensed disabled group dwellings and licensed group residential facilities, by special permit in the following districts: R-1, R-2, R-3, R-4 and R-5, RMH, and in special purpose districts R-F; and by right in the following districts A-1, A-2, A-3, A-4, A-0 A-3/0, A-M; C-1, C-2, C-3, C-4, C-5; by Detailed Site Plan in the following special purpose districts PMD, S-D, P-R I, P-R II, and SRR; by Master Zoning Plan in special purpose district R-MU. The spacing component of these use regulations is based, not on the disabled status of the residents, but on the non-family status of the groups.
- E. Exception to the Distance Requirements: The owner and applicant may request an exception to the distance requirement from city council. Chapter 20.04 Administrative Provisions, Article VI

Changes and Amendments shall be followed to request this exception. The application fee for the public hearing shall be waived. A determination must be made by city council that the enforcement of the distance prohibition in the particular instance:

1. Is not in the best interest of the public;
  2. Constitutes waste or the inefficient use of land or other resources;
  3. Creates an undue hardship on an applicant;
  4. Does not serve its intended purpose;
  5. Is not effective or necessary; or
  6. After consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
- F. In accordance with the Federal Fair Housing Act, this use as defined does not extend to the following people:
1. Persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent;
  2. Persons who claim to be disabled solely on the basis of having a criminal record;
  3. Persons who claim to be disabled solely on the basis of being registered as a sex offender;
  4. Persons who currently use illegal drugs;
  5. Persons who have been convicted of the manufacture or sale of illegal drugs; or
  6. Persons with or without disabilities who present a direct threat to the persons or property of others.
- G. Measurements of distance in this section will be taken from property line to property line.
- H. In the event a conflict arises regarding the distance requirement, the owner or operator of the group residential facility will have the burden of establishing "first in time" rights for purposes of complying with the distance requirement.

#### **Plan El Paso-Future Land Use Map Designation**

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

G-3, Post-war: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the R-4 (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.

##### **TXDOT**

Not on a state roadway.

##### **Planning and Inspections Department – Building and Development Permitting**

No objections to proposed special permit. However, applicant will need to submit construction documents for the proposed change of use of the structure. Based on the proposed occupancy a sprinkler system will be required to be installed within the structure and the structure will need to comply with all applicable provisions on the IBC and TAS.

**Planning and Inspections Department - Landscaping Division**

No objections to proposed special permit.

**Planning and Inspections Department - Land Development**

1. No objections to proposed special permit and detailed site plan proposal.
2. Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

**Fire Department**

Recommend approval.

**Sun Metro**

Sun Metro does not oppose the request.

**El Paso Water Utilities**

1. EPWU-PSB does not object to this request

EPWU-PSB Comments

Water:

2. There is an existing 6-inch diameter water main along Emma Way fronting the subject property. This main dead ends approximately 132-feet south of the subject property.
3. EPWU records indicate there is a ¾-inch water meter serving the subject property. The service address for this meter is 216 Emma Way.

Sewer:

4. There is an existing 8-inch diameter gravity sewer main extending along Emma Way.
5. EPWU records indicate there is a 4-inch sewer service to the subject property. The service address for this meter is 216 Emma Way.

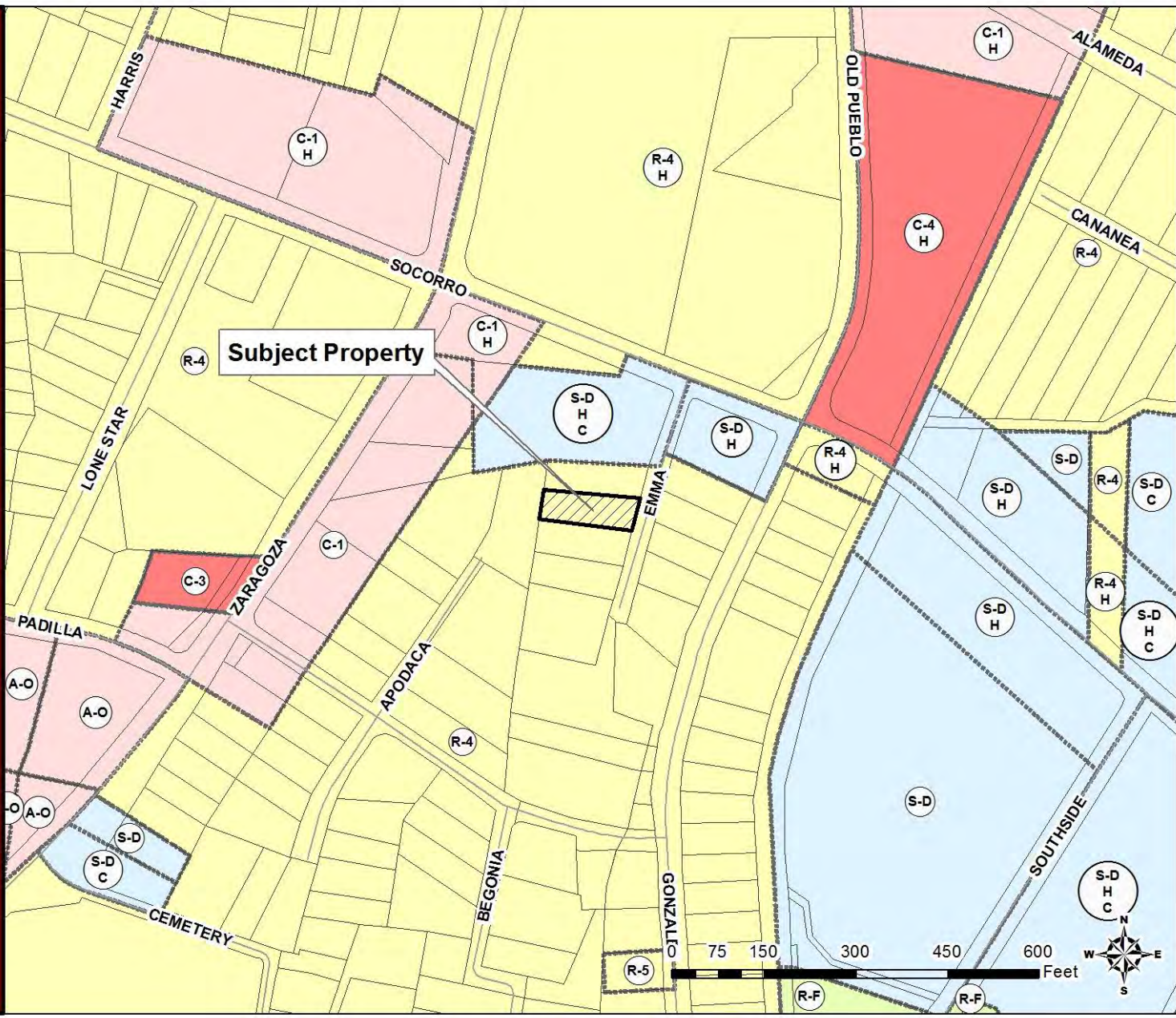
General:

6. 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

PZST15-00034





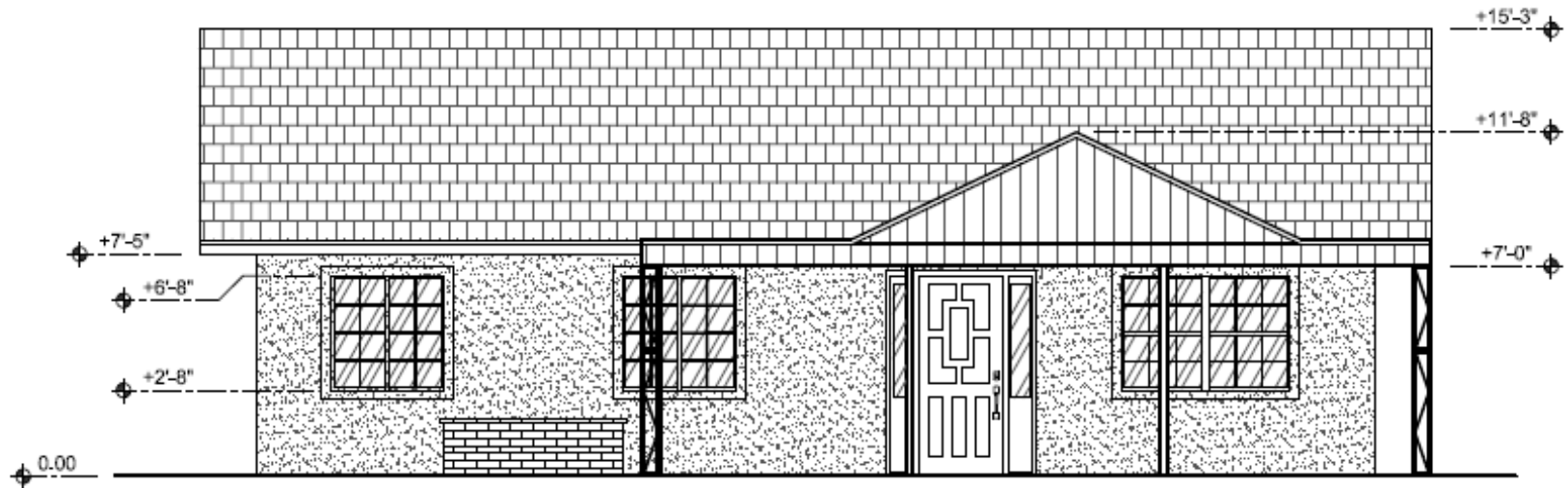
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## FRONT ELEVATION

SCALE: 3/16" = 1'-0"



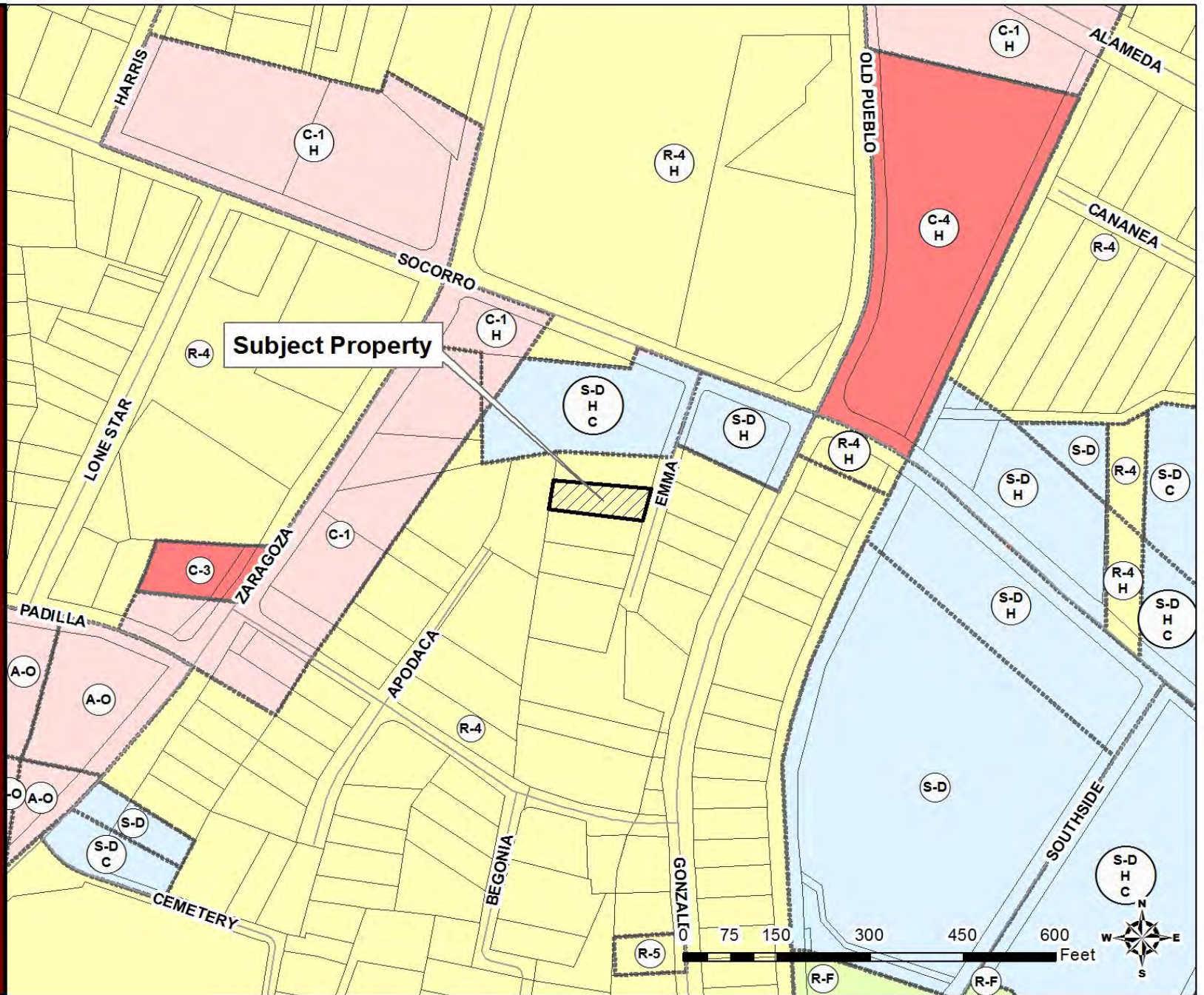
## Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (6-0)
- **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

PZST15-00034

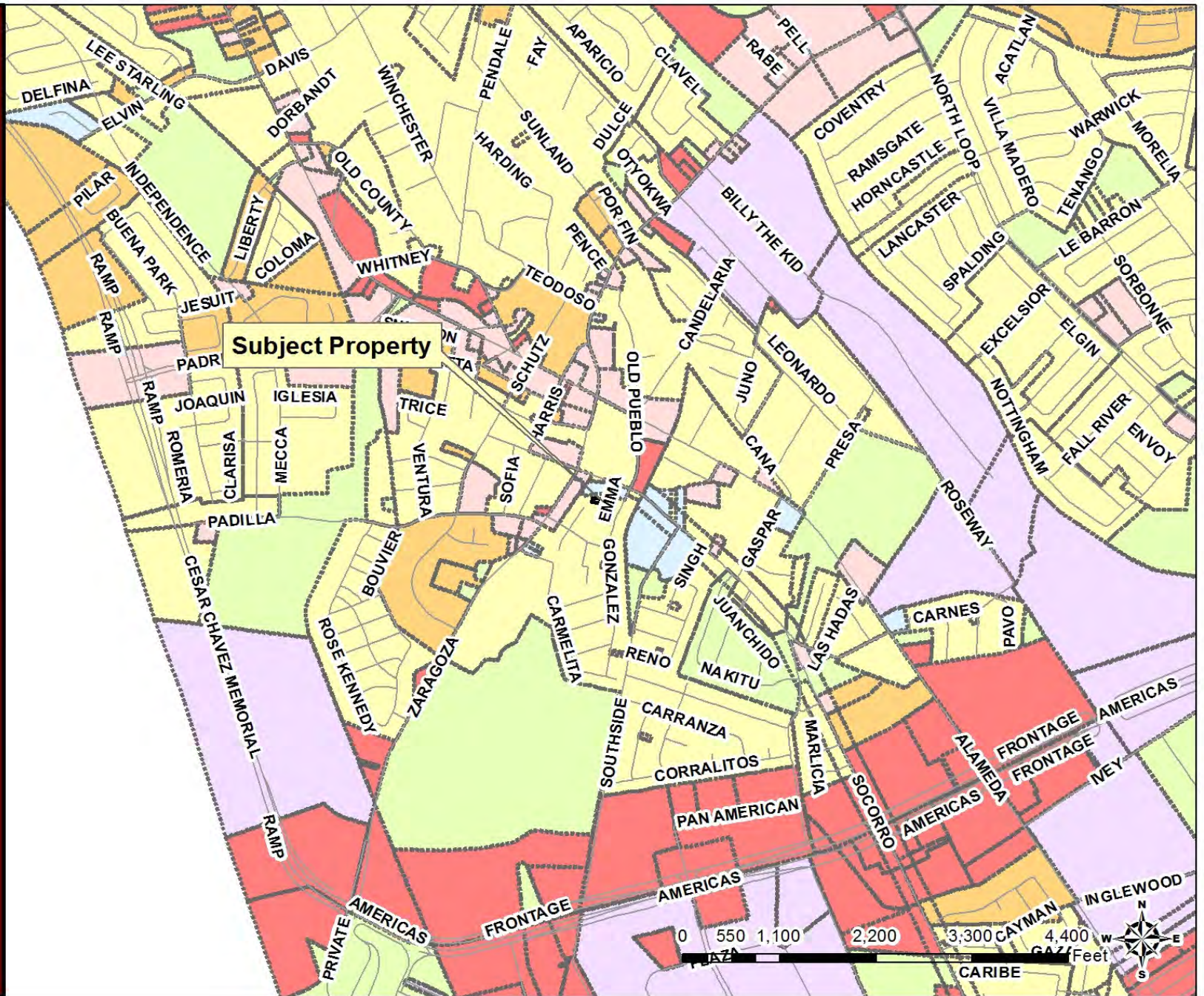
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# Shared Parking Agreement



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LOCATION MAP

SCALE: 1" = 100'-0"

E-1 = 653'



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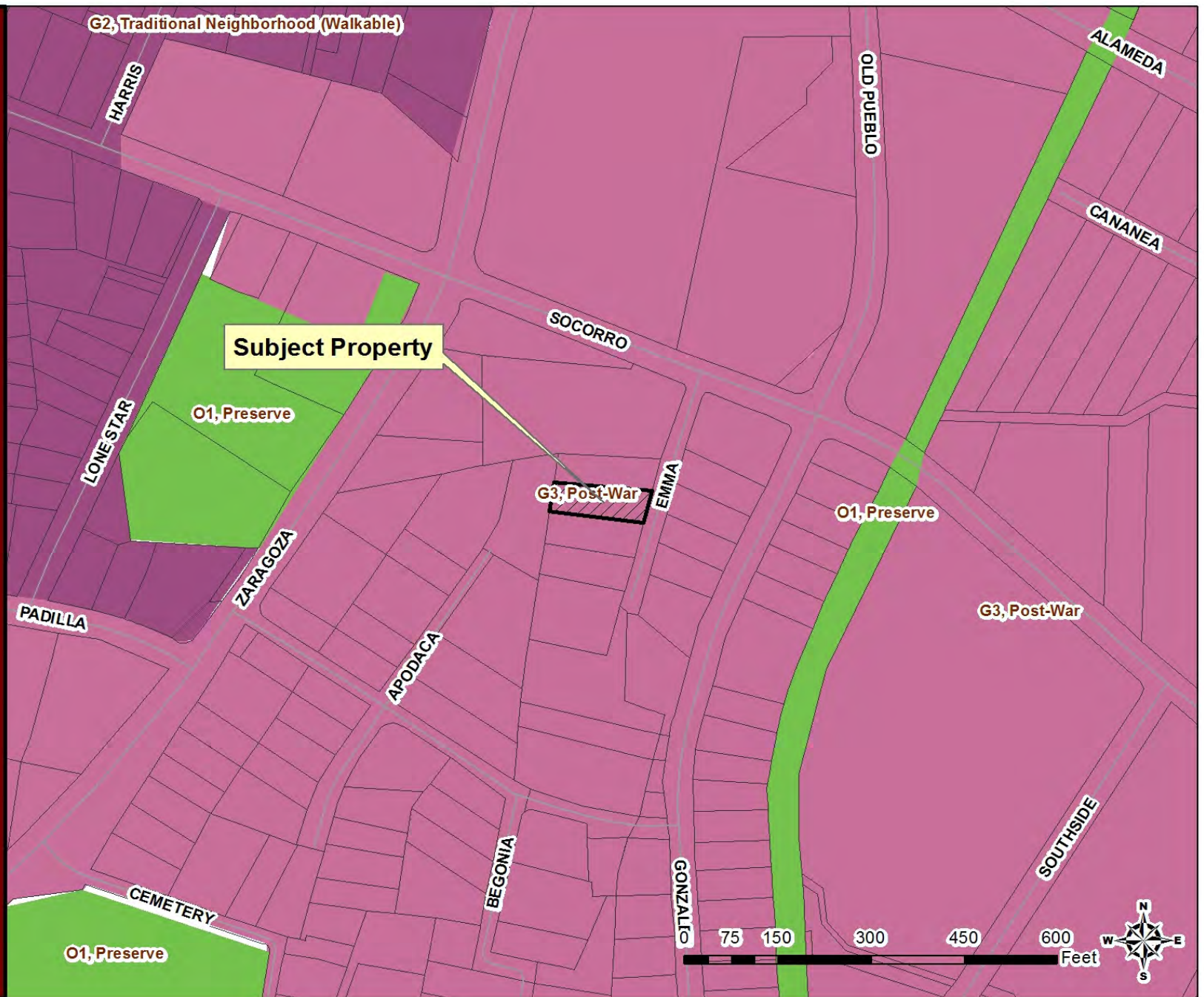
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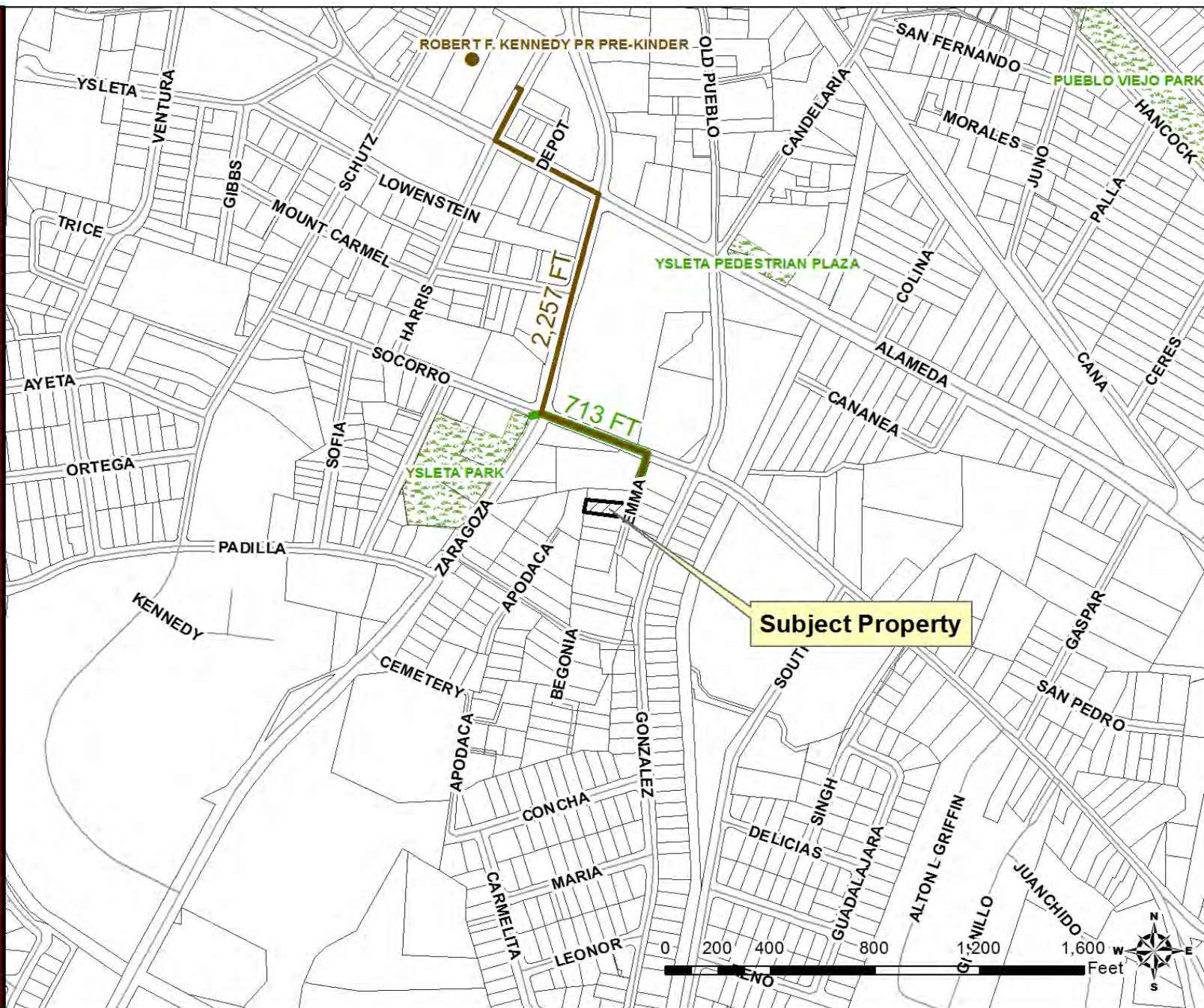
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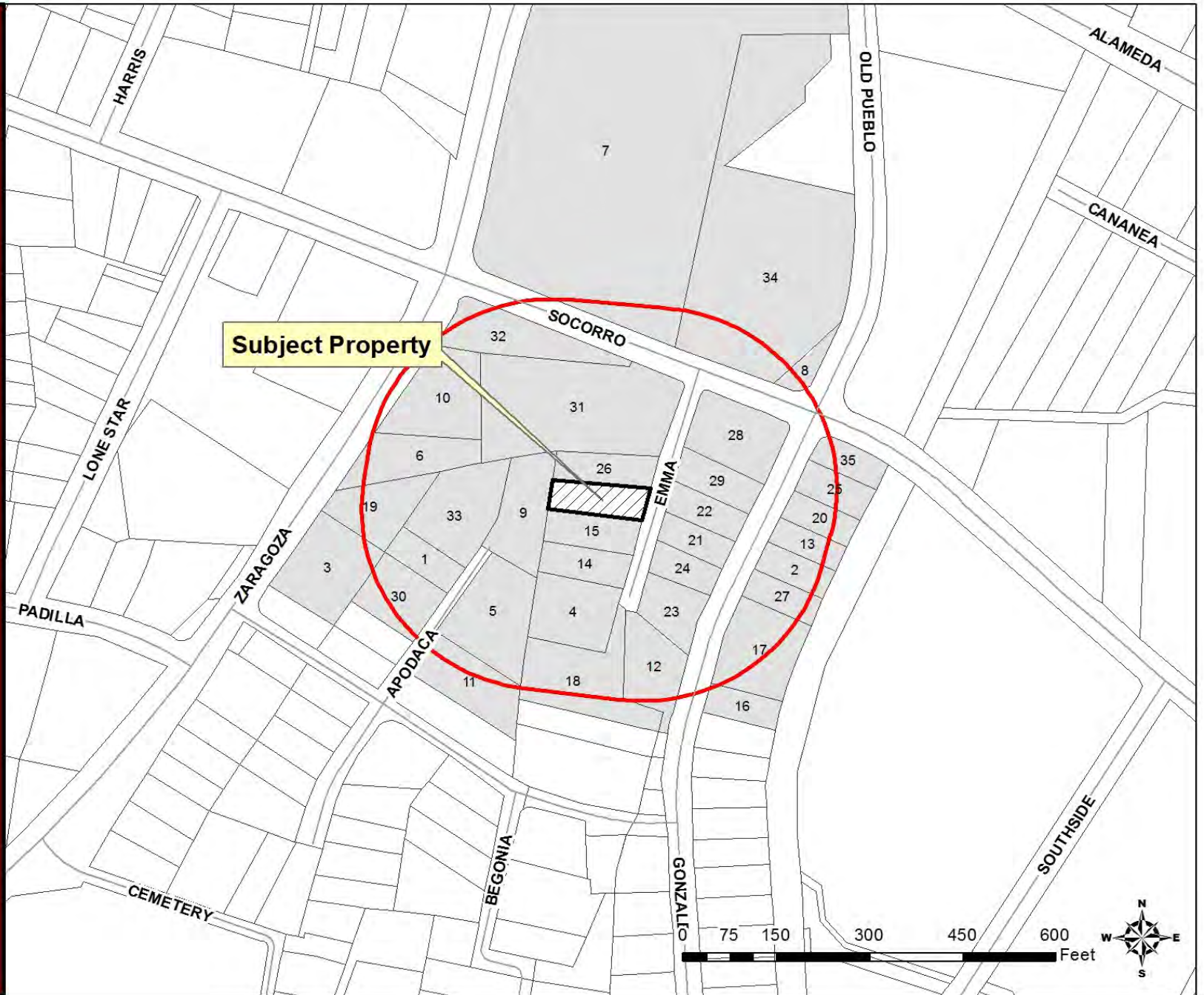
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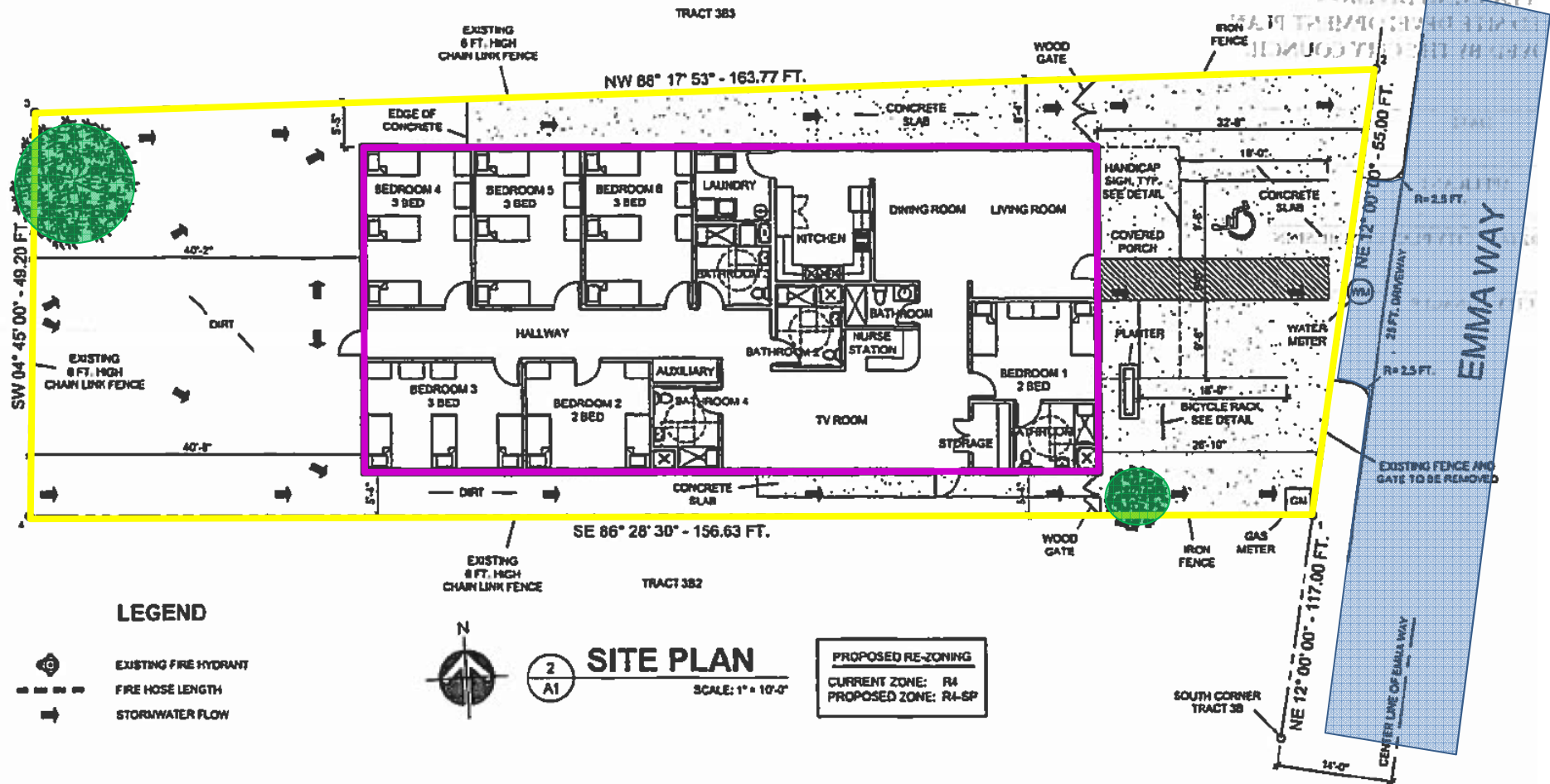


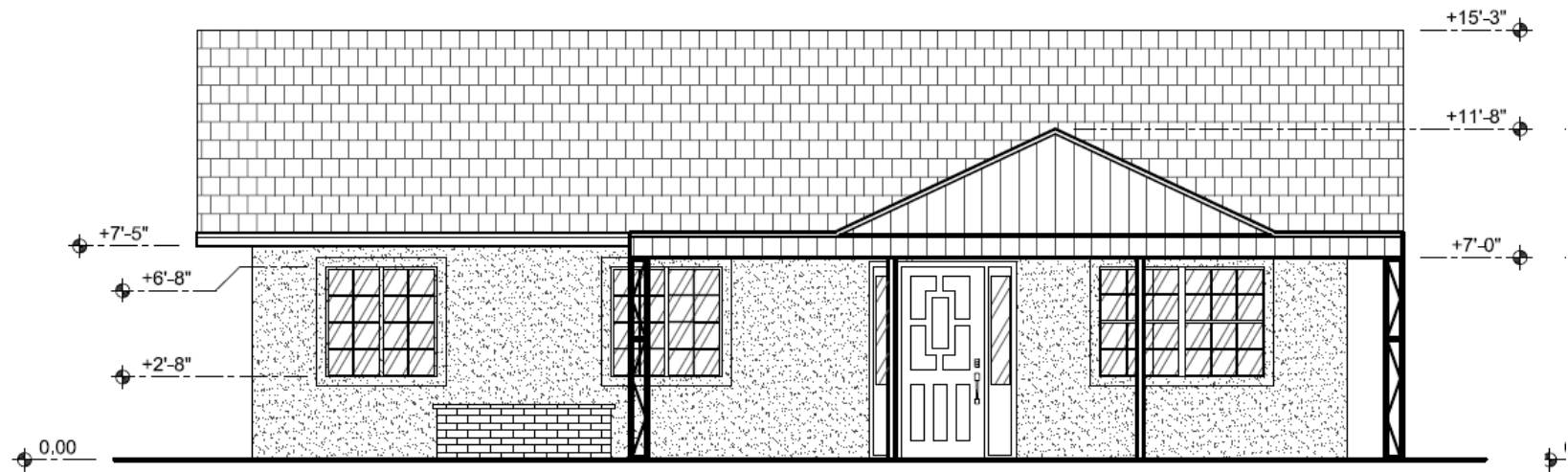


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**FRONT ELEVATION**

SCALE: 3/16" = 1'-0"





12

Subject Property

*“Delivering Outstanding Services”*





13

North

*“Delivering Outstanding Services”*





East

14

*"Delivering Outstanding Services"*

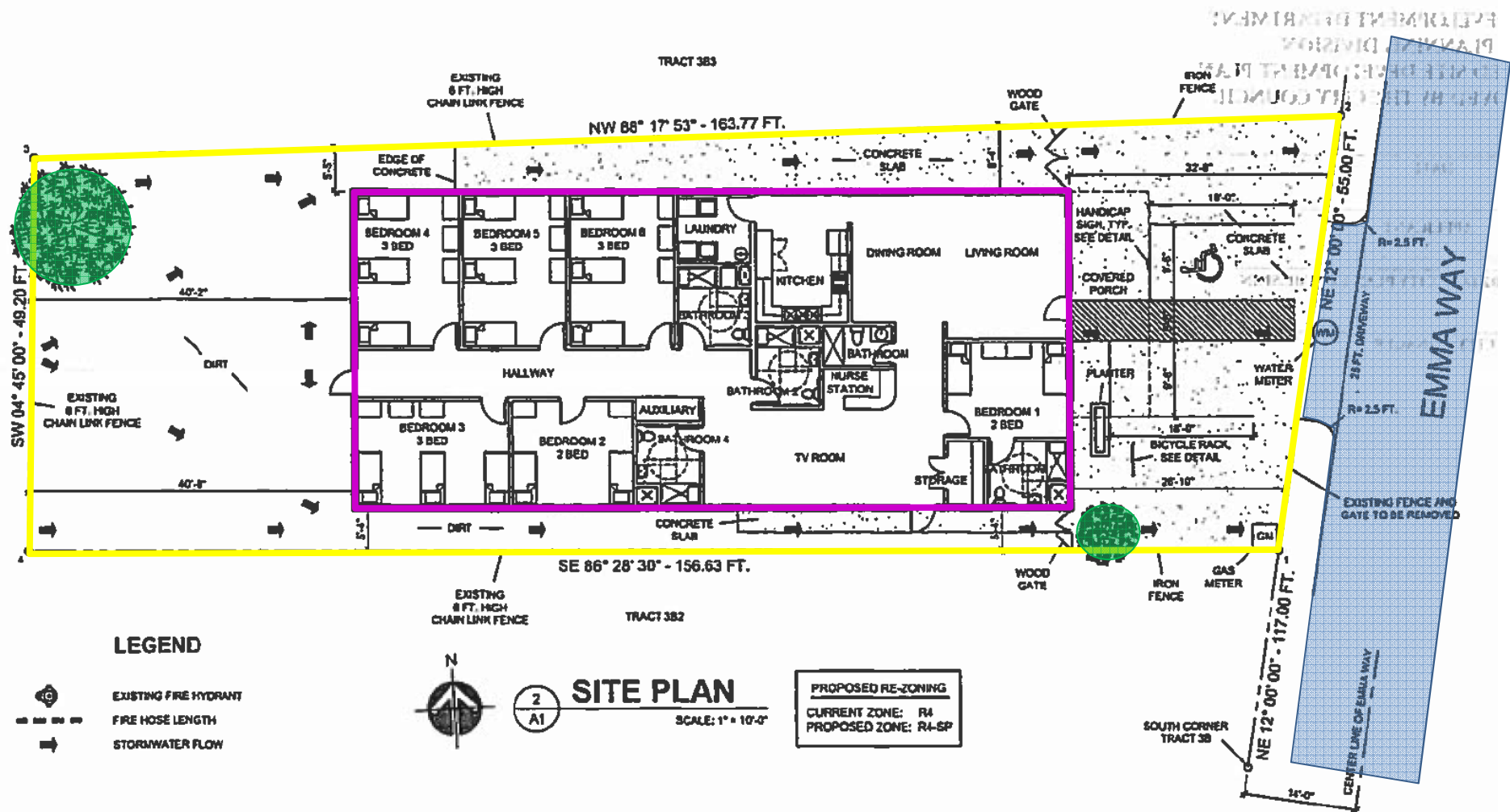


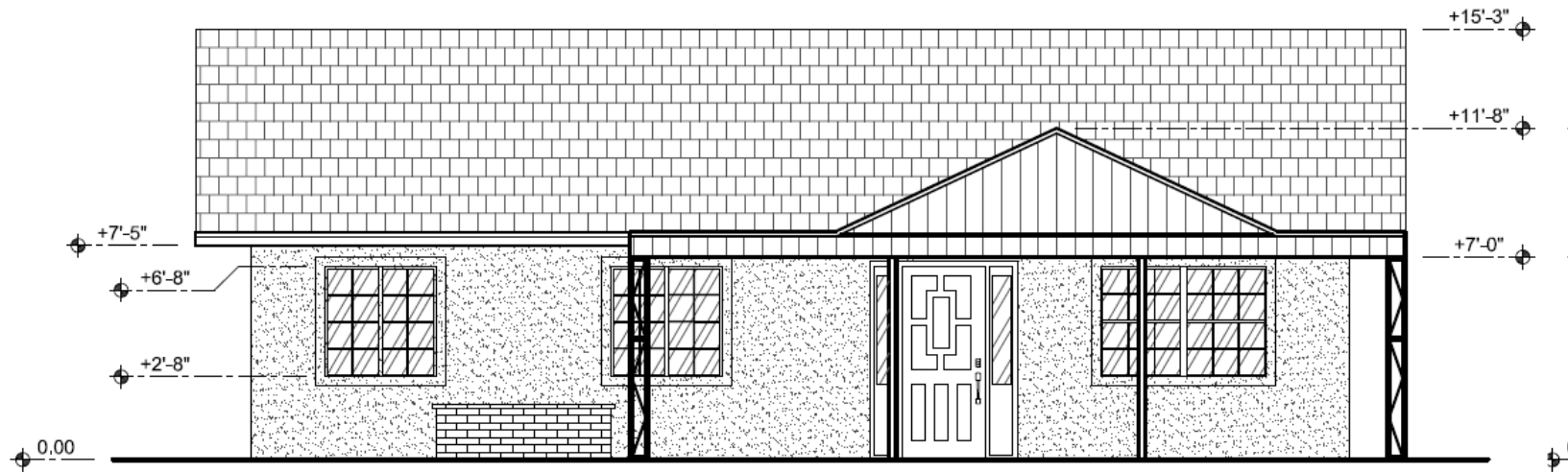


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South/West

*“Delivering Outstanding Services”*





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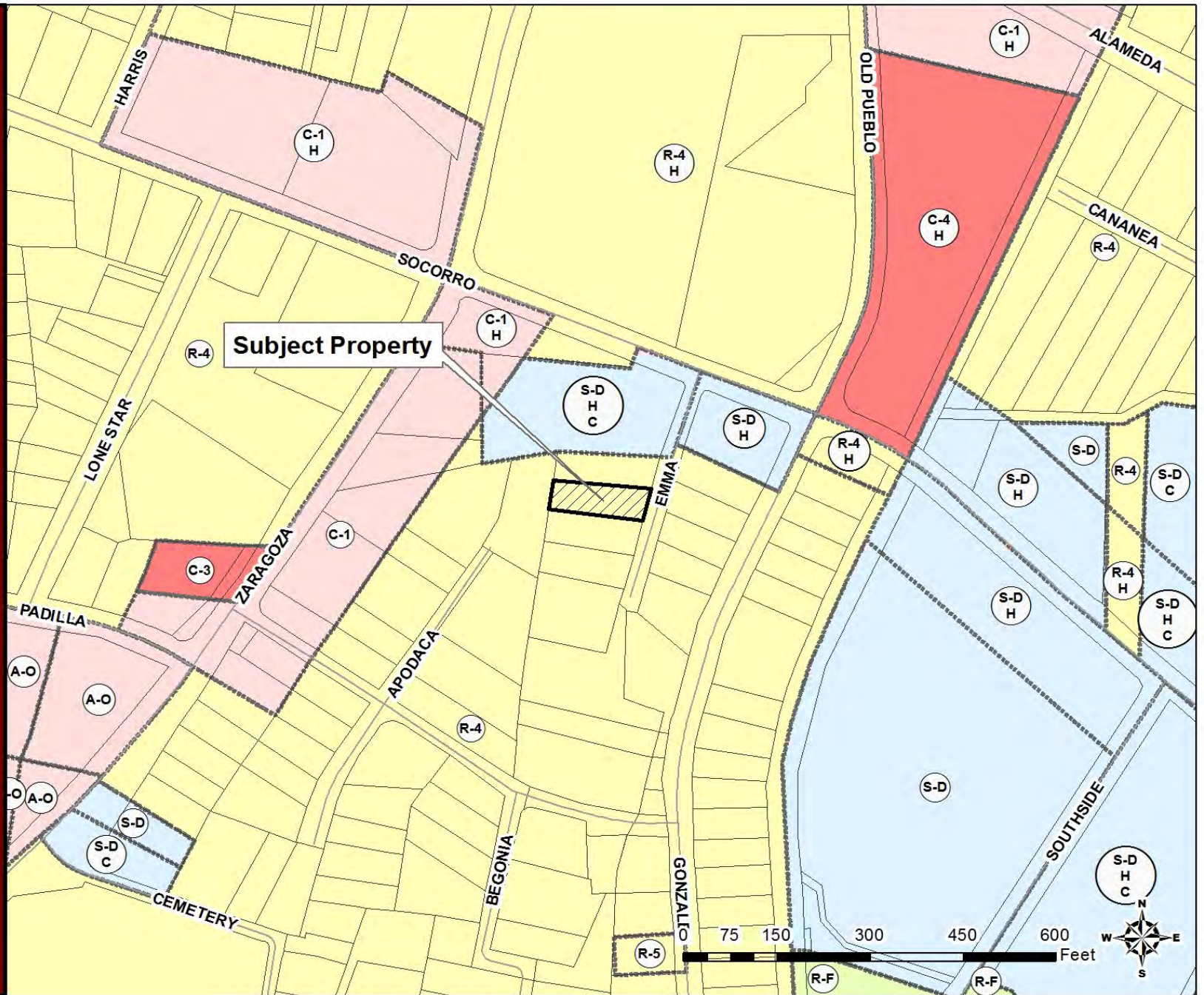
## FRONT ELEVATION

SCALE: 3/16" = 1'-0"



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